

May 11, 2022 CITY COUNCIL AGENDA
CERTIFICATION

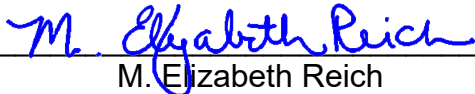
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated May 11, 2022. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

05/06/2022

Date



M. Elizabeth Reich
Chief Financial Officer

05/06/2022

Date

Memorandum



DATE May 6, 2022

CITY OF DALLAS

TO Honorable Mayor and Members of the City Council

SUBJECT **May 11, 2022 City Council FINAL Agenda - Additions/Revisions/Deletions**

On April 29, 2022 a DRAFT City Council Agenda for May 11, 2022, was provided for your review. This memorandum outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda. In addition, we have highlighted agenda items which have been briefed to the City Council and/or Committee by briefing memorandums.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red. A brief explanation for revisions along with staff's contact information is provided.

Additions:

50. 22-990 Authorize settlement of the lawsuit styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797 - Estimated Revenue: Liability Reserve Fund \$50,000.00

Revisions:

30. 22-835 Authorize Supplemental Agreement No. 3 to (1) ~~the ratification of~~ ratify \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022; and ~~(2) Supplemental Agreement No. 3 to~~ increase the service contract with WSP, USA, Inc. for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in the amount of \$678,701.50 – Total not to exceed \$1,157,674.50, from \$4,953,198.00 to \$6,110,872.50 - Financing: Convention Center Construction Fund (subject to annual appropriations)
This item is being revised to update the AIS and Resolution. Please contact Rosa Fleming, Director, Department of Convention and Event Services, at 214-939-2755, for more information.

41. 22-880 An ordinance amending Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code by (1) amending Sections 20A-4.1, 20A-5, 20A-24 through 20A-28, 20A-30 through 20A-33; adding Section 20A-23.1 and Section 20A-34; and deleting Section 20A-29; (2) providing updated requirements regarding housing accommodations that benefit from a subsidy or financial award and clarifying certain non-discrimination provisions; (3) providing updated defenses to prosecution; (4) providing an updated applicability statement; (5) providing alternative methods to satisfy the requirements of the mixed income program; (6) providing clarified definitions and program

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implementation procedures; (7) deleting specific eligible household responsibilities; (8) providing for a set of specific fees in lieu of provision of on-site reserved dwelling units; (9) providing a penalty not to exceed \$500.00; (10) providing a saving clause; (11) providing a severability clause; and (12) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

This item is being revised to further streamline implementation and coordination with other processes. The revision also makes one correction to the section references. Please contact David Noguera, Director, Department of Housing & Neighborhood Revitalization, at 214-670-3619.

42. 22-864 Authorize (1) an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by (a) adding additional development bonus options including additional development rights, parking reductions, and financial incentives and (b) adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and (2) establishment of the Mixed Income Housing Development Bonus Fund - Financing: No cost consideration to the City (see Fiscal Information)

This item is being revised to further streamline coordination with other funding mechanisms. Please contact David Noguera, Director, Department of Housing & Neighborhood Revitalization, at 214-670-3619.

- Z13. 22-1020 A public hearing to receive comments regarding consideration of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code Chapter 51 and 51A

~~Recommendation of Staff and CPC: Approval, as briefed per staff's recommendations~~

Recommendation of Staff and CPC: Approval

~~DCA201-003(LL)~~DCA212-003(LL)

This item is being revised to update the recommendation of Staff and the City Plan Commission. Please contact Andreea Udrea, Assistant Director, Department of Planning and Urban Design, at 21-671-9811, for more information.

- Z14. 22-887 A public hearing to receive comments regarding consideration of amending the Dallas Development Code Division 51A-4.1100 "Mixed Income Housing" to support and align with proposed amendments to the City of Dallas Comprehensive Housing Policy and Dallas City Code Chapter 20A "Fair Housing and Mixed Income Housing."

~~Recommendation of Staff: Approval~~

~~Recommendation of CPC: Approval~~

Recommendation of Staff: Approval, subject to staff's recommended conditions

Recommendation of CPC: Approval, subject to CPC's recommended conditions

DCA201-008(SD)

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This item is being revised to update the recommendation of Staff and the City Plan Commission. Please contact Andreea Udrea, Assistant Director, Department of Planning and Urban Design, at 214-671-9811, for more information.

Additionally, File 22-695 Agenda Item No. 28 has been revised to update the M/WBE Information Section.

Deletions:

10. 22-933 An ordinance providing for the closure and vacation to vehicular traffic of a portion of South Pearl Expressway containing approximately 12,160 square feet of land, located at the intersection of South Pearl Expressway and Taylor Street - Financing: No cost consideration to the City
This item is being deleted to accompany items to be placed on the May 25, 2022 Council Agenda by the Office of Economic Development. Please contact Alireza Hatefi, Interim Assistant Director, Department of Public Works, at 214-948-4688, for more information.
15. 22-1032 An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by adding Section 28-61.1. "Standing and Walking in Certain Areas Prohibited" **(1)** prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; **(2)** providing a penalty not to exceed \$500; **(3)** providing a saving clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)
The item is being deleted to ensure necessary updates are included in the code amendment. It may be considered in a future agenda meeting. Please contact Dr. Ghassan Khankarli, Director, Department of Transportation, at 214-671-8451, for more information.
22. 22-913 Authorize a development agreement and all other necessary documents with FM City Park, LLC ("Adjacent Owner") and/or its affiliates in an amount not to exceed \$285,650.00 for the design and construction of the Pearl Improvement Project ("Project"), located in the Pearl Expressway public right-of-way between Taylor Street and Marilla Street, in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, payable from Farmers Market Tax Increment Financing District funds, such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Amended Project Plan and Reinvestment Zone Financing Plan - Not to exceed \$285,650.00 - Financing: Farmers Market TIF District Fund (subject to annual appropriations from tax increments)
This item is being deleted to allow additional time to discuss this matter. Please contact Robin Bentley, Director, Office of Economic Development, at 214-671-9942, for more information.

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23. 22-914 Authorize a development agreement and an amendment to the Master Agreement, as amended, along with other documents the City deems necessary with 1100 Pearl Street, Inc. (“Developer”) and/or its affiliates in an amount not to exceed \$6,544,249.00 payable from future Farmers Market TIF District Funds, in consideration for the design, funding, and construction of the Pearl Lofts Project (“Project”) located on property currently addressed as 2100 Jan Pruitt Way (“Project site”) in Tax Increment Financing Reinvestment Zone Number Six (“Farmers Market TIF District”), approved as to form by the City Attorney, with such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Project Plan and Reinvestment Zone Financing plan, as amended – Not to exceed \$6,544,249.00 - Financing: Farmers Market TIF District Fund (subject to future appropriations from tax increments)
This item is being deleted to allow additional time to discuss this matter. Please contact Robin Bentley, Director, Office of Economic Development, at 214-671-9942, for more information.
- Z1. 22-1010 A public hearing to receive comments regarding an application for and an ordinance granting **1)** a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and **2)** the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on the west corner of South Riverfront Boulevard and Dearborn Street
- Recommendation of Staff: Approval, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall
- Recommendation of CPC: Approval, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall
Z201-331(RM)
- This item is being deleted due to a request for postponement of this item from a property owner within the area of notification. Please contact Andreea Udrea, Assistant Director, Department of Planning and Urban Design, at 214-671-9811, for more information.**

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A memorandum was previously provided to Committee and/or City Council regarding the following items. A link to the memorandums is attached for more information.

7. 22-772 Authorize an increase in parking rates to meet market standards and demand, as well as adjust for ever increasing costs for maintenance and labor management for Garages A, B, C, and Valet at the Dallas Love Field Airport - Estimated Revenue: Aviation Fund \$5,664,816.00
[City Council was briefed by memorandum on May 6, 2022.](#)
14. 22-667 Authorize a development loan agreement with LDG The Terrace at Southern Oaks, LP and/or its affiliate, for the development of The Terrace at Southern Oaks, a 300-unit affordable multifamily complex located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216 (Project) – Not to exceed \$7,900,000.00 - Financing: HOME Funds (\$3,500,000.00) and CDBG Funds (\$4,400,000.00)
[The Housing and Homelessness Solutions Committee was briefed regarding this matter on April 25, 2022.](#)
15. 22-1032 An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by adding Section 28-61.1. “Standing and Walking in Certain Areas Prohibited” **(1)** prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; **(2)** providing a penalty not to exceed \$500; **(3)** providing a saving clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)
[City Council was briefed by memorandum regarding this matter on December 3, 2021.](#)
18. Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the Dallas Tourism Public Improvement District (the District) expansion in accordance with Senate Bill 804, allowing the City to include property in a hotel-public improvement district (hotel-PID) with the property owner’s consent if such property could have been included in the District, when created, without violating the petition thresholds, to provide supplemental public services funded by assessments on Dallas hotels with 100 or more rooms (Qualifying hotels); and at the close of the hearing, **(2)** a resolution approving District boundary expansion to include an estimated 6 additional Qualifying hotels in the District not described in the resolution or petition re-establishing the District in 2016 or 2020 boundary expansion (District expansion) - Financing: This action has no cost consideration to the City (see Fiscal Information)
[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

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19. 22-855 Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Knox Street Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Knox Street Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)
20. 22-857 Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Lake Highlands Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Lake Highlands Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)
21. 22-868 Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Midtown Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Vickery Meadows Management Corporation DBA Midtown Management Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

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24. 22-853 Authorize a public hearing to be held on June 8, 2022, to receive comments regarding extension of the Public/Private Partnership Program Guidelines and Criteria, for the period July 1, 2022 through December 31, 2022 - Financing: No cost consideration to the City
[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)
30. 22-835 Authorize [Supplemental Agreement No. 3](#) to (1) ~~the ratification of~~ [ratify](#) \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022; and (2) ~~Supplemental Agreement No. 3 to~~ increase the service contract with WSP, USA, Inc. for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in the amount of \$678,701.50 - Total not to exceed \$1,157,674.50, from \$4,953,198.00 to \$6,110,872.50 - Financing: Convention Center Construction Fund (subject to annual appropriations)
[City Council was briefed by memorandum regarding the Kay Bailey Hutchison Convention Center Dallas Master Plan on January 22, 2021.](#)
[City Council was briefed by memorandum regarding progress to-date on the Kay Bailey Hutchison Convention Center Dallas Master Plan on August 13, 2021.](#)
[The Transportation and Infrastructure Committee was updated by memorandum on questions presented during the December 7, 2021 briefing on December 17, 2021.](#)
[City Council was briefed by memorandum regarding this matter on December 17, 2021.](#)
[City Council was updated by memorandum regarding questions presented during the January 18, 2022 Transportation and Infrastructure briefing on January 28, 2022.](#)
[City Council was briefed by memorandum regarding questions presented by a constituent regarding the Kay Bailey Hutchison Convention Center Dallas \(KBHCCD\) Master Plan on January 28, 2022.](#)
35. 22-889 Authorize acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project. - Not to exceed \$4,158,174.00 (\$4,135,174.00 plus closing costs and title expenses not to exceed \$23,000.00) -Financing: Storm Drainage Management Capital Construction Fund (\$1,492,597.87), Flood Protection and Storm Drainage Facilities Fund (1995 General Obligation Bond Funds) (\$230,198.11), Trinity Corridor Project Fund (1998 General Obligation Bond Funds) (\$423,328.83), Flood Protection and Storm Drainage Facilities Fund (1998 General Obligation Bond Funds) (\$323,075.58), Flood Protection and Storm Drainage Facilities Fund (2003 General Obligation Bond Funds) (\$125,605.60), and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)(\$1,563,368.01)

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[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the U.S. Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)

39. 22-989 An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-4.2, 7-4.5 7-4.10, and 7-8.1; **(1)** prohibiting the sale of dogs and cats at pet stores; **(2)** providing a penalty not to exceed \$500; providing a saving clause; **(3)** providing a severability clause; and **(4)** providing an effective date. Financing: No cost consideration (see Fiscal Information)

[The Quality of Life, Arts, and Culture Committee was briefed by memorandum regarding this matter on March 29, 2022.](#)

40. 22-1056 Authorize a professional services contract with WSP USA, Inc. to provide advance planning and feasibility for the Kay Bailey Hutchison Convention Center Dallas Master Plan - Not to exceed \$14,924,394.00 - Financing: Convention Center Construction Fund

[City Council was briefed by memorandum regarding the Kay Bailey Hutchison Convention Center Dallas Master Plan on January 22, 2021.](#)

[City Council was briefed by memorandum regarding progress to-date on the Kay Bailey Hutchison Convention Center Dallas Master Plan on August 13, 2021.](#)

[The Transportation and Infrastructure Committee was updated by memorandum on questions presented during the December 7, 2021 briefing on December 17, 2021.](#)

[City Council was briefed by memorandum regarding this matter on December 17, 2021.](#)

[City Council was updated by memorandum regarding questions presented during the January 18, 2022 Transportation and Infrastructure briefing on January 28, 2022.](#)

Please feel free to reach out to me or Kimberly Bizer Tolbert, Deputy City Manager if you have questions or should you require additional information at this time.



T.C. Broadnax
City Manager

c: Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Robert Perez, Interim Assistant City Manager
Carl Simpson, Interim Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

RECEIVED

2022 MAY -6 PM 5: 24

**CITY SECRETARY
DALLAS, TEXAS**

City of Dallas

*1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201*



Public Notice

220498

POSTED CITY SECRETARY
DALLAS, TX

COUNCIL AGENDA

**May 11, 2022
9:00 AM**

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

General Information

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

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

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

Rules of Courtesy

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

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

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to

Información General

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

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesía

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

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

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del

act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisara al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MAY 11, 2022
ORDER OF BUSINESS

The City Council meeting will be held by videoconference and in the Council Chambers, 6th Floor at City Hall. Individuals who wish to speak in accordance with the City Council Rules of Procedure must sign up with the City Secretary's Office.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the City Council meeting on Spectrum Cable Channel 95 and [bit.ly/cityofdalldallascityhall.com](https://cityofdalldallascityhall.com):

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m90e579fae6cdb8d58e10a2b79c235f76>

Public hearings will not be heard before 1:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

MINUTES	Item 1
CONSENT AGENDA	Items 2-36
DELETIONS	Items 10, 15, 22, 23 & Z1
ITEMS FOR INDIVIDUAL CONSIDERATION	Items 37- 49
ADDITIONS	Item 50
ZONING	Items Z1-Z14
PUBLIC HEARINGS AND RELATED ACTION	Item PH 1

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

Invocation and Pledge of Allegiance

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. [22-1028](#) Approval of Minutes of the April 27, 2022 City Council Meeting

CONSENT AGENDA

Budget and Management Services

2. [22-1024](#) Authorize **(1)** preliminary adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,918,434 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$15,086,728; **(b)** HOME Investment Partnerships Program in the amount of \$5,897,968; **(c)** Emergency Solutions Grant in the amount of \$1,290,230; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$7,943,508; and **(e)** estimated Program Income and One-Time Revenue in the amount of \$2,700,000; and **(2)** a public hearing to be held on May 25, 2022 to receive comments on the proposed use of funds - Financing: No cost consideration to the City (see Fiscal Information)

Attachments: [Resolution](#)
[Appendix](#)

City Attorney's Office

3. [22-960](#) Authorize settlement of the lawsuit styled George Sanchez v. City of Dallas, Cause No. DC-21-05259 - Not to exceed \$42,500.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

4. [22-1023](#) Authorize settlement of the lawsuit styled Horace Greene v. City of Dallas, Cause No. DC-21-03163 - Not to exceed \$150,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

Department of Aviation

5. [22-759](#) Authorize **(1)** a three-year consultant services contract with two one-year renewal options at the City's discretion for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport) - Ricondo & Associates, Inc., most advantageous proposer of two; and **(2)** an increase in appropriations in an amount not to exceed \$3,000,000.00 in the Aviation Construction Fund - Not to exceed \$3,000,000.00 - Financing: Aviation Construction Fund (subject to annual appropriations)

Attachments: [Map](#)
[Resolution](#)

6. [22-677](#) Authorize a six-year reimbursement agreement with the United States Customs and Border Protection for mandated personnel related costs for federal inspection at Dallas Love Field, - annual amount not to exceed \$675,000.00 - total amount for the six year term - in an amount not to exceed \$4,050,000.00 Financing: Aviation Fund

Attachments: [Resolution](#)

7. [22-722](#) Authorize an increase in parking rates to meet market standards and demand, as well as adjust for ever increasing costs for maintenance and labor management for Garages A, B, C, and Valet at the Dallas Love Field Airport - Estimated Revenue: Aviation Fund \$5,664,816.00

Attachments: [Resolution](#)

Department of Public Works

8. [22-834](#) A resolution authorizing the conveyance of an access easement containing approximately 3,355 square feet of land to the North Texas Municipal Water District across City-owned land which is used for the Dallas Water Utilities Lake Tawakoni Pipeline Project located in the City of Forney, Kaufman County, Texas - Estimated Revenue: General Fund \$327.00

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)

9. [22-872](#) An ordinance amending Ordinance No. 31850, previously approved on May 12, 2021, which abandoned a portion of Killion Drive, located near the intersection of Killion and Gooding Drives to the Dallas Independent School District, to extend the final replat deadline from one year to twenty-four months - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

Attachments: [Map](#)
[Ordinance](#)

10. [22-933](#) ~~An ordinance providing for the closure and vacation to vehicular traffic of a portion of South Pearl Expressway containing approximately 12,160 square feet of land, located at the intersection of South Pearl Expressway and Taylor Street - Financing: No cost consideration to the City~~

Attachments: [Map](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)

11. [22-995](#) Authorize (1) a Project Specific Agreement with Dallas County for funding participation of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleglen Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road; and (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$744,246.64 - Estimated Revenue: Capital Projects Reimbursement Fund \$744,246.64

Attachments: [Map](#)
[Resolution](#)

12. [22-992](#) Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 110 acres of land located near the intersection of Scylene Road and Elsie Faye Heggins Street for future park land adjacent to the Parkdale Lake Trinity Forest Spine Trail Project - closing costs and title expenses not to exceed \$7,489.58 - Financing: 2006 General Obligation Bond Funds (\$5,926.29) and Park and Recreation Facilities Fund (2017 General Obligation Bond Fund) (\$1,563.29)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

13. [22-888](#) Authorize an amendment to an existing lease agreement with Towne Square Market LP to extend the lease agreement for an additional eight years for approximately 8,100 square feet of office and clinic space located at 3302 North Buckner Boulevard, Suites 124 and 130, to be used as a Women, Infants and Children Clinic for the period June 1, 2022 through May 31, 2030 - Not to exceed \$1,173,892.80 - Financing: Health and Human Services Commission Grant Fund (subject to annual appropriations)

Attachments: [Map](#)
[Resolution](#)

Department of Housing & Neighborhood Revitalization

14. [22-667](#) Authorize a development loan agreement with LDG The Terrace at Southern Oaks, LP and/or its affiliate, for the development of The Terrace at Southern Oaks, a 300-unit affordable multifamily complex located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216 (Project) - Not to exceed \$7,900,000.00 - Financing: HOME Funds (\$3,500,000.00) and CDBG Funds (\$4,400,000.00)

Attachments: [Map](#)
[Resolution](#)

Department of Transportation

15. [22-1032](#) ~~An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by adding Section 28-61.1. "Standing and Walking in Certain Areas Prohibited" (1) prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; (2) providing a penalty not to exceed \$500; (3) providing a saving clause; (4) providing a severability clause; and (5) providing an effective date Financing: This action has no cost consideration to the City (see Fiscal Information)~~

Attachments: [Ordinance](#)

16. [22-1025](#) Authorize a Supplemental Agreement No. 1 to the professional services contract with Gresham Smith to expand the project scope to include additional priority bike project design and study elements - Not to exceed \$368,236.00, from \$449,045.00 to \$817,281.00 - Financing: Bike Lane Fund

Attachments: [Map](#)
[Resolution](#)

Fire - Rescue Department17. [22-866](#)

Authorize a five-year collection contract, with two one-year renewal options, for the billing, collection and reporting of emergency ambulance fees for Fire-Rescue Department with Digitech Computer, LLC through an interlocal agreement with The City of Bryan, Texas - Estimated Annual Net Revenue: General Fund \$27,600,000

Attachments: [Resolution](#)

Office of Economic Development18. [22-854](#)

Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the Dallas Tourism Public Improvement District (the District) expansion in accordance with Senate Bill 804, allowing the City to include property in a hotel-public improvement district (hotel-PID) with the property owner's consent if such property could have been included in the District, when created, without violating the petition thresholds, to provide supplemental public services funded by assessments on Dallas hotels with 100 or more rooms (Qualifying hotels); and at the close of the hearing, (2) a resolution approving District boundary expansion to include an estimated 6 additional Qualifying hotels in the District not described in the resolution or petition re-establishing the District in 2016 or 2020 boundary expansion (District expansion) - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit A1](#)
[Exhibit A2](#)

19. [22-855](#) Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Knox Street Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; (2) approval of a resolution renewing the District for a period of ten years; (3) approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and (4) approval of a management contract with Knox Street Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

20. [22-857](#) Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Lake Highlands Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; (2) approval of a resolution renewing the District for a period of ten years; (3) approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and (4) approval of a management contract with Lake Highlands Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

21. [22-868](#) Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Midtown Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Vickery Meadows Management Corporation DBA Midtown Management Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

22. [22-913](#) ~~Authorize a development agreement and all other necessary documents with FM City Park, LLC ("Adjacent Owner") and/or its affiliates in an amount not to exceed \$285,650.00 for the design and construction of the Pearl Improvement Project ("Project"), located in the Pearl Expressway public right of way between Taylor Street and Marilla Street, in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, payable from Farmers Market Tax Increment Financing District funds, such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Amended Project Plan and Reinvestment Zone Financing Plan Not to exceed \$285,650.00 Financing: Farmers Market TIF District Fund (subject to annual appropriations from tax increments)~~

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)

23. [22-914](#) ~~Authorize a development agreement and an amendment to the Master Agreement, as amended, along with other documents the City deems necessary with 1100 Pearl Street, Inc. ("Developer") and/or its affiliates in an amount not to exceed \$6,544,249.00 payable from future Farmers Market TIF District Funds, in consideration for the design, funding, and construction of the Pearl Lofts Project ("Project") located on property currently addressed as 2100 Jan Pruitt Way ("Project site") in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, with such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Project Plan and Reinvestment Zone Financing plan, as amended Not to exceed \$6,544,249.00 Financing: Farmers Market TIF District Fund (subject to future appropriations from tax increments)~~

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B-B2](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)
[Exhibit F](#)
[Exhibit G](#)
[Exhibit H](#)
[Exhibit I](#)
[Exhibit J](#)

24. [22-853](#) Authorize a public hearing to be held on June 8, 2022, to receive comments regarding extension of the Public/Private Partnership Program Guidelines and Criteria, for the period July 1, 2022 through December 31, 2022 - Financing: No cost consideration to the City

Attachments: [Resolution](#)
[Exhibit A](#)

Office of Community Care

25. [22-1031](#) A resolution authorizing approval of the program statement for the American Rescue Plan Act (ARPA)/Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) - Food Banks/Pantries Support Program, as shown in **Exhibit A**, to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic. Financing: No cost consideration to the City

Attachments: [Resolution](#)
[Exhibit A](#)

Office of Procurement Services

26. [22-432](#) Authorize a two-year cooperative purchasing agreement for (1) citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of \$2,430,000.00; and (2) citywide bio-hazardous decontamination and spill clean-up services with Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of \$1,927,380.72 - Total estimated amount of \$4,357,380.72 - Financing: General Fund (\$3,521,059.77), Equipment and Fleet Management Fund (\$442,634.35), Dallas Water Utilities Fund (\$197,895.53), Capitol Construction Fund (\$97,895.53), Airport Fund (\$48,947.77), and Sanitation Operation Fund (\$48,947.77)

Attachments: [Resolution](#)

27. [22-707](#) Authorize a three-year cooperative purchasing agreement, with two three-year renewal options, for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Dallas Airport System for the Department of Aviation with GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement - Not to exceed \$231,775.85 - Financing: Aviation Fund (subject to annual appropriations)

Attachments: [Resolution](#)

28. [22-695](#) Authorize a five-year cooperative purchasing agreement for an identity and access management, single-sign on platform for the Department of Information and Technology Services with Netsync Network Solutions through the State of Texas Department of Information Resources cooperative agreement - Estimated amount of \$3,759,266 - Financing: Data Services Fund

Attachments: [Resolution](#)

29. [22-826](#) Authorize Supplemental Agreement No. 1 to exercise the first of two one-year renewal options, with Prime Controls, LP, for maintenance and support of the supervisory control and data acquisition system for the Water Utilities Department - Not to exceed \$200,000.00 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)

Attachments: [Resolution](#)

Note: Agenda Item No. 40 must be heard before Agenda Item No. 30

30. [22-835](#) Authorize [Supplemental Agreement No. 3 to](#) (1) ~~the ratification of~~ [ratify](#) \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022; and (2) ~~Supplemental Agreement No. 3 to~~ increase the service contract with WSP, USA, Inc. for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in the amount of \$678,701.50 - Total not to exceed \$1,157,674.50, from \$4,953,198.00 to \$6,110,872.50 - Financing: Convention Center Construction Fund (subject to annual appropriations)

Attachments: [Resolution](#)

31. [22-824](#) Authorize Supplemental Agreement No. 3 to increase the service contract with RNDI Companies, Inc. for asbestos abatement and demolition services for City and non-City owned structures and to extend the term from August 10, 2022 to August 9, 2023 - Not to exceed \$2,977,840 - Financing: General Fund (\$2,957,840) and Convention Center Construction Fund (\$20,000) (subject to annual appropriations)

Attachments: [Resolution](#)

32. [22-941](#) Authorize a three-year master agreement for the purchase of cast iron fittings for the Water Utilities Department - Fortiline, Inc. dba Fortiline Waterworks in the estimated amount of \$245,000 and Core & Main LP in the estimated amount of \$185,000, lowest responsible bidders of two - Total estimated amount of \$430,000 - Financing: Dallas Water Utilities Fund (\$410,000) and Stormwater Drainage Management Operation Fund (\$20,000)

Attachments: [Resolution](#)

33. [22-944](#) Authorize a three-year master agreement for the purchase of printed utility bill inserts for the Water Utilities Department - AC Printing, LLC, only bidder - Estimated amount of \$765,245.40 - Financing: Dallas Water Utilities Fund

Attachments: [Resolution](#)

Water Utilities Department

34. [22-678](#) Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional engineering services required for developing construction plans and specifications related to water and wastewater relocations and storm drainage improvements at three locations - Not to exceed \$302,270.00, from \$965,165.00 to \$1,267,435.00 - Financing: Wastewater Capital Improvement G Fund (\$137,849.00), Water Capital Improvement F Fund (\$112,041.00), and Storm Drainage Management Capital Construction Fund (\$52,380.00)

Attachments: [Maps](#)
[Resolution](#)

35. [22-889](#) Authorize acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project. - Not to exceed \$4,158,174.00 (\$4,135,174.00 plus closing costs and title expenses not to exceed \$23,000.00) - Financing: Storm Drainage Management Capital Construction Fund (\$1,492,597.87), Flood Protection and Storm Drainage Facilities Fund (1995 General Obligation Bond Funds) (\$230,198.11), Trinity Corridor Project Fund (1998 General Obligation Bond Funds) (\$423,328.83), Flood Protection and Storm Drainage Facilities Fund (1998 General Obligation Bond Funds) (\$323,075.58), Flood Protection and Storm Drainage Facilities Fund (2003 General Obligation Bond Funds) (\$125,605.60), and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$1,563,368.01)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

36. [22-710](#) Authorize Supplemental Agreement No. 2 to the professional services contract with Freese and Nichols, Inc. to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities - Not to exceed \$4,493,094.00, from \$11,404,513.00 to \$15,897,607.00 - Financing: Water Capital Improvement G Fund

Attachments: [Maps](#)
[Resolution](#)

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

37. [22-1029](#) Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Budget and Management Services

38. [22-898](#) An ordinance amending Ordinance No. 32000, previously approved on September 22, 2021, authorizing certain transfers and appropriation adjustments for FY 2021-22 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Not to exceed \$4,345,607,637 - Financing: General Fund (\$1,560,076,196), Enterprise, Internal Service, and Other Funds (\$1,476,881,876), Capital Funds (\$911,461,085), and Grants, Trusts and Other Funds (\$397,188,480)

Attachments: [Ordinance](#)

Department of Dallas Animal Services

39. [22-989](#) An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-4.2, 7-4.5 7-4.10, and 7-8.1; **(1)** prohibiting the sale of dogs and cats at pet stores; **(2)** providing a penalty not to exceed \$500; providing a saving clause; **(3)** providing a severability clause; and **(4)** providing an effective date. Financing: No cost consideration (see Fiscal Information)

Attachments: [Ordinance](#)

Note: Agenda Item No. 40 must be heard before Agenda Item No. 30

Department of Convention and Event Services

40. [22-1056](#) Authorize a professional services contract with WSP USA, Inc. to provide advance planning and feasibility for the Kay Bailey Hutchison Convention Center Dallas Master Plan - Not to exceed \$14,924,394.00 - Financing: Convention Center Construction Fund

Attachments: [Resolution](#)

Department of Housing & Neighborhood Revitalization

41. [22-880](#) An ordinance amending Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code by **(1)** amending Sections 20A-4.1, 20A-5, 20A-24 through 20A-28, 20A-30 through 20A-33; adding Section 20A-23.1 and Section 20A-34; and deleting Section 20A-29; **(2)** providing updated requirements regarding housing accommodations that benefit from a subsidy or financial award and clarifying certain non-discrimination provisions; **(3)** providing updated defenses to prosecution; **(4)** providing an updated applicability statement; **(5)** providing alternative methods to satisfy the requirements of the mixed income program; **(6)** providing clarified definitions and program implementation procedures; **(7)** deleting specific eligible household responsibilities; **(8)** providing for a set of specific fees in lieu of provision of on-site reserved dwelling units; **(9)** providing a penalty not to exceed \$500.00; **(10)** providing a saving clause; **(11)** providing a severability clause; and **(12)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

Attachments: [Ordinance](#)

42. [22-864](#) Authorize **(1)** an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by **(a)** adding additional development bonus options including additional development rights, parking reductions, and financial incentives and **(b)** adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and **(2)** establishment of the Mixed Income Housing Development Bonus Fund - Financing: No cost consideration to the City (see Fiscal Information)

Attachments: [Resolution](#)
[Exhibit A](#)

Mayor and City Council Office

43. [22-1093](#) Consideration of a resolution supporting Dallas Area Rapid Transit ("DART") free fare program to provide cost-free rides on DART's bus and rail transit system to kindergarten through twelfth grade students - Financing: No cost consideration to the City

Attachments: [Resolution](#)

ITEMS FOR FURTHER CONSIDERATION

Development Services

44. [22-996](#) An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code by amending Sections 101.2, 101.4, 102.3, 104.1.1, 104.6, 104.13, 201.1, 301.1.4, 301.1.5, 301.2.1, 301.4.1, 301.4.3, 301.4.7.6, 301.4.7.7, 302.2.4, 303.2.2, 303.5.1.2, 303.5.1.4.1, 304, 304.5, 305, 306.7, and 505; **(1)** providing an amended scope, amended referenced codes and standards, definitions, requirements for giving the building official notice of certain repairs, preliminary meeting requirements, alternative requirements, clarifying who may obtain and do work under a permit, a defense to prosecution for certain reroofing projects, requirements for applying for a permit; **(2)** requirements for a design professional in responsible charge, requirements for a nonregistered professional in responsible charge, phased approval requirements, master permit requirements, fire sprinkler plan requirements, required building inspections, authority for the building official to accept reports from approved inspection agencies, qualification requirements for special inspectors, information that must be contained on a certificate of occupancy, and revised fees for mechanical contractors; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** adding a new Section 301.4.6.3, "Reroofing Permits"; **(5)** adding a new Section 301.4.7.8, "Contractor Agent In Responsible Charge"; **(6)** adding a new Section 301.4.7.9, "Alternative Provisions"; **(7)** adding a new Section 301.4.7.10, "Green Building Standard Documentation"; **(8)** providing a new Section [A]302.2.5, "Deferred Submittals"; **(9)** adding a new Section [A]302.2.6, "Amended Construction Documents"; **(10)** adding a new Section 304.1.5, "Inspection During Declared Disaster"; **(11)** adding a new Section 304.4.1, "Preliminary Inspection"; **(12)** adding a new Section 304.13, "Flood Hazard Documentation"; **(13)** adding a new Section 304.14, "Tiny House Inspections"; **(14)** providing a saving clause; **(15)** providing a severability clause; and **(16)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)
Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

45. [22-1002](#) An ordinance adding Chapter 62, "Dallas Swimming Pool and Spa Code," to the Dallas City Code, as amended; **(1)** adopting with certain changes the 2021 Edition of the International Swimming Pool and Spa Code of the International Code Council, Inc.; **(2)** regulating and governing the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic facilities, pools, and spas; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

46. [22-997](#)

An ordinance amending Chapter 53, "Dallas Building Code," of the Dallas City Code by amending Sections 202, [F] 403.3.2, 406.5.2, 504.3, 504.4, 506.2.1, 506.2.3, 506.2.4, 507.3, 507.14, 508.4.4.1, 511.1.2, 602.1, 602.4, 718.2.1, 803.3, 803.13.3, [F] 903.2.8, 903.2.13, 1007.1.1, [BG] 1510.2.5, 1705.1.1, 2304.11; 2306.4, [P] 2902.1, 3103.1.2, 3109, 3313, 4005.2, 4005.3, and 4201.1; amending Tables 602, 903.2.13; **(1)** providing definitions, water supply to required fire pump requirements, requirements for screens on openings of motor-vehicle-related occupancies, updated cross references, sprinkler requirements for certain one-story buildings, area requirements, mass timber and heavy timber construction requirements, limitations on the fire areas of nonsprinklered buildings, fire-resistance rating requirements for exterior walls based on fire separation distance, an exception to the automatic sprinkler requirement for Group R-4 care facilities with five or fewer persons that are within a single-family dwelling, an exception to the fire wall requirement for membrane structures when authorized by the building official, nonsprinklered building fire area limits for Type IV construction, exit access doorway requirements, special inspection requirements, water closet and drinking fountain requirements, requiring permits for temporary structures, water safety for fire protection requirements, amended APA and ASTM standards, amended requirements for when the building official is required to call a meeting of the demolition review committee and amended unity agreement requirements; **(2)** adding a new Table 503, "Type IV A, B, & C Construction Allowable Heights, Stories and Areas"; **(3)** providing a new Section 509.4.1.1, "Type IV B and IV C Construction"; **(4)** providing a new Table 301.1, "Fire-Resistance Rating Requirements for Building Elements (Hours)"; **(5)** providing a new Section 703.8, "Determination of Noncombustible Protection Time Contribution"; **(6)** providing a new Section 703.9, "Sealing of Adjacent Mass Timber Elements"; **(7)** adding a new Section 722.7, "Fire-Resistance Rating of Mass Timber"; **(8)** adding a new Section 1007.1.2.1, "Interlocking Stairs When Allowed As Separate Exits With Three or More Exits or Exit Access Doorways"; **(9)** adding a new Section 1604.11, "Seismic Systems of Types IV A, B, C and HT"; **(10)** adding a new Section 1705.5.3, "Mass Timber Construction"; **(11)** adding a new Table 1705.5.5.3, "Required Special Inspections of Mass Timber Construction"; **(12)** adding a new Section 1705.19, "Sealing of Mass Timber"; **(13)** adding a new Section 2303.1.14, "Structural Glued Cross-Laminated Timber"; **(14)** adding a new Section 2304.10.8, "Connection Fire-Resistance Rating"; **(15)** adding a new Table 2304.11, "Minimum Dimensions of Heavy Timber Structural Members"; **(16)** adding a new Section 3314, "Fire Watch During Construction"; **(17)** adding a new Section 3315, "Noncombustible Construction for Exposure Protection"; **(18)** adding a new Section 3316, "Fire-Resistance-Rated Construction Inventory"; **(19)** providing a penalty not to exceed \$2,000.00; **(20)** providing a saving clause; **(21)** providing a severability

clause; and **(22)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

47. [22-999](#) An ordinance amending Chapter 56, "Dallas Electrical Code," of the Dallas City Code, as amended, adopting with certain changes the 2020 Edition of the National Electrical Code of the National Fire Protection Association, Inc.; **(1)** regulating the construction, enlargement, alteration, repair, use, and maintenance of electrical work in the city; **(2)** providing a penalty not to exceed \$2,000.00; **(3)** providing a savings clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)
- "Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

48. [22-1000](#) An ordinance amending Chapter 57, "Dallas One- and Two-Family Dwelling Code," of the Dallas City Code by amending Sections R301.1.8, R313, and R326.1; **(1)** amending Appendix Q; **(2)** providing requirements for unity agreements, providing amended requirements for automatic sprinkler systems in townhomes, requiring that swimming pools and spas must comply with the Dallas Swimming Pool and Spa Code, and construction requirements for tiny houses; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)
- "Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

49. [22-1001](#) An ordinance amending Chapter 58, "Dallas Existing Building Code," of the Dallas City Code, as amended; **(1)** adopting with certain changes the 2021 Edition of the International Existing Building Code of the International Code Council, Inc.; **(2)** regulating and governing the repair, alteration, change, addition, and relocation of existing buildings, including historic buildings; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

Attachments: [Ordinance](#)

ADDITIONS:

OTHER ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

50. [22-990](#) Authorize settlement of the lawsuit styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797 - Estimated Revenue: Liability Reserve Fund \$50,000.00

Attachments: [Resolution](#)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Planning and Urban Design

ZONING CASES - CONSENT

- Z1. [22-1010](#) A public hearing to receive comments regarding an application for and an ordinance granting 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on the west corner of South Riverfront Boulevard and Dearborn Street

Recommendation of Staff: **Approval**, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and **approval** of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall

Recommendation of CPC: **Approval**, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and **approval** of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall

Z201-331(RM)

Attachments: [Case Report](#)

- Z2. [22-1011](#) A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District on the Northeast corner of south Riverfront Boulevard and Corinth Street

Recommendation of Staff: **Approval**, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Recommendation of CPC: **Approval**, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Z201-337(RM)

Attachments: [Case Report](#)

- Z3. [22-1012](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District on the northwest corner of North Griffin Street and Elm Street
Recommendation of Staff: **Approval** for a six-year period, subject to conditions
Recommendation of CPC: **Approval** for a six-year period, subject to conditions
Z212-127(OA)

Attachments: [Case Report](#)

- Z4. [22-1013](#) A public hearing to receive comments regarding an application for and an ordinance granting renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District, on the northwest corner of North Griffin Street and Elm Street
Recommendation of Staff: **Approval** for a six-year period, subject to conditions
Recommendation of CPC: **Approval** for a six-year period, subject to conditions
Z212-128(OA)

Attachments: [Case Report](#)

- Z5. [22-1009](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Bruton Road and South Buckner Boulevard
Recommendation of Staff: **Approval**, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: **Approval**, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z201-290(OA)

Attachments: [Case Report](#)

ZONING CASES - INDIVIDUAL

- Z6. [22-1014](#) A public hearing to receive comments regarding an application for an ordinance granting a NS Neighborhood Service District with deed restrictions volunteered by the applicant, and a Specific Use Permit for a private recreation center, club, or area use, on property zoned an R-7.5(A) Single Family District on the south line of East Camp Wisdom Road, west of University Hills Boulevard

Recommendation of CPC: **Approval** of an NS(A) Neighborhood Service District subject to deed restrictions volunteered by the applicant; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

Recommendation of Staff: **Approval** of an NS(A) Neighborhood Service District; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

Z201-326(MP)

Attachments: [Case Report](#)

- Z7. [22-1017](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the Southeast line of Ferguson Road, southwest of North Buckner Boulevard

Recommendation of Staff: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Z212-152(RM)

Attachments: [Case Report](#)

- Z8. [22-1019](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family uses and public school uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of Sunland Drive and Lippitt Avenue

Recommendation of Staff: **Approval** subject to a development plan, a revised traffic management plan, and conditions.

Recommendation of CPC: **Approval** subject to a development plan, a revised traffic management plan, and conditions.

Z212-157(MP)

Attachments: [Case Report](#)

- Z9. [22-1018](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a foster home on property zoned D(A) Duplex District on the northwest corner of Forney Road and Lomax Drive
Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions.

Z212-154(RM)

Attachments: [Case Report](#)

- Z10. [22-1016](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, on the northeast side of C.F. Hawn Freeway, west of North Jim Miller Road
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions
Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions.

Z212-150(OA)

Attachments: [Case Report](#)

- Z11. [22-1015](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard
Recommendation of CPC: Approval for a two-year period, subject to conditions
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z201-351(OA)

Attachments: [Case Report](#)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

- Z12. [22-692](#) A public hearing to receive comments regarding an application for **(1)** a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within a D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and **(2)** the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District, on the southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road

Recommendation of Staff: Approval of the portion of the area of request currently zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay; and denial of the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District

Recommendation of CPC: **(1)** Denial without prejudice of a CS Commercial Service District; and **(2)** denial without prejudice of the termination of deed restrictions [Z889-170]

Z201-239(RM)

Note: This item was deferred by the City Council before opening public hearings on January 26, 2022, February 9, 2022, and March 9, 2022, and is scheduled for consideration on May 11, 2022

Attachments: [Case Report](#)

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL**Department of Planning and Urban Design**

- Z13. [22-1020](#) A public hearing to receive comments regarding consideration of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code Chapter 51 and 51A

~~Recommendation of Staff and CPC: Approval, as briefed per staff's recommendations~~

Recommendation of Staff and CPC: Approval

~~DCA201-003(LL)~~ ~~DCA212-003(LL)~~

Attachments: [Case Report](#)

- Z14. [22-887](#) A public hearing to receive comments regarding consideration of amending the Dallas Development Code Division 51A-4.1100 "Mixed Income Housing" to support and align with proposed amendments to the City of Dallas Comprehensive Housing Policy and Dallas City Code Chapter 20A "Fair Housing and Mixed Income Housing."

~~Recommendation of Staff: Approval~~

~~Recommendation of CPC: Approval~~

Recommendation of Staff: Approval, subject to staff's recommended conditions

Recommendation of CPC: Approval, subject to CPC's recommended conditions

DCA201-008(SD)

Attachments: [Case Report](#)

MISCELLANEOUS HEARINGS**Park and Recreation Department**

- PH1. [22-1022](#) A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of Runyon Creek Greenbelt, totaling approximately 9,166 square feet of land, located at 1900 East Camp Wisdom Road, by Dallas Water Utilities for the construction of a 21-inch wastewater line to connect to existing wastewater lines; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code- Financing: No cost consideration to the City

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

EXECUTIVE SESSION NOTICE

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

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

Agenda Date: May 11, 2022

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	SEC	N/A	Approval of Minutes of the April 27, 2022 City Council Meeting
2.	N/A	C	BMS	NC	Authorize (1) preliminary adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,918,434 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$15,086,728; (b) HOME Investment Partnerships Program in the amount of \$5,897,968; (c) Emergency Solutions Grant in the amount of \$1,290,230; (d) Housing Opportunities for Persons with AIDS in the amount of \$7,943,508; and (e) estimated Program Income and One-Time Revenue in the amount of \$2,700,000; and (2) a public hearing to be held on May 25, 2022 to receive comments on the proposed use of funds - Financing: No cost consideration to the City (see Fiscal Information)
3.	N/A	C	ATT	\$42,500.00	Authorize settlement of the lawsuit styled George Sanchez v. City of Dallas, Cause No. DC-21-05259 - Not to exceed \$42,500.00 - Financing: Liability Reserve Fund
4.	N/A	C	ATT	\$150,000.00	Authorize settlement of the lawsuit styled Horace Greene v. City of Dallas, Cause No. DC-21-03163 - Not to exceed \$150,000.00 - Financing: Liability Reserve Fund
5.	2, 3	C	AVI	\$3,000,000.00	Authorize (1) a three-year consultant services contract with two one-year renewal options at the City's discretion for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport) - Ricondo & Associates, Inc., most advantageous proposer of two; and (2) an increase in appropriations in an amount not to exceed \$3,000,000.00 in the Aviation Construction Fund - Not to exceed \$3,000,000.00 - Financing: Aviation Construction Fund (subject to annual appropriations)
6.	2	C	AVI	\$4,050,000.00	Authorize a six-year reimbursement agreement with the United States Customs and Border Protection for mandated personnel related costs for federal inspection at Dallas Love Field, - annual amount not to exceed \$675,000.00 - total amount for the six year term - in an amount not to exceed \$4,050,000.00 Financing: Aviation Fund
7.	2	C	AVI	REV \$5,664,816.00	Authorize an increase in parking rates to meet market standards and demand, as well as adjust for ever increasing costs for maintenance and labor management for Garages A, B, C, and Valet at the Dallas Love Field Airport - Estimated Revenue: Aviation Fund \$5,664,816.00

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
8.	Outside	C	PBW	REV \$327.00	A resolution authorizing the conveyance of an access easement containing approximately 3,355 square feet of land to the North Texas Municipal Water District across City-owned land which is used for the Dallas Water Utilities Lake Tawakoni Pipeline Project located in the City of Forney, Kaufman County, Texas - Estimated Revenue: General Fund \$327.00
9.	13	C	PBW	REV \$5,400.00	An ordinance amending Ordinance No. 31850, previously approved on May 12, 2021, which abandoned a portion of Killion Drive, located near the intersection of Killion and Gooding Drives to the Dallas Independent School District, to extend the final replat deadline from one year to twenty-four months - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
10.	2	C	PBW	NC	An ordinance providing for the closure and vacation to vehicular traffic of a portion of South Pearl Expressway containing approximately 12,160 square feet of land, located at the intersection of South Pearl Expressway and Taylor Street Financing: No cost consideration to the City
11.	10, 11, 12, 13	C	PBW	\$744,246.64	Authorize (1) a Project Specific Agreement with Dallas County for funding participation of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleglen Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road; and (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$744,246.64 - Estimated Revenue: Capital Projects Reimbursement Fund \$744,246.64
12.	7	C	PBW	\$7,489.58	Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 110 acres of land located near the intersection of Scyene Road and Elsie Faye Heggins Street for future park land adjacent to the Parkdale Lake Trinity Forest Spine Trail Project - closing costs and title expenses not to exceed \$7,489.58 - Financing: 2006 General Obligation Bond Funds (\$5,926.29) and Park and Recreation Facilities Fund (2017 General Obligation Bond Fund) (\$1,563.29)
13.	7	C	PBW	\$1,173,892.80	Authorize an amendment to an existing lease agreement with Towne Square Market LP to extend the lease agreement for an additional eight years for approximately 8,100 square feet of office and clinic space located at 3302 North Buckner Boulevard, Suites 124 and 130, to be used

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					as a Women, Infants and Children Clinic for the period June 1, 2022 through May 31, 2030 - Not to exceed \$1,173,892.80 - Financing: Health and Human Services Commission Grant Fund (subject to annual appropriations)
14.	4	C	HOU	GT	Authorize a development loan agreement with LDG The Terrace at Southern Oaks, LP and/or its affiliate, for the development of The Terrace at Southern Oaks, a 300-unit affordable multifamily complex located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216 (Project) - Not to exceed \$7,900,000.00 - Financing: HOME Funds (\$3,500,000.00) and CDBG Funds (\$4,400,000.00)
15.	All	C	TRN	NC	An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by adding Section 28-61.1. "Standing and Walking in Certain Areas Prohibited" (1) prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; (2) providing a penalty not to exceed \$500; (3) providing a saving clause; (4) providing a severability clause; and (5) providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)
16.	1, 3, 5, 7, 11, 14	C	TRN	\$368,236.00	Authorize a Supplemental Agreement No. 1 to the professional services contract with Gresham Smith to expand the project scope to include additional priority bike project design and study elements - Not to exceed \$368,236.00, from \$449,045.00 to \$817,281.00 - Financing: Bike Lane Fund
17.	All	C	DFD	REV \$27,600,000.00	Authorize a five-year collection contract, with two one-year renewal options, for the billing, collection and reporting of emergency ambulance fees for Fire-Rescue Department with Digitech Computer, LLC through an interlocal agreement with The City of Bryan, Texas - Estimated Annual Net Revenue: General Fund \$27,600,000
18.	2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	C	ECO	NC	Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the Dallas Tourism Public Improvement District (the District) expansion in accordance with Senate Bill 804, allowing the City to include property in a hotel-public improvement district (hotel-PID) with the property owner's consent if such property could have been included in the District, when created, without violating the petition thresholds, to provide supplemental public services funded by assessments on Dallas hotels with 100 or more rooms (Qualifying hotels); and at the close of the hearing, (2) a resolution approving District boundary expansion to include an estimated 6 additional Qualifying hotels in the District not described in the resolution or petition re-establishing the District in 2016 or 2020 boundary expansion

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					(District expansion) - Financing: This action has no cost consideration to the City (see Fiscal Information)
19.	14	C	ECO	NC	Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Knox Street Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; (2) approval of a resolution renewing the District for a period of ten years; (3) approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and (4) approval of a management contract with Knox Street Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
20.	9, 10	C	ECO	NC	Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Lake Highlands Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; (2) approval of a resolution renewing the District for a period of ten years; (3) approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and (4) approval of a management contract with Lake Highlands Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
21.	1, 13	C	ECO	NC	Authorize (1) a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Midtown Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; (2) approval of a resolution renewing the District for a period of ten years; (3) approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					public services, to be funded by assessments on real property and real property improvements in the District; and (4) approval of a management contract with Vickery Meadows Management Corporation DBA Midtown Management Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)
22.	2	C	ECO	\$285,650.00	Authorize a development agreement and all other necessary documents with FM City Park, LLC ("Adjacent Owner") and/or its affiliates in an amount not to exceed \$285,650.00 for the design and construction of the Pearl Improvement Project ("Project"), located in the Pearl Expressway public right-of-way between Taylor Street and Marilla Street, in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, payable from Farmers Market Tax Increment Financing District funds, such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Amended Project Plan and Reinvestment Zone Financing Plan Not to exceed \$285,650.00 Financing: Farmers Market TIF District Fund (subject to annual appropriations from tax increments)
23.	2	C	ECO	\$6,544,249.00	Authorize a development agreement and an amendment to the Master Agreement, as amended, along with other documents the City deems necessary with 1100 Pearl Street, Inc. ("Developer") and/or its affiliates in an amount not to exceed \$6,544,249.00 payable from future Farmers Market TIF District Funds, in consideration for the design, funding, and construction of the Pearl Lofts Project ("Project") located on property currently addressed as 2100 Jan Pruitt Way ("Project site") in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, with such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Project Plan and Reinvestment Zone Financing plan, as amended Not to exceed \$6,544,249.00 Financing: Farmers Market TIF District Fund (subject to future appropriations from tax increments)
24.	All	C	ECO	NC	Authorize a public hearing to be held on June 8, 2022, to receive comments regarding extension of the Public/Private Partnership Program Guidelines and Criteria, for the period July 1, 2022 through December 31, 2022 - Financing: No cost consideration to the City
25.	All	C	OCC	NC	A resolution authorizing approval of the program statement for the American Rescue Plan Act (ARPA)/Coronavirus State and Local Fiscal

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Recovery Funds (CSLFRF) - Food Banks/Pantries Support Program, as shown in Exhibit A, to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic. Financing: No cost consideration to the City
26.	All	C	POM	\$4,257,380.72	Authorize a two-year cooperative purchasing agreement for (1) citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of \$2,430,000.00; and (2) citywide bio-hazardous decontamination and spill clean-up services with Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of \$1,927,380.72 - Total estimated amount of \$4,357,380.72 - Financing: General Fund (\$3,521,059.77), Equipment and Fleet Management Fund (\$442,634.35), Dallas Water Utilities Fund (\$197,895.53), Capitol Construction Fund (\$97,895.53), Airport Fund (\$48,947.77), and Sanitation Operation Fund (\$48,947.77)
27.	All	C	POM	\$231,775.85	Authorize a three-year cooperative purchasing agreement, with two three-year renewal options, for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Dallas Airport System for the Department of Aviation with GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement - Not to exceed \$231,775.85 - Financing: Aviation Fund (subject to annual appropriations)
28.	All	C	POM	\$3,759,266.00	Authorize a five-year cooperative purchasing agreement for an identity and access management, single-sign on platform for the Department of Information and Technology Services with Netsync Network Solutions through the State of Texas Department of Information Resources cooperative agreement - Estimated amount of \$3,759,266 - Financing: Data Services Fund
29.	All	C	POM	\$200,000.00	Authorize Supplemental Agreement No. 1 to exercise the first of two one-year renewal options, with Prime Controls, LP, for maintenance and support of the supervisory control and data acquisition system for the Water Utilities Department - Not to exceed \$200,000.00 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)
30.	2	C	POM	\$1,157,674.50	Authorize Supplemental Agreement No. 3 to (1) the ratification of ratify \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022; and (2) Supplemental

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Agreement No. 3 to increase the service contract with WSP, USA, Inc. for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in the amount of \$678,701.50 - Total not to exceed \$1,157,674.50, from \$4,953,198.00 to \$6,110,872.50 - Financing: Convention Center Construction Fund (subject to annual appropriations)
31.	All	C	POM	\$2,977,840.00	Authorize Supplemental Agreement No. 3 to increase the service contract with RNDI Companies, Inc. for asbestos abatement and demolition services for City and non-City owned structures and to extend the term from August 10, 2022 to August 9, 2023 - Not to exceed \$2,977,840 - Financing: General Fund (\$2,957,840) and Convention Center Construction Fund (\$20,000) (subject to annual appropriations)
32.	All	C	POM	\$430,000.00	Authorize a three-year master agreement for the purchase of cast iron fittings for the Water Utilities Department - Fortiline, Inc. dba Fortiline Waterworks in the estimated amount of \$245,000 and Core & Main LP in the estimated amount of \$185,000, lowest responsible bidders of two - Total estimated amount of \$430,000 - Financing: Dallas Water Utilities Fund (\$410,000) and Stormwater Drainage Management Operation Fund (\$20,000)
33.	All	C	POM	\$765,245.40	Authorize a three-year master agreement for the purchase of printed utility bill inserts for the Water Utilities Department - AC Printing, LLC, only bidder - Estimated amount of \$765,245.40 - Financing: Dallas Water Utilities Fund
34.	7, 10, 11	C	DWU	\$302,270.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional engineering services required for developing construction plans and specifications related to water and wastewater relocations and storm drainage improvements at three locations - Not to exceed \$302,270.00, from \$965,165.00 to \$1,267,435.00 - Financing: Wastewater Capital Improvement G Fund (\$137,849.00), Water Capital Improvement F Fund (\$112,041.00), and Storm Drainage Management Capital Construction Fund (\$52,380.00)
35.	4	C	DWU	\$4,158,174.00	Authorize acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project. - Not to exceed \$4,158,174.00 (\$4,135,174.00 plus closing costs and title expenses not to exceed \$23,000.00) - Financing: Storm Drainage Management Capital Construction Fund (\$1,492,597.87), Flood Protection

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					and Storm Drainage Facilities Fund (1995 General Obligation Bond Funds) (\$230,198.11), Trinity Corridor Project Fund (1998 General Obligation Bond Funds) (\$423,328.83), Flood Protection and Storm Drainage Facilities Fund (1998 General Obligation Bond Funds) (\$323,075.58), Flood Protection and Storm Drainage Facilities Fund (2003 General Obligation Bond Funds) (\$125,605.60), and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$1,563,368.01)
36.	6, 7, Outside	C	DWU	\$4,493,094.00	Authorize Supplemental Agreement No. 2 to the professional services contract with Freese and Nichols, Inc. to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities - Not to exceed \$4,493,094.00, from \$11,404,513.00 to \$15,897,607.00 - Financing: Water Capital Improvement G Fund
37.	N/A	I	SEC	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
38.	N/A	I	BMS	NC	An ordinance amending Ordinance No. 32000, previously approved on September 22, 2021, authorizing certain transfers and appropriation adjustments for FY 2021-22 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Not to exceed \$4,345,607,637 - Financing: General Fund (\$1,560,076,196), Enterprise, Internal Service, and Other Funds (\$1,476,881,876), Capital Funds (\$911,461,085), and Grants, Trusts and Other Funds (\$397,188,480)
39.	All	I	DAS	NC	An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-4.2, 7-4.5 7-4.10, and 7-8.1; (1) prohibiting the sale of dogs and cats at pet stores; (2) providing a penalty not to exceed \$500; providing a saving clause; (3) providing a severability clause; and (4) providing an effective date. Financing: No cost consideration (see Fiscal Information)
40.	2	I	CCT	\$14,924,394.00	Authorize a professional services contract with WSP USA, Inc. to provide advance planning and feasibility for the Kay Bailey Hutchison Convention Center Dallas Master Plan - Not to exceed \$14,924,394.00 - Financing: Convention Center Construction Fund
41.	All	I	HOU	NC	An ordinance amending Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code by (1) amending Sections 20A-4.1,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					20A-5, 20A-24 through 20A-28, 20A-30 through 20A-33; adding Section 20A-23.1 and Section 20A-34; and deleting Section 20A-29; (2) providing updated requirements regarding housing accommodations that benefit from a subsidy or financial award and clarifying certain non-discrimination provisions; (3) providing updated defenses to prosecution; (4) providing an updated applicability statement; (5) providing alternative methods to satisfy the requirements of the mixed income program; (6) providing clarified definitions and program implementation procedures; (7) deleting specific eligible household responsibilities; (8) providing for a set of specific fees in lieu of provision of on-site reserved dwelling units; (9) providing a penalty not to exceed \$500.00; (10) providing a saving clause; (11) providing a severability clause; and (12) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)
42.	All	I	HOU	NC	Authorize (1) an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by (a) adding additional development bonus options including additional development rights, parking reductions, and financial incentives and (b) adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and (2) establishment of the Mixed Income Housing Development Bonus Fund - Financing: No cost consideration to the City (see Fiscal Information)
43.	All	I	MCC	NC	Consideration of a resolution supporting Dallas Area Rapid Transit ("DART") free fare program to provide cost-free rides on DART's bus and rail transit system to kindergarten through twelfth grade students - Financing: No cost consideration to the City
44.	All	I	DEV	NC	An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code by amending Sections 101.2, 101.4, 102.3, 104.1.1, 104.6, 104.13, 201.1, 301.1.4, 301.1.5, 301.2.1, 301.4.1, 301.4.3, 301.4.7.6, 301.4.7.7, 302.2.4, 303.2.2, 303.5.1.2, 303.5.1.4.1, 304, 304.5, 305, 306.7, and 505; (1) providing an amended scope, amended referenced codes and standards, definitions, requirements for giving the building official notice of certain repairs, preliminary meeting requirements, alternative requirements, clarifying who may obtain and do work under a permit, a defense to prosecution for certain reroofing projects, requirements for applying for a permit; (2) requirements for a design professional in responsible charge, requirements for a nonregistered professional in responsible charge, phased approval requirements, master permit requirements, fire sprinkler plan requirements, required building inspections, authority for the building

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>official to accept reports from approved inspection agencies, qualification requirements for special inspectors, information that must be contained on a certificate of occupancy, and revised fees for mechanical contractors; (3) providing a penalty not to exceed \$2,000.00; (4) adding a new Section 301.4.6.3, "Reroofing Permits"; (5) adding a new Section 301.4.7.8, "Contractor Agent In Responsible Charge"; (6) adding a new Section 301.4.7.9, "Alternative Provisions"; (7) adding a new Section 301.4.7.10, "Green Building Standard Documentation"; (8) providing a new Section [A]302.2.5, "Deferred Submittals"; (9) adding a new Section [A]302.2.6, "Amended Construction Documents"; (10) adding a new Section 304.1.5, "Inspection During Declared Disaster"; (11) adding a new Section 304.4.1, "Preliminary Inspection"; (12) adding a new Section 304.13, "Flood Hazard Documentation"; (13) adding a new Section 304.14, "Tiny House Inspections"; (14) providing a saving clause; (15) providing a severability clause; and (16) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>
45.	All	I	DEV	NC	<p>An ordinance adding Chapter 62, "Dallas Swimming Pool and Spa Code," to the Dallas City Code, as amended; (1) adopting with certain changes the 2021 Edition of the International Swimming Pool and Spa Code of the International Code Council, Inc.; (2) regulating and governing the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic facilities, pools, and spas; (3) providing a penalty not to exceed \$2,000.00; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>
46.	All	I	DEV	NC	<p>An ordinance amending Chapter 53, "Dallas Building Code," of the Dallas City Code by amending Sections 202, [F] 403.3.2, 406.5.2, 504.3, 504.4, 506.2.1, 506.2.3, 506.2.4, 507.3, 507.14, 508.4.4.1, 511.1.2, 602.1, 602.4, 718.2.1, 803.3, 803.13.3, [F] 903.2.8, 903.2.13, 1007.1.1, [BG] 1510.2.5, 1705.1.1, 2304.11; 2306.4, [P] 2902.1, 3103.1.2, 3109, 3313, 4005.2, 4005.3, and 4201.1; amending Tables 602, 903.2.13; (1) providing definitions, water supply to required fire pump requirements, requirements for screens on openings of motor-vehicle-related occupancies, updated cross references, sprinkler requirements for certain one-story buildings,</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>area requirements, mass timber and heavy timber construction requirements, limitations on the fire areas of nonsprinklered buildings, fire-resistance rating requirements for exterior walls based on fire separation distance, an exception to the automatic sprinkler requirement for Group R-4 care facilities with five or fewer persons that are within a single-family dwelling, an exception to the fire wall requirement for membrane structures when authorized by the building official, nonsprinklered building fire area limits for Type IV construction, exit access doorway requirements, special inspection requirements, water closet and drinking fountain requirements, requiring permits for temporary structures, water safety for fire protection requirements, amended APA and ASTM standards, amended requirements for when the building official is required to call a meeting of the demolition review committee and amended unity agreement requirements; (2) adding a new Table 503, "Type IV A, B, & C Construction Allowable Heights, Stories and Areas"; (3) providing a new Section 509.4.1.1, "Type IV B and IV C Construction"; (4) providing a new Table 301.1, "Fire-Resistance Rating Requirements for Building Elements (Hours)"; (5) providing a new Section 703.8, "Determination of Noncombustible Protection Time Contribution"; (6) providing a new Section 703.9, "Sealing of Adjacent Mass Timber Elements"; (7) adding a new Section 722.7, "Fire-Resistance Rating of Mass Timber"; (8) adding a new Section 1007.1.2.1, "Interlocking Stairs When Allowed As Separate Exits With Three or More Exits or Exit Access Doorways"; (9) adding a new Section 1604.11, "Seismic Systems of Types IV A, B, C and HT"; (10) adding a new Section 1705.5.3, "Mass Timber Construction"; (11) adding a new Table 1705.5.5.3, "Required Special Inspections of Mass Timber Construction"; (12) adding a new Section 1705.19, "Sealing of Mass Timber"; (13) adding a new Section 2303.1.14, "Structural Glued Cross-Laminated Timber"; (14) adding a new Section 2304.10.8, "Connection Fire-Resistance Rating"; (15) adding a new Table 2304.11, "Minimum Dimensions of Heavy Timber Structural Members"; (16) adding a new Section 3314, "Fire Watch During Construction"; (17) adding a new Section 3315, "Noncombustible Construction for Exposure Protection"; (18) adding a new Section 3316, "Fire-Resistance-Rated Construction Inventory"; (19) providing a penalty not to exceed \$2,000.00; (20) providing a saving clause; (21) providing a severability clause; and (22) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
47.	All	I	DEV	NC	<p>An ordinance amending Chapter 56, "Dallas Electrical Code," of the Dallas City Code, as amended, adopting with certain changes the 2020 Edition of the National Electrical Code of the National Fire Protection Association, Inc.; (1) regulating the construction, enlargement, alteration, repair, use, and maintenance of electrical work in the city; (2) providing a penalty not to exceed \$2,000.00; (3) providing a savings clause; (4) providing a severability clause; and (5) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>
48.	All	I	DEV	NC	<p>An ordinance amending Chapter 57, "Dallas One- and Two-Family Dwelling Code," of the Dallas City Code by amending Sections R301.1.8, R313, and R326.1; (1) amending Appendix Q; (2) providing requirements for unity agreements, providing amended requirements for automatic sprinkler systems in townhomes, requiring that swimming pools and spas must comply with the Dallas Swimming Pool and Spa Code, and construction requirements for tiny houses; (3) providing a penalty not to exceed \$2,000.00; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>
49.	All	I	DEV	NC	<p>An ordinance amending Chapter 58, "Dallas Existing Building Code," of the Dallas City Code, as amended; (1) adopting with certain changes the 2021 Edition of the International Existing Building Code of the International Code Council, Inc.; (2) regulating and governing the repair, alteration, change, addition, and relocation of existing buildings, including historic buildings; (3) providing a penalty not to exceed \$2,000.00; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)</p> <p>"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"</p>
50.	2	I	ATT	NC	<p>Authorize settlement of the lawsuit styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797 - Estimated Revenue: Liability Reserve Fund \$50,000.00</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z1.	2	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on the west corner of South Riverfront Boulevard and Dearborn Street</p> <p>Recommendation of Staff: Approval, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall</p> <p>Recommendation of CPC: Approval, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall</p> <p>Z201-331(RM)</p>
Z2.	2	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District on the Northeast corner of south Riverfront Boulevard and Corinth Street</p> <p>Recommendation of Staff: Approval, subject to a development plan, a landscape plan, a traffic management plan, and conditions</p> <p>Recommendation of CPC: Approval, subject to a development plan, a landscape plan, a traffic management plan, and conditions</p> <p>Z201-337(RM)</p>
Z3.	14	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District on the northwest corner of North Griffin Street and Elm Street</p> <p>Recommendation of Staff: Approval for a six-year period, subject to conditions</p> <p>Recommendation of CPC: Approval for a six-year period, subject to conditions</p> <p>Z212-127(OA)</p>
Z4.	14	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting renewal of Specific Use Permit No. 2006 for an</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District, on the northwest corner of North Griffin Street and Elm Street</p> <p>Recommendation of Staff: Approval for a six-year period, subject to conditions</p> <p>Recommendation of CPC: Approval for a six-year period, subject to conditions</p> <p>Z212-128(OA)</p>
Z5.	5	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Bruton Road and South Buckner Boulevard</p> <p>Recommendation of Staff: Approval, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions</p> <p>Recommendation of CPC: Approval, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions</p> <p>Z201-290(OA)</p>
Z6.	8	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for an ordinance granting a NS Neighborhood Service District with deed restrictions volunteered by the applicant, and a Specific Use Permit for a private recreation center, club, or area use, on property zoned an R-7.5(A) Single Family District on the south line of East Camp Wisdom Road, west of University Hills Boulevard</p> <p>Recommendation of CPC: Approval of an NS(A) Neighborhood Service District subject to deed restrictions volunteered by the applicant; and approval of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.</p> <p>Recommendation of Staff: Approval of an NS(A) Neighborhood Service District; and approval of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.</p> <p>Z201-326(MP)</p>
Z7.	7	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the Southeast line of</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>Ferguson Road, southwest of North Buckner Boulevard</p> <p>Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions</p> <p>Z212-152(RM)</p>
Z8.	9	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family uses and public school uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of Sunland Drive and Lippitt Avenue</p> <p>Recommendation of Staff: Approval subject to a development plan, a revised traffic management plan, and conditions.</p> <p>Recommendation of CPC: Approval subject to a development plan, a revised traffic management plan, and conditions.</p> <p>Z212-157(MP)</p>
Z9.	7	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a foster home on property zoned D(A) Duplex District on the northwest corner of Forney Road and Lomax Drive</p> <p>Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions.</p> <p>Z212-154(RM)</p>
Z10.	5	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, on the northeast side of C.F. Hawn Freeway, west of North Jim Miller Road</p> <p>Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions.</p> <p>Z212-150(OA)</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z11.	7	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard</p> <p>Recommendation of CPC: Approval for a two-year period, subject to conditions</p> <p>Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions</p> <p>Z201-351(OA)</p>
Z12.	8	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for (1) a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within a D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and (2) the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District, on the southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road</p> <p>Recommendation of Staff: Approval of the portion of the area of request currently zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay; and denial of the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District</p> <p>Recommendation of CPC: (1) Denial without prejudice of a CS Commercial Service District; and (2) denial without prejudice of the termination of deed restrictions [Z889-170]</p> <p>Z201-239(RM)</p> <p>Note: This item was deferred by the City Council before opening public hearings on January 26, 2022, February 9, 2022, and March 9, 2022, and is scheduled for consideration on May 11, 2022</p>
Z13.	All	PH	PNV	NC	<p>A public hearing to receive comments regarding consideration of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code Chapter 51 and 51A</p> <p>Recommendation of Staff and CPC: Approval, as briefed per staff's recommendations</p> <p>Recommendation of Staff and CPC: Approval</p> <p>DCA201-003(LL) DCA212-003(LL)</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z14.	All	PH	PNV	NC	<p>A public hearing to receive comments regarding consideration of amending the Dallas Development Code Division 51A-4.1100 "Mixed Income Housing" to support and align with proposed amendments to the City of Dallas Comprehensive Housing Policy and Dallas City Code Chapter 20A "Fair Housing and Mixed Income Housing."</p> <p>Recommendation of Staff: Approval</p> <p>Recommendation of CPC: Approval</p> <p><u>Recommendation of Staff: Approval, subject to staff's recommended conditions</u></p> <p><u>Recommendation of CPC: Approval, subject to CPC's recommended conditions</u></p> <p>DCA201-008(SD)</p>
PH1.	8	I	PKR	NC	<p>A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of Runyon Creek Greenbelt, totaling approximately 9,166 square feet of land, located at 1900 East Camp Wisdom Road, by Dallas Water Utilities for the construction of a 21-inch wastewater line to connect to existing wastewater lines; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code- Financing: No cost consideration to the City</p>

TOTAL \$54,023,378.49



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1028

Item #: 1.

SUBJECT

Approval of Minutes of the April 27, 2022 City Council Meeting



Agenda Information Sheet

File #: 22-1024

Item #: 2.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** preliminary adoption of the FY 2022-23 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$32,918,434 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$15,086,728; **(b)** HOME Investment Partnerships Program in the amount of \$5,897,968; **(c)** Emergency Solutions Grant in the amount of \$1,290,230; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$7,943,508; and **(e)** estimated Program Income and One-Time Revenue in the amount of \$2,700,000; and **(2)** a public hearing to be held on May 25, 2022 to receive comments on the proposed use of funds - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

The City of Dallas receives four formula grants each year from the U.S. Department of Housing and Urban Development (HUD). The four grants make up the Consolidated Plan, and consist of: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The purpose of CDBG is to develop viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities. HOME funds are used to develop, support, produce, and expand the supply of decent and affordable housing. ESG funds help to prevent homelessness and assist individuals and families who are already homeless. HOPWA funds provide housing and supportive services to persons living with HIV/AIDS and their family members.

The Community Development Commission (CDC), a citizen advisory board appointed by the City Council, along with City staff, conducted a total of eight public meetings. These meetings provided the public with opportunities to participate in identifying community needs and to comment and provide input on potential uses of HUD Grant Funds.

Public meetings were held as follows:

January 6, 2022 - On-Line Virtual Meeting
January 10, 2022 - On-Line Virtual Meeting
January 11, 2022 - On-Line Virtual Meeting
January 12, 2022 - Ryan White Planning Council - On-Line Virtual Meeting
January 13, 2022 - On-Line Virtual Meeting (12:00 p.m. & 6:00 p.m.)
January 20, 2022 - Telephone Town Hall Meeting
January 25, 2022 - Continuum of Care General Assembly - On-Line Virtual Meeting

For budget development purposes, pending notification from HUD of the City's actual formula grant allocations, the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget assumed level funding for all four grants. In order to meet statutory deadline requirements, development of the City's FY 2022-23 Consolidated Plan Budget had to begin using preliminary estimates and could not wait for notification of actual grant amounts. Once final allocation amounts are received, the City Manager will propose increases or decreases as necessary to balance the budget with available resources, including capped categories.

Following preliminary adoption, these budgets will be made available for public review and comment from May 12, 2022 through June 21, 2022.

In response to the COVID-19 pandemic, HUD issued a waiver that allows grantees to hold virtual meetings using an on-line platform in lieu of holding in-person public hearings to fulfill the public hearing requirements under HUD regulations and the City's Citizen Participation Plan. The waiver applies as long as national or local public health authorities recommend social distancing limiting public gatherings for public health reasons to limit the spread of COVID-19, which continues to be the case.

In accordance with the HUD waiver and based on local and national public health authority guidance recommending social distancing that limits public gatherings for public health reasons to prevent the spread of COVID-19, a virtual public hearing will be held using an on-line platform on May 25, 2022. Final adoption is scheduled for June 22, 2022.

This action authorizes preliminary adoption of the FY 2022-23 HUD Consolidated Plan Budget and a public hearing to be held on May 25, 2022 before the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 3, 2022, the CDC was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget and CDC Committees held meetings to review the proposed budget.

On April 7, 2022, the CDC approved the City Manager's proposed budget with no amendments.

City Council was briefed on the "City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget" on April 20, 2022.

City Council was briefed on the "FY 2022-23 HUD Consolidated Plan Budget: City Council Amendments" on May 4, 2022.

FISCAL INFORMATION**Proposed FY 2022-23 HUD Consolidated Plan Budget**

CDBG:	\$15,086,728	2022-23 Entitlement*
	\$ 200,000	Program Income (estimate)
	<u>\$ 2,000,000</u>	One-Time Revenue (estimate)
	\$17,286,728	
HOME:	\$ 5,897,968	2022-23 Entitlement*
	<u>\$ 500,000</u>	Program Income (estimate)
	\$ 6,397,968	
ESG:	\$ 1,290,230	2022-23 Entitlement*
HOPWA:	<u>\$ 7,943,508</u>	2022-23 Entitlement*
	\$32,918,434	Total FY 2022-23 HUD Consolidated Plan Budget*

*Estimate assuming level funding pending receipt of actual award amounts from HUD

May 11, 2022

WHEREAS, during January and February 2022, the Community Development Commission (CDC) and City staff conducted eight virtual meetings that provided the public with opportunities to participate in identifying needs and to comment and provide input on the potential uses of U.S. Department of Housing and Urban Development (HUD) Grant Funds; and

WHEREAS, the HUD Grant Funds include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA); and

WHEREAS, on March 3, 2022, the CDC was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget, and CDC Committees held meetings to review the proposed budget; and

WHEREAS, on April 7, 2022, the CDC approved the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget with no amendments; and

WHEREAS, on April 20, 2022, City Council was briefed on the City Manager's Proposed FY 2022-23 HUD Consolidated Plan Budget; and

WHEREAS, on May 4, 2022, City Council was briefed on the FY 2022-23 HUD Consolidated Plan Budget: City Council Amendments; and

WHEREAS, in order to meet statutory deadline requirements, development of the City's FY 2022-23 Consolidated Plan Budget began using preliminary estimates, pending notification from HUD of actual formula grant allocations and, upon receipt of final allocation amounts, increases or decreases will be proposed as necessary to balance the budget with available resources, including capped categories; and

WHEREAS, Federal regulations require that a public hearing be held on the City's Proposed FY 2022-23 HUD Consolidated Plan Budget; and

WHEREAS, a summary of the Proposed FY 2022-23 HUD Consolidated Plan Budget will be published in the Dallas Morning News on or about May 22, 2022 to provide an opportunity to submit written comments through June 21, 2022; and

WHEREAS, in response to the COVID-19 pandemic, HUD issued a waiver that allows grantees to hold virtual meetings using an on-line platform in lieu of holding in-person public hearings to fulfill the public hearing requirements under HUD regulations and the City's Citizen Participation Plan, so long as national or local public health authorities recommend social distancing limiting public gatherings for public health reasons to limit the spread of COVID-19; and

May 11, 2022

WHEREAS, in accordance with the HUD waiver and based on local and national public health authority guidance recommending social distancing that limits public gatherings for public health reasons to prevent the spread of COVID-19, holding a virtual public hearing using an on-line platform on May 25, 2022, satisfies the requirements set forth in HUD regulations and the City's Citizen Participation Plan.

Now, Therefore,

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

SECTION 1. That preliminary adoption of the FY 2022-23 HUD Consolidated Plan Budget be approved per the Appendix.

SECTION 2. That a public hearing be held on May 25, 2022 before the Dallas City Council to receive comments on the City's Proposed FY 2022-23 HUD Consolidated Plan Budget.

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

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A	B	C
Project Name	FY 2021-22 Amended Budget	FY 2022-23 City Manager's Proposed Budget
<u>SOURCE OF FUNDS</u>		
Community Development Block Grant		
Entitlement (grant)	15,086,728	15,086,728
Program Income - Housing Activities	500,000	200,000
One-Time Revenue	0	2,000,000
	<u>15,586,728</u>	<u>17,286,728</u>
Home Investment Partnership		
Entitlement (grant)	5,897,968	5,897,968
Program Income - Housing Activities	500,000	500,000
	<u>6,397,968</u>	<u>6,397,968</u>
Emergency Solutions Grant		
Entitlement (grant)	1,290,230	1,290,230
Housing Opportunities for Persons with AIDS		
Entitlement (grant)	7,943,508	7,943,508
TOTAL SOURCE OF FUNDS	<u>31,218,434</u>	<u>32,918,434</u>
 <u>USE OF FUNDS</u>		
Community Development Block Grant		
Public Services (15% of CDBG maximum amount allowed)	2,265,163	2,297,030
Housing Activities	7,948,038	7,948,038
Public Improvements	2,400,000	4,024,314
Fair Housing and Program Oversight (20% of CDBG max amount allowed)	2,973,527	3,017,346
	<u>15,586,728</u>	<u>17,286,728</u>
HOME Investment Partnerships Program		
HOME Programs	<u>6,397,968</u>	<u>6,397,968</u>
Emergency Solutions Grant		
ESG Programs	<u>1,290,230</u>	<u>1,290,230</u>
Housing Opportunities for Persons with AIDS		
HOPWA Programs	7,943,508	7,943,508
TOTAL USE OF FUNDS	<u>31,218,434</u>	<u>32,918,434</u>

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A Project Name	B FY 2021-22 Amended Budget	C FY 2022-23 City Manager's Proposed Budget
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)		
<u>CDBG - Public Services</u>		
CD01 Out-of-School Time Program - Provide after school and summer programs for low/mod income youth ages 6-12 Monday - Friday through structured recreational, cultural, social and life skills activities. 24 CDBG funded sites. FY 2022-23: estimated 2,800 children to be served. (PKR)	851,424	851,424
CD02 Early Childhood and Out of School Time Services Program - . The program enables low/moderate-income parents to work and adolescent parents to attend school by providing child care referral, support and services. Contracts with providers ensures access to quality child care services. Support levels based on cost and need, for infant or toddler care, underserved communities, quality programs, and parent workshops. Funds will also pay for intake, assessments and provide direct client services. FY 2022-23: estimated 314 children to be served. (OCC)	650,000	681,867
Youth Programs Sub-Total	1,501,424	1,533,291
CD03 Community Court Program - The Community Court, a unique program, provides restoration to the community where the crime is committed, seeks to rehabilitate individuals, deters further criminal action, and encourage defendants to become productive members of the community. FY 2022-23: estimated 1,020 clients to be served.	763,739	763,739
<ul style="list-style-type: none"> • South Dallas / Fair Park Community Court • South Oak Cliff Community Court • West Dallas Community Court 	227,104 273,790 262,845	296,772 203,203 263,764
Other Public Services (Non-Youth) Sub-Total	763,739	763,739
Total CDBG - Public Services	2,265,163	2,297,030
CDBG - Public Services 15% Cap	2,298,027	2,297,030
Under/(Over) Cap	32,864	(0)
CDBG - Public Services Cap Percentage	14.8%	15.0%
<u>CDBG - Housing Activities</u>		
CD04 Dallas Homebuyer Assistance Program - Provide no interest, deferred payment loans for down-payment, principle reduction and closing cost assistance. FY 2022-23: estimated 11 loans to be administered.	400,000	400,000
Homeownership Opportunities Sub-Total	400,000	400,000
CD05 Home Improvement and Preservation Program (HIPP) - Provide an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units and landlord/rental multi-family units, with the purpose of making needed improvements and preserving affordable housing. FY 2022-23: TBD households to be served.	3,094,038	3,094,038
CD06 Support for Home Improvement and Preservation Program (HIPP) - Provide direct service, delivery staff, to implement the Home Improvement Preservation Program.	1,560,000	1,560,000

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A		B	C
Project Name		FY 2021-22 Amended Budget	FY 2022-23 City Manager's Proposed Budget
CD07	Residential Development Acquisition Loan Program - Provide loans and grants to affordable housing developers for acquisition, relocation, and demolition to support affordable housing development for low income households at 80% or below AMFI. FY 2022-23: TBD units to be developed.	2,894,000	2,894,000
	Homeowner Repair/Development Sub-Total	7,548,038	7,548,038
	Total CDBG - Housing Activities	7,948,038	7,948,038
<u>CDBG - Public Improvements</u>			
CD08	Public Facilities and Improvements - Provide improvements to public facilities and infrastructure within eligible areas.	2,400,000	2,024,314
CD09	NEW - Sidewalk Improvements - Provide sidewalk improvements in eligible areas.	0	1,000,000
CD10	NEW - ADA Improvements - Provide improvements and upgrades to public facilities.	0	1,000,000
	Public Improvement Sub-Total	2,400,000	4,024,314
	Total CDBG - Public Improvement	2,400,000	4,024,314
<u>CDBG - Fair Housing and Planning & Program Oversight</u>			
CD11	Fair Housing Division - Provide housing discrimination investigations, fair housing education and outreach, and citizen referrals.	585,206	623,432
CD12	Citizen Participation/CDC Support/HUD Oversight - Budget & Management Services/Community Development Division. Provide coordination of ConPlan budget development, citizen participation, and reporting to HUD as primary City liaison.	958,048	1,129,062
CD13	HUD Environmental Review - Budget & Management Services. Provides compliance for City's "responsible entity" designation with HUD, Part 58 environmental review requirements for all HUD funded projects, including Continuum of Care, Dallas Housing Authority, and nonprofits within the city limits of Dallas.	199,737	220,929
CD14	Community Care Management Support - Provide salaries and operational support to manage and administer CDBG-funded public service programs in the Office of Community Care.	203,390	178,890
CD15	Housing Management Support - Provide operational support for the management and administration for serving housing related CDBG programs.	1,027,146	865,033
	Total CDBG - Fair Housing and Planning & Program Oversight	2,973,527	3,017,346
	CDBG - FH/PLN/Program Oversight 20% Cap	3,017,346	3,017,346
	Under/(Over) Cap	43,819	(0)
	CDBG - FH/PLN/Program Oversight Cap Percentage	20%	20%
	TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT	15,586,728	17,286,728

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A Project Name	B FY 2021-22 Amended Budget	C FY 2022-23 City Manager's Proposed Budget
HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)		
HM01 CHDO Development Loan Program - Provide loans to City-certified Community Housing Development Organizations (CHDOs) to develop affordable housing for low to moderate income households earning up to 80% Area Median Family Income. (15% minimum)	900,000	884,696
HM02 CHDO Operating Assistance - Provides loans and grants to affordable housing developers for acquisition, relocation, and demolition to support affordable housing development for low income households at 80% or below AMFI.	150,000	0
HM03 NEW - HOME Project Cost - Project implemented in conjunction with Project #20 (HOME DHAP). Primary Purpose: Direct assistance provided to eligible homebuyers for down payment, principle reduction, and closing costs based on borrowers' need and debt capacity.	0	450,000
HM04 HOME Program Administration - Provide operational support for the administration and servicing of the HOME programs which are housing based. (10% maximum)	589,796	589,796
HM05 Dallas Homebuyer Assistance Program - Provide no interest, deferred payment loans for down-payment, principle reduction and closing cost assistance. DHAP is offered to homebuyers up to eighty percent (80%) Area Median Family Income. Eligible homebuyers must get a principal mortgage through participating lenders and complete a homebuyer counseling course by a HUD approved trainer. FY 2022-23: estimated 11 households to be served.	400,000	400,000
HM06 Housing Development Loan Program - Provide private and nonprofit organizations with loans for the development of single family housing (1-4units) and multifamily housing (5 or more units); FY 2022-23 estimated 75 homes funded.	4,358,172	4,073,476
TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM	6,397,968	6,397,968
EMERGENCY SOLUTIONS GRANT (ESG)		
ES01 Emergency Shelter - Provide (i) payment of operational costs for shelters or transitional housing facilities for homeless persons, and (ii) essential services to homeless persons residing in shelters or transitional housing facilities. Emergency Shelter and Street Outreach costs combined are limited to 60.0% of the grant. FY 2022-23 estimated 4,500 persons to be served (OHS)	538,680	627,847
ES02 Street Outreach - Provide direct services designed to meet the immediate needs of unsheltered homeless persons by connecting them with emergency shelter, housing, and/or critical health services. Emergency Shelter and Street Outreach costs combined are limited to 60.0% of the grant. FY 2022-23 estimated 272 persons to be served (OHS)	177,682	146,291
Essential Services/Operations Sub-Total	716,362	774,138

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A		B	C
Project Name		FY 2021-22 Amended Budget	FY 2022-23 City Manager's Proposed Budget
ES03	Homeless Prevention - Provide financial assistance and housing relocation/stabilization services to persons at-risk of homelessness and meet income limit below 30% of the area median income. Provide short-term (3 months) and medium-term (4 - 24 months) rental assistance; payment of rental arrears up to 6 months. FY 2022-23 estimated 102 persons to be served. (OCC)	246,086	246,086
Homeless Prevention Sub-Total		246,086	246,086
ES04	Rapid Re-Housing - Provide the rapid re-housing assistance to persons who are homeless, to include: (i) housing relocation and stabilization services (HRSS) service costs (ii) HRSS financial assistance and (iii) rental assistance (including short-term (3 months) and medium-term (4-24 months) rental assistance and one-time payment of up to 6 months of rental arrears. FY 2022-23 estimated 29 persons to be served (OHS)	238,782	178,003
Rapid Re-Housing Sub-Total		238,782	178,003
ES05	ESG Administration - Provide monitoring, reporting, and evaluation of contracts and related activities. Administrative costs are limited to 7.5% of the grant. (OHS)	66,000	69,003
ES06	ESG Administration - Provide monitoring, reporting, evaluation and environmental review for program activities. Administrative costs are limited to 7.5% of the grant. (BMS)	23,000	23,000
Program Administration Sub-Total		89,000	92,003
TOTAL EMERGENCY SOLUTIONS GRANT		1,290,230	1,290,230
<u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u>			
HW01	Emergency/Tenant Based Rental Assistance - Provide financial assistance and staff costs for emergency short-term rent/mortgage/utility assistance, long-term tenant-based rental assistance, and permanent housing placement, to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2022-23 estimated 434 households to be served. (OHS)	2,232,600	2,455,000
HW02	Emergency Tenant Based Rental/Financial Assistance - Provide financial assistance and staff costs for emergency short-term rent/mortgage/utility assistance, long-term tenant-based rental assistance, and permanent housing placement, to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2022-23 estimated 320 households to be served. (OCC)	2,223,252	2,223,252
HW03	Facility Based Housing - Provide housing operation costs, including lease, maintenance, utilities, insurance and furnishings) <i>and supportive services, as well as rehabilitation/repair/acquisition</i> , at facilities and master leasing that provide assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2022-23 estimated 234 households to be served. (OHS)	2,640,000	2,385,000

**FY 2022-23 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

APPENDIX

A Project Name	B FY 2021-22 Amended Budget	C FY 2022-23 City Manager's Proposed Budget
HW04 Housing Placement & Other Support Services - Provide supportive services to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area, including hospice and respite care for affected children. FY 2022-23 estimated 38 households to be served. (OHS)	97,400	150,000
HW05 Housing Information Services/ Resource Identification - Provide housing navigation services consisting of a housing resource center with direct one-on-one housing referral assistance and online searchable housing database and web resources, for persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2022-23 estimated 175 households to be served. (OHS)	150,000	150,000
Program Services - Sub-Total	7,343,252	7,363,252
HW06 Program Administration/ City of Dallas - Provide administrative oversight, evaluation, technical assistance, and HMIS client-level data collection for grant funds and program activities. Administrative costs are limited to 3.0% of the grant. (OHS)	120,600	120,600
HW07 Program Administration/ City of Dallas - Provide administrative oversight, evaluation, technical assistance and environmental review for grant funds and program activities. Administrative costs are limited to 3.0% of the grant. (BMS)	103,714	103,714
HW08 Program Administration/ City of Dallas - Provide administrative oversight, evaluation, technical assistance and environmental review for grant funds and program activities. Administrative costs are limited to 3.0% of the grant. (OCC)	13,990	13,990
HW09 Program Administration/ Project Sponsors - Provide administrative oversight, evaluation, and technical assistance for grant funds and program activities.	361,952	341,952
Program Administration Sub-Total	600,256	580,256
TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS	7,943,508	7,943,508
GRAND TOTAL CONSOLIDATED PLAN BUDGET	31,218,434	32,918,434



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-960

Item #: 3.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled George Sanchez v. City of Dallas, Cause No. DC-21-05259
- Not to exceed \$42,500.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff George Sanchez filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on July 13, 2020, involving a Code Compliance Services vehicle. The City and Mr. Sanchez have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Steven A. Lopez PLLC DBA Lopez Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on May 6, 2022.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$42,500.00	\$0.00	\$0.00

May 11, 2022

WHEREAS, a lawsuit styled George Sanchez v. City of Dallas, Cause No. DC-21-05259, was filed by the plaintiff, George Sanchez, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on July 13, 2020, involving a Code Compliance Services vehicle; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay George Sanchez, Steven A. Lopez PLLC DBA Lopez Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$42,500.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit styled George Sanchez v. City of Dallas, Cause No. DC-21-05259, in an amount not to exceed \$42,500.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay George Sanchez, Steven A. Lopez PLLC DBA Lopez Law Firm, and all other persons having an interest in the settlement proceeds, the amount of \$42,500.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1023

Item #: 4.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Horace Greene v. City of Dallas, Cause No. DC-21-03163 - Not to exceed \$150,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Horace Greene filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on July 24, 2020, involving a Dallas Police Department vehicle. The City and Mr. Greene have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Witherite Law Group, PLLC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on May 6, 2022.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Liability Reserve Fund	\$150,000.00	\$0.00	\$0.00

May 11, 2022

WHEREAS, a lawsuit styled Horace Greene v. City of Dallas, Cause No. DC-21-03163, was filed by the plaintiff, Horace Greene, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on July 24, 2020, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Horace Greene, Witherite Law Group, PLLC, and all other persons having an interest in the settlement proceeds, the total amount of \$150,000.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Horace Greene v. City of Dallas, Cause No. DC-21-03163, in an amount not to exceed \$150,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Horace Greene, Witherite Law Group, PLLC, and all other persons having an interest in the settlement proceeds, the amount of \$150,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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



Agenda Information Sheet

File #: 22-759

Item #: 5.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2, 3

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize **(1)** a three-year consultant services contract with two one-year renewal options at the City's discretion for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport) - Ricondo & Associates, Inc., most advantageous proposer of two; and **(2)** an increase in appropriations in an amount not to exceed \$3,000,000.00 in the Aviation Construction Fund - Not to exceed \$3,000,000.00 - Financing: Aviation Construction Fund (subject to annual appropriations)

BACKGROUND

The City of Dallas, Department of Aviation, sought expressions of interest from professional architecture/engineering/planning firms to provide on-call airport planning and programming services for the Dallas Airport System (DAS) in September 2021. Ricondo & Associates, Inc. was selected as the most qualified proposer.

This action will authorize a three-year consultant contract with Ricondo & Associates, Inc., with two one-year renewal options at the City's discretion, to be the principal external source of airport planning expertise and to provide analytical assistance to DAS leadership. Services to be covered include various airport related planning tasks and technical analyses using a task order format. Many of the anticipated tasks will be oriented towards the phasing and implementation of projects in the Capital Improvement Program. The selected on-call consultant team will also be tasked to analyze, assess, and advise on development initiatives from Master Plan and airport business perspectives.

The task-based assignments will range from broad, conceptual studies to detailed project definition and programming for the implementation of specific projects. The Department of Aviation also expects to task the consultant with occasional on-site support for strategic reports on data, site geometries, graphics, and illustrations.

A similar three-year contract was authorized by Council in February 2018. The term of the original contract expired in September 2021. Due to slowdown related to the pandemic, substantial amount of

funding was left in the contract at the time of its expiration. The contract period was extended administratively with no additional funding allocations to March 31, 2022. The proposed contract will replace the existing contract once approved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2018, City Council authorized a consultant contract with Ricondo & Associates, Inc. for on-call airport planning and advisory services for the Dallas Airport System by Resolution No. 18-0326.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	FY 2024
Aviation Construction Fund	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00

<u>Council District</u>	<u>Amount</u>
2	\$2,760,000.00
3	\$ 240,000.00
Total	\$3,000,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$3,000,000.00	Professional Services	38.00%	38.00%	\$1,140,000.00
• This contract meets the M/WBE goal.				
• Ricondo & Associates, Inc. - Non-local; Workforce - 4.30% Local				

PROCUREMENT INFORMATION

The following proposals were received on September 17, 2021 from solicitation number CIZ21-AVI-2007. This service contract is being awarded in its entirety to the most advantageous proposer.

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Ricondo & Associates, Inc.	909 Lake Carolyn Parkway, Suite 850 Irving, TX 75039	94.67

Landrum Brown, Inc.	1452 Hughes Road, Suite 200 Grapevine, TX 76051	84.67
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*Denotes successful proposer

Ricondo & Associates, Inc. was selected as the most qualified firm following a qualification-based selection in accordance with established City Procurement guidelines.

OWNER

Ricondo & Associates, Inc.

Ramon Ricondo, President

MAP

Attached

Dallas Love Field

Dallas Vertiport

Dallas Executive Airport

May 11, 2022

WHEREAS, the goals and purposes of the on-call airport planning and advisory services are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities by using Dallas Executive Airport, Dallas Love Field and the Dallas Vertiport as both drivers and support for those City programs; and

WHEREAS, the Department of Aviation has a need for professional planning services to support and help prioritize projects within the capital improvement program for the Dallas Airport System; and

WHEREAS, on February 28, 2018, City Council authorized a three-year consultant contract for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport) with Ricondo & Associates, Inc., most advantageous proposer of two, by Resolution No. 18-0326; and

WHEREAS, on June 16, 2021, Administrative Action No. 21-5938 authorized Supplemental Agreement No. 1 to Ricondo & Associates, Inc., professional contract to extend the original contract duration for 6 months so that the contract end date will be moved from September 30, 2021 to March 31, 2022; and

WHEREAS, on September 8, 2021, two firms were shortlisted and interviewed for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport); and

WHEREAS, Ricondo & Associates, Inc., was determined to be the most qualified of the two firms; and

WHEREAS, it is now desirable to authorize a three-year consultant services contract with two one-year renewal options at the City's discretion; for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport) with Ricondo & Associates, Inc., most advantageous proposer of two, in an amount not to exceed \$3,000,000.00 (subject to annual appropriations).

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a three-year consultant services contract with Ricondo & Associates, Inc., with two one-year renewal options at the City's discretion; approved as to form by the City Attorney, for on-call airport planning and advisory services for the Dallas Airport System (Dallas Executive Airport, Dallas Love Field, and Dallas Vertiport), in an amount not to exceed \$3,000,000.00 (subject to annual appropriations).

May 11, 2022

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$3,000,000.00 in the Aviation Construction Fund, Fund 0131, Department AVI, Unit 1725, Object 3070.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,000,000.00 (subject to annual appropriations) to Ricondo & Associates, Inc., in accordance with the terms and conditions of the contract from the Aviation Construction Fund, Fund 0131, Department AVI, Unit 1725, Activity AAIP, Object 3070, Program AVI1725, Encumbrance/Contract No. CX-AVI-2021-00016258, Commodity 91800, Vendor VS0000066926.

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



Agenda Information Sheet

File #: 22-677

Item #: 6.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize a six-year reimbursement agreement with the United States Customs and Border Protection for mandated personnel related costs for federal inspection at Dallas Love Field, - annual amount not to exceed \$675,000.00 - total amount for the six year term - in an amount not to exceed \$4,050,000.00 Financing: Aviation Fund

BACKGROUND

Dallas Love Field Airport (Airport) is currently designated as a User Fee Airport through the United States Customs and Border Protection Service (CBP). As part of the designation, CBP mandates all fees associated with the CBP Officers servicing planes as required by law be paid by the Airport. This includes but is not limited to salaries, overtime, premium pay, vacation, and benefits be paid for by the Airport. In December 2010, City Council authorized a memorandum of understanding with CBP detailing its operations at the Airport.

The CBP has informed the Airport they are raising salaries and benefits of their officers, therefore the amount we currently have in place no longer suffices year over year. The amount we are required to pay is also dependent on the number of planes the officers service, due to overtime, weekend, overnight, and holiday hours worked. This being the case, it is difficult to anticipate or project the number of hours CBP will need to work. The current agreement in place is now obsolete which has resulted in internal and external staff hours being spent on ratifications to pay CBP the salaries earned by the officers. A table of explanations is attached in Exhibit A.

Approval of this item will authorize the Airport and the Department of Aviation to have proper funding for not only the base pay minimums and benefits - but also as flight schedules return back to normal and exceed pre-covid travel, have the overages and the anticipatory significant rate increases such as the one we are presenting now.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2010, City Council authorized a Memorandum of Agreement with the U.S. Customs and Border Protection Agency by Resolution No. 10-3053.

On January 26, 2011, City Council authorized an ordinance amending Chapter 5 of the Dallas City Code to establish international arrival fees for certain aircraft landing at Dallas Love Field and using United States Customs and Border Protection services by Resolution No. 11-0304.

FISCAL INFORMATION

Fund	FY 2021-22	FY 2022-23	Future Years
Aviation Fund	\$300,000.00	\$675,000.00	\$3,075,000.00

May 11, 2022

WHEREAS, in 2010, the City of Dallas entered into a reimbursement agreement with the United States Customs and Border Protection (CBP) for federal inspection services for international flights arriving at Dallas Love Field (Airport), as authorized by City Council Resolution No. 10-3053; and

WHEREAS, CBP has initiated a user fee facility full cost recovery methodology thereby raising the salaries and benefits of its officers for the mandatory Federal Inspection Services that they perform on behalf of the federal government; and

WHEREAS, due to the federal user fee facility full cost recovery initiative, the current agreement with CBP is obsolete; and

WHEREAS, a new agreement and an additional appropriation of funds is now necessary to meet the city's reimbursement obligations to CBP for federal inspection services for international arrivals at the Airport; and

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a six-year reimbursement agreement with the United States Customs and Border Protection, approved as to form by the City Attorney, for federally mandated personnel related costs for federal inspection services at Dallas Love – annual amount not to exceed \$675,000.00 – total amount for the six-year term - \$4,050,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds to U.S. Customs and Border Protection from AVI Operating Fund, Fund 0130, Department AVI, Unit 7722, Object 3099, Vendor VC0000009559.

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



Agenda Information Sheet

File #: 22-722

Item #: 7.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize an increase in parking rates to meet market standards and demand, as well as adjust for ever increasing costs for maintenance and labor management for Garages A, B, C, and Valet at the Dallas Love Field Airport - Estimated Revenue: Aviation Fund \$5,664,816.00

BACKGROUND

Dallas Love Field Airport (the Airport) has maintained two garages for many years as passenger levels remained stable during the Wright Amendment Restrictions. There were approximately 1,110 daily spaces and all airport employees were allowed parking in Garage B for their shifts.

In 2014 with the expiration of those flight restrictions, passenger volumes increased dramatically, resulting in scarcity of parking availability. So much so that during Thanksgiving of 2014, the Airport and offsite lots were completely full with no spaces available.

In early 2015, the City moved the Airport employees to the former garage on Lemmon Avenue, opened the Love Connection remote lot for discounted public parking, and began constructing the new garage (Garage C). When Garage C opened in 2018, employees moved to Love Connection and prices were reduced in all garages to stimulate customer usage. In addition, discounted rates were implemented to compete with the off airport lots. The parking overview provides a visual of spaces and rates, seen below:

Type	Spaces	Rate	Change
Garage A - Built 1988	3000	\$15.00 Daily	Decreased from \$17.00 in August, 2018
Garage B - Built 2003	4000	\$9.00 Daily / \$7.00 Roof	Decreased from \$13.00 in August, 2018
Valet - Opened 2013	450 Spaces	\$24.00 Daily	Set in August 2018
Garage C - Built 2018	5000 Spaces short-term and Valet	\$15.00 Daily / \$13.00 Roof	Set in August 2018

Upon approval of this item, the use of Garage C (the newest garage on the right as you enter the airport) will be free for 59 minutes starting May 27, 2022 to provide more convenience when picking up passengers from the airport. Garages A and B will remain free for 30 minutes.

In addition, the Cell Phone Waiting Lot, located on the South end of Herb Kelleher Way, has free parking while waiting on people to land and get bags from Baggage Claim. Passengers can be quickly and efficiently picked up from Baggage Claim within five minutes without congesting the curb.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 18, 1987, City Council authorized Parking Rate Revision by Resolution No. 87-0905.

On February 10, 1988, City Council authorized Parking Rate Revision by Resolution No. 88-0518.

On September 28, 1988, City Council authorized Parking Rate Revision by Resolution No. 88-3127.

On June 24, 1992, City Council authorized Parking Rate Revision by Resolution No. 92-2473.

On September 10, 2008, City Council authorized an increase in the daily parking rates charged for Garages A and B at Dallas Love Field, to become effective October 1, 2008, by Resolution No. 08-2405.

On October 22, 2008, City Council authorized an amendment to Resolution No. 08-2405, previously approved on September 10, 2008, to correct the hourly rates charged for parking at Dallas Love Field by Resolution No. 08-2825.

On September 8, 2010, City Council authorized an increase in the daily rates charged for parking in Garages A and B at Dallas Love Field, to become effective October 1, 2010, by Resolution No. 10-2266.

On June 25, 2014, City Council authorized an increase in the daily rates charged for parking in Garages A and B and valet services at Dallas Love Field, effective August 1, 2014, by Resolution No. 14-0984.

On October 24, 2018, On October 24, 2018 City Council authorized a change to the daily parking rates charged for Garages A, B, C, and Valet services at Dallas Love Field to become effective November 1, 2018 by Resolution No. 18-1480.

City Council was briefed on Parking Rate at Dallas Love Field on April 6, 2022.

[City Council was briefed by memorandum on May 6, 2022.](#)

FISCAL INFORMATION

Estimated Revenue: Aviation Fund \$5,664,816.00

May 11, 2022

WHEREAS, the 2007 Airport Rates and Charges Study provides the framework for setting fees and charges for the Department of Aviation; and

WHEREAS, the 2007 Airport Rates and Charges Study directed staff to review and, if necessary, adjust parking rates every 18 to 24 months to achieve market level parking rates; and

WHEREAS, on September 10, 2008, City Council authorized an increase in the daily parking rates charged for Garages A and B at Dallas Love Field to become effective October 1, 2008, by Resolution No. 08-2405; and

WHEREAS, on October 22, 2008, City Council authorized an amendment to Resolution No. 08-2405, previously approved on September 10, 2008, to correct the hourly rates charged for parking at Dallas Love Field by Resolution No. 08-2825; and

WHEREAS, on September 8, 2010, City Council authorized an increase in the daily rates charged for parking in Garages A and B at Dallas Love Field, to become effective October 1, 2010, by Resolution No. 10-2266; and

WHEREAS, on June 25, 2014 City Council authorized an increase in the daily rates charged for parking in Garages A and B and valet services at Dallas Love Field, effective August 1, 2014, by Resolution No. 14-0984; and

WHEREAS, increased competition is impacting Love Field Airport occupancy and revenues; and

WHEREAS, on October 24, 2018 City Council authorized a change to the daily parking rates charged for Garages A, B, C, and Valet services at Dallas Love Field to become effective November 1, 2018 by Resolution No. 18-1480; and

WHEREAS, it is now necessary to authorize new parking rates for Garage C parking; a decrease in the daily rates charged for parking in Garages A and B; closing Love Connection remote parking to the public; an increased rate for valet services and premium area parking; and improved parking product options and value to the traveling public to gain market share.

Now, Therefore,

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

May 11, 2022

SECTION 1. That the City Manager is hereby authorized to implement an increase in parking rates, approved as to form by the City Attorney, to meet market standards and demand, and adjust increasing costs for maintenance and labor management for Garages A, B, C, Valet, and Love Connection at Dallas Love Field Airport, to be effective after May 27, 2022 in accordance with the following schedule:

Garage A		Garage B		Garage C		Valet		Monthly Parking
0-½ hour	\$0.00	0-½ hour	\$0.00	0-1 hour	\$0.00	0-1 hour	\$8.00	\$35 monthly (employees only)
½-1 hour	\$4.00	½-1 hour	\$3.00	1-2 hours	\$6.00	1-2 hours	\$13.00	
1-2 hours	\$6.00	1-2 hours	\$5.00	2-3 hours	\$10.00	2-3 hours	\$16.00	
2-3 hours	\$10.00	2-3 hours	\$7.00	3-5 hours	\$13.00	3-5 hours	\$19.00	
3-5 hours	\$13.00	3-24 hours	\$13.00	5-24 hours	\$16.00	5-24 hours	\$28.00	
5-24 hours	\$16.00			Roof Pricing				
		Roof Pricing		3-24 hours	\$13.00			
		3-24 hours	\$10.00	Premium Pricing				
				0-5 hours	\$13.00			
				5-24 hours	\$25.00			

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from operating the parking garages, valet, and Love Connection to Aviation Fund, Fund 0130, Department AVI, Unit 7751, Revenue Code - Various.

Garages A, B, and C 7715	\$5,445,304.00
Valet 7716	<u>\$ 219,512.00</u>

Total estimated Revenue	\$5,664,816.00
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SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-834

Item #: 8.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

A resolution authorizing the conveyance of an access easement containing approximately 3,355 square feet of land to the North Texas Municipal Water District across City-owned land which is used for the Dallas Water Utilities Lake Tawakoni Pipeline Project located in the City of Forney, Kaufman County, Texas - Estimated Revenue: General Fund \$327.00

BACKGROUND

This item authorizes the conveyance of an access easement containing approximately 3,355 square feet of land to the North Texas Municipal Water District across City-owned land which is used for the Dallas Water Utilities Lake Tawakoni Pipeline Project located in the City of Forney, Kaufman County, Texas. The easement is needed for the proposed Buffalo Creek Parallel Interceptor, Phase I Wastewater Project. The purchase price is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

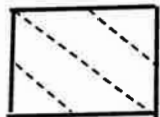
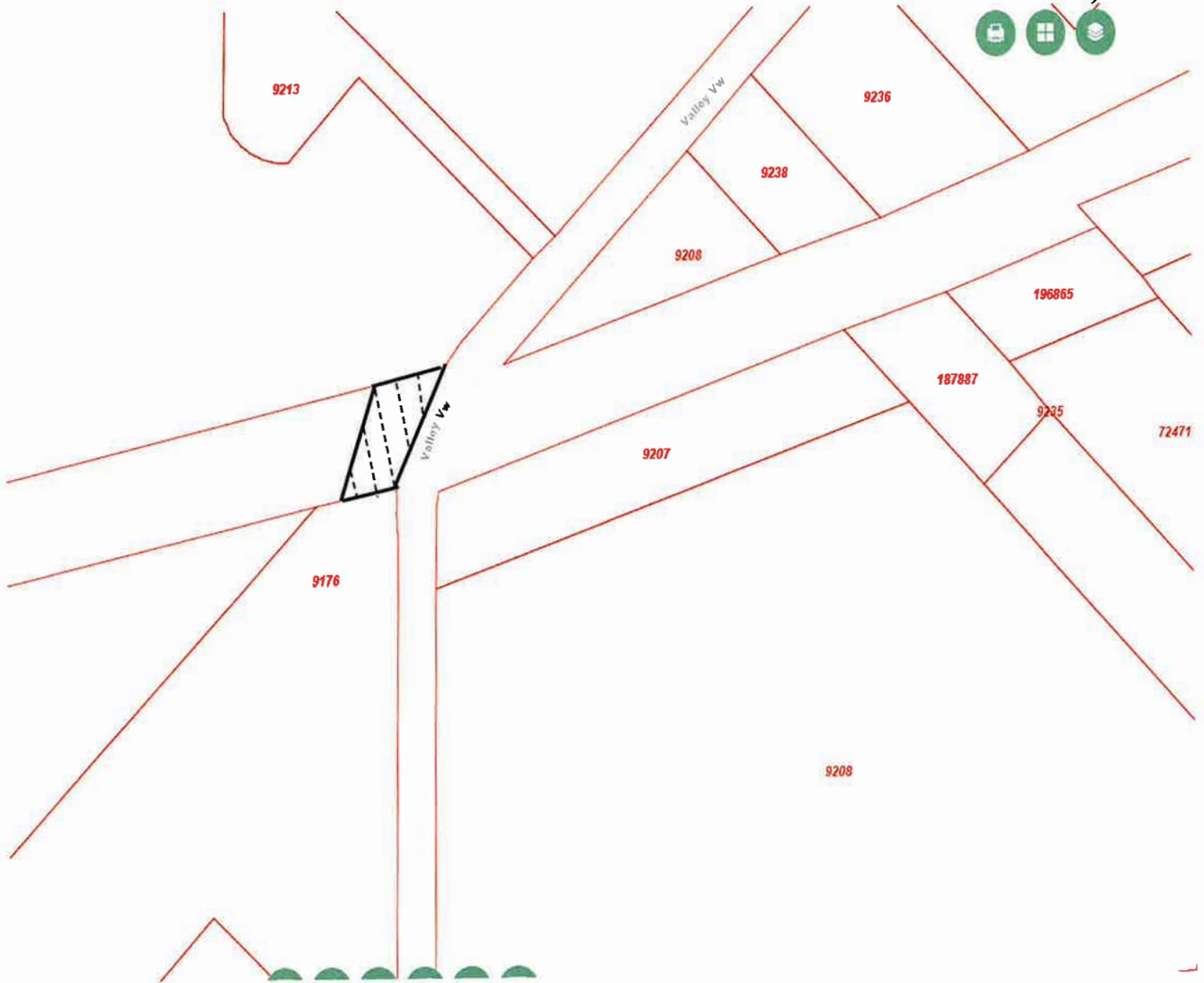
FISCAL INFORMATION

Estimated Revenue: General Fund \$327.00

MAP

Attached

DALLAS WATER UTILITIES LAKE TAWAKONI PIPELINE PROJECT



Access Easement approx. 3,355 sqft



OUTSIDE CITY LIMITS

May 11, 2022

WHEREAS, the City of Dallas owns a tract of land which is used for the Lake Tawakoni Pipeline Project; and

WHEREAS, North Texas Municipal Water District has requested an access easement containing approximately 3,355 square feet of land over and across City-owned land which is used for the Lake Tawakoni Pipeline Project located in the City of Forney, Kaufman County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes.

WHEREAS, North Texas Municipal Water District, a Water Control Improvement District, has the power of eminent domain and proposes to purchase easement rights to said Property at fair market value; and

Now, Therefore,

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

SECTION 1. That upon receipt of **THREE HUNDRED TWENTY-SEVEN DOLLARS AND NO/100 (\$327.00)** from North Texas Municipal Water District, the City Manager or designee is hereby authorized to execute an Access Easement, to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works – Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred General Fund, Fund 0001, Department PBW, Unit 1181, Object 5011. Any remaining proceeds shall be transferred to the Wastewater Construction Fund, Fund 0103, Department DWU, Unit CS40, Revenue Code 8428.

SECTION 3. That this Resolution is designated for City purposes as Contract No. PBW-2022-00019043.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

BY: 

Assistant City Attorney

**NORTH TEXAS MUNICIPAL WATER DISTRICT
BUFFALO CREEK INTERCEPTOR SYSTEM
BUFFALO CREEK PARALLEL INTERCEPTOR, PHASE I
PROJECT NO. 507-0484-17**

**ACCESS EASEMENT NO. 8
16-FOOT ACCESS EASEMENT
OWNER OF PARENT TRACT: CITY OF DALLAS, TEXAS
J. LOPEZ SURVEY, ABSTRACT NO. 286
KAUFMAN COUNTY, TEXAS**

BEING a 3,355 square foot (0.0770-acre) tract of land situated in the J. Lopez Survey, Abstract No. 286, Kaufman County, Texas, and being a portion of a 18.2-acre tract of land described in Correction Warranty Deed to City of Dallas, Texas, a municipal corporation, recorded in Volume 577, Page 705, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and a portion of the 2.3-acre tract of land described in plat of survey instrument labeled City of Dallas, Texas, recorded in Volume 438, Page 299, D.R.K.C.T., and a portion of the 0.6457-acre tract of land described in Warranty Deed to the City of Dallas, Texas, recorded under Instrument No. 2015-0008078 of Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a City of Dallas Monument found at the most northerly northwest corner of said City of Dallas 0.6457-acre tract;

THENCE North 76 degrees 35 minutes 52 seconds East, with the northerly line of said City of Dallas 0.6457-acre tract a distance of 49.28 feet (record – 48.80 feet) to a 1/2-inch iron rebar with red plastic cap stamped "Dal-Tech" found;

THENCE North 70 degrees 02 minutes 21 seconds East, with the northerly line of said City of Dallas 0.6457-acre tract and northerly line of an easement to Kaufman County Municipal Utility District No. 3 as recorded in Volume 3038, Page 578, O.P.R.K.C.T., a distance of 79.36 feet to a 1/2-inch iron rebar found at the northeast corner of said 0.6457-acre tract, said point being on the west right-of-way line of County Road No. 222 (Valley View Road);

THENCE South 02 degrees 35 minutes 45 seconds West, with the east line of said City of Dallas 0.6457-acre tract and west right-of-way line of said County Road No. 222 (Valley View Road) a distance of 20.24 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" for the **POINT OF BEGINNING**, said point having grid coordinates of N= 6974173.40 and E= 2598153.36;

THENCE South 02 degrees 35 minutes 45 seconds West, continuing with the east line of said City of Dallas 0.6457-acre tract and west right-of-way line of said County Road No. 222 (Valley View Road) a distance of 18.36 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" from which a 1/2-inch iron rebar with red plastic cap found on said east line of the 0.6457-acre tract bears South 02 degrees 35 minutes 45 seconds West at a distance of 12.06 feet;

THENCE North 58 degrees 00 minutes 59 seconds West, over and across said City of Dallas 0.6457-acre tract passing the common line with said 2.3-acre tract at a distance of 45.32 feet, and continuing over and across said 2.3-acre tract passing the common line with said 18.2-acre

**NORTH TEXAS MUNICIPAL WATER DISTRICT
BUFFALO CREEK INTERCEPTOR SYSTEM
BUFFALO CREEK PARALLEL INTERCEPTOR, PHASE I
PROJECT NO. 507-0484-17**

**ACCESS EASEMENT NO. 8
16-FOOT ACCESS EASEMENT
OWNER OF PARENT TRACT: CITY OF DALLAS, TEXAS
J. LOPEZ SURVEY, ABSTRACT NO. 286
KAUFMAN COUNTY, TEXAS**

tract at a distance of 96.10 feet, and continuing over and across said 18.2-acre tract in all a total distance of 222.04 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" on the common line of said City of Dallas tract and a tract of land described in instrument to Pamela Samantha Keats (Tract 1), as recorded under Volume 1288, Page 364, D.R.K.C.T., said point also being on the southeast line of a 50' Kaufman County Municipal Utility District (M.U.D.) No. 3 Sanitary Sewer and Access Road Easement, as recorded under Volume 4292, Page 291, D.R.K.C.T.;

THENCE North 76 degrees 37 minutes 26 seconds East, with the common line of said Keats and said City of Dallas tracts and with the southeast line of said Kaufman County M.U.D. No. 3 tract a distance of 22.49 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars";

THENCE South 58 degrees 00 minutes 59 seconds East, over and across said 18.2-acre, 2.3-acre and 0.6457-acre City of Dallas tracts a distance of 197.23 feet to the **POINT OF BEGINNING** and **CONTAINING** 0.0770 acres or 3,355 square feet of land, more or less.

NOTES:

1. Bearings and coordinates shown hereon are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum 1983 (2011). Coordinates can be adjusted to surface values using the combined scale factor of 1.000114077. All distances and areas shown hereon are surface values (US Survey Feet).

Company Name: Huitt-Zollars, Inc.

By: _____

Surveyor's Name: Mitchell S. Pillar

Registered Professional Land Surveyor

Texas Registration No. 5491

Date of Survey: March 10, 2020

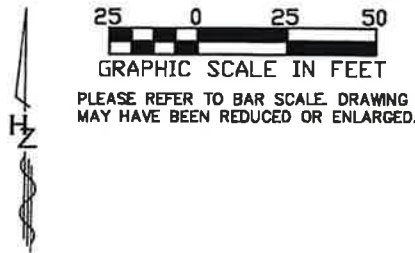
Revised Dates: March 3, 2021; April 12, 2021; May 6, 2021

November 23, 2021; January 5, 2022

Access Easement No. 8

Texas Firm Registration No. 10025600

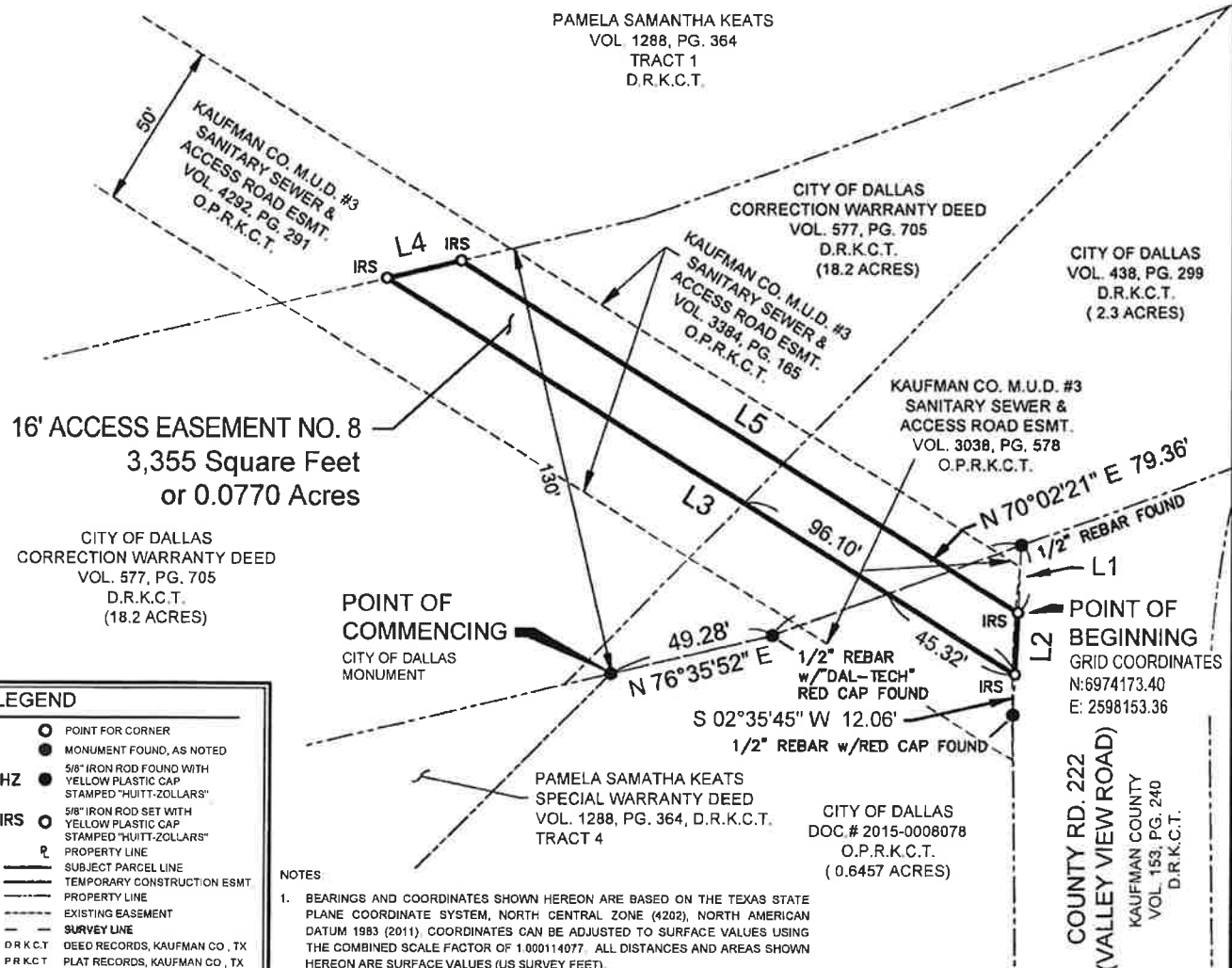




LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°35'45" W	20.24'
L2	S 02°35'45" W	18.36'
L3	N 58°00'59" W	222.04'
L4	N 76°37'26" E	22.49'
L5	S 58°00'59" E	197.23'

J. LOPEZ SURVEY ABSTRACT NO. 286



NORTH TEXAS MUNICIPAL WATER DISTRICT

501 EAST BROWN ST. • P.O. BOX 2408 • WYLLIE, TX 75098

BUFFALO CREEK INTERCEPTOR SYSTEM BUFFALO CREEK PARALLEL INTERCEPTOR, PHASE I

PARCEL NO.: ACCESS PARCEL NO. 8	NTMWD PROJECT NO. 507-0484-17	HZ PROJECT NO. R308085.01
SURVEY: J. LOPEZ SURVEY, ABSTRACT NO. 286	LOCATION: KAUFMAN COUNTY, TEXAS	
PARENT TRACT OWNER: CITY OF DALLAS	PARENT DEEDS: Vol. 577, Pg. 705; Vol. 438, Pg. 299; #2015-0008078, O.P.R.K.C.T.	
PARENT TRACT ACREAGE: 21.15 AC.	EASEMENT ACREAGE: 0.0770 AC.	TEMP. EASEMENT ACREAGE: N/A
DWG: R30808501-Buffalo Creek Access Easmt., City of Dallas (8 reviewed)	DRAWN BY: BH, de	SCALE: 1"=50'
DATE: 04/12/2020	REV: 01/05/2022	CHECKED BY: MG
		PAGE 3 OF 3

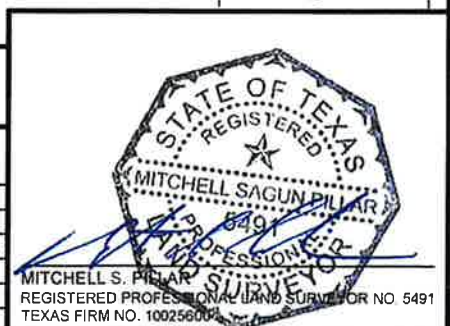
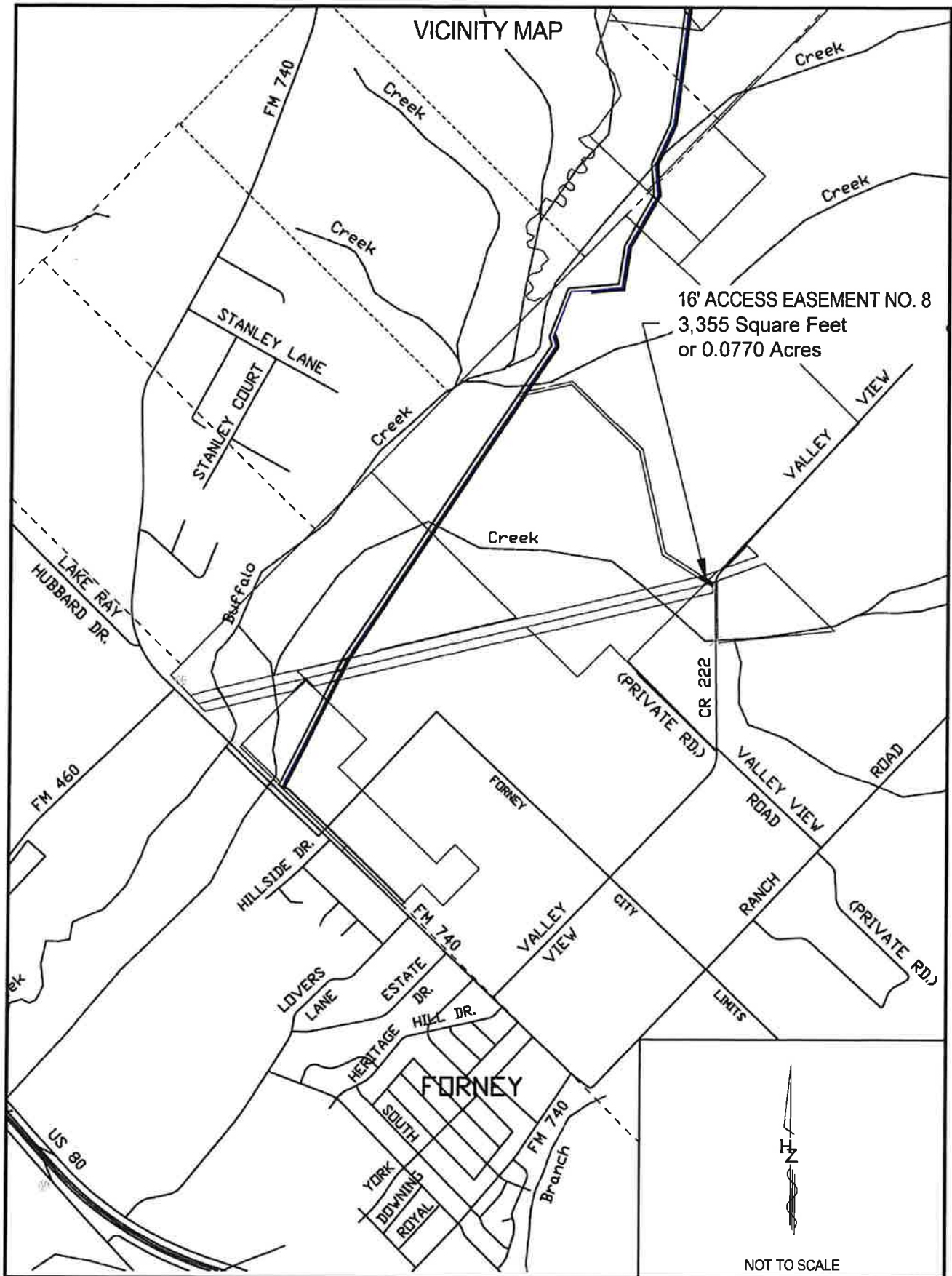


EXHIBIT A





City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-872

Item #: 9.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

An ordinance amending Ordinance No. 31850, previously approved on May 12, 2021, which abandoned a portion of Killion Drive, located near the intersection of Killion and Gooding Drives to the Dallas Independent School District, to extend the final replat deadline from one year to twenty-four months - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 31850, previously approved on May 12, 2021, which abandoned a portion of Killion Drive, located near the intersection of Killion and Gooding Drives to the Dallas Independent School District. This amendment will allow for the extension of the final replat deadline from one year to twenty-four months.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 12, 2021, City Council authorized the abandonment of a portion of Killion Drive to the Dallas Independent School District, the abutting owner, containing approximately 818 square feet of land by Resolution 21-0749; Ordinance No. 31850.

FISCAL INFORMATION

Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

OWNER

Dallas Independent School District

Ben Mackey, President

MAP

Attached

[illegible][illegible]

(Street Right-of-Way - Portion of Killion Drive)

COUNCIL DISTRICT 13

ORDINANCE NO. _____

An ordinance amending Ordinance No. 31850, by altering Section 10 to extend the final replat deadline from one year to 24 months; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

ooo0ooo

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

SECTION 1. That Ordinance No. 31850 adopted by the City Council of the City of Dallas on May 12, 2021, be and the same is hereby amended by altering Section 10 to read as follows:

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within ~~one (1) year~~ 24 months of the effective date of this ordinance. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this replat is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 2. That, as consideration for amending Ordinance No. 31850, Dallas Independent School District, a governmental instrumentality, agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works – Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General

SECTION 3. (continued)

Fund, Fund 0001, Department PBW, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 4. That the terms and conditions of Ordinance No. 31850 shall remain in full force and effect except as amended hereby.

SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Public Works, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 10, the Director of Department of Public Works, or designee shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Public Works, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

SECTION 6. That this ordinance is designated for City purposes as Contract No. PBW-2020-00014200.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
City Attorney

ALI HATEFI, Interim Director
Department of Public Works

BY 
Assistant City Attorney

BY Lolita Williams for
Lolita Williams for (Apr 1, 2022 15:54 CDT)
Assistant Director

Passed _____.



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-933

Item #: 10.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

An ordinance providing for the closure and vacation to vehicular traffic of a portion of South Pearl Expressway containing approximately 12,160 square feet of land, located at the intersection of South Pearl Expressway and Taylor Street – Financing: No cost consideration to the City

BACKGROUND

This item authorizes the closure and vacation to vehicular traffic of a portion of South Pearl Expressway containing approximately 12,160 square feet of land. The area will be included with the adjacent City-owned property for improvements to Farmers Market.

Notices were sent to 42 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 11, 1997, City Council authorized an ordinance closing and vacating a portion of South Pearl Expressway, containing approximately 15,298 square feet of land, located between Taylor Street and Marilla Extension for consolidation into the Farmers Market by Resolution No. 97-2066; Ordinance No. 23182.

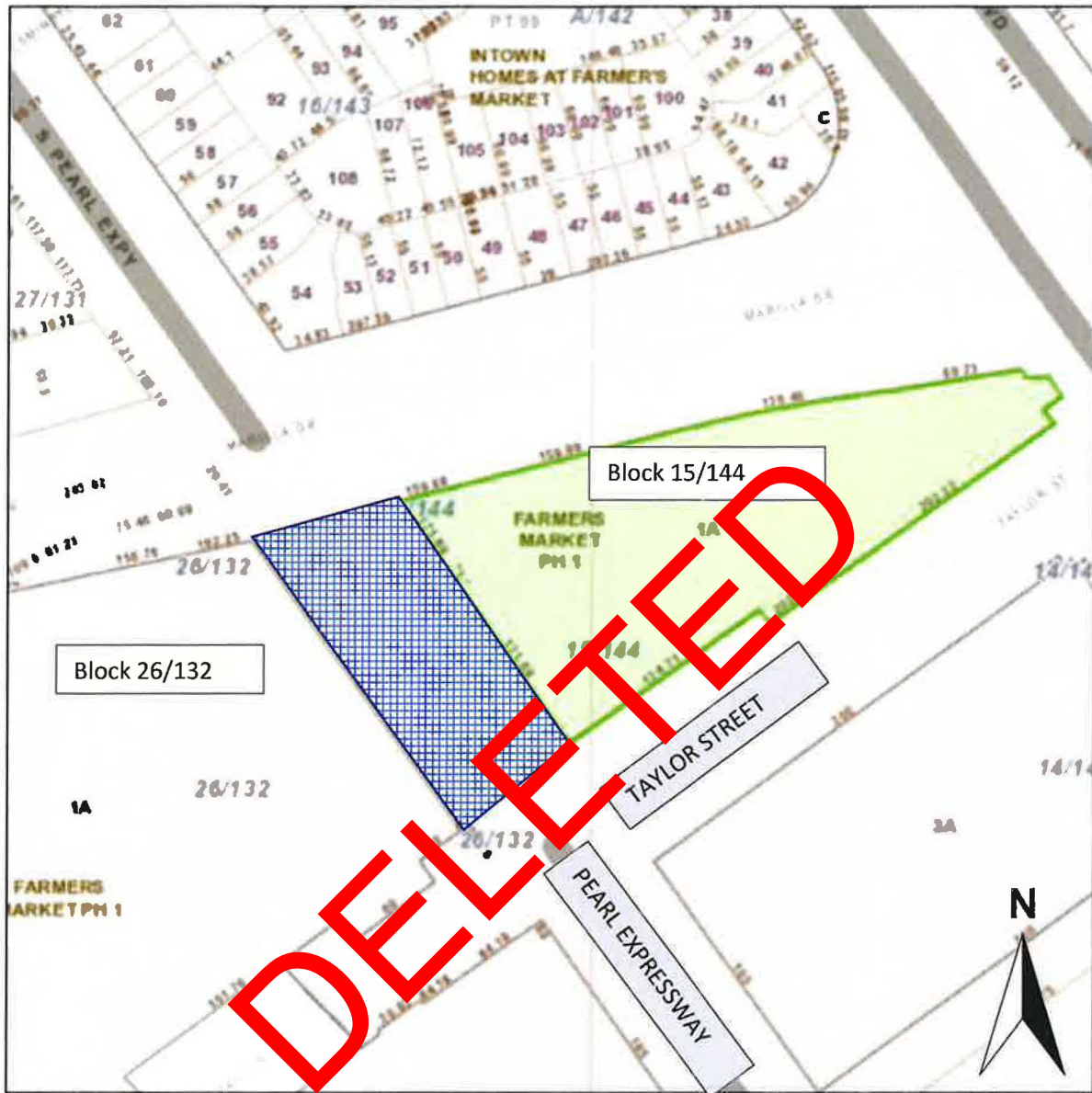
On June 12, 2013, City Council authorized the re-opening of a portion of South Pearl Expressway containing approximately 15,298 square feet of land, located near its intersection with Taylor Street by Resolution No. 13-1024; Ordinance No. 29040.

FISCAL INFORMATION

No cost consideration to the City.

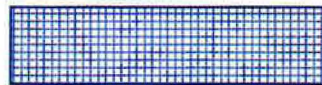
MAP

Attached



Log No. 50142

Close and Vacate Area:



ORDINANCE NO. _____

An ordinance providing for the closure and vacation to vehicular traffic of a portion of South Pearl Expressway adjacent to City Blocks 26/132 and 15/144 in the City of Dallas and County of Dallas, Texas; providing for the terms, provisions and effective date of the closure and vacation made herein; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City of Dallas Office of Economic Development Department has requested the closure and vacation to vehicular traffic of a portion of South Pearl Expressway for improvements to Farmers Market; and

WHEREAS, on June 11, 1997, the City Council of the City of Dallas passed Ordinance No. 23182 for the closure and vacation of a portion of South Pearl Expressway; and

WHEREAS, on June 12, 2013, the City Council of the City of Dallas passed Ordinance No. 29040 for the re-opening of a portion of South Pearl Expressway; and

WHEREAS, the City Council of the City of Dallas, acting pursuant to law, is of the opinion that the best interest and welfare of the public will be served by closing and vacating a portion of South Pearl Expressway adjacent to City Blocks 26/132 and 15/144 to all vehicular traffic.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is hereby vacated and closed insofar as the right, title and easement of the public to use said tract for vehicular purposes are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That the Chief Financial Officer is hereby authorized to transfer the monetary consideration in the sum of **NINETY-FIVE AND NO/100 (\$95.00) DOLLARS** for the Publication Fee of **TWENTY AND NO/100 (\$20.00) DOLLARS** and Recording Fee of **SEVENTY-FIVE AND NO/100 (\$75.00) DOLLARS** from the Farmers Market TIF District Fund, Fund 0036, Department ECO, Unit 9576, Activity TFFM, Object Code 3099 to the General Fund, Fund 0001, Department PBW, Balance Sheet 0519 and Department of Public Works Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department PBW, Unit 1181,

SECTION 2. (continued)

Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 3. That the closure and vacation provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are subject to existing and retained rights of the City to use the property described in Exhibit A for water, wastewater and drainage purposes and the presently existing facilities, if any, for all public utility and fiber optic franchisees, which facilities shall remain in place pursuant to the respective franchise agreements with those companies.

SECTION 4. That the closure and vacation provided for herein is made subject to public use for pedestrian traffic shall remain open and accessible.

SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Public Works, or designee.

SECTION 6. That this ordinance is designated for City purposes as Contract No. PBW-2021-00015656.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CARO
City Attorney

BY 
Assistant City Attorney

ALIREZA HATEFI, Interim Director
Department of Public Works

BY 
Lolita Williams for (Feb 11, 2022 09:06 CST)
Assistant Director

Passed _____.

CLOSE AND VACATE

Pearl Expressway
 Adjacent to Block 15/144 and Block 26/132
 Farmer's Market Addition, Phase 1
 John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas

BEING a 0.279 acre (12,160 square foot) tract of land situated in Pearl Expressway, closed and vacated by Ordinance #23182 Volume 97127, Page 1664 Deed Records, Dallas County, Texas, John Grigsby Survey, Abstract No. 495, Dallas, Dallas County, Texas, subsequently reopened by Ordinance #29040 and being adjacent to Block 15/144 and Block 26/132 Farmer's Market Addition, Phase 1, an addition to the City of Dallas according to the plat recorded in Instrument Number 202000142504 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "x" cut in concrete set for corner in the northeast line of said Pearl Expressway (an 80 public foot right-of-way), said "x" being North 36°00'00" West a distance of 2.46 feet from an "x" cut in concrete found for corner at the intersection of said northeast line of Pearl Expressway and the northwest line of Taylor Street (a variable width public right-of-way), recorded in Volume 4, Page 350 Map Records, Dallas County, Texas, said "x" being the south corner of said Block 15/144;

THENCE South 54°00'00" West, departing said northeast line of Pearl Expressway and traveling over and across said Pearl Expressway for a distance of 10.00 feet to an "x" cut in concrete set for corner in the southwest line of said Pearl Expressway and the northeast line of aforementioned Block 26/132;

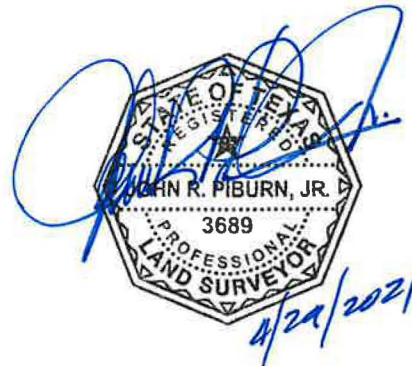
THENCE North 36°00'00" West, along said southwest line of Pearl Expressway for a distance of 152.00 feet to an "x" cut in concrete set for corner;

THENCE North 54°00'00" East, departing said southwest line of Pearl Expressway and traveling over and across said Pearl Expressway for a distance of 80.00 feet to an "x" cut in concrete set for corner in the aforementioned northeast line of Pearl Expressway, said "x" being South 36°00'00" East a distance of 17.23 feet from an "x" cut in concrete found for corner at the intersection of said northeast line of Pearl Expressway and the southeast line of Marilla Street (a variable width public right-of-way), recorded in Volume 91249, Page 4072 Deed Records, Dallas County, Texas, said "x" being the west corner of said Block 15/144;

THENCE South 36°00'00" East, along said northeast line of Pearl Expressway for a distance of 152.00 feet to the POINT OF BEGINNING and containing 0.279 acres, or 12,160 square feet of land, more or less.

NOTES:

cm = controlling monument
 mag fnd = magnetic nail found for corner
 "x" fnd = "x" cut in concrete found for corner
 "x" set = "x" cut in concrete set for corner
 Vol. = Volume
 Pg. = Page
 R.O.W. = right-of-way
 Ord No. = Ordinance Number
 Inst No. = Instrument Number
 D.R.D.C.T. = Deed Records, Dallas County, Texas
 M.R.D.C.T. = Map Records, Dallas County, Texas
 O.P.R.D.C.T. = Official Public Records, Dallas County, Texas



Basis of Bearings is the northeast line (North 36°00'00" West) of Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 4, Page 350 Map Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed By:	G.S.
Date:	5-5-21
SPRG NO.:	5603

CLOSE AND VACATE

Pearl Expressway
Adjacent to Block 15/144 and Block 26/132
Farmer's Market Addition, Phase 1

John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas



0 10 20 30 40 60 feet

SCALE: 1" = 40'

Marilla Street
(a variable width R.O.W.)
Vol 91249, Pg 4072
(D.R.D.C.T.)

License Agreement
Ord No. 31797
Inst No. 202100102621
(O.P.R.D.C.T.)

John Grigsby Survey
Abstract No. 495

License Agreement
Ord No. 31434
Inst No. 202000058256
(O.P.R.D.C.T.)

**Lot 1A, Block 15/144
FARMER'S MARKET
ADDITION, PHASE 1**
Inst No. 202000142504
O.P.R.D.C.T.

TAYLOR STREET 2111, LP
Inst No. 201200383129
O.P.R.D.C.T.

Tract 2
Vol 91249, Pg 8003
(D.R.D.C.T.)

**Lot 1A, Block 26/132
FARMER'S MARKET
ADDITION, PHASE 1**
Inst No. 202000142504
O.P.R.D.C.T.

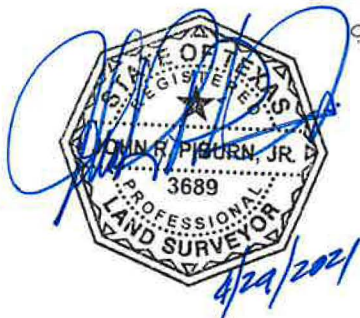
DF MARKET 2, LLC
Inst No. 201500190271
O.P.R.D.C.T.

Pearl Expressway
Closed & Vacated
by Ordinance #23182
(D.R.D.C.T.)
12.160 square feet
by Ordinance #29040
(D.R.D.C.T.)

P.O.B.
"x" set

License Agreement
Ord No. 31434
Inst No. 202000058256
(O.P.R.D.C.T.)

Taylor Street
(a variable width R.O.W.)
Vol 4, Pg 350 (M.R.D.C.T.)



Basis of Bearings is the northeast line
(North 36°00'00" West) of Pearl Street, as
shown on plat of the Revised Map of
Railroad Addition, an addition to the City
of Dallas, Dallas County, Texas according
to the plat recorded in Volume 4, Page
350 Map Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed By:	<u>G.S.</u>
Date:	<u>5-5-21</u>
SPRG NO.:	<u>5603</u>



EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.



Agenda Information Sheet

File #: 22-995

Item #: 11.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 10, 11, 12, 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleleg Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road; and **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$744,246.64 - Estimated Revenue: Capital Projects Reimbursement Fund \$744,246.64

BACKGROUND

This action will authorize a Project Specific Agreement with Dallas County to identify and fund qualified various "Type B" public roadways within the City of Dallas in County Commissioner District 2.

This project will consist of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleleg Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road.

The City of Dallas is the lead agency responsible for administering construction of the above-mentioned projects to be performed by City contractors.

The total estimated project cost for construction is \$1,488,493.28 of which \$744,246.64 is to be funded by Dallas County and \$744,246.64 is to be funded by the City of Dallas.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2022
Complete Construction	December 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 2017, City Council authorized a Master Interlocal Agreement with Dallas County pertaining to the coordination of responsibilities for transportation-related maintenance on roadways and bridges within the city of Dallas by Resolution No. 17-1892.

On February 6, 2018, the County of Dallas, State of Texas, executed the Master Interlocal Agreement pursuant to Commissioners Court Order Number 2018-017.

FISCAL INFORMATION

Estimated Revenue: Capital Projects Reimbursement Fund \$744,246.64

MAP

Attached

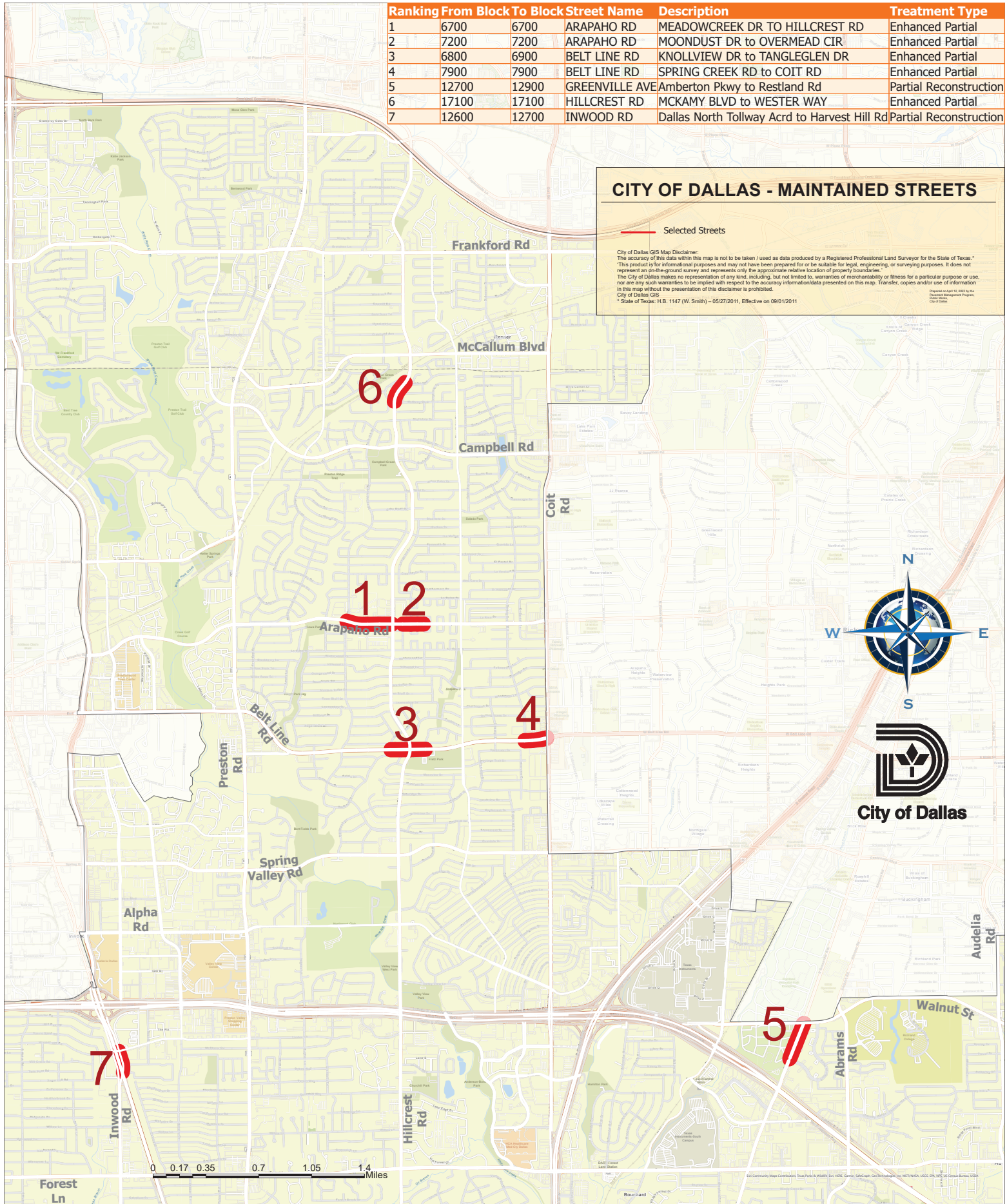
City of Dallas - Street Maintenance Projects on Type B Roads in Dallas County District 2

Ranking	From Block	To Block	Street Name	Description	Treatment Type
1	6700	6700	ARAPAHO RD	MEADOWCREEK DR TO HILLCREST RD	Enhanced Partial
2	7200	7200	ARAPAHO RD	MOONDUST DR to OVERMEAD CIR	Enhanced Partial
3	6800	6900	BELT LINE RD	KNOLLVIEW DR to TANGLEGLEN DR	Enhanced Partial
4	7900	7900	BELT LINE RD	SPRING CREEK RD to COIT RD	Enhanced Partial
5	12700	12900	GREENVILLE AVE	Amberton Pkwy to Restland Rd	Partial Reconstruction
6	17100	17100	HILLCREST RD	MCKAMY BLVD to WESTER WAY	Enhanced Partial
7	12600	12700	INWOOD RD	Dallas North Tollway Acrd to Harvest Hill Rd	Partial Reconstruction

CITY OF DALLAS - MAINTAINED STREETS

Selected Streets

City of Dallas GIS Map Disclaimer:
The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.
* This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy of information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited.
City of Dallas GIS
* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011



May 11, 2022

WHEREAS, on December 13, 2017, City Council authorized a Master Interlocal Agreement with Dallas County pertaining to the coordination of responsibilities for transportation-related maintenance on roadways and bridges within the city of Dallas by Resolution No. 17-1892; and

WHEREAS, on February 6, 2018, the County of Dallas, State of Texas, executed the Master Interlocal Agreement pursuant to Commissioners Court Order Number 2018-0171; and

WHEREAS, the City of Dallas is the lead agency for administering the repair, maintenance, and improvements of these projects; and

WHEREAS, it is now necessary to authorize a Project Specific Agreement with Dallas County for funding participation of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleglenn Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road, the receipt and deposit of funds from Dallas County, in an amount not to exceed \$744,246.64.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for funding participation of transportation-related maintenance, repairs, and improvements of Arapaho Road from Meadowcreek Drive to Hillcrest Road; Arapaho Road from Moondust Drive to Overmead Circle; Belt Line Road from Knollview Drive to Tangleglenn Drive; Belt Line Road from Spring Creek Road to Coit Road; Greenville Avenue from Amberton Parkway to Restland Road; Hillcrest Road from McKamy Parkway to Wester Way; Inwood Road from Dallas North Tollway Access Road to Harvest Hill Road.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$744,246.64 from Dallas County in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit W222, Revenue Code 6499.

SECTION 3. That in accordance with provisions of the Project Specific Agreement with Dallas County, the Chief Financial Officer is hereby authorized to return any unused funds and interest earned on the funds upon completion of this project to Dallas County.

SECTION 4. That this contract is designated as Contract No. PBW-2022-00019238.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-992

Item #: 12.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 110 acres of land located near the intersection of Scyene Road and Elsie Faye Heggins Street for future park land adjacent to the Parkdale Lake Trinity Forest Spine Trail Project - closing costs and title expenses not to exceed \$7,489.58 - Financing: 2006 General Obligation Bond Funds (\$5,926.29) and Park and Recreation Facilities Fund (2017 General Obligation Bond Fund) (\$1,563.29)

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC, of approximately 110 acres of land located near the intersection of Scyene Road and Elsie Faye Heggins Street for future park land adjacent to the Parkdale Lake Trinity Forest Spine Trail Project. The property will not be officially dedicated as municipal park land until such time the property is developed for its intended use. The property is being dedicated at no cost consideration with only the typical closing and title expenses required. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2022, the Park and Recreation Board authorized the acquisition from Oncor Electric Delivery Company LLC.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
2006 General Obligation Bond Funds	\$5,926.29	\$0.00	\$0.00
Park and Recreation Facilities Fund (2017 General Obligation Bond Fund)	\$1,563.29	\$0.00	\$0.00
Total	\$7,489.58	\$0.00	\$0.00

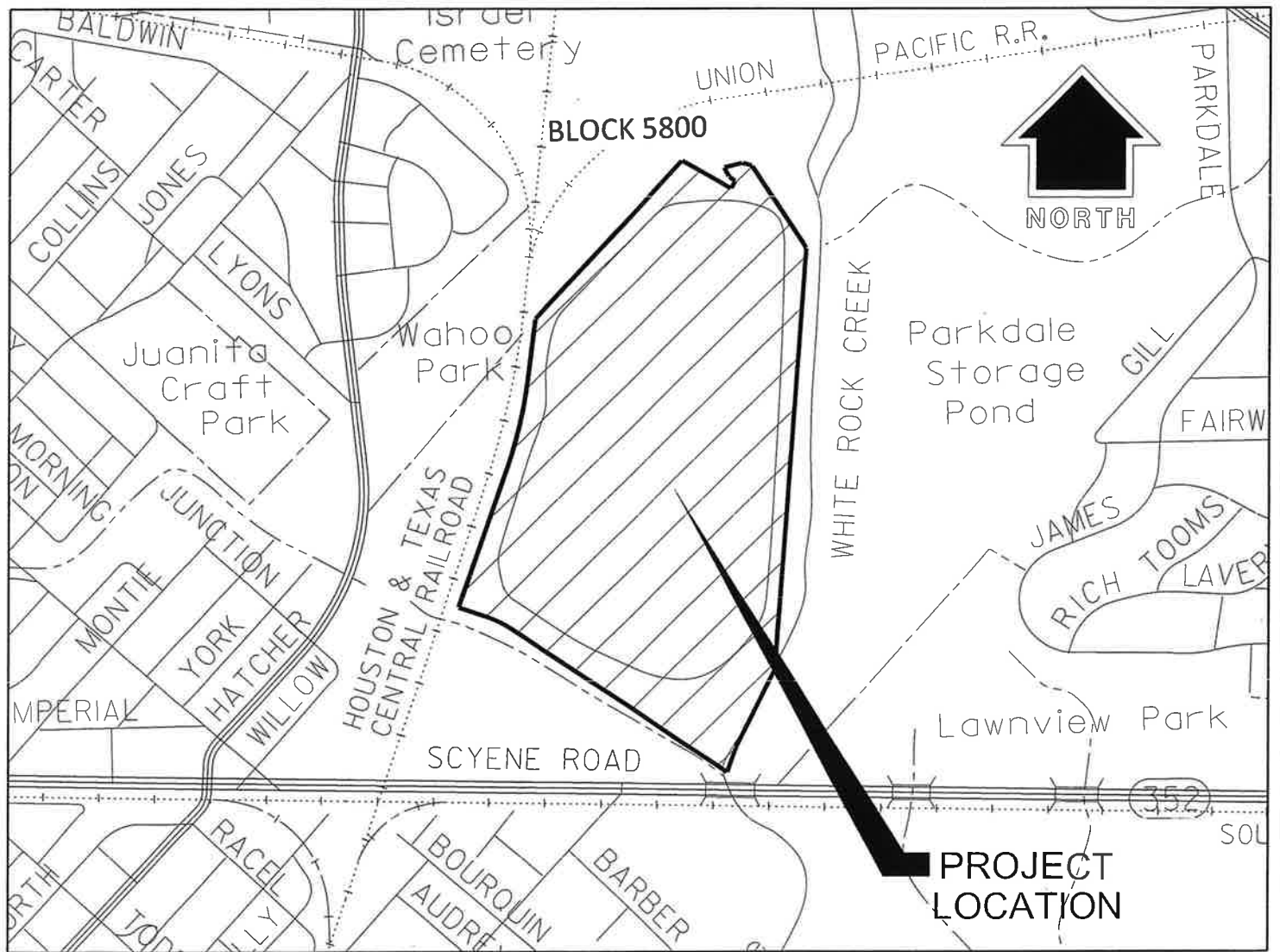
OWNER

Oncor Electric Delivery Company LLC

Laura De La Paz, Attorney-in-Fact

MAP

Attached



SUBJECT: 4,794,536 square feet

(110 - acres)

May 11, 2022

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS ACQUISITION BY ACCEPTANCE OF A DONATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 110 acres of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Future park land adjacent to the Parkdale Lake Trinity Forest Spine Trail Project

"USE": The construction, maintenance and use as park property. The property is not officially dedicated as municipal park land until such time the property is developed for its intended use. Provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": No Cost Consideration

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,489.58

"AUTHORIZED AMOUNT": Not to exceed \$7,489.58

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That the CITY shall acquire the PROPERTY INTEREST in the PROPERTY by acceptance of a donation by OWNER for the PROJECT.

May 11, 2022

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being acquired by acceptance of a donation by OWNER, no bond proceeds are being used and the CITY has determined no need for an independent appraisal of the PROPERTY'S market value.

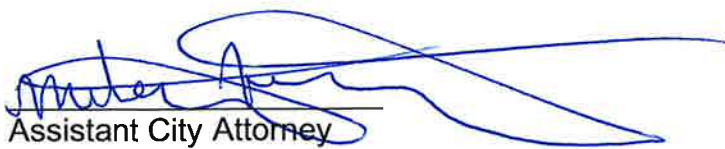
SECTION 5. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES of \$5,251.00 payable out of 2006 Bond Program, Fund 2T00, Department PKR, Unit K212, Activity PKLA, Program PK06K212, Object 4210, Encumbrance/Contract No. PKR-2022-00018844 and \$675.29 payable out of 2006 Bond Program, Fund 8T00, Department PKR, Unit K212, Activity PKLA, Program PK06K212, Object 4210, Encumbrance/Contract No. PKR-2022-00018844 and \$1,563.29 payable out of 2017 Bond Program, Fund 1V00, Department PKR, Unit VB57, Activity PKLA, Program PK17VB57, Object 4210, Encumbrance/Contract No. PKR-2022-00018844. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 6. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
City Attorney

BY


Assistant City Attorney

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

BEING a 110.07 Acre (4,794,536 Square Foot) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, City of Dallas, Dallas County, Texas, City of Dallas Block Number 5800, and being part of a called 279.808 acre tract of land described in Special Warranty Deed to Oncor Electric Delivery Company LLC, recorded in Instrument Number 201000003665 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and part of Lots 14, 15, 16, 17, and 18, of the Silas Lagow Land Partition, an addition to the City of Dallas, Dallas County, Texas, recorded in Volume 250, Page 234 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1-inch found iron pipe for the northeast corner of Lot 10 of said Silas Lagow Land Partition, said corner being at the intersection of the south right-of-way line of Union Pacific Railroad (a variable with right-of-way, Volume 748, Page 642, D.R.D.C.T.) and the west right-of-way line of Parkdale Street (a variable width right-of-way, Volume 250, Page 234, D.R.D.C.T.);

THENCE with the south right-of-way line of said Union Pacific Railroad, the following bearings and distances:

South 82 degrees 29 minutes 56 seconds West, with the north line of said Lot 10, passing at a distance of 696.70 feet the common northwest corner of said Lot 10 and the northeast corner of said Lot 16, and continuing with the north line of said Lot 16, passing at a distance of 1,382.59 feet the common northwest corner of said Lot 16 and the northeast corner of said Lot 15, and continuing with the north line of said Lot 15, in all a total distance of 1,658.60 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for the northeast corner of a called 0.69 acre tract of land described in Warranty Deed to the Texas and Pacific Railway Co., recorded in Volume 1774, Page 636, D.R.D.C.T.;

South 07 degrees 30 minutes 04 seconds East, with the east line of said 0.69 acre tract, a distance of 60.00 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for the southeast corner of said 0.69 acre tract;

South 82 degrees 29 minutes 56 seconds West, with the south line of said 0.69 acre tract, a distance of 569.17 feet to the southwest corner of said 0.69 acre tract;

North 41 degrees 36 minutes 03 seconds East, with the west line of said 0.69 acre tract, a distance of 91.64 feet to the northwest corner of said 0.69 acre tract and the northeast corner of said Lot 14;

FIELD NOTES APPROVED:



**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

South 82 degrees 29 minutes 56 seconds West, with the north line of said Lot 14, passing at a distance of 306.42 feet the northeast corner of a called 5.5 acre tract of land described in deed to City of Dallas, recorded in Volume 3213, Page 317, D.R.D.C.T., and continuing with the north line of said Lot 14 and said 5.5 acre tract, a distance of 793.04 feet to the northwest corner (not monumented) of said Lot 14 and said 5.5 acre tract;

South 42 degrees 20 minutes 42 seconds West, with the west line of said Lot 14 and said 5.5 acre tract, passing at a distance of 22.50 feet the northeast corner of Lot 13 of said Silas Lagow Partition, as recorded in Volume 250, Page 234, D.R.D.C.T., same being the northeast corner of a tract of land described in deed to the Texas and New Orleans Railroad (T. & N.O. RR.), recorded in Volume 2170, Page 215, D.R.D.C.T., and continuing with said west lines and the east lines of said Lot 13 and said T. & N.O. RR. tract, in all a total distance of 453.20 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for the west corner of said 5.5 acre tract and for the **POINT OF BEGINNING**;

THENCE over and across said Lots 14 and 15 and with the southeast line of said 5.5 acre tract, the following bearings and distances:

South 60 degrees 19 minutes 18 seconds East, a distance of 334.80 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA & ASSOC." for corner;

North 29 degrees 40 minutes 42 seconds East, a distance of 50.00 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 53 degrees 36 minutes 09 seconds West, a distance of 46.66 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 29 degrees 39 minutes 17 seconds West, a distance of 61.90 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 76 degrees 39 minutes 27 seconds East, a distance of 111.89 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

South 76 degrees 49 minutes 18 seconds East, a distance of 40.00 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

South 69 degrees 51 minutes 12 seconds East, a distance of 18.13 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

THENCE South 33 degrees 12 minutes 26 seconds East, departing the south line of said 5.5 acre tract, and over and across said Lots 14 and 15, a distance of 585.28 feet to a corner in the approximate western bank of White Rock Creek (not monumented);

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

THENCE South 03 degrees 57 minutes 08 seconds West, over and across said Lots 15, 16, 17 and 18 and along the approximate westerly bank of said White Rock Creek, a distance of 2,528.75 feet to a corner in the approximate centerline of White Rock Creek (not monumented);

THENCE South 25 degrees 34 minutes 28 seconds West, over and across said Lot 18, and along the approximate centerline of said White Rock Creek, a distance of 511.92 feet to a corner in the White Rock Creek (not monumented);

THENCE South 19 degrees 27 minutes 33 seconds West, over and across said Lot 18, and along the approximate centerline of said White Rock Creek, a distance of 159.61 feet to a corner in the White Rock Creek (not monumented) on the northeast line of a called 6.2424 acre tract of land described as "1st Tract" in Warranty Deed to City of Dallas, recorded in Volume 1959, Page 265 of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

THENCE with the northeast line of said 6.2424 acre tract and over and across said Lots 15, 16, 17, and 18, the following bearings and distances:

North 55 degrees 59 minutes 18 seconds West, a distance of 1,543.13 feet to a 1-inch found iron pipe for the point of curvature of a tangent circular curve to the left, having a radius of 552.50 feet, and a chord that bears North 63 degrees 27 minutes 18 seconds West, a distance of 143.59 feet;

Northwesterly, with said curve, through a central angle of 14 degrees 56 minutes 00 seconds, an arc distance of 144.00 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for corner;

North 70 degrees 55 minutes 18 seconds West, a distance of 192.95 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner on the east right-of-way line of Houston and Texas Central Railroad Company (a variable width right-of-way, First Tract, Volume 732, Page 555, D.R.D.C.T.);

THENCE with the east right-of-way line of said Houston and Texas Central Railroad Company, the following bearings and distances:

North 18 degrees 58 minutes 42 seconds East, a distance of 816.60 feet to the point of curvature of a tangent circular curve to the left, having a radius of 2,965.00 feet, and a chord that bears North 12 degrees 58 minutes 42 seconds East, a distance of 619.85 feet, from which a 3/4-inch found iron pipe bears North 89 degrees 32 minutes 24 seconds West, a distance of 0.51 of a foot;

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

Northerly, with said curve, through a central angle of 12 degrees 00 minutes 00 seconds, an arc distance of 620.99 feet a corner, from which a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." bears North 80 degrees 09 minutes 49 seconds West, a distance of 0.64 of a foot;

North 06 degrees 58 minutes 42 seconds East, a distance of 349.20 feet to a fence corner post for the southwest corner of said T. & N.O. RR. Tract, said corner being on the common northwest line of said Lot 14 and the southeast line of Lot 13 of said Silas Lagow Land Partition;

THENCE North 42 degrees 20 minutes 42 seconds East, with the northwest line of said Lot 14 and the southeast line of said Lot 13, a distance of 1,274.30 feet to the **POINT OF BEGINNING AND CONTAINING** 110.07 acres (4,794,536 square feet) of land, more or less.

Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC

NOTES:

The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System of 1983, North Central Zone (4202). Coordinates shown are grid values and may be converted to surface by multiplying by the published Dallas County TXDOT scale factor of 1.000136506. Distances shown are reported in U.S. survey feet.

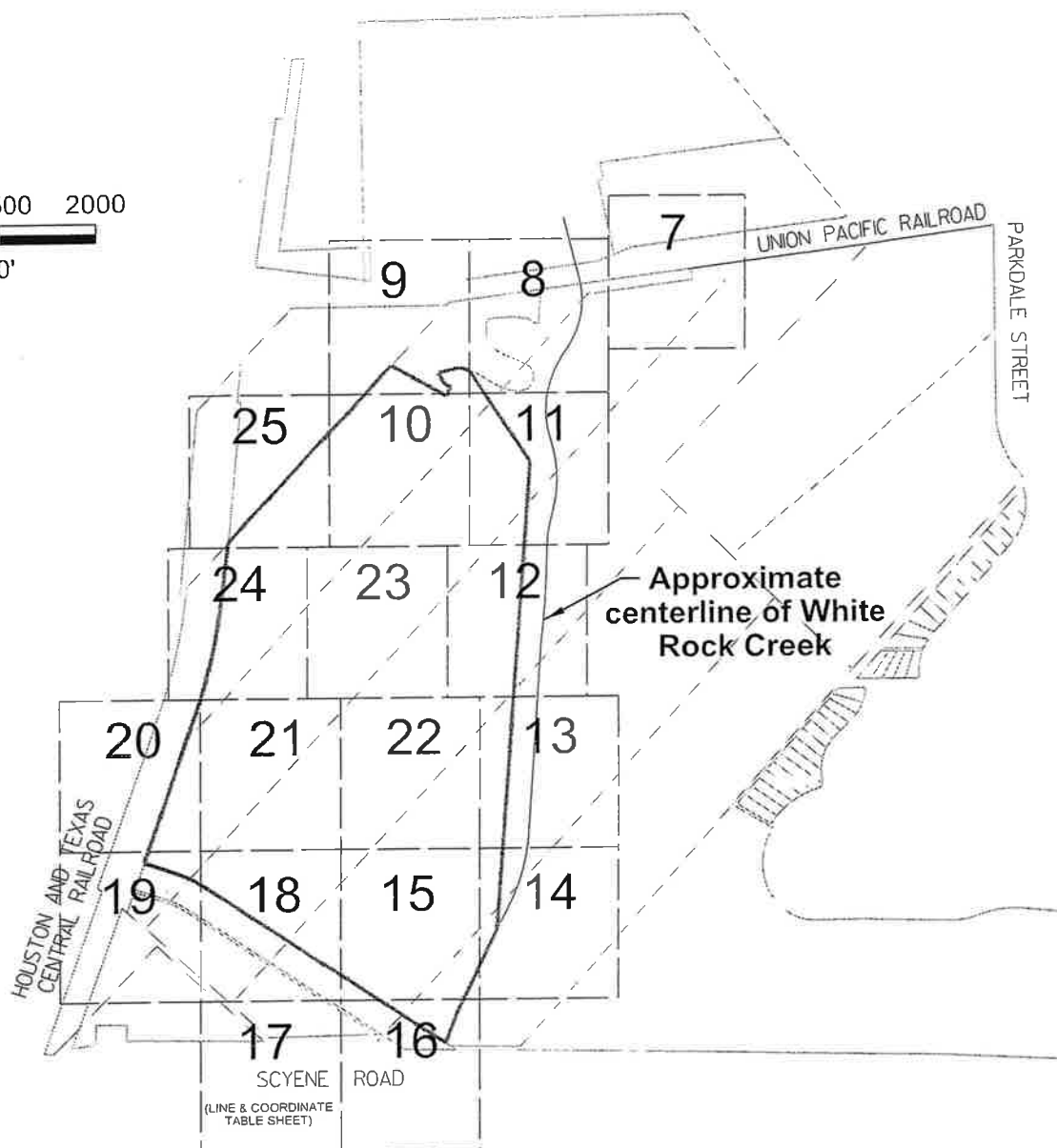
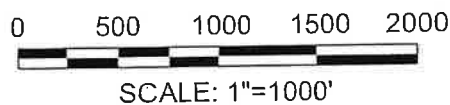
Andrew Chavchalov

3-15-2022

Andrew Chavchalov
Registered Professional Land Surveyor
Texas No. 6708
Halff Associates, Inc.
1201 North Bowser Road.
Richardson, Texas 75081
(214) 346-6200
TBPELS Firm No. 10029600

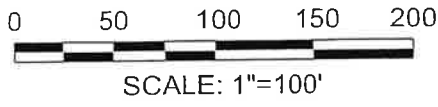


~~SECRET~~ A



PAGE NUMBER

PAGE 6 OF 25



THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 3, BLOCK G/5800

DALLAS PARK AND RECREATION CENTRAL
SERVICE CENTER COMPLEX ADDITION
VOL. 86155, PG. 2412
D.R.D.C.T.

MATCH LINE PAGE 8 OF 25

UNION PACIFIC RAILROAD
(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642
D.R.D.C.T.

5/8" FIR
W/CAP stamped
"GORRONDONA & ASSOC."
(C.M.)

POINT OF
COMMENCING

TEXAS & PACIFIC
RAILROAD COMPANY
VOL. 1774, PG. 636
D.R.D.C.T.

5/8" FIR
W/CAP stamped
"GORRONDONA & ASSOC."
(C.M.)

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT 8
SILAS LAGOW LAND
PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 10
SILAS LAGOW LAND
PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

PARKDALE ST. (VARIABLE WIDTH R.O.W.)
VOL. 250, PG. 234, D.R.D.C.T.



Andrew Chavchalo

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- P PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC

HALFF TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022
AVO.: 33378.001
PAGE 7 OF 25

0 50 100 150 200
SCALE: 1"=100'

Note:
See Sheet 17 for dimensions and coordinates.



THOMAS LAGOW SURVEY
ABSTRACT NO. 759

UNION PACIFIC RAILROAD
(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642, D.R.D.C.T.

(CALLED 5.5 ACRES)
CITY OF DALLAS
VOL. 3213, PG. 317
D.R.D.C.T.

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

Approximate
centerline of White
Rock Creek

CITY OF DALLAS BLOCK
5800

110.07 AC.
(4,794,536 SQ. FT.)

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- P PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



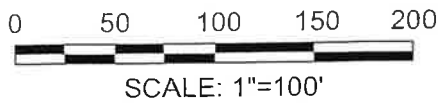
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 8 OF 25



UNION PACIFIC RAILROAD

(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642
D.R.D.C.T.

S82°29'56"W
793.04'

22.50'

N89°30'51"E

815.48'

LOT 13
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

TEXAS & NEW ORLEANS RAILROAD
VOL. 2170, PG. 215
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT LINE
453.20'
S42°20'42"W

(CALLED 5.5 ACRES)
CITY OF DALLAS
VOL. 3213, PG. 317
D.R.D.C.T.

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

POINT OF BEGINNING

1/2" SIR
W/HALFF
CAP

1/2" SIR
W/HALFF
CAP

N42°20'42"E
1,274.30'

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

110.07 AC.
(4,794,536 SQ. FT.)

S60°19'18"E

N76°39'27"E
111.89'

1/2" SIR
W/HALFF
CAP

1/2" SIR
W/HALFF
CAP

334.80'

MATCH LINE PAGE 10 OF 25

Note:
See Sheet 17 for dimension and coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

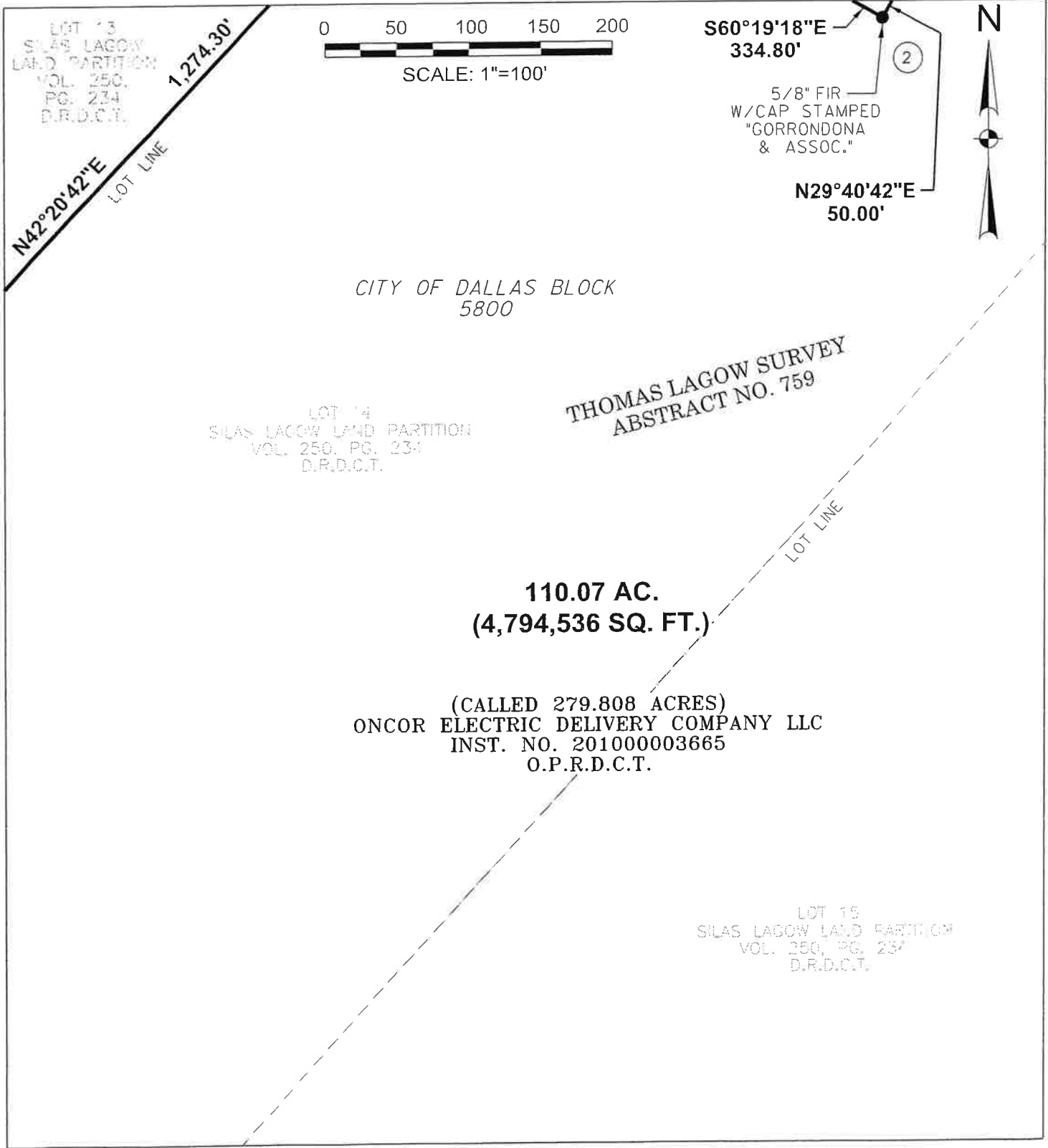
DATE: 3/15/2022

AVO.: 33378.001

PAGE 9 OF 25

MATCH LINE PAGE 25 OF 25

MATCH LINE PAGE 11 OF 25



LEGEND

Note:
See Sheet 17 for dimension and coordinates.

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 10 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

White Rock Creek

Approximate
centerline of White
Rock Creek110.07 AC.
(4,794,536 SQ. FT.)CITY OF DALLAS BLOCK
5800(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY
COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

MATCH LINE PAGE 12 OF 25

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
P	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 11 OF 25

MATCH LINE PAGE 10 OF 25

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SCALE: 1"=100'

N



LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

**110.07 AC.
(4,794,536 SQ. FT.)**

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

2,528.75'

S03°57'08"W

White Rock Creek

Approximate
centerline of White
Rock Creek

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 13 OF 25

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

**Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

**HALFF**

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 12 OF 25

0 50 100 150 200

SCALE: 1"=100'

N



LOT 16
SILAS LAGOW
LAND PARTITION
VOL. 250,
PG. 234
D.R.D.C.T.

LOT LINE

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY
COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

Approximate
centerline of White
Rock Creek

White Rock Creek

2,528.75'

S03°57'08"W

LOT LINE

LOT 18
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 14 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
P	PROPERTY LINE

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

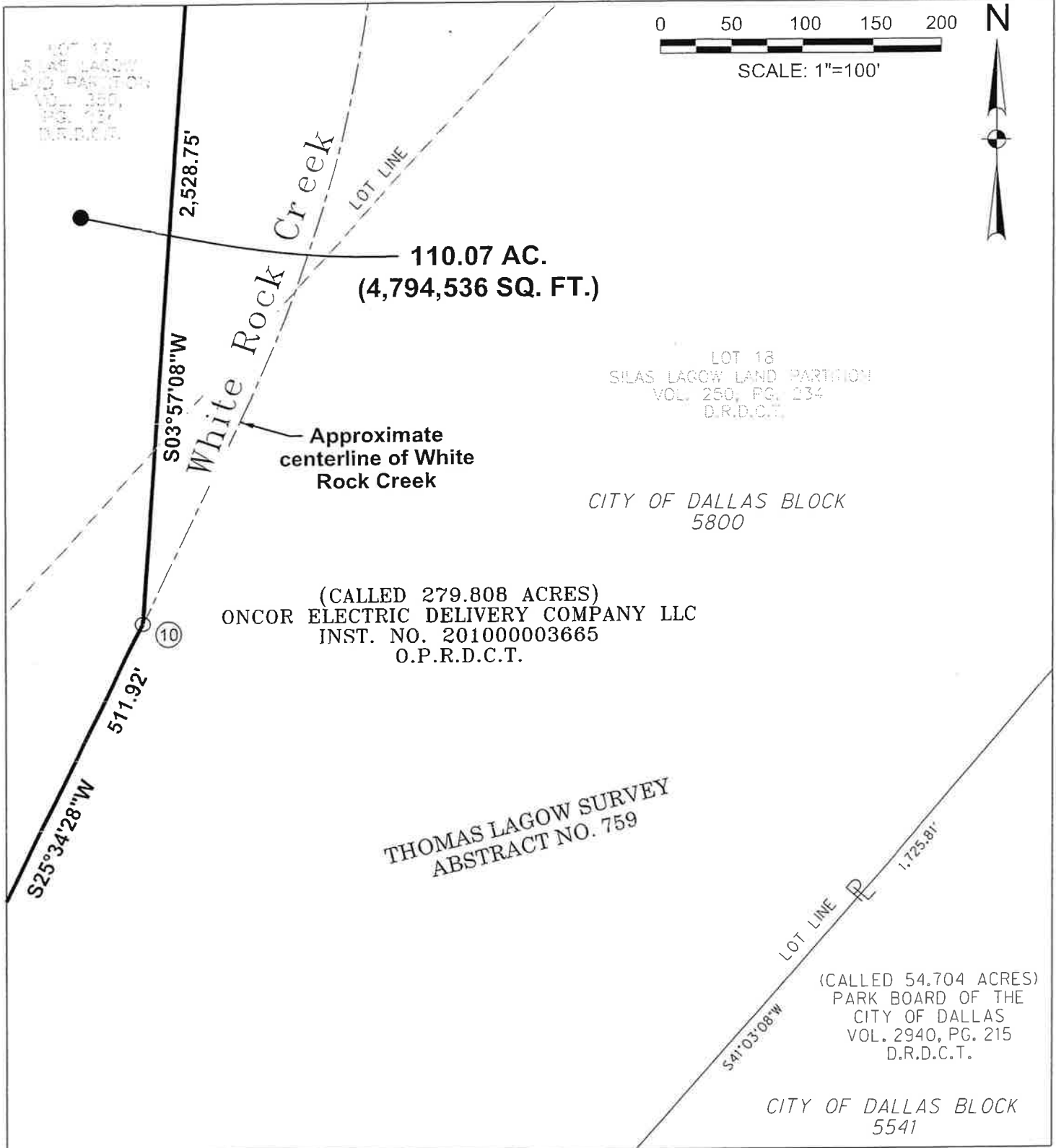
PAGE 13 OF 25

0 50 100 150 200

SCALE: 1"=100'



MATCH LINE PAGE 15 OF 25



THOMAS LAGOW SURVEY
ABSTRACT NO. 759

(CALLED 54.704 ACRES)
PARK BOARD OF THE
CITY OF DALLAS
VOL. 2940, PG. 215
D.R.D.C.T.

CITY OF DALLAS BLOCK
5541

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600

1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 14 OF 25

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3/15/2022 4:14:17 PM

0 50 100 150 200

SCALE: 1"=100'



LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

Approximate
centerline of White
Rock Creek

White Rock
Creek
S25°34'28"W
511.92'

LOT 18
SILAS LAGOW LAND
PARTITION
VOLUME 250, PG. 234
D.R.D.C.T.

N55°59'18"W
1,543.13'

(CALLED 6.2424 ACRES)
CITY OF DALLAS
1ST TRACT
VOL. 1959, PG. 265
D.R.D.C.T.

MATCH LINE PAGE 16 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AV0.: 33378.001

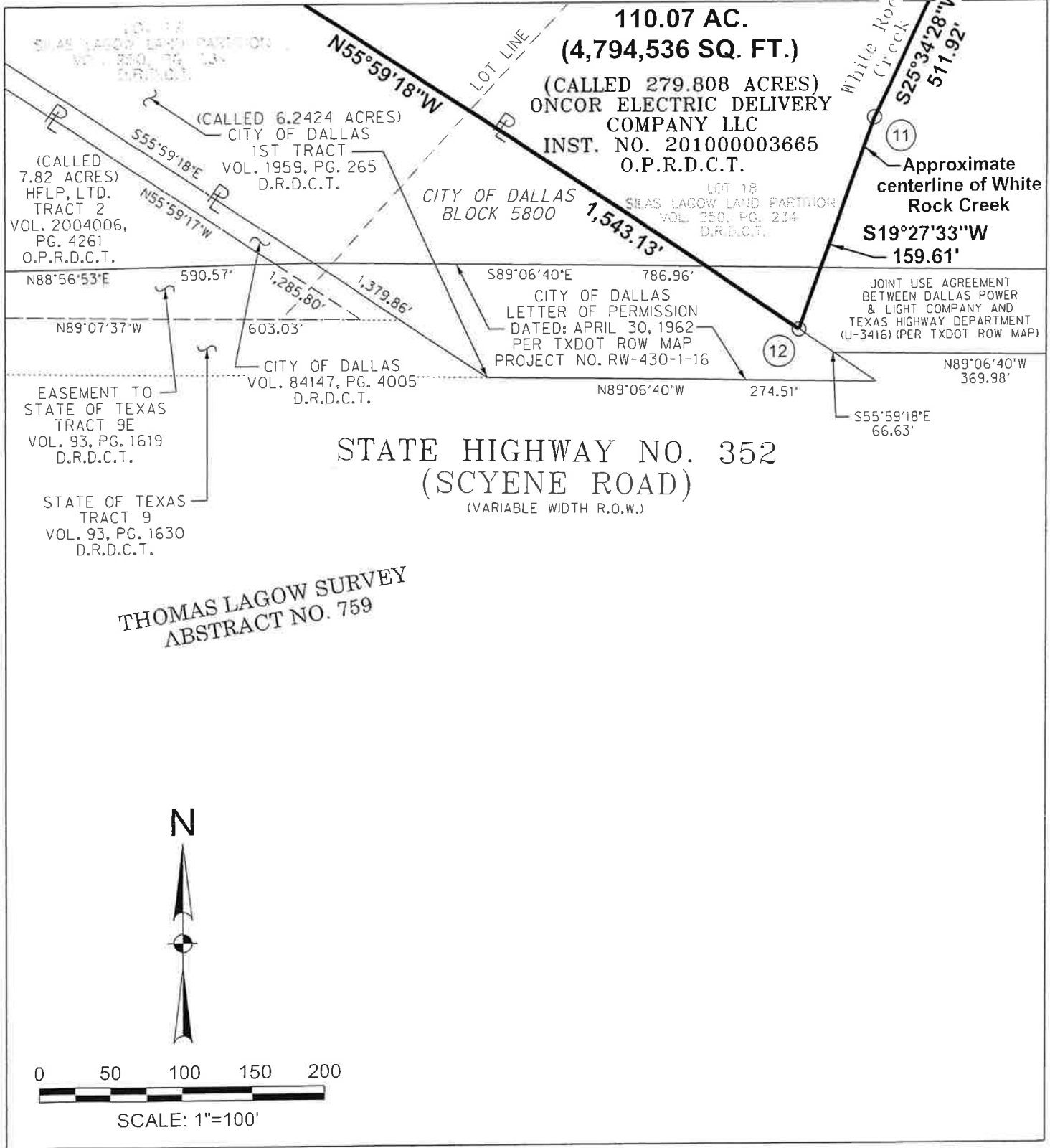
PAGE 15 OF 25

MATCH LINE PAGE 18 OF 25

MATCH LINE PAGE 14 OF 25

I:\333000s\33378\002\CADD\Sheets\Survey\Boundary\EXH-B5-PG09-33378.DGN

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Note:
See Sheet 17 for coordinates.

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- P PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



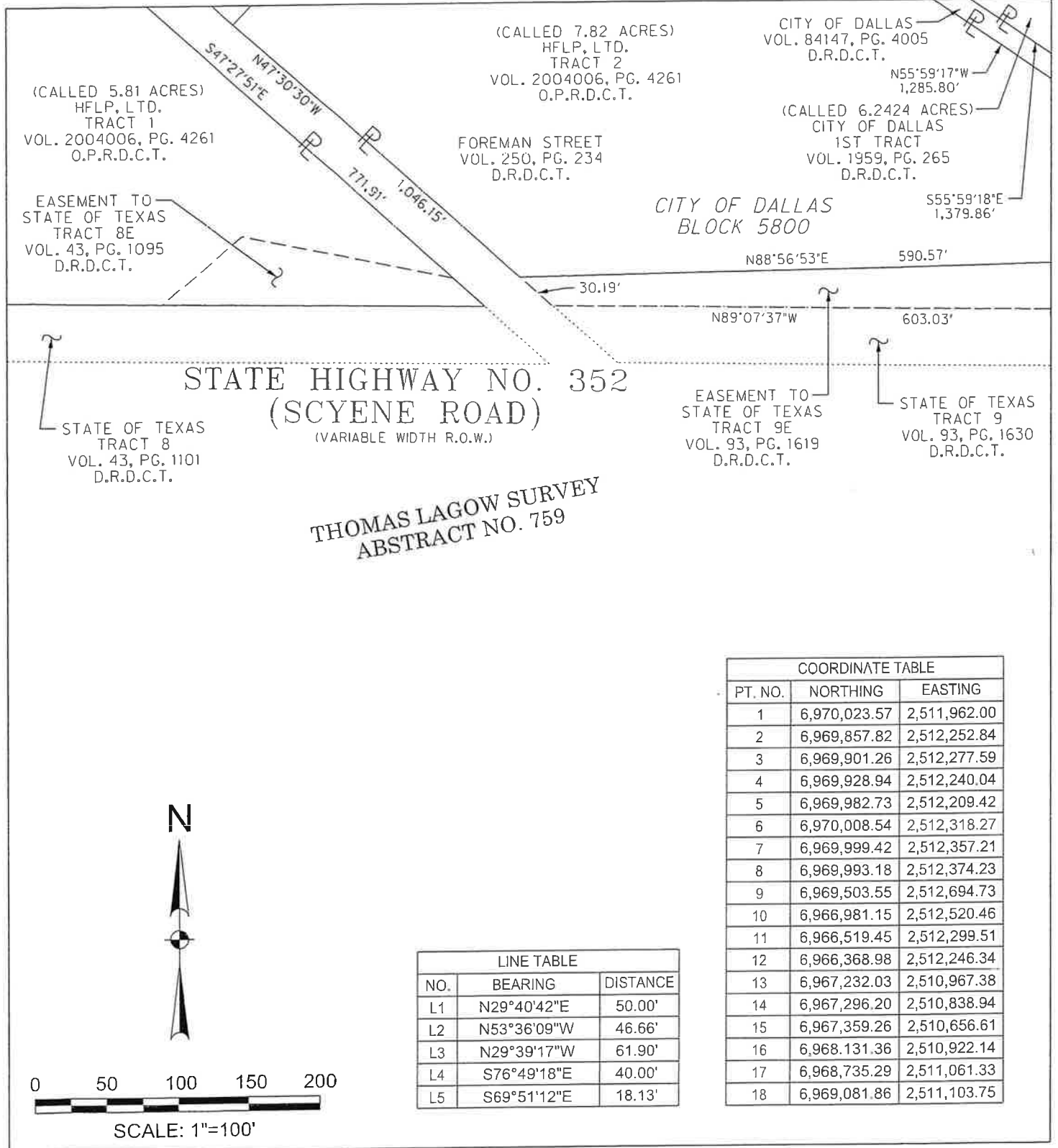
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 16 OF 25



LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
● FOUND MONUMENT (AS NOTED)
FIR FOUND IRON ROD (AS NOTED)
FIP FOUND IRON PIPE (AS NOTED)
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL. VOLUME
PG. PAGE
(C.M.) CONTROLLING MONUMENT
R PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF
TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 17 OF 25

0 50 100 150 200

SCALE: 1"=100'



LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

$\Delta = 14^{\circ}56'00''$ (LT)
 $R = 552.50'$
 $L = 144.00'$
 $CL = 143.59'$
 $CB = N63^{\circ}27'18''W$

$N55^{\circ}59'18''W$

CITY OF DALLAS
BLOCK 5800

(CALLED 6.2424 ACRES)
CITY OF DALLAS
1ST TRACT
VOL. 1959, PG. 265
D.R.D.C.T.

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

(CALLED 7.82 ACRES)
HFLP, LTD.
TRACT 2
VOL. 2004006, PG. 4261
O.P.R.D.C.T.

CITY OF DALLAS
VOL. 84147, PG. 4005
D.R.D.C.T.

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- P PROPERTY LINE

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001



3/15/2022 4:14:23 PM

0 50 100 150 200

SCALE: 1"=100'

N

L=588.00'
R=2,785.00'

$\Delta = 12^\circ 00' 00''$ (LT)
 $R = 2,965.00'$
 $L = 620.99'$
 $CL = 619.85'$
 $CB = N12^\circ 58' 42'' E$

3/4" FIP BEARS
 $N89^\circ 32' 24'' W, 0.51'$

(16)

LOT 14
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

LOT LINE

THOMAS LAGOW SURVEY
 ABSTRACT NO. 759

CITY OF DALLAS
 BLOCK 4480

HOUSTON AND TEXAS CENTRAL
 RAILROAD COMPANY
 (VARIABLE WIDTH R.O.W.)
 (CALLED 10.12 ACRES)
 VOL. 732, PG. 555
 D.R.D.C.T.

816.60'

CITY OF DALLAS
 BLOCK 5800

LOT 15
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

110.07 AC.
 (4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
 ONCOR ELECTRIC DELIVERY
 COMPANY LLC
 INST. NO. 201000003665
 O.P.R.D.C.T.

MATCH LINE PAGE 19 OF 25

MATCH LINE PAGE 21 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Note:
 See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
 Boundary Survey
 To Be Acquired in City of Dallas Block Number 5800
 From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 20 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

LOT LINE

LOT 14
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

THOMAS LAGOW SURVEY
 ABSTRACT NO. 759

LOT 15
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

CITY OF DALLAS
 BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
 ONCOR ELECTRIC DELIVERY COMPANY LLC
 INST. NO. 201000003665
 O.P.R.D.C.T.

LOT LINE

LOT 16
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

MATCH LINE PAGE 18 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
 Boundary Survey
 To Be Acquired in City of Dallas Block Number 5800
 From Oncor Electric Delivery Company LLC



HALFF

TBPEL'S FIRM NO.10029600
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AV0.: 33378.001

PAGE 21 OF 25

0 50 100 150 200

SCALE: 1"=100'



LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

**110.07 AC.
(4,794,536 SQ. FT.)**

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT LINE

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 15 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 22 OF 25

0 50 100 150 200

SCALE: 1"=100'

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

CITY OF DALLAS
BLOCK 5800

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 21 OF 25

MATCH LINE PAGE 22 OF 25

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- ℙ PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 23 OF 25

0 50 100 150 200
SCALE: 1"=100'



N06°58'42"E
82.30'

HOUSTON AND TEXAS CENTRAL
RAILROAD COMPANY

L=1,685.14'
R=2,785.00'

(VARIABLE WIDTH R.O.W.)
(CALLED 10.12 ACRES)
FIRST TRACT
VOL. 732, PG. 555
D.R.D.C.T.

N06°58'42"E
349.20'

17

5/8" FIR
W/CAP STAMPED
"GORRONDONA
& ASSOC." BEARS
N80°09'49"W, 0.64'

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 20 OF 25

MATCH LINE PAGE 21 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



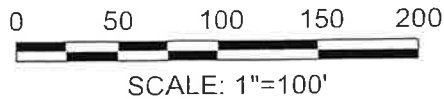
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 24 OF 25



HOUSTON AND TEXAS CENTRAL
RAILROAD COMPANY

(VARIABLE WIDTH R.O.W.)
(CALLED 4.9 ACRES)
FIRST TRACT
VOL. 748, PG. 642
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 13
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

TEXAS & NEW ORLEANS RAILROAD
VOL. 2170, PG. 215
D.R.D.C.T.

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

S42°20'42"W
322.91'
N06°58'42"E
349.20'
FENCE
CORNER
POST
(18)

N05°14'42"E
755.00'

N42°20'42"E

1,274.30'
LOT LINE

MATCH LINE PAGE 24 OF 25

MATCH LINE PAGE 23 OF 25

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



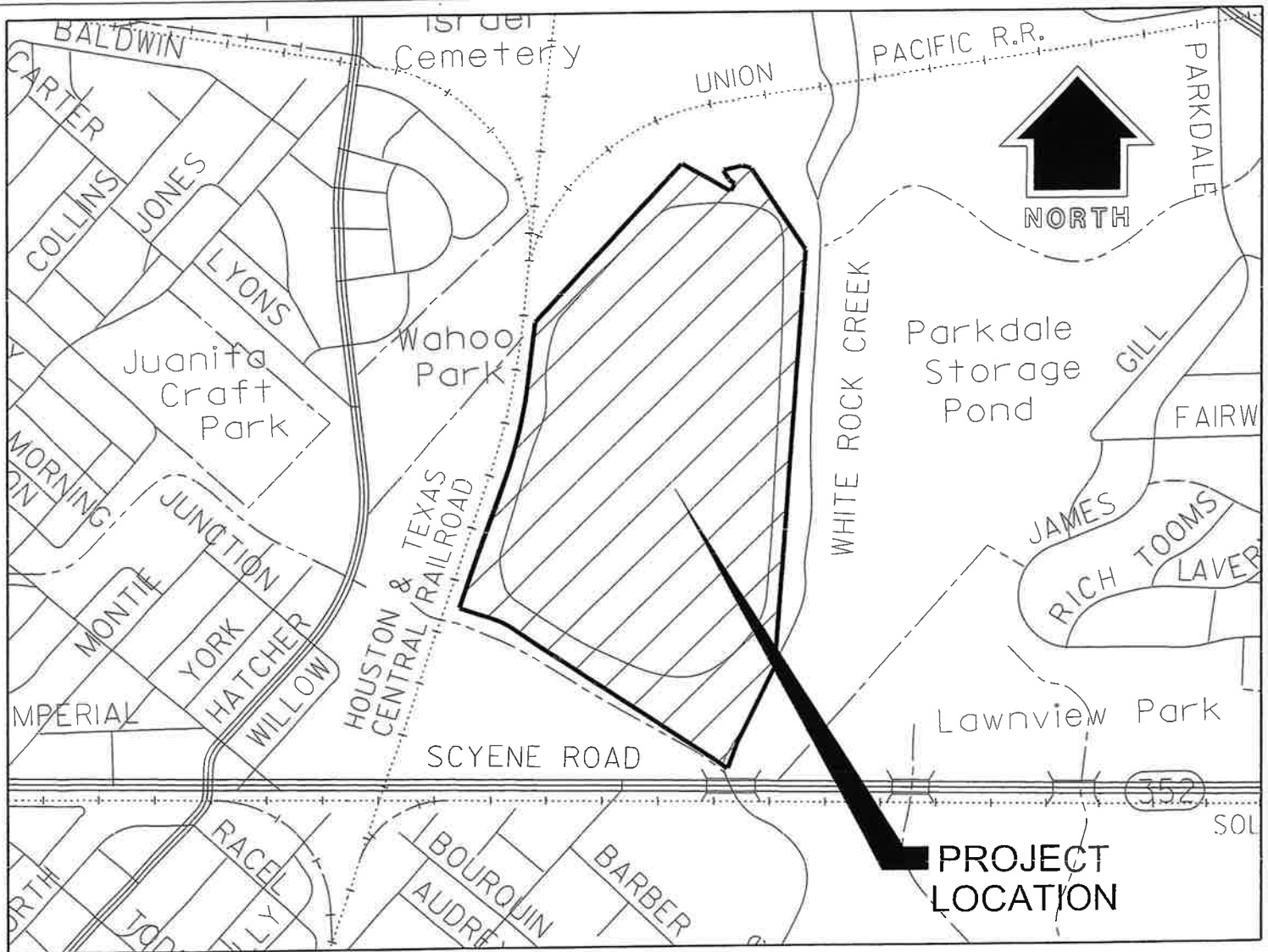
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 25 OF 25



LOCATOR MAP
NOT TO SCALE

EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That, **ONCOR ELECTRIC DELIVERY COMPANY LLC**, a Delaware limited liability company, whose mailing address is PO Box 139100, Dallas, Texas 75313 ("**GRANTOR**") for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL and CONVEY, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the City of Dallas, a municipal corporation, of 1500 Marilla Street, Room 6BS, Dallas, Dallas County Texas 75201 ("**GRANTEE**"), all of GRANTOR's right, title and interest in the property as described in Exhibit A, which is attached hereto and made a part hereof ("**Property**")

This Deed Without Warranty is subject to: (i) the terms, covenants, conditions, reservations, restrictions and exceptions of _____ **[Place Marker for any City Council Resolution governing the acquisition of the Parkdale Property by the City]**; (ii) any and all visible and apparent easements and encroachments, whether of record or not; (iii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the Property or any part thereof; and (iv) standby fees, taxes and assessments by any taxing authority for the year 2022 and subsequent years, the payment of which GRANTEE hereby assumes, except that GRANTOR shall be responsible for any taxes due for the period of GRANTOR's ownership of the Property. Further, GRANTOR, for the consideration and subject to the reservations from and exceptions to conveyance provided herein, conveys to GRANTEE the Property without express or implied warranty, and all warranties that might arise by common law and the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

GRANTOR hereby notifies GRANTEE, and by its acceptance of this Deed Without Warranty GRANTEE acknowledges receipt of said notice, that located on the Property is a dam subject to the provisions of Chapter 299 of the Texas Administrative Code. Pursuant to §299.6 of the Texas Administrative Code, GRANTOR notifies GRANTEE that GRANTEE is required, within ninety (90) days of the date of this Deed Without Warranty, to provide notification in writing to the executive director of the Texas Commission on Environmental Quality of the following: (1) the name, address, and telephone number of the new owner(s) of the Property; (2)

the date of ownership transfer; (3) the name and telephone number of the individual who will be responsible for operation and maintenance of the dam; and (4) a certified copy or photocopy of instruments recorded in the office of the county clerk showing transfer of the dam and property on which the dam is located to a new owner.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE has thoroughly investigated all aspects of the Property and is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, surface or sub-surface conditions and the suitability thereof as well as the suitability of the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence, or non-existence, of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, ct. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited or regulated by federal, state or local laws and regulations, and any other substance which by any federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include

all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

To the fullest extent allowed by law, GRANTOR shall not be responsible for, and GRANTEE and anyone claiming by, through or under GRANTEE hereby waives its right to recover from and fully and irrevocably releases GRANTOR from, any and all claims for damages or causes of action arising from or related to any past, present or future physical characteristic or condition of the Property, including, without limitation, any environmental substances (as herein defined), in, at, on, under or related to the Property, or any portion thereof, or any violation or potential violation of any environmental law applicable thereto.

TO HAVE AND TO HOLD the above described Property, subject aforesaid, together with all and singular the rights and appurtenances thereto in any manner belonging unto the said GRANTEE, its successor and assigns forever. But it is distinctly understood and agreed that this conveyance is made and accepted without covenants or warranties of any kind, either express or implied.

EXHIBIT B

EXECUTED this _____ day of _____, 2022.

GRANTOR:

Oncor Electric Delivery Company LLC,
a Delaware limited liability company

By: _____
_____, Attorney-in-Fact

THE STATE OF TEXAS

§

§

COUNTY OF TARRANT

§

KNOW ALL PERSONS BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on this day personally appeared _____, Attorney-in-Fact for **Oncor Electric Delivery Company LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A. D. 2022.

Notary Public in and for the State of Texas

EXHIBIT B

GRANTEE:

City of Dallas,
T.C. BROADNAX, City Manager

By: _____
Assistant City Manager

ATTEST:

City Secretary

APPROVED AS TO FORM:
Christopher J. Caso, City Attorney

By: _____
Assistant City Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on this day personally appeared _____, Assistant City Manager of the City of Dallas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act and deed of the said City of Dallas, for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

Notary Public in and for the State of Texas

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

BEING a 110.07 Acre (4,794,536 Square Foot) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, City of Dallas, Dallas County, Texas, City of Dallas Block Number 5800, and being part of a called 279.808 acre tract of land described in Special Warranty Deed to Oncor Electric Delivery Company LLC, recorded in Instrument Number 201000003665 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and part of Lots 14, 15, 16, 17, and 18, of the Silas Lagow Land Partition, an addition to the City of Dallas, Dallas County, Texas, recorded in Volume 250, Page 234 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1-inch found iron pipe for the northeast corner of Lot 10 of said Silas Lagow Land Partition, said corner being at the intersection of the south right-of-way line of Union Pacific Railroad (a variable with right-of-way, Volume 748, Page 642, D.R.D.C.T.) and the west right-of-way line of Parkdale Street (a variable width right-of-way, Volume 250, Page 234, D.R.D.C.T.);

THENCE with the south right-of-way line of said Union Pacific Railroad, the following bearings and distances:

South 82 degrees 29 minutes 56 seconds West, with the north line of said Lot 10, passing at a distance of 696.70 feet the common northwest corner of said Lot 10 and the northeast corner of said Lot 16, and continuing with the north line of said Lot 16, passing at a distance of 1,382.59 feet the common northwest corner of said Lot 16 and the northeast corner of said Lot 15, and continuing with the north line of said Lot 15, in all a total distance of 1,658.60 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for the northeast corner of a called 0.69 acre tract of land described in Warranty Deed to the Texas and Pacific Railway Co., recorded in Volume 1774, Page 636, D.R.D.C.T.;

South 07 degrees 30 minutes 04 seconds East, with the east line of said 0.69 acre tract, a distance of 60.00 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for the southeast corner of said 0.69 acre tract;

South 82 degrees 29 minutes 56 seconds West, with the south line of said 0.69 acre tract, a distance of 569.17 feet to the southwest corner of said 0.69 acre tract;

North 41 degrees 36 minutes 03 seconds East, with the west line of said 0.69 acre tract, a distance of 91.64 feet to the northwest corner of said 0.69 acre tract and the northeast corner of said Lot 14;

FIELD NOTES APPROVED:


**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

South 82 degrees 29 minutes 56 seconds West, with the north line of said Lot 14, passing at a distance of 306.42 feet the northeast corner of a called 5.5 acre tract of land described in deed to City of Dallas, recorded in Volume 3213, Page 317, D.R.D.C.T., and continuing with the north line of said Lot 14 and said 5.5 acre tract, a distance of 793.04 feet to the northwest corner (not monumented) of said Lot 14 and said 5.5 acre tract;

South 42 degrees 20 minutes 42 seconds West, with the west line of said Lot 14 and said 5.5 acre tract, passing at a distance of 22.50 feet the northeast corner of Lot 13 of said Silas Lagow Partition, as recorded in Volume 250, Page 234, D.R.D.C.T., same being the northeast corner of a tract of land described in deed to the Texas and New Orleans Railroad (T. & N.O. RR.), recorded in Volume 2170, Page 215, D.R.D.C.T., and continuing with said west lines and the east lines of said Lot 13 and said T. & N.O. RR. tract, in all a total distance of 453.20 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for the west corner of said 5.5 acre tract and for the **POINT OF BEGINNING**;

THENCE over and across said Lots 14 and 15 and with the southeast line of said 5.5 acre tract, the following bearings and distances:

South 60 degrees 19 minutes 18 seconds East, a distance of 334.80 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA & ASSOC." for corner;

North 29 degrees 40 minutes 42 seconds East, a distance of 50.00 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 53 degrees 36 minutes 09 seconds West, a distance of 46.66 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 29 degrees 39 minutes 17 seconds West, a distance of 61.90 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

North 76 degrees 39 minutes 27 seconds East, a distance of 111.89 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

South 76 degrees 49 minutes 18 seconds East, a distance of 40.00 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

South 69 degrees 51 minutes 12 seconds East, a distance of 18.13 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner;

THENCE South 33 degrees 12 minutes 26 seconds East, departing the south line of said 5.5 acre tract, and over and across said Lots 14 and 15, a distance of 585.28 feet to a corner in the approximate western bank of White Rock Creek (not monumented);

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

THENCE South 03 degrees 57 minutes 08 seconds West, over and across said Lots 15, 16, 17 and 18 and along the approximate westerly bank of said White Rock Creek, a distance of 2,528.75 feet to a corner in the approximate centerline of White Rock Creek (not monumented);

THENCE South 25 degrees 34 minutes 28 seconds West, over and across said Lot 18, and along the approximate centerline of said White Rock Creek, a distance of 511.92 feet to a corner in the White Rock Creek (not monumented);

THENCE South 19 degrees 27 minutes 33 seconds West, over and across said Lot 18, and along the approximate centerline of said White Rock Creek, a distance of 159.61 feet to a corner in the White Rock Creek (not monumented) on the northeast line of a called 6.2424 acre tract of land described as "1st Tract" in Warranty Deed to City of Dallas, recorded in Volume 1959, Page 265 of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

THENCE with the northeast line of said 6.2424 acre tract and over and across said Lots 15, 16, 17, and 18, the following bearings and distances:

North 55 degrees 59 minutes 18 seconds West, a distance of 1,543.13 feet to a 1-inch found iron pipe for the point of curvature of a tangent circular curve to the left, having a radius of 552.50 feet, and a chord that bears North 63 degrees 27 minutes 18 seconds West, a distance of 143.59 feet;

Northwesterly, with said curve, through a central angle of 14 degrees 56 minutes 00 seconds, an arc distance of 144.00 feet to a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." for corner;

North 70 degrees 55 minutes 18 seconds West, a distance of 192.95 feet to a 1/2-inch set iron rod with cap stamped "HALFF" for corner on the east right-of-way line of Houston and Texas Central Railroad Company (a variable width right-of-way, First Tract, Volume 732, Page 555, D.R.D.C.T.);

THENCE with the east right-of-way line of said Houston and Texas Central Railroad Company, the following bearings and distances:

North 18 degrees 58 minutes 42 seconds East, a distance of 816.60 feet to the point of curvature of a tangent circular curve to the left, having a radius of 2,965.00 feet, and a chord that bears North 12 degrees 58 minutes 42 seconds East, a distance of 619.85 feet, from which a 3/4-inch found iron pipe bears North 89 degrees 32 minutes 24 seconds West, a distance of 0.51 of a foot;

**Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC**

Northerly, with said curve, through a central angle of 12 degrees 00 minutes 00 seconds, an arc distance of 620.99 feet a corner, from which a 5/8-inch found iron rod with cap stamped "GORRONDONA AND ASSOC." bears North 80 degrees 09 minutes 49 seconds West, a distance of 0.64 of a foot;

North 06 degrees 58 minutes 42 seconds East, a distance of 349.20 feet to a fence corner post for the southwest corner of said T. & N.O. RR. Tract, said corner being on the common northwest line of said Lot 14 and the southeast line of Lot 13 of said Silas Lagow Land Partition;

THENCE North 42 degrees 20 minutes 42 seconds East, with the northwest line of said Lot 14 and the southeast line of said Lot 13, a distance of 1,274.30 feet to the **POINT OF BEGINNING AND CONTAINING** 110.07 acres (4,794,536 square feet) of land, more or less.

Field Notes Describing a 110.07 Acre (4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC

NOTES:

The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System of 1983, North Central Zone (4202). Coordinates shown are grid values and may be converted to surface by multiplying by the published Dallas County TXDOT scale factor of 1.000136506. Distances shown are reported in U.S. survey feet.

Andrew Chavchalov

3-15-2022

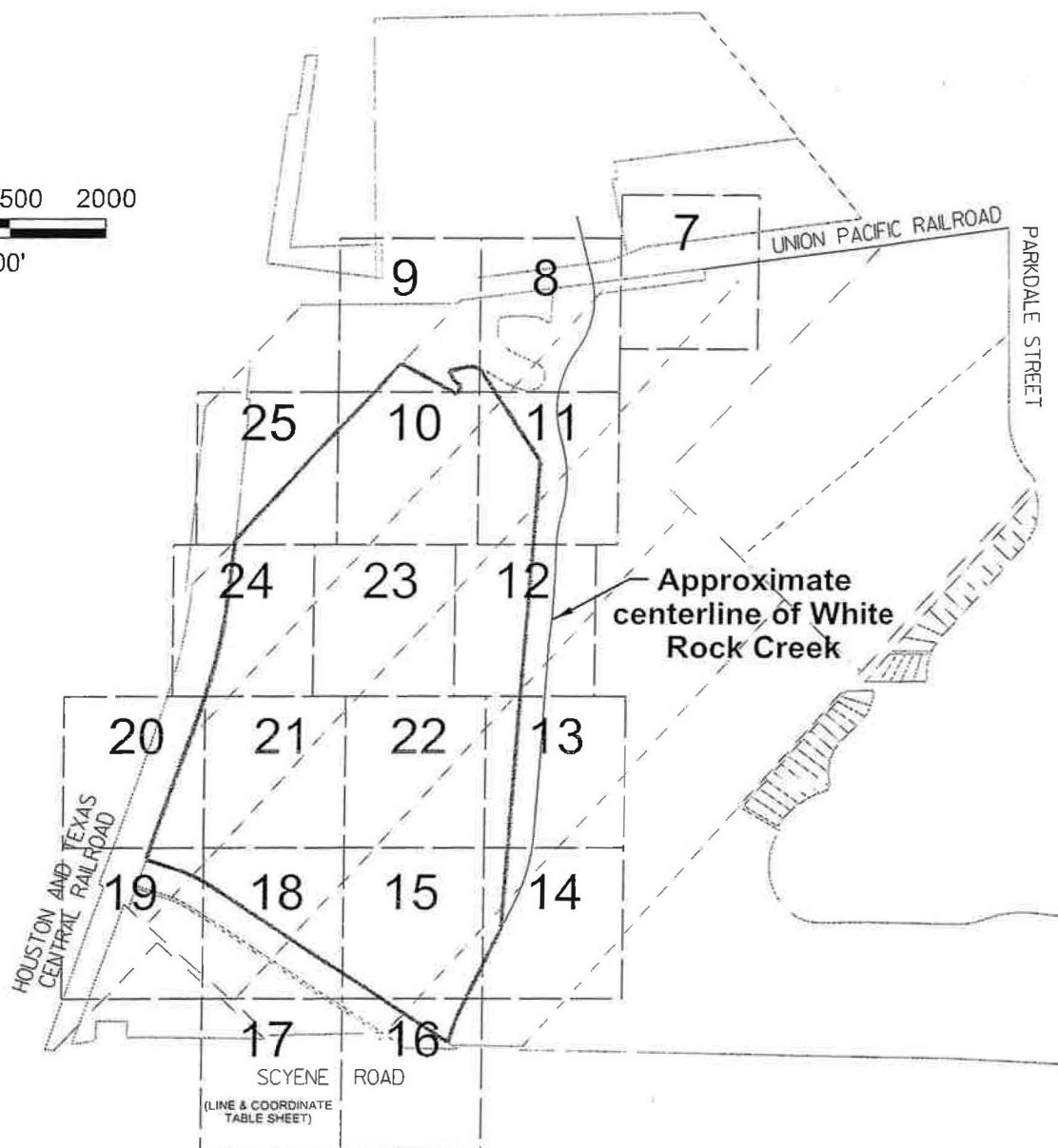
Andrew Chavchalov
Registered Professional Land Surveyor
Texas No. 6708
Halff Associates, Inc.
1201 North Bowser Road.
Richardson, Texas 75081
(214) 346-6200
TBPELS Firm No. 10029600



KEYMAP



0 500 1000 1500 2000
SCALE: 1"=1000'



LEGEND

PAGE OUTLINE & MATCHLINE

BOUNDARY LINE

PAGE NUMBER

19

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



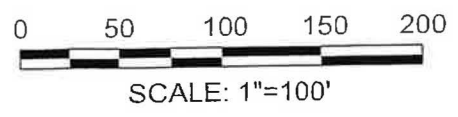
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TEL F. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 6 OF 25



THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 3, BLOCK G/5800
DALLAS PARK AND RECREATION CENTRAL
SERVICE CENTER COMPLEX ADDITION
VOL. 86155, PG. 2412
D.R.D.C.T.

MATCH LINE PAGE 8 OF 25

UNION PACIFIC RAILROAD
(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642
D.R.D.C.T.

POINT OF COMMENCING

S82°29'56"W

TEXAS & PACIFIC
RAILROAD COMPANY
VOL. 1774, PG. 636
D.R.D.C.T.

569.17'

S07°30'04"E
60.00'

5/8" FIR
W/CAP stamped
"GORRONDONA & ASSOC."
(C.M.)

S82°29'56"W

1,382.59'
1,658.60'
696.70'

1" FIP
(C.M.)

S00°42'52"E
1,000.00'

PARKDALE ST. VOL. 250, PG. 234, D.R.D.C.T.
(VARIABLE WIDTH R.O.W.)

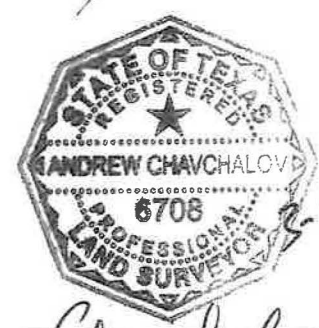
LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 10
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.



Andrew Chavchalo

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- ℙ PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TEL F. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022
AVO.: 33378.001
PAGE 7 OF 25

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0 50 100 150 200
SCALE: 1"=100'

Note:
See Sheet 17 for dimensions and coordinates.

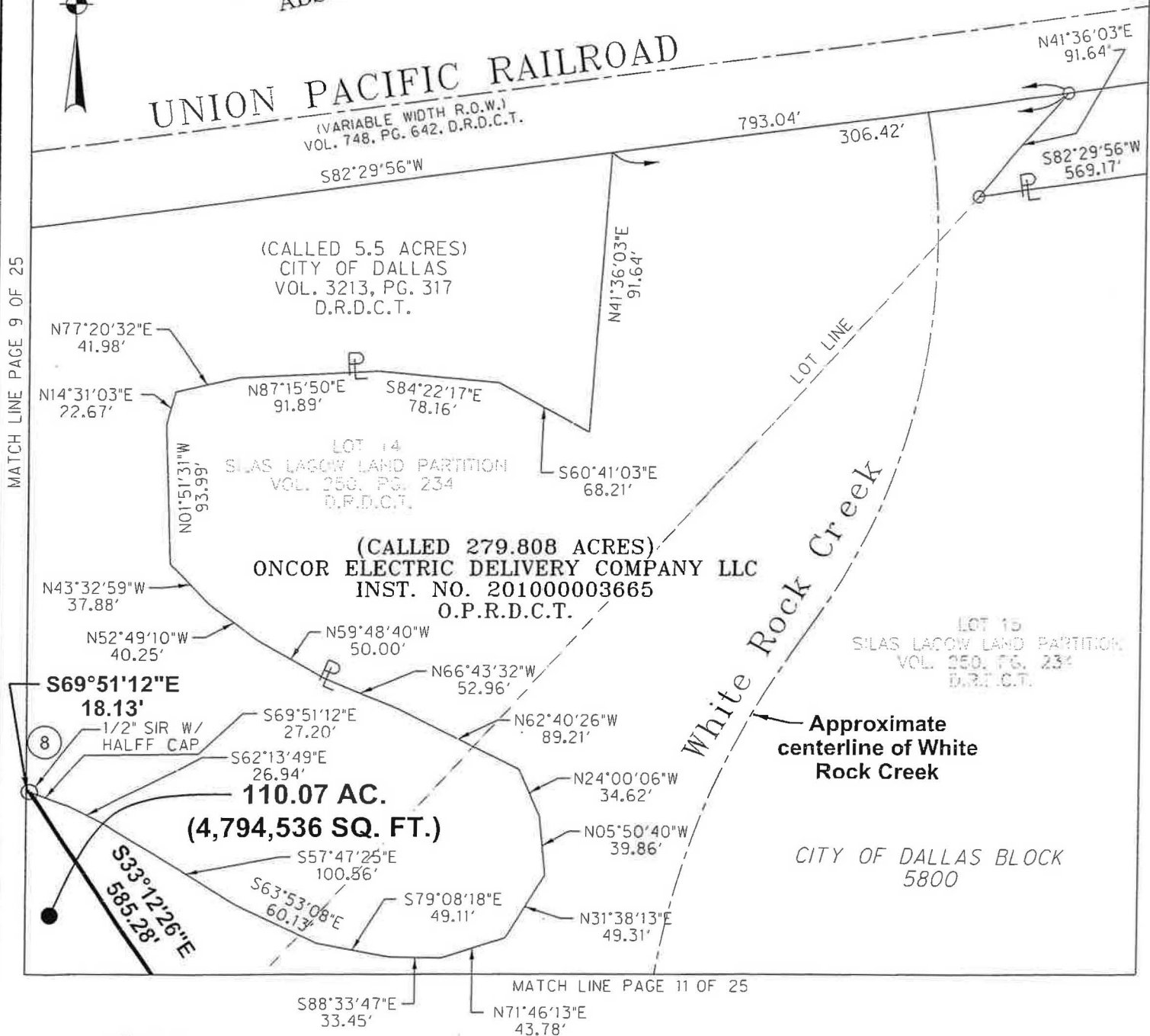


THOMAS LAGOW SURVEY
ABSTRACT NO. 759

UNION PACIFIC RAILROAD
(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642, D.R.D.C.T.

MATCH LINE PAGE 9 OF 25

MATCH LINE PAGE 7 OF 25



LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- Ⓟ PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 8 OF 25

0 50 100 150 200
SCALE: 1"=100'



UNION PACIFIC RAILROAD

(VARIABLE WIDTH R.O.W.)
VOL. 748, PG. 642
D.R.D.C.T.

S82°29'56"W
793.04'

22.50'

N89°30'51"E

815.48'

LOT 13
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

TEXAS & NEW ORLEANS RAILROAD
VOL. 2170, PG. 215
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

(CALLED 5.5 ACRES)
CITY OF DALLAS
VOL. 3213, PG. 317
D.R.D.C.T.

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

POINT OF BEGINNING

1/2" SIR
W/HALFF
CAP

1/2" SIR
W/HALFF
CAP

N42°20'42"E
1,274.30'

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

110.07 AC.
(4,794,536 SQ. FT.)

S60°19'18"E

N76°39'27"E
111.89'

1/2" SIR
W/HALFF
CAP

1/2" SIR
W/HALFF
CAP

334.80'

MATCH LINE PAGE 10 OF 25

MATCH LINE PAGE 8 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Note:
See Sheet 17 for dimension and coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AV0.: 33378.001

PAGE 9 OF 25

LOT 13
SILAS LAGOW
LAND PARTITION
VOL. 250,
PG. 234
D.R.D.C.T.

1,274.30'

0 50 100 150 200

SCALE: 1"=100'

S60°19'18"E
334.80'

5/8" FIR
W/CAP STAMPED
"GORRONDONA
& ASSOC."

N29°40'42"E
50.00'



CITY OF DALLAS BLOCK
5800

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 23 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Note:

See Sheet 17 for dimension and coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 10 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

White Rock Creek

Approximate
centerline of White
Rock Creek110.07 AC.
(4,794,536 SQ. FT.)CITY OF DALLAS BLOCK
5800(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY
COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

MATCH LINE PAGE 12 OF 25

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
R	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 11 OF 25

MATCH LINE PAGE 10 OF 25

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MATCH LINE PAGE 23 OF 25

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

**110.07 AC.
(4,794,536 SQ. FT.)**

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

S03°57'08"W

2,528.75'

White Rock Creek

Approximate
centerline of White
Rock Creek

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

0 50 100 150 200 N

SCALE: 1"=100'

MATCH LINE PAGE 13 OF 25

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF
TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 12 OF 25

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0 50 100 150 200

SCALE: 1"=100'



LOT 16
SILAS LAGOW
LAND PARTITION
VOL. 250,
PG. 234
D.R.D.C.T.

LOT LINE

**110.07 AC.
(4,794,536 SQ. FT.)**

2,528.75'

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY
COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

Approximate
centerline of White
Rock Creek

White Rock Creek

S03°57'08"W

LOT LINE

LOT 18
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 14 OF 25

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- ℙ PROPERTY LINE

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF*

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 13 OF 25

0 50 100 150 200

SCALE: 1"=100'

N



LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

2,528.75'

White Rock Creek

LOT LINE

110.07 AC.
(4,794,536 SQ. FT.)

LOT 18
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

Approximate
centerline of White
Rock Creek

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

(CALLED 54.704 ACRES)
PARK BOARD OF THE
CITY OF DALLAS
VOL. 2940, PG. 215
D.R.D.C.T.

CITY OF DALLAS BLOCK
5541

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 14 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS BLOCK
5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

Approximate
centerline of White
Rock Creek

White Rock
Creek
S25°34'28"W
511.92'

N55°59'18"W
1,543.13'

(CALLED 6.2424 ACRES)
CITY OF DALLAS
1ST TRACT
VOL. 1959, PG. 265
D.R.D.C.T.

LOT 18
SILAS LAGOW LAND
PARTITION
VOLUME 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 16 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
E	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

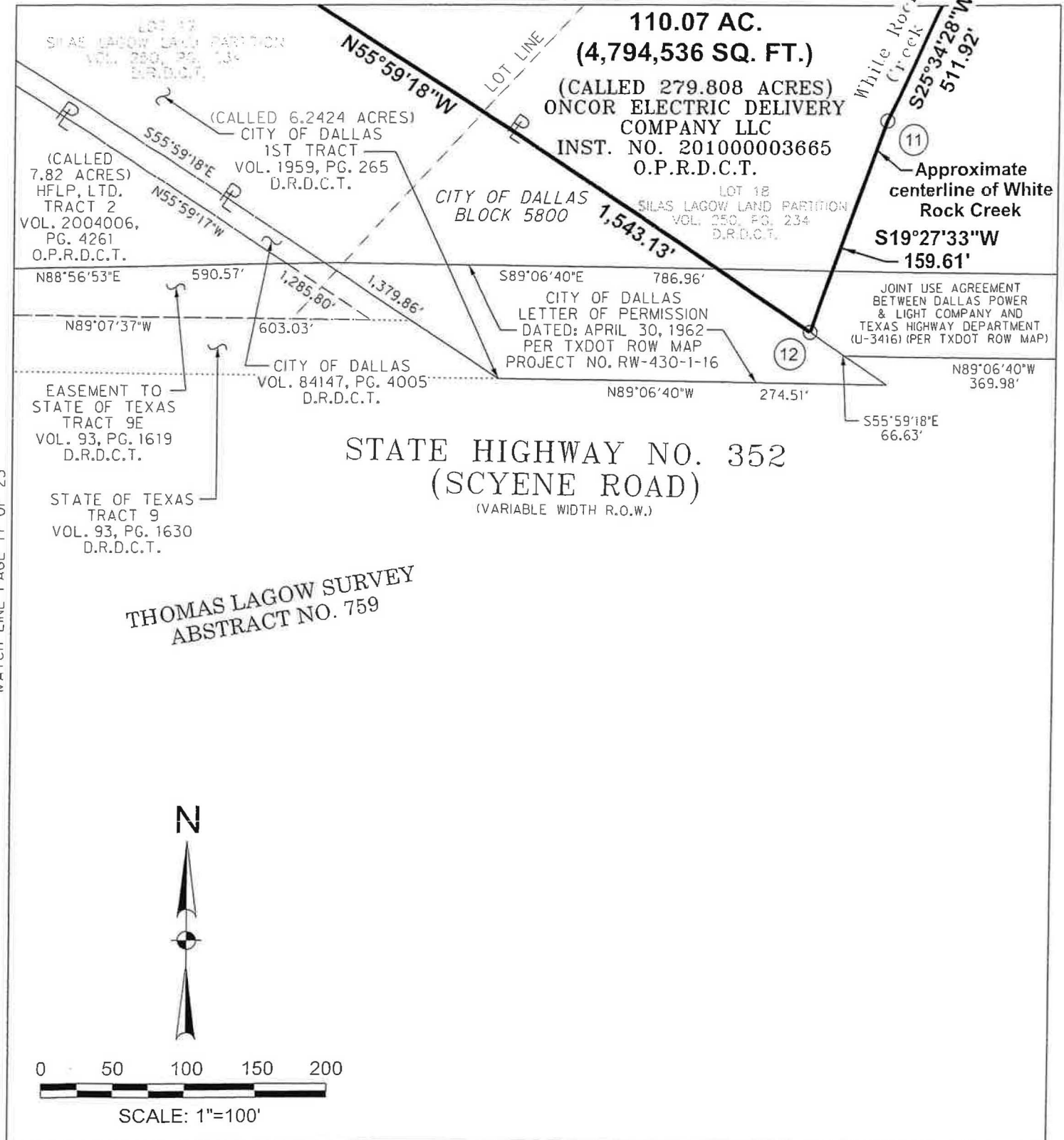
PAGE 15 OF 25

MATCH LINE PAGE 18 OF 25

MATCH LINE PAGE 14 OF 25

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Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

**Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Onkor Electric Delivery Company LLC**

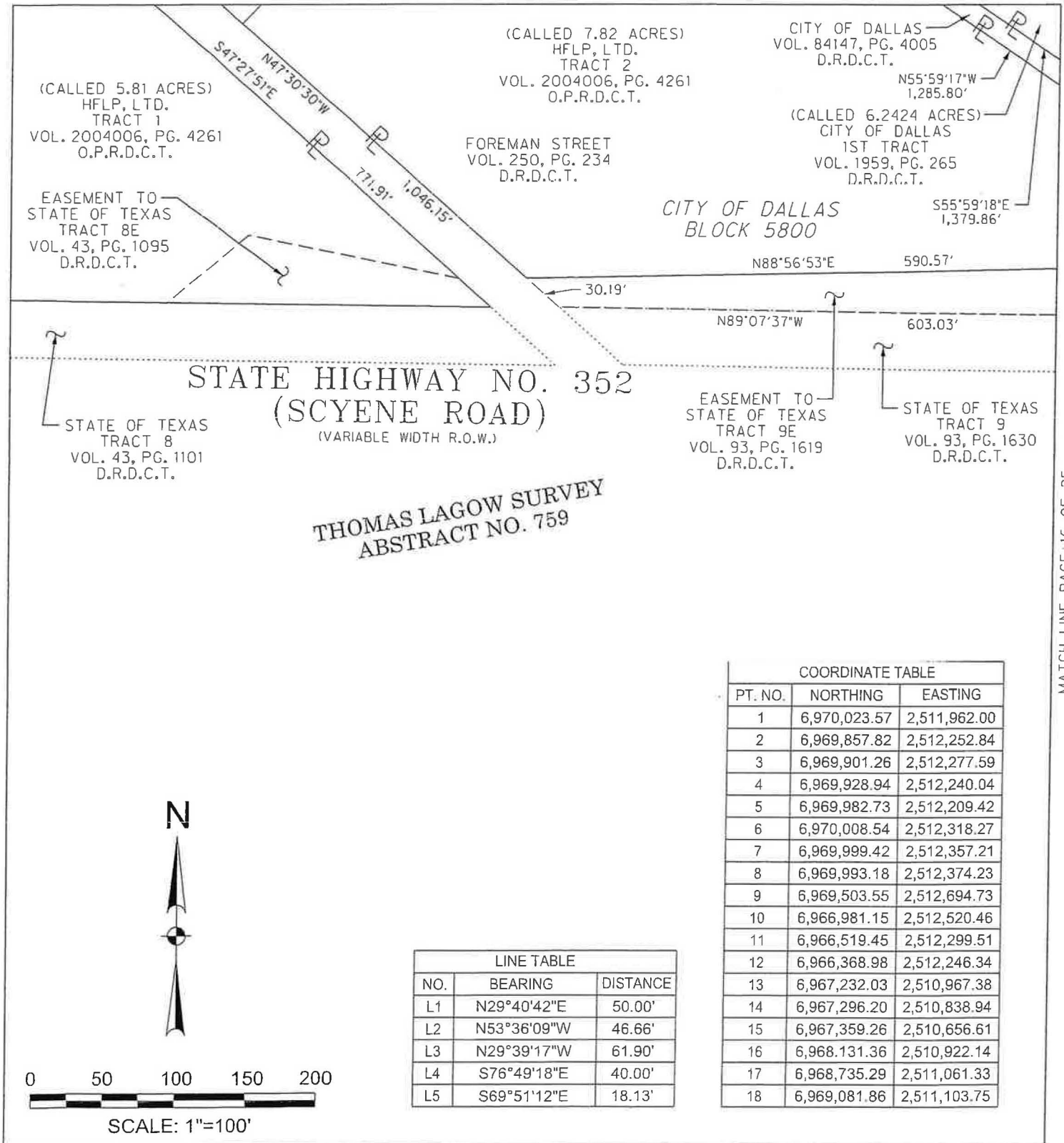


HALFF*
TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 16 OF 25



LEGEND

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- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- ℙ PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
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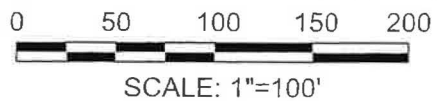
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 17 OF 25



LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

$\Delta = 14^{\circ}56'00''$ (LT)
 $R = 552.50'$
 $L = 144.00'$
 $CL = 143.59'$
 $CB = N63^{\circ}27'18''W$

$N55^{\circ}59'18''W$

CITY OF DALLAS
BLOCK 5800

(CALLED 6.2424 ACRES)
CITY OF DALLAS
1ST TRACT
VOL. 1959, PG. 265
D.R.D.C.T.

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

(CALLED 7.82 ACRES)
HFLP, LTD.
TRACT 2
VOL. 2004006, PG. 4261
O.P.R.D.C.T.

CITY OF DALLAS
VOL. 84147, PG. 4005
D.R.D.C.T.

LEGEND

- NOT MONUMENTED (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- FIR FOUND IRON ROD (AS NOTED)
- FIP FOUND IRON PIPE (AS NOTED)
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- (C.M.) CONTROLLING MONUMENT
- ℙ PROPERTY LINE

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

0 50 100 150 200

SCALE: 1"=100'

CITY OF DALLAS
BLOCK 4480N45°55'18"W
31.13'N18°58'42"E
1,014.95'HOUSTON AND TEXAS CENTRAL
RAILROAD COMPANY
(VARIABLE WIDTH R.O.W.)
(CALLED 10.12 ACRES)
FIRST TRACT
VOL. 132, PG. 555
D.R.D.C.T.

928.00'

N18°58'42"E

S18°58'42"W

688.00'

N18°58'42"E
816.60'1/2" SIR
W/HALFF
CAP

15

281.40'

150.17'

S18°58'42"W
116.80'N45°55'18"W
30.00'CITY OF DALLAS
VOL. 84147, PG. 4005
D.R.D.C.T.S70°58'18"E
192.35'N70°55'19"W
191.40'

N47°30'30"W

CITY OF DALLAS
BLOCK 5800THOMAS LAGOW SURVEY
ABSTRACT NO. 759LOT 15
SILAS LAGOW
LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

110.07 AC.

(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY
COMPANY LLC
INST. NO. 201000003865
O.P.R.D.C.T.N70°55'18"W
192.95'5/8" FIR
W/CAP STAMPED
"GORRONDONA & ASSOC."
(C.M.)(CALLED 6.2424 ACRES)
CITY OF DALLAS
1ST TRACT
VOL. 1959, PG. 265
D.R.D.C.T.L=105.25'
R=402.47'S55°59'18"E
1,379.86'N55°59'17"W
1,285.80'
L=99.93'
R=383.38'Δ= 14°56'00"(LT)
R= 552.50'
L= 144.00'
CL= 143.59'
CB= N63°27'18"WLOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.(CALLED 7.82 ACRES)
HFLP, LTD.
TRACT 2
VOL. 2004006, PG. 4261
O.P.R.D.C.T.

1,046.15'

Note:
See Sheet 17 for coordinates.

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
P	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 19 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

L=588.00'
R=2,785.00'

$\Delta = 12^\circ 00' 00''$ (LT)
 $R = 2,965.00'$
 $L = 620.99'$
 $CL = 619.85'$
 $CB = N12^\circ 58' 42'' E$

3/4" FIP BEARS
 $N89^\circ 32' 24'' W, 0.51'$

LOT 14

SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

LOT LINE

THOMAS LAGOW SURVEY
 ABSTRACT NO. 759

CITY OF DALLAS
 BLOCK 4480

HOUSTON AND TEXAS CENTRAL
 RAILROAD COMPANY

1,014.85'

N18°58'42"E

(VARIABLE WIDTH R.O.W.)
 (CALLED 10.12 ACRES)
 FIRST TRACT
 VOL. 732, PG. 555
 D.R.D.C.T.

816.60'

CITY OF DALLAS
 BLOCK 5800

LOT 15
 SILAS LAGOW LAND PARTITION
 VOL. 250, PG. 234
 D.R.D.C.T.

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
 ONCOR ELECTRIC DELIVERY
 COMPANY LLC
 INST. NO. 201000003665
 O.P.R.D.C.T.

N18°58'42"E

MATCH LINE PAGE 19 OF 25

MATCH LINE PAGE 21 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
R	PROPERTY LINE

Note:
 See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
 Boundary Survey
 To Be Acquired in City of Dallas Block Number 5800
 From Oncor Electric Delivery Company LLC

**HALFF**

TBPELS FIRM NO.10029600
 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AV0.: 33378.001

PAGE 20 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

LOT LINE

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

LOT LINE

LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.

MATCH LINE PAGE 18 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
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TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 21 OF 25

MATCH LINE PAGE 20 OF 25

MATCH LINE PAGE 22 OF 25

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0 50 100 150 200

SCALE: 1"=100'

N

LOT LINE

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.**110.07 AC.
(4,794,536 SQ. FT.)****(CALLED 279.808 ACRES)**
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.CITY OF DALLAS
BLOCK 5800THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT LINE

LOT 17
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
O.P.R.D.C.T.

MATCH LINE PAGE 15 OF 25

LEGEND

○	NOT MONUMENTED (UNLESS OTHERWISE NOTED)
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FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
ℙ	PROPERTY LINE

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
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**HALFF**

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 1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 22 OF 25

MATCH LINE PAGE 21 OF 25

MATCH LINE PAGE 13 OF 25

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0 50 100 150 200

SCALE: 1"=100'



LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

CITY OF DALLAS
BLOCK 5800

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

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(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
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LOT 16
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

MATCH LINE PAGE 21 OF 25

MATCH LINE PAGE 22 OF 25

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- PG. PAGE
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DATE: 3/15/2022

AVO.: 33378.001

PAGE 23 OF 25

0 50 100 150 200

SCALE: 1"=100'

N

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 15
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

N06°58'42"E
82.30'

L=1,685.14'
R=2,785.00'

HOUSTON AND TEXAS CENTRAL
RAILROAD COMPANY

(VARIABLE WIDTH R.O.W.)
(CALLED 10.12 ACRES)
FIRST TRACT
VOL. 732, PG. 555
D.R.D.C.T.

N06°58'42"E
349.20'

17

5/8" FIR
W/CAP STAMPED
"GORRONDONA
& ASSOC." BEARS
N80°09'49"W, 0.64'

$\Delta = 12^\circ 00' 00''$ (LT)
 $R = 2,965.00'$
 $L = 620.99'$
 $CL = 619.85'$
 $CB = N12^\circ 58' 42'' E$

MATCH LINE PAGE 20 OF 25

MATCH LINE PAGE 21 OF 25

LEGEND

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●	FOUND MONUMENT (AS NOTED)
FIR	FOUND IRON ROD (AS NOTED)
FIP	FOUND IRON PIPE (AS NOTED)
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(C.M.)	CONTROLLING MONUMENT
R	PROPERTY LINE

Note:

See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



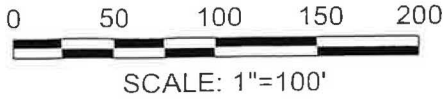
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 24 OF 25



HOUSTON AND TEXAS CENTRAL
RAILROAD COMPANY

(VARIABLE WIDTH R.O.W.)
(CALLED 4.9 ACRES)
FIRST TRACT
VOL. 748, PG. 642
D.R.D.C.T.

THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LOT 13
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

TEXAS & NEW ORLEANS RAILROAD
VOL. 2170, PG. 215
D.R.D.C.T.

1,274.30'
LOT LINE

LOT 14
SILAS LAGOW LAND PARTITION
VOL. 250, PG. 234
D.R.D.C.T.

CITY OF DALLAS
BLOCK 5800

110.07 AC.
(4,794,536 SQ. FT.)

(CALLED 279.808 ACRES)
ONCOR ELECTRIC DELIVERY COMPANY LLC
INST. NO. 201000003665
O.P.R.D.C.T.

S42°20'42"W
322.91'
N06°58'42"E
349.20'
FENCE
CORNER
POST
(18)

755.00'
N05°14'42"E

N42°20'42"E

MATCH LINE PAGE 24 OF 25

MATCH LINE PAGE 23 OF 25

Note:
See Sheet 17 for coordinates.

Field Notes Describing a 110.07 Acres(4,794,536 Square Foot)
Boundary Survey
To Be Acquired in City of Dallas Block Number 5800
From Oncor Electric Delivery Company LLC



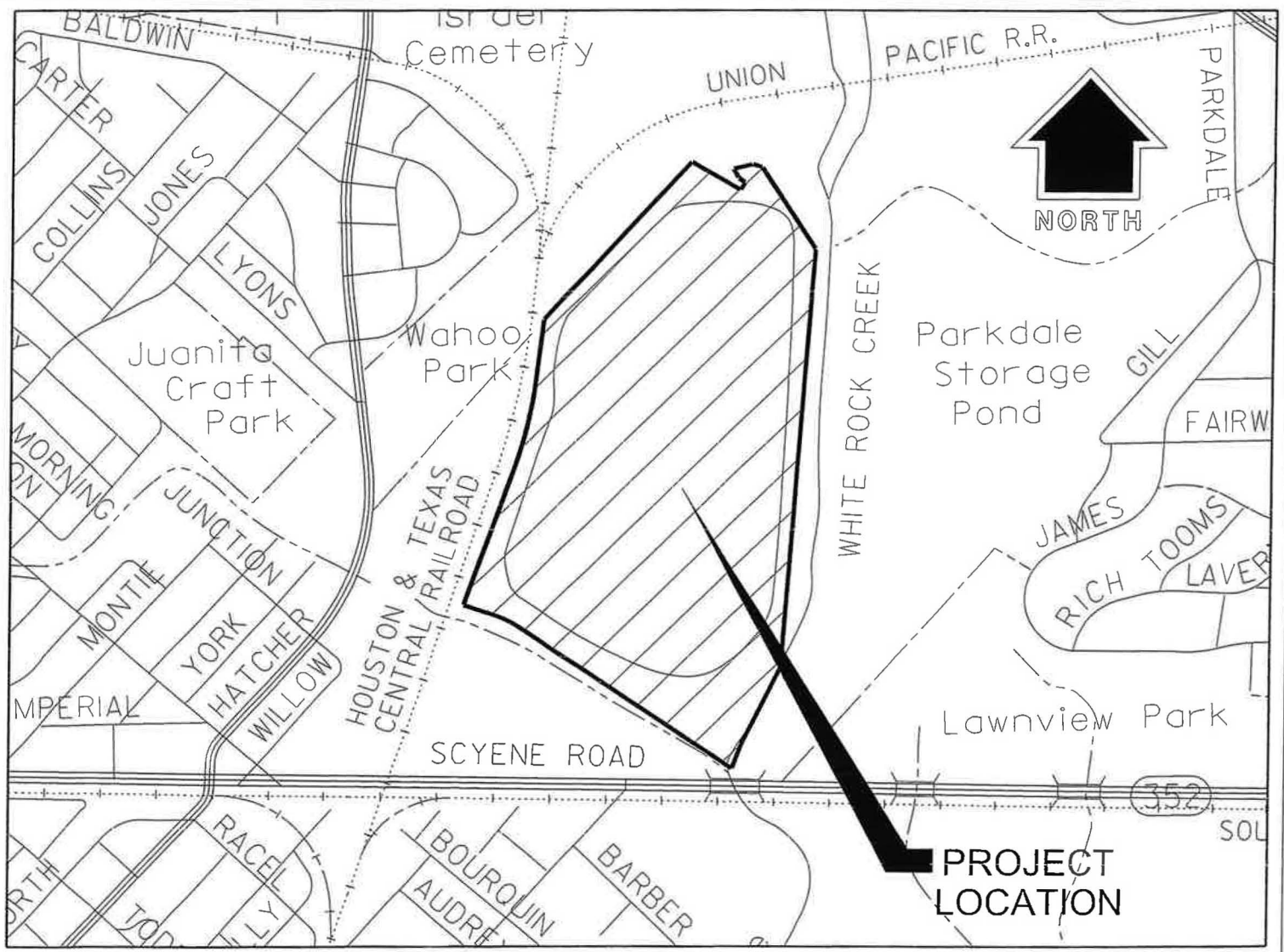
HALFF

TBPELS FIRM NO.10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: 3/15/2022

AVO.: 33378.001

PAGE 25 OF 25



LOCATOR MAP
NOT TO SCALE



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-888

Item #: 13.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize an amendment to an existing lease agreement with Towne Square Market LP to extend the lease agreement for an additional eight years for approximately 8,100 square feet of office and clinic space located at 3302 North Buckner Boulevard, Suites 124 and 130, to be used as a Women, Infants and Children Clinic for the period June 1, 2022 through May 31, 2030 - Not to exceed \$1,173,892.80 - Financing: Health and Human Services Commission Grant Fund (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to an existing lease agreement with Towne Square Market LP to extend the lease agreement for an additional eight years for approximately 8,100 square feet of office and clinic space located at 3302 North Buckner Boulevard, Suites 124 and 130, to be used as a Women, Infants and Children ("WIC") Clinic.

The WIC Program is a United States Department of Agriculture program administered in Texas by the Texas Health and Human Services Commission (HHSC). The countywide program has been administered by the City of Dallas since 1974 and is overseen by the Office of Community Care. The Special Supplemental Nutrition Program for WIC Program provides nutritious foods through Electronic Benefits Transfer cards redeemed at local grocery stores, nutrition education, breastfeeding promotion and support, and referrals to health services. The program serves pregnant, postpartum and breastfeeding women, infants and children under age five.

The eight-year extension will begin on June 1, 2022 and end on May 31, 2030.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 1994, City Council authorized a five-year Lease Agreement by Resolution No. 94-1582.

On May 26, 1999, City Council authorized a First Amendment to the Lease Agreement with Buckner

& I-30, Ltd., for approximately 3,400 square feet of office space located in the Towne Market Shopping Center 3312 North Buckner Boulevard by Resolution No. 99-1699.

On May 23, 2001, City Council authorized a Second Amendment to the Lease Agreement with Bucker I-30, Ltd., by Resolution No. 01-1623.

On April 27, 2005, City Council authorized a Third Amendment to the Lease Agreement by Resolution No. 05-1324.

On September 23, 2009, City Council authorized a Fourth Amendment to the Lease Agreement by Resolution No. 09-2370.

On April 10, 2019, City Council authorized an amendment to an existing lease agreement by Resolution No. 19-0511.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Health and Human Services Commission Grant Fund	\$46,035.00	\$138,105.00	\$989,752.80

OWNER

Towne Square Market LP

Towne Square Market GP, LLC, its general partner

Eric Cassis, Managing Manager

MAP

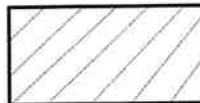
Attached



JOHN WEST ROAD

NORTH BUCKNER BOULEVARD

1/7365



SUBJECT SITE

May 11, 2022

WHEREAS, on April 27, 1994, by Resolution 94-1582, the City Council of the City of Dallas authorized a five-year lease agreement dated April 27, 1994 (the "Lease") between the City of Dallas, a Texas municipal corporation ("City"), as tenant, and Buckner & I-30, Ltd., a Texas limited partnership, or its successor and assigns, ("Landlord") as landlord, for approximately 3,400 square feet of office space, located at 3312 North Buckner Boulevard, Suite 200, Dallas, Dallas County, Texas (the "Premises") to be used by the Women, Infants and Children ("WIC") Program Services; and

WHEREAS, on May 26, 1999, by Resolution No. 99-1699, City Council authorized the First Amendment to Lease Agreement dated May 27, 1999 to (1) extend the term for an additional three-years, and (2) adjust the monthly rental rate; and

WHEREAS, on May 23, 2001, by Resolution No. 01-1623, City Council authorized the Second Amendment to Lease Agreement dated June 1, 2001 to (1) extend the term for an additional four-years, (2) increase the office space by 1,407 square feet located in Suite 205, bringing the total space for the Premises to 4,807 square feet described as Suites 200 and 205, and (3) Landlord to provide a minimum of 42 parking spaces; and

WHEREAS, on April 27, 2005, by Resolution No. 05-1324, City Council authorized the Third Amendment to Lease Agreement dated May 5, 2005 to (1) extend the term for an additional nine-years, (2) increase office space by 8,100 square feet by adding Suites 124 and 130, located at 3302 North Buckner Boulevard and relinquishing 1,407 square feet being Suite 205, located at 3312 North Buckner Boulevard, for a total of total space for the Premises to 11,500 square feet, being located at 3302 North Buckner Boulevard, Suites 124, 130 and 3312 North Buckner Boulevard, Suite 200, and (3) increase Landlord provided minimum parking spaces to 100; and

WHEREAS, on December 28, 2005, Buckner & I-30, Ltd., conveyed certain real property, which included the Premises, to Towne Square Market LP, a Texas limited partnership (hereinafter "Landlord") as successor in interest; and

WHEREAS, on September 23, 2009, by Resolution No. 09-2370, City Council authorized the Fourth Amendment to Lease Agreement dated October 3, 2009 to (1) reduce the office space by approximately 3,400 square feet, being located at 3312 North Buckner Boulevard, Suite 200, for a total space for the Premises to 8,100 square feet, being located at 3302 North Buckner Boulevard, Suites 124 and 130; (2) extend the term for an additional four-years, and (3) Landlord to make certain additional improvements and refurbishments to 3302 North Buckner Boulevard, Suites 124 and 130 at City's cost and expense through additional rental payments; and

WHEREAS, on April 10, 2019, by Resolution No., 19-0511, City Council authorized the Fifth Amendment to Lease Agreement dated April 10, 2019 to (1) extend the term for an additional three-years, (2) adjust the monthly rental rate, and (2) modify language where required for clarification of permitted use and intention; and

May 11, 2022

WHEREAS, on February 3, 2021, by Resolution No., 2021-0011, the Sixth Amendment to Lease Agreement dated May 17, 2021, was authorized in which the Landlord, in accordance with Sections VII and XI, granted the City, at its sole cost and expense, to (1) make certain Leasehold Improvements, (2) maintain and repair for the certain Leasehold Improvements, and (3) upon expiration and/or termination of the Lease, the Leasehold Improvements shall become the property of the Landlord and shall remain and be surrendered with the Premises; and

WHEREAS, the Lease, as amended, expires by its own terms on May 31, 2022; and

WHEREAS, the parties desire to renew, extend, modify and/or amend the lease, as previously amended, to (1) extend the term for an additional eight-year term ("Extension Term"), (2) grant the City a one-time additional right to terminate, with no penalty, after year three of the Extension Term, and (3) adjust monthly rental rates for the Extension Term, subject to annual appropriations and upon certain amended terms as provided below.

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a Seventh Amendment to the Lease Agreement between Towne Square Market LP, a Texas limited partnership and the City of Dallas.

SECTION 2. That the special terms and conditions of the Seventh Amendment to the Lease Agreement are:

(a) The term of the Lease is hereby extended for an additional eight (8) years (the "Extension Term") beginning June 1, 2022 and ending May 31, 2030, provided however, that City shall have a one-time additional right to terminate, without penalty, with a sixty (60) day Notice to Landlord, after year three (3) of the Extension Term, and furthermore, City and Landlord retain the right to terminate the Lease as provided elsewhere therein, including, but not limited to the City's right to terminate under Section XXII of the Lease.

(b) Monthly Rental Payments during the Extension Term shall be as follows: (subject to annual appropriations):

June 1, 2011 – May 31, 2025	\$11,508.75 per month
June 1, 2025 – May 31, 2030	\$12,659.63 per month

(c) Modify the Lease with the addition of **Section XXVIII** as follows:

May 11, 2022

SECTION 2. (continued)

Counterparts: **Electronic Signatures.** Landlord and City consent to the use of **electronic signatures** on this Amendment and all documents relating to the Lease and this Amendment, including, but not limited to, any amendments, written approvals, or Notices to any of the foregoing (collectively, the "Lease Documents"). Landlord and City agree that any **electronic signatures** appearing on the Lease Documents are the same as handwritten signatures for the purposes of validity, enforceability and admissibility, and that any electronically signed Lease Document shall, for all purposes of the Lease Documents and applicable law, be deemed to be "written" or "in writing", to have been executed, and to constitute an original written record when printed, and shall be fully admissible in any legal proceeding. For purposes hereof, "electronic signature" shall include, DocuSign and AdobeSign, and have the meaning set forth in the Uniform Electronic Transactions Act, as the same may be amended from time to time.

(d) All other terms and conditions of the Lease, as amended, not expressly amended hereby, shall remain in full force and effect.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Towne Square Market LP, or its successors and assigns on the first day of each month in advance during the Extension Term beginning June 1, 2022 in the amount specified below:

June 1, 2022 – May 31, 2025: (subject to annual appropriations)	\$11,508.75 per month
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June 1, 2025 – May 31, 2030: (subject to annual appropriations)	\$12,659.63 per month
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SECTION 4. That the payments will be charged as follows:

June 1, 2022 – September 30, 2022: Fund FY 2022 WIC Program - Women, Infants and Children Grant Fund, Fund F679, Department MGT, Unit 211C, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$11,508.75.

October 1, 2022 – September 30, 2023: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842 Commodity 97145, Vendor VC0000000475, Amount \$11,508.75.

October 1, 2023 – September 30, 2024: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$11,508.75.

May 11, 2022

SECTION 4. (continued)

October 1, 2024 – May 31, 2025: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$11,508.75

June 1, 2025 – September 30, 2025: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

October 1, 2025 – September 30, 2026: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

October 1, 2026 – September 30, 2027: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

October 1, 2027 – September 30, 2028: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

October 1, 2028 – September 30, 2029: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

October 1, 2029 – May 31, 2030: TBD Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2022-00018842, Commodity 97145, Vendor VC0000000475, Amount \$12,659.63.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective communications, utility and janitorial companies upon receipt of a bill for such services or other applicable charges throughout the lease term.

May 11, 2022

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

BY: *Consuelo Tankersley*
Assistant City Attorney



Agenda Information Sheet

File #: 22-667

Item #: 14.

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 4
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a development loan agreement with LDG The Terrace at Southern Oaks, LP and/or its affiliate, for the development of The Terrace at Southern Oaks, a 300-unit affordable multifamily complex located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216 (Project) - Not to exceed \$7,900,000.00 - Financing: HOME Funds (\$3,500,000.00) and CDBG Funds (\$4,400,000.00)

BACKGROUND

LDG The Terrace at Southern Oaks, LP and/or its affiliate (Applicant) submitted a Proposal under the City's Notice of Funding Availability (NOFA), as amended, to receive gap financing in the form of a loan to support the construction of a 300-unit affordable multifamily complex located within the City limits. The NOFA was issued by the Department of Housing & Neighborhood Revitalization (Housing) in accordance with the City's Comprehensive Housing Policy (CHP).

Housing administers programs to appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City. Specifically, Housing administers the New Construction and Substantial Rehabilitation Program which where necessary seeks to provide financial assistance to new developments or substantially rehabilitate existing developments. All projects seeking financial assistance are required to submit a Notice of Intent to apply for financial assistance through NOFA to develop affordable homeownership and rental housing. As outlined in the NOFA, multiple sources of funding are available, however, proposed projects must meet specific thresholds to qualify for the use of a specific funding source. At minimum, each proposed project must be composed of at least five affordable units and must achieve a fundable score as outlined in the NOFA solicitation. The applicant received a fundable score of 96 points.

On September 22, 2021, City Council authorized a Resolution of No Objection for 4% housing tax credits for the Project; however, the Project did not receive a bond reservation from the Texas Bond Review Board and will subsequently no longer qualify for 4% housing tax credits. The State allocation of bonds is oversubscribed by about \$2 billion so it is not surprising the Applicant did not receive an

allocation for this project this year. Bond reservations are given via lottery and the fact that the Project did not receive a bond reservation is not indicative of its quality or economic viability. The Applicant will now fund the Project using conventional debt and equity sources in conjunction with the NOFA funding.

The general partner of the Applicant will be LDG The Terrace at Southern Oaks, GP, LLC, a to be formed single asset entity with the Dallas Housing Finance Corporation (DHFC) as 100% owner. LDG The Terrace at Southern Oaks, SLP, LLC, a to be formed limited liability company or its affiliate with Texas Quad, LLC, a Texas limited liability company as 100% owner, will be the special limited partner. An amended and restated agreement of limited partnership will be executed to admit an equity investor once identified.

LDG Development, LLC (LDG), or its affiliate, will serve as the developer and guarantor of the project. LDG has successfully completed over 77 multifamily properties totaling 13,673 units and is currently developing two other workforce housing developments in partnership with the City and the DHFC totaling 480 units. The proposed property manager is Capstone Real Estate Services, Inc. (Capstone). Capstone is a professional management company based in Austin, TX that currently manages 35,000 multifamily units including over 21,000 affordable units.

The Applicant proposes to develop 300 mixed-income multi-family units on 22 acres. The 300 units are comprised of 36 1-bedroom, 132 2-bedroom, 120 3-bedroom units, and 12 4-bedroom units. The units will include energy efficient appliances, washer/dryer hookups, covered entries/patios, and other Class A features. The Project will also include controlled gate access, a multipurpose community room, swimming pool, fitness center, theater room, children's playscape, full perimeter fencing a gazebo area, picnic areas with grills, and landscaped walking paths.

The Applicant proposes to provide on-site resident services including:

1. 12 hours per week of after school tutoring;
2. 4 hours per week of adult financial literacy courses;
3. Food pantry;
4. Annual health fair and flu shots;
5. Notary services;
6. Arts and crafts programming twice a month;
7. Organized social gatherings twice a month; and
8. Weekly chore and preventative maintenance for elderly and disabled residents.

The Applicant has consulted with the Office of Innovative Public Safety Solutions (OIPSS) for security input, community activities and the Crime Prevention Through Environmental Design. The Applicant and OIPSS will continue to work together to ensure the community is secure and take proactive measures to ensure the safety of the residents.

The site is situated conveniently near the intersection of Interstate Highway 45 and East Illinois Avenue, roughly 4 miles south of Downtown Dallas. There are nine different DART stops within 1/4 mile that surround the development, making it easy to access via transit. In addition to the ease of access via transit, the site is located directly across the street from John C. Phelps Community Park, a 20+ acre park and is within walking distance to J.P. Phelps Math Science and Technology

elementary school (Great Schools rated 8). The site does not require a zoning change as it is currently zoned MU-2 (Multifamily and Retail).

The Market Value Added (MVA) market type is uncategorizable as it is vacant land. The MVA market types of the adjacent neighborhoods are 'G', 'H', 'I' ranging from 26% to 60.00% owner-occupied housing. The nearby multifamily developments have MVA market types of 'H' and 'G'. The introduction of a new, Class A mixed-income multifamily development will provide significant market pressure on the existing housing stock to provide substantial renovations and services to remain competitive. Because the site is already zoned as multifamily, addition of quality mixed-income housing units on that site will ensure affordability as the surrounding area continues to be developed.

Total development costs are anticipated to be approximately \$70,148,000.00 which includes the acquisition price for the land. The construction budget is anticipated to be approximately \$51,167,527.00 which is \$170,558.42 per unit.

Proposed Financing Sources	Amount
Construction Loan Financing	\$53,148,000.00
Investor Equity	\$ 9,358,743.00
City of Dallas CDBG Loan	\$ 4,400,000.00
City of Dallas HOME Loan	\$ 3,500,000.00
Total	\$70,406,743.00

Proposed Uses	Costs
Acquisition	\$ 3,626,370.00
Total Const. Costs	\$51,167,527.00
Financing Fees, Soft Costs	\$12,042,509.00
Developer Fee	\$ 3,520,337.00
Total	\$70,406,743.00

After the development is complete, 153 of the 300 units will be made available to households earning 0.00%-80.00% of Area Median Income (AMI), of which 20 will be HOME-assisted units for a minimum of 20 years, and 147 of the 300 units will not be income restricted. In addition, 40% of the market rate units will serve residents at 140% (annual income of \$106,800.00).

The Development has been found to affirmatively further fair housing by the Office of Fair Housing. Staff recommend approval of this item as it furthers the mixed-income housing goals of the CHP, meets the threshold requirements of the NOFA, and the financial gap has been confirmed by third-party underwriting.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 8, 2022, the DHFC Board of Directors approved a partnership term sheet with the Applicant to develop and own the Project.

[The Housing and Homelessness Solutions Committee was briefed regarding this matter on April 25, 2022.](#)

FISCAL INFORMATION

Fund	FY 2022	FY 2022	Future Years
HOME Fund	\$3,500,000.00	\$0.00	\$0.00
CDBG Fund	\$4,400,000.00	\$0.00	\$0.00
Total	\$7,900,000.00	\$0.00	\$0.00

M/WBE INFORMATION

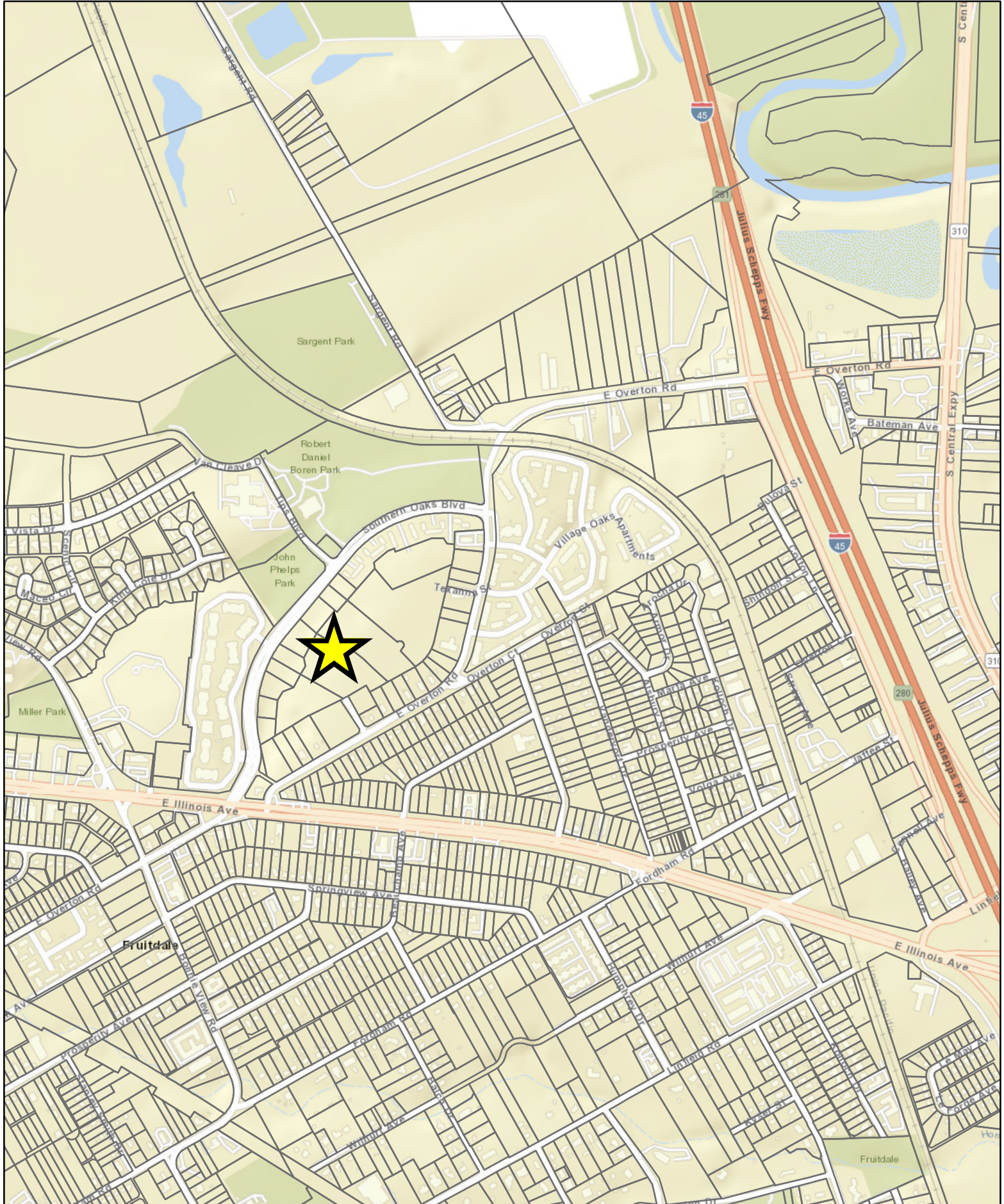
In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$51,167,527.00	Construction	32.00%	32.00%	\$16,373,608.64
• This contract meets the M/WBE goal.				
• LDC Multifamily, LLC - Non-Local; Workforce - 0.00% Local				

MAP

Attached

4% RONO - Terrace at Southern Oaks



May 11, 2022

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, after the adoption of the CHP City Council authorized multiple amendments to the CHP in order to correct inconsistencies and to facilitate effective implementation by Resolution No. 18-1680 on November 28, 2018, by Resolution No. 19-0884 on June 12, 2019, by Resolution No. 19-1041 on June 26, 2019, by Resolution No. 19-1498 on September 25, 2019, by Resolution No. 19-1864 on December 11, 2019, and by Resolution No. 21-1450 on September 9, 2021; and

WHEREAS, on December 1, 2021, the City issued a Notice of Funding Availability, as amended, in accordance with the CHP; and

WHEREAS, on January 28, 2022, LDG The Terrace at Southern Oaks, LP (Applicant) submitted an application that received a fundable score (96) and passed a third-party underwriting review for their proposed The Terrace at Southern Oaks; and

WHEREAS, to assist in the affordable housing production goals established in the CHP, the City desires to enter into a loan agreement with the Applicant and/or its affiliates in an amount not to exceed \$7,900,000.00 in consideration of the LDG The Terrace at Southern Oaks, LP; and

WHEREAS, the Applicant or its affiliates has proposed the development of a 300-unit multifamily complex known as The Terrace at Southern Oaks located at 3300 Southern Oaks Blvd in the City of Dallas, Texas (Development); and

WHEREAS, the Applicant proposes to develop new construction of 300 units, including 36 1-bedroom, 132 2bedroom, 120 3-bedroom units, and 12 4-bedroom units; and

WHEREAS, upon completion of the Development, at least 153 of the 300 units will be available to rent to low-income households earning 0.00%-80.00% of Area Median Income (AMI), of which 20 will be HOME-assisted units for a minimum of 20 years, and 147 of the 300 units will be at market rates. In addition, 40% of the market rate units will serve residents at 140% AMI (annual income of \$106,800.00).

Now, Therefore,

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

May 11, 2022

SECTION 1. That the City Manager is hereby authorized to execute a development loan agreement with LDG The Terrace at Southern Oaks, LP and/or its affiliates, approved as to form by the City Attorney, described herein including any financing and associated documents related to the loan agreement, subordinations to the senior lender for a loan in a greater amount, and release of liens and termination of deed restrictions on the property upon satisfaction of all applicable conditions. The Director may extend deadlines by up to two years.

SECTION 2. As a requirement for the loan, the Applicant must provide at least 153 of the 300 units to households earning 0.00%-80.00% of the Area Median Income (AMI) as defined by the U.S. Department of Housing and Urban Development (HUD). Twenty will be HOME-funded units for a minimum of 20 years. The remaining 147 units will not be income restricted and will be market rate. The loan amount will not exceed \$7,900,000.00, specifically \$3,500,000.00 in HOME Investment Partnership (HOME) and \$4,400,000.00 Community Development Block Grant (CDBG) funds, for the construction of affordable housing located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216.

CDBG funds will be used for acquisition costs and other allowable development costs, as allowed by federal regulations governing the use of the funds and the Comprehensive Housing Policy (CHP). The HOME funds will be used for hard and soft construction cost, in accordance with the CHP and the regulations. All funds will be provided on a reimbursable basis. The terms of the loan agreement shall include, but are not limited to the following:

1. The term of the loan agreement(s) is 35 years beginning from the effective date;
2. The term of the loan(s) shall be 35 years and ends on the maturity date to be defined in the loan agreement(s) and other financing documents for the loan(s), in accordance with the CHP;
3. LDG The Terrace at Southern Oaks, LP shall complete construction of the 300 units within 2 years of the effective date of the agreement, which may be extended by the Director of the Department of Housing and Neighborhood Revitalization (Director) up to two years (unless prohibited by the applicable regulations or the CHP);
4. 153 of the 300 units to households earning at or below 80.00% AMI and 147 units at market rates.
5. The development shall consist of approximately 347,142 square feet distributed over 3 stories of rentable living space. The unit mix will include 36 1-bedrooms apartments, 132 2-bedroom apartments, 120 3-bedroom apartments, and 12 4-bedroom apartments. The requirements of this subsection may be modified by the Director;

SECTION 1. (continued)

6. Loan amortization is 35 years, with an interest rate of 1% simple annual interest;
7. LDG The Terrace at Southern Oaks, LP must execute a promissory note(s) for the total loan amount(s);
8. The owner of the property, DHFC, and LDG The Terrace at Southern Oaks, LP shall execute and record deed restrictions on the property. The deed restrictions may be recorded senior to other financing documents such that the HOME covenant is not extinguished in the case of foreclosure by a senior lender and shall be recorded to secure the 20-year affordability period for the affordable HOME/CDBG units and 15-year voucher period for the voucher units, which are subject to the requirements or amended requirements of Chapter 20A of the Dallas City Code and CHP;
9. The owner of the Property, DHFC, and LDG The Terrace at Southern Oaks, LP shall execute and record a deed of trust on the property, including the leasehold and all improvements to secure payment and performance which will be released once all terms and conditions of the HOME and CDBG loan agreement(s) are met. The owner of the Property, DHFC, and LDG The Terrace at Southern Oaks, LP shall execute one deed of trust for the total Loan amount.
10. The City shall maintain a first or second lien position. The lien will run concurrently with the lien associated with the Loan, and will be released upon satisfaction of the obligations detailed therein and within the agreement(s) (subject to the City's review and approval). The City's lien or liens for loan agreements may be subordinate to a financial institution's lien, subject to the requirements of the CHP. In the event subordination agreements are required, the City agrees to provide the subordination document in a form acceptable to the City;
11. A default under the HOME loan agreement shall constitute a default under the CDBG loan agreement, and vice versa;
12. The HOME/CDBG loan shall be a nonrecourse and the City's remedies is limited to foreclosure only in the event of an uncured default;
13. Although the term, the maturity date, and the amortization are anticipated to be for a period of 35 years, the Director may adjust the terms so that it is coterminous with the senior lender;
14. DHFC shall purchase and own the land, enter into a long-term ground lease with LDG The Terrace at Southern Oaks, LP, and take an ownership interest in LDG The Terrace at Southern Oaks, LP for the development of a mixed-income multifamily complex located at 3300 Southern Oaks Boulevard, Dallas, Texas 75216;

SECTION 1. (continued)

15. LDG Athena Capital, LLC shall provide guarantees including a completion and operating deficit guaranty for the loan agreements;
16. LDG The Terrace at Southern Oaks, LP must provide payment and performance bonds or guarantees, or acceptable equivalent methods of guarantees to the City in the total amount of the construction of the development;
17. Repayment of loan principal and interest should be an annual surplus cash payment. The City's surplus cash loans funding will be structured with note provisions requiring that at least 50.00% of eligible cash, as defined in the CHP, in excess of \$50,000.00 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis;
18. The HOME/CDBG loan agreements are conditioned upon:
 - a. Approval of equity, construction and permanent financing documentation in a form acceptable to the City;
 - b. HUD federal requirements including environmental review, site and neighborhood standards, cost reasonableness, subsidy layering, and underwriting;
 - c. LDG The Terrace at Southern Oaks, LP shall make a good faith effort to comply with the City's Business Inclusion and Development goal of 32% participation by certified Minority/Women-owned Business Enterprises for all hard construction expenditures of the Development (i.e. public and private improvements) and meet all reporting requirements of the City of Dallas Office of Business Diversity;
 - d. All conditions listed in the CHP for developer programs;
 - e. Final underwriting; and
 - f. Closing on equity and all other financing for the development.

May 11, 2022

SECTION 3. That the Chief Financial Officer is hereby authorized to encumber funds and disburse funds to LDG The Terrace at Southern Oaks, LP, Vendor VC24869, as the City receives and reviews reimbursement requests and related supporting documentation submitted by LDG The Terrace at Southern Oaks, LP for eligible expenditures and accepts supporting evidence as defined in the agreements for the total amount not to exceed \$7,900,000.00 from funding sources listed and described below:

FUND	DEPT	UNIT	OBJECT	AMOUNT
HM17	HOU	275B	3015	\$1,647,941.69
HM19	HOU	919D	3015	\$1,782,641.43
HM21	HOU	520F	3015	\$ 69,416.88
CD20	HOU	406E	3015	\$1,586,898.58
CD21	HOU	507F	3015	\$2,813,101.42

SECTION 4. That it is FURTHER RESOLVED that the City of Dallas hereby confirms that its Governing Body has voted specifically to authorize the Development to move forward.

SECTION 5. That the City Controller is hereby authorized to record notes receivable - developers loan in balance sheet account 033F and deferred revenue-home loans in 050A in fund CDBG for the amount of the loan and in 0859 in fund HOME for the amount of the loan.

SECTION 6. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation until such time as the loan and conditional grant documents are duly approved by all parties and executed.

SECTION 7. That these contracts are designated as Contract Number HOU-2022-00018853.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so resolved



Agenda Information Sheet

File #: 22-1032

Item #: 15.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Transportation

EXECUTIVE: Dr. Robert Perez

SUBJECT

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by adding Section 28-61.1. "Standing and Walking in Certain Areas Prohibited" **(1)** prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; **(2)** providing a penalty not to exceed \$500; **(3)** providing a saving clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

A study of pedestrian fatalities in the City of Dallas found that the vast majority of pedestrian fatalities occur when the pedestrian enters the roadway at a point that is not designated for crossing or standing. Additionally, traffic studies have found that medians under six feet in width, areas with no medians, or areas designated as clear zones are not safe pedestrian refuges.

The U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, and Section 4.3.5 of the City of Dallas Street Design Manual recommend a minimum median width of six feet for a median to be used as a pedestrian refuge. The Texas Department of Transportation recommends an area of four feet from the face of the curb for curbed roadways, or 10 feet from the edge of a travel lane for non-curbed roadways, to be free from obstructions to provide a way for recovery of errant vehicles.

Prohibiting pedestrians from standing in a roadway median, on a divided roadway where no median exists, or in a clear zone will protect the health and safety of both pedestrians and motorists. It is in the best interest of the City for public health and safety to prohibit pedestrians from standing in a roadway median, where no median exists, or in a clear zone and is in line with the City of Dallas' efforts towards achieving their "Vision Zero" goals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was presented to the Government Performance and Financial Management Committee on October 25, 2021.

City Council was briefed by memorandum regarding this matter on December 3, 2021.

<https://dallascityhall.com/government/citymanager/Documents/FY%2021-22%20Memos/12-3-21%20Friday%20Memo_Ordinance%20Amending%20Chapter%2028%20Motor%20Vehicles%20and%20Traffic.pdf>

~~Information about this item was presented to the Transportation and Infrastructure Committee on April 18, 2022.~~

FISCAL INFORMATION

~~This action has no cost consideration to the City. Ordinance enforcement of penalty up to \$500.00 may generate additional revenues to the City.~~

ORDINANCE NO. _____

~~An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by adding Section 28-61.1; prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.~~

~~_____ WHEREAS, a study of pedestrian fatalities in the City of Dallas found that the vast majority of pedestrian fatalities occur when the pedestrian enters the roadway at a point that is not designated for crossing or standing;~~

~~_____ WHEREAS, traffic studies have found that medians under six feet in width, areas with no medians, or areas designated as clear zones are not safe pedestrian refuges;~~

~~_____ WHEREAS, the U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, and Section 4.3.5 of the City of Dallas Street Design Manual recommend a minimum median width of six feet for a median to be used as a pedestrian refuge;~~

~~_____ WHEREAS, the Texas Department of Transportation recommends an area of four feet from the face of the curb for curbed roadways, or 10 feet from the edge of a travel lane for non-curbed roadways, to be free from obstructions to provide a way for recovery of errant vehicles;~~

~~_____ WHEREAS, prohibiting pedestrians from standing in a roadway median, on a divided roadway where no median exists, or in a clear zone will protect the health and safety of both pedestrians and motorists; and~~

~~WHEREAS, the city council finds that it in the best interest of the public health and safety to prohibit pedestrians from standing in a roadway median, where no median exists, or in a clear zone, subject to certain exceptions; Now, Therefore,~~

~~BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:~~

~~SECTION 1. That Article VIII, "Pedestrians' Rights and Duties," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended by adding a new Section 28.61.1, "Standing and Walking on Medians Prohibited," to read as follows:~~

~~**"SEC. 28.61.1. STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.**~~

~~(a) A person commits an offense if the person stands or walks on a median that measures six feet or less, in areas where no median exists for roadways designated as divided roadways, or in an area designated as a clear zone.~~

~~(b) For purposes of this section,~~

~~(1) CLEAR ZONE means the unobstructed, traversable area provided beyond the edge of the through travelled way for the recovery of errant vehicles. On a curbed street, the clear zone is the area four feet from the face of the curb. On an uncurbed street, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes.~~

~~(2) MEDIAN means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.~~

~~(c) This section does not apply if the person:~~

~~(1) is crossing a divided roadway in the most direct route possible;~~

~~(2) is the victim of or rendering aid in an emergency situation;~~

~~(3) is performing work in the right-of-way in accordance with a permit issued under Chapter 43 of this code;~~

~~(4) is erecting or dismantling a barricade in the right-of-way in accordance with a permit issued under Chapter 52 of this code; or~~

~~(5) has prior authorization from the city."~~

~~SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.~~

~~SECTION 3. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.~~

~~SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.~~

~~SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.~~

~~SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.~~

~~APPROVED AS TO FORM:~~

~~CHRISTOPHER J. CASO, City Attorney~~

By _____
—Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 22-1025

Item #: 16.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 1, 3, 5, 7, 11, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Dr. Robert Perez

SUBJECT

Authorize a Supplemental Agreement No. 1 to the professional services contract with Gresham Smith to expand the project scope to include additional priority bike project design and study elements - Not to exceed \$368,236.00, from \$449,045.00 to \$817,281.00 - Financing: Bike Lane Fund

BACKGROUND

On December 8, 2021, City Council authorized a five-year professional services contract with Gresham Smith, to update the 2011 Dallas Bike Plan. Since that time, City of Dallas, Department of Transportation staff has identified additional projects that are specific to the Bike Plan to perform studies and gap analysis that will be included in the final updated plan but will greatly benefit the city to accelerate their detailed study/design concurrent with the development of the updated bike plan. This batch of projects will help identify deficiencies and create a design plan to improve bike connectivity in the identified areas. The expanded project scope will include Jackson Street Cycletrack (design); Gap Project Connecting 5-Mile Trail to Ledbetter Station (design); Lawnview Gap Connection (study); Vernon/Tyler Gap (design); and Meandering Way Gap Connection (study). These specific design plans and studies will be used to procure and implement future construction services and improvements.

Approval of this item will authorize Supplemental Agreement No. 1 to the professional services contract with Gresham Smith to expand the scope of the contract and increase the contract amount by \$368,236.00, from \$449,045.00 to \$817,281.00.

ESTIMATED SCHEDULE OF PROJECT

Began Design May 2022
Complete Design October 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2021, City Council authorized a five-year professional service contract to update the 2011 Dallas Bike Plan to reflect current conditions, needs, and preferences for the Department of Transportation - Gresham Smith, most advantageous proposer of three, by Resolution No. 21-1981.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Bike Lane Fund	\$368,236.00	\$0.00	\$0.00

Council Districts**Amounts**

1	\$105,000.00
3	\$ 29,698.00
5	\$ 9,621.00
7	\$ 28,864.00
8	\$ 29,698.00
11	\$ 40,355.00
14	<u>\$125,000.00</u>
Total	\$368,236.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$368,236.00	Architecture and Engineering	34.00%	34.01%	\$125,250.00
<ul style="list-style-type: none"> • This contract exceeds the M/WBE goal. • Supplement Agreement No. 1 - 34.01% Overall MWBE participation • Gresham Smith - Local; Workforce - 36.00% Local 				

PROCUREMENT INFORMATION

The original contract for this project was solicited and awarded in 2021. The Office of Procurement Services received proposals from solicitation number BYZ21-00016189. They were opened on July 30, 2021. The Office of Procurement Services recommend the City Council award the professional services contract in its entirety to the most advantageous proposer, Gresham Smith.

OWNER

Gresham Smith

Alan J. Pramuk, P.E., Chief Executive Officer
K. Dwayne West, CPA, Chief Financial Officer

MAP

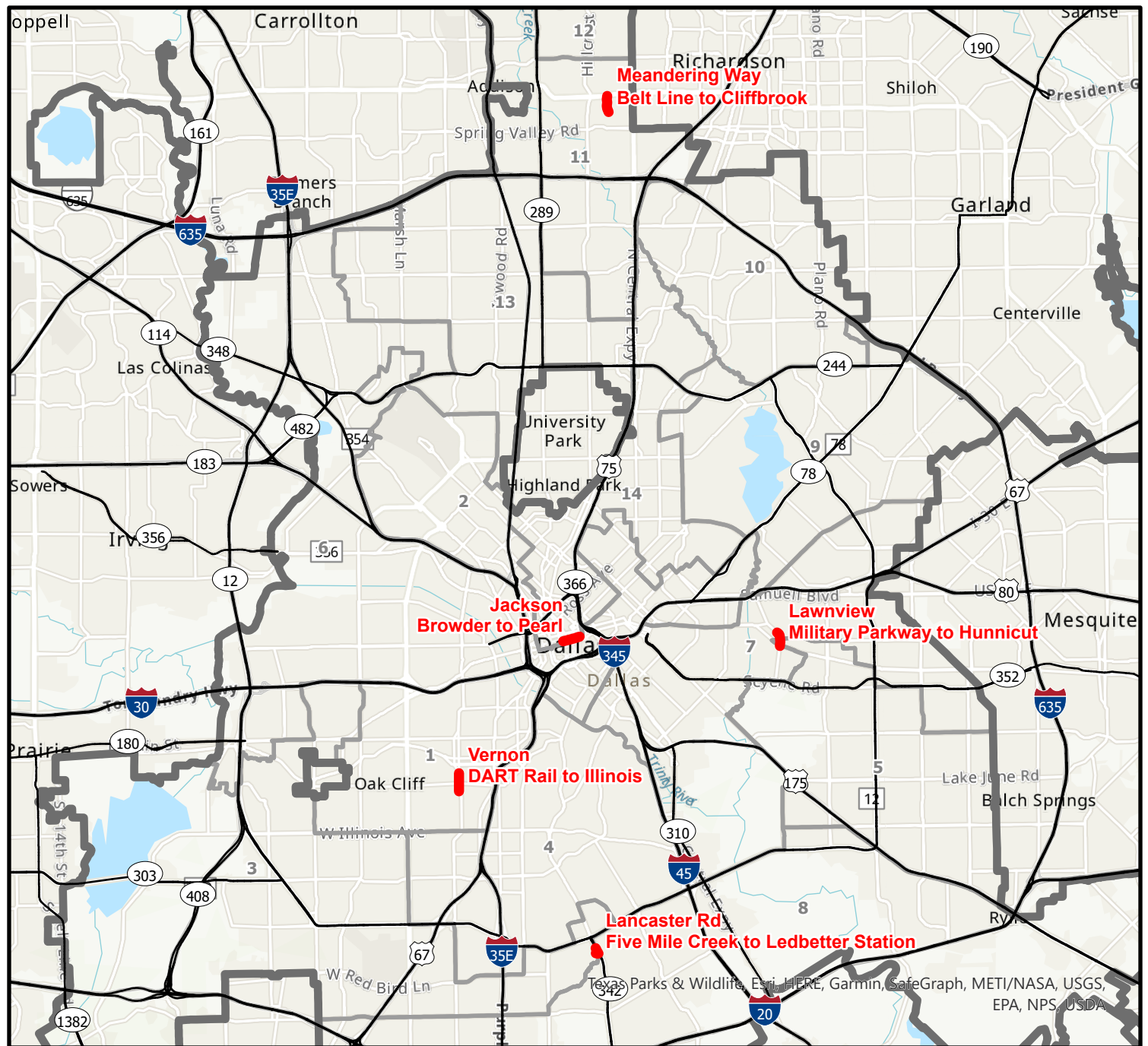
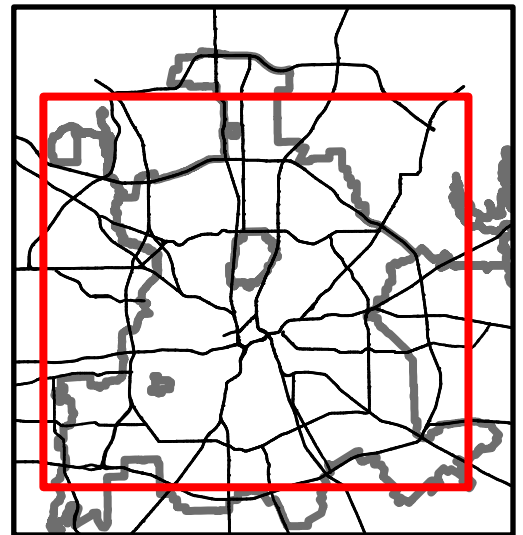
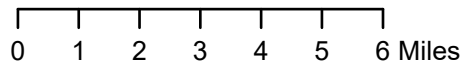
Attached

Gresham Smith Contract Award



 Project Limits

Council District 1, 3, 5, 7, 11, 14



May 11, 2022

WHEREAS, the City of Dallas recognizes the emerging evolution of transportation infrastructure within the City as well as the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles, and automobiles; and

WHEREAS, on June 8, 2011, City Council adopted the 2011 Dallas Bike Plan by Resolution No. 11-1567; and

WHEREAS, updating the 2011 Dallas Bike Plan was a recommendation in the *Connect Dallas* Strategic Mobility Plan (SMP) that was adopted by City Council in April 2021 (Resolution 210-691); and

WHEREAS, on December 8, 2021, City Council authorized a five-year professional services contract with Gresham Smith, to update the 2011 Dallas Bike Plan, in the amount of \$449,045.00; and

WHEREAS, the Regional Transportation Council awarded federal funding to the City of Dallas to update the Dallas Bike Plan through the COVID-19 Infrastructure Program Round 3 Call for Projects; and

WHEREAS, to facilitate the more expeditious development of the Dallas Bike Plan update, the federal funds awarded for the plan update will be exchanged for the local match of another federally funded project; and

WHEREAS, based on current timelines and City priorities, using federal funding would have delayed this project an additional nine months; and

WHEREAS, in the best interest of the City and to expeditiously complete this priority project, staff has identified alternative ways to fund the project; and

WHEREAS, to facilitate the more expeditious implementation of segments of the bike plan concurrent with the Dallas Bike Plan update, it is now necessary to amend the agreement for the update to the 2011 Dallas Bike Plan with Gresham Smith to add additional high priority bicycle projects; and

WHEREAS, the broader scope includes performing studies and gap analysis that will identify deficiencies and create a design plan to improve bike connectivity in the following areas: Jackson Street Cycletrack (design); Gap Project Connecting 5-Mile Trail to Ledbetter Station (design); Lawnview Gap Connection (study); Vernon/Tyler Gap (design); Sylvan Avenue Gap Connection (design); and Meandering Way Gap Connection (study).

May 11, 2022

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Gresham Smith, approved as to form by the City Attorney, to expand the project scope to include additional priority bike project design and study elements in an amount not to exceed \$368,236.00, from \$449,045.00 to \$817,281.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$368,236.00, to Gresham Smith, in accordance with the terms and conditions of the contract, from the Bike Lane Fund, Fund 0791, Department TRN, Unit W660, Object 4110, Activity PB11, Program BIKELANES, Encumbrance/Contract no. TRN-2021-00016981, Vendor 50371.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-866

Item #: 17.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Fire-Rescue Department
EXECUTIVE: Jon Fortune

SUBJECT

Authorize a five-year collection contract, with two one-year renewal options, for the billing, collection and reporting of emergency ambulance fees for Fire-Rescue Department with Digitech Computer, LLC through an interlocal agreement with The City of Bryan, Texas - Estimated Annual Net Revenue: General Fund \$27,600,000

BACKGROUND

This collection contract will allow for continued billing, collection, and reporting of emergency ambulance fees.

The Fire-Rescue Department has over 202,000 emergency medical runs and approximately 95,500 transports annually. These calls are serviced by 43 full time and 3 peak demand ambulances. Digitech Computer, LLC (Digitech) receives the electronic Patient Care Report (ePCR) secured file from ePCR system at the end of the day. Billing, collection and reporting services includes, but not limited to the following services:

- Process all patient records for billability according to the set regulations and requirements by payers, as applicable
- Invoice appropriate payers for patient's claim
- Provide collection services resulting in remittance of the payment into the City's designated bank accounts
- Provide reports on a monthly basis, and on as needed basis

Digitech has been providing billing, collection and reporting of emergency ambulance fees to the City of Dallas since February 2012. Digitech also provides billing, collection, and reporting of emergency ambulance fees for other municipalities in Texas such as:

- City of Bryan
- City of Plano

- City of Houston
- City of Richardson
- City of Mesquite
- City of Garland

Additionally, Digitech has worked with Public Consulting Group, a Boston-based national firm that has led the way in developing effective Medicaid Cost Recovery programs around the country, to compile and file the necessary reports for the Texas Ambulance Supplemental Payment Program (TASPP). Through the TASPP, the City of Dallas has recovered over \$115M in additional funds through FY 2021. The vendor requires all of their professional coders to be Center for Medicare and Medicaid Services coding certified. Ambulance billing is Digitech's only focus, and they will continue to provide the City of Dallas with service of the highest quality and exceptional compliance while maximizing revenue.

The Interlocal Purchasing Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 24, 2017, Council authorized a three-year collection contract, with two one-year renewal options, for the billing, collection and reporting of emergency ambulance fees with Digitech Computer, Inc. through an Interlocal Purchasing Agreement with the City of Pearland, Texas by Resolution No. 17-0826.

FISCAL INFORMATION

Estimated Annual Net Revenue: General Fund \$27,600,000

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$27,600,000.00	Revenue	N/A	NA	NA
<ul style="list-style-type: none"> • The Business Inclusion and Development Policy does not apply to Interlocal Purchasing Agreements. 				
<ul style="list-style-type: none"> • Digitech Computer, LLC - Non-local; 0.00% Local 				

PROCUREMENT INFORMATION

Interlocal Agreement/Intergovernmental Agreement	<ul style="list-style-type: none">• Interlocal agreements/intergovernmental agreements allow the City to take advantage of competitively bid contracts by a State agency or local government and enable the City to purchase goods or services at lower prices• Interlocal agreements/intergovernmental agreements entered into pursuant to Chapter 271, Subchapter F of the Texas Local Government Code satisfy the state law requirements for competitive bidding
--	--

OWNER**Digitech Computer, LLC**

Mark Schiowitz, President

May 11, 2022

WHEARAS, on May 24, 2017, City Council authorized a three-year collection contract, with two one-year renewal options, for the billing, collection and reporting of emergency ambulance fees with Digitech Computer, Inc. through an Interlocal Purchasing Agreement with the City of Pearland, Texas by Resolution No. 17-0826; and

WHEARAS, on June 12, 2020, Administrative Action No. 20-5692 authorized the first renewal option extending the collection contract from May 25, 2020, to May 24, 2021; and

WHEARAS, On May 21, 2021, Administrative Action No. 21-5679 authorized the second renewal option extending the collection contract from May 24, 2021, to May 23, 2022.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a five-year collection contract, with two one-year renewal options, with Digitech Computer, LLC (518880) through an Interlocal Purchasing Agreement with the City of Bryan, Texas, approved as to form by the City Attorney, for billing, collection, and reporting of emergency ambulance fees for a commission of 4.95 percent of collected revenues with an estimated net annual revenue to the City, in the amount of \$27,600,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to deposit revenue generated from emergency ambulance fees billing Fund 0001, Department DFD, Unit ER90, Revenue Code 7413.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds to Digitech Computer, LLC, not to exceed 4.95 percent of collected gross revenues for emergency ambulance fees and duly adjusted for additional services if necessary, from Fund 0001, Department DFD, Unit ER90, Object 3072.

SECTION 4. That this contract is designated as No. DFD-2022-00019078.

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



Agenda Information Sheet

File #: 22-854

Item #: 18.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2, 5, 6, 7, 8, 9, 20, 11, 12, 13, 14
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** a public hearing to be held on June 8 , 2022, to receive comments concerning the Dallas Tourism Public Improvement District (the District) expansion in accordance with Senate Bill 804, allowing the City to include property in a hotel-public improvement district (hotel-PID) with the property owner's consent if such property could have been included in the District, when created, without violating the petition thresholds, to provide supplemental public services funded by assessments on Dallas hotels with 100 or more rooms (Qualifying hotels); and at the close of the hearing, **(2)** a resolution approving District boundary expansion to include an estimated 6 additional Qualifying hotels in the District not described in the resolution or petition re-establishing the District in 2016 or 2020 boundary expansion (District expansion) - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

The Public Improvement District Act, of the Texas Local Government Code, Chapter 372 (the Act), allows a city to create a hotel-public improvement district (hotel-PID) and to collect assessments from Qualifying hotel property owners. On June 13, 2012, the Dallas City Council established a hotel-PID named the Dallas Tourism Public Improvement District (the District). The District's boundaries are non-contiguous and include designated Qualifying hotel properties, as approved by City Council when the District was renewed on August 10, 2016 via Resolution No. 16-1250 and expanded on March 25, 2020 via Resolution No. 20-0520. Qualifying hotel property owners recover the District assessment from hotel guests at a rate of two percent (2%) of the price of the room nights sold and remit this assessment monthly to the City. The City Controller's Office then forwards the District assessment collections, less an administrative fee retained by the City, to the Dallas Tourism Public Improvement District Corporation (DTPIDC), the District's management entity.

During its regular session, the 87th Texas Legislature enacted Senate Bill 804, which amended Section 372.0121 of the Act to allow the City to add and levy new hotel properties to the boundary of an existing hotel-PID with the property owner's consent if the petition threshold is met. State law

requires signed petitions from owners of at least 60% of the appraised value of real property liable for assessment and at least 60% of the land area of real property or 60% of the record owners liable for assessment (e.g., petition threshold).

In accordance with Senate Bill 804, on February 15, 2022, VisitDallas submitted consent forms signed on behalf of 6 hotel owners seeking inclusion in the District. City staff reviewed the consent forms and verified that owners of record of Qualifying hotels representing 84.0% of the appraised value and 62.8% of the land area of real property, District liable for assessment have signed the petition or consent form, thereby exceeding the minimum expansion requirements set forth in the Act.

On June 8, 2022, the City will hold a public hearing to provide a reasonable opportunity for any interested person to speak for or against the District expansion and at the close of the hearing, consider a resolution to approve the District expansion. No later than seven (7) days after City Council authorizes the District's expansion, City staff will file a copy of the authorizing resolution with the Dallas County Clerk's Office in accordance with Section 372.010 of the Act.

No changes will be made to the original Service Plan budget approved by City Council and the original hotels in 2016. Although adding new hotels to the DTPID may increase DTPID's assessment revenues, the total revenue that the DTPID can utilize is limited to the original revenue projections in the DTPID's service plan budget (capped at \$292.7 million assessment collections over 13-year DTPID term spanning October 2016 to September 2029). If, as a result of adding six hotels to the DTPID boundary, the DTPID's collections are expected to exceed the projected DTPID term revenue total, the DTPID would need to apply for an early renewal through a new petition and City Council approval process.

For the FY 2022-23 Service Plan year, the District Service Plan is outlined as follows:

- (a) Nature of the Services and Improvements.** The purpose of the District will continue to be to enhance services; and undertake certain improvements, in particular, special supplemental services relating to District marketing, business recruitment, and promotional activities authorized by the Act to improve and promote the District, including the provision of incentives with VisitDallas to organizations to encourage them to bring their large and city-wide meetings to Dallas and to fund additional marketing by contractual agreement with VisitDallas to increase hotel stays within the City. The District will continue to supplement and enhance services within the assessment area.
- (b) Estimated Cost of the Services and Improvements.** During the next five-year period, the estimated annual cost of District improvements and services is expected to be \$15,804,393.00 in fiscal year 2022 and increase to approximately \$23,460,000.00 in fiscal year 2026. The estimated total net assessments collected during the next five-year period is \$100,547,393.00. The District shall incur no bonded indebtedness.
- (c) Boundaries.** The District boundaries are located wholly within the city of Dallas, Texas. The District boundaries are as shown in **Exhibit A** and shall solely include non-contiguous hotel properties with 100 or more rooms within the city of Dallas as shown on the attached list marked **Exhibit A-1**.

- (d) **Method of Assessment.** The District assessment will be levied on Qualifying hotels located within the District. The proposed services and improvements costs shall be assessed in a manner that results in imposing equal shares of the cost of the services qualifying on similarly benefitted hotels. Under the Act, the apportionment of the cost of the services against property in the District must be based on special benefits accruing to the property because of the services and improvements provided. The total services and improvements costs shall be apportioned at a rate of two percent (2%) of room-nights sold at Qualifying hotels located within the District until the collective total budget for the current period is reached. Accordingly, those Qualifying hotels that sell more rooms will pay a greater portion of the assessment since those properties benefit more from the District's promotion and marketing services. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment. The total assessment must be annually reviewed and approved by the Dallas City Council. The future services and improvements cost that are budgeted in the FY 2021-22 Service Plan may be increased in amounts indicated in subsequent Service Plans, beyond the amount shown, subject to an enhancement in property value in the District and a corresponding increase in the services and improvements to be provided, subject to the limitations on the assessment per occupied room and the aggregate amount approved in the petition.
- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall continue to pay the cost of the supplemental services described in the Service Plan by assessment against the Qualifying hotels within the District, including City-owned qualifying hotels, such as the Omni Hotel.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized the creation of the Tourism Public Improvement District and approval of the Service Plan and management contract by Resolution No. 12-1581.

On August 10, 2016, City Council authorized the renewal of the Tourism Public Improvement District and approval of the Service Plan and management contract by Resolution No. 16-1250.

On March 25, 2020, pursuant to Section 372.007 of the Act, City Council authorized the expansion of the Tourism Public Improvement District boundary to include 14 additional hotels by Resolution No. 20-0520.

[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

FISCAL INFORMATION

This action has no cost consideration to the City. For Qualifying hotel properties, the total cost of the services and improvements to be provided shall be apportioned at a rate of two percent (2%) of room-nights sold at Qualifying hotels within the District territory until the collective total budget for the current period is reached.

CONTACT INFORMATION

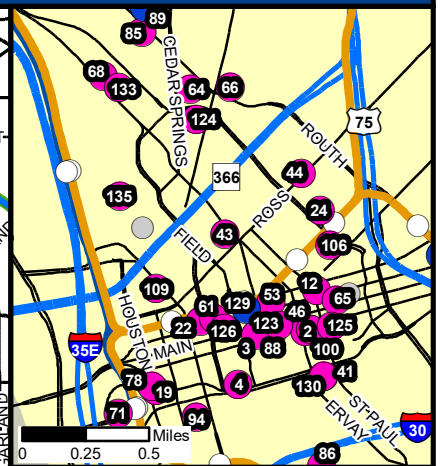
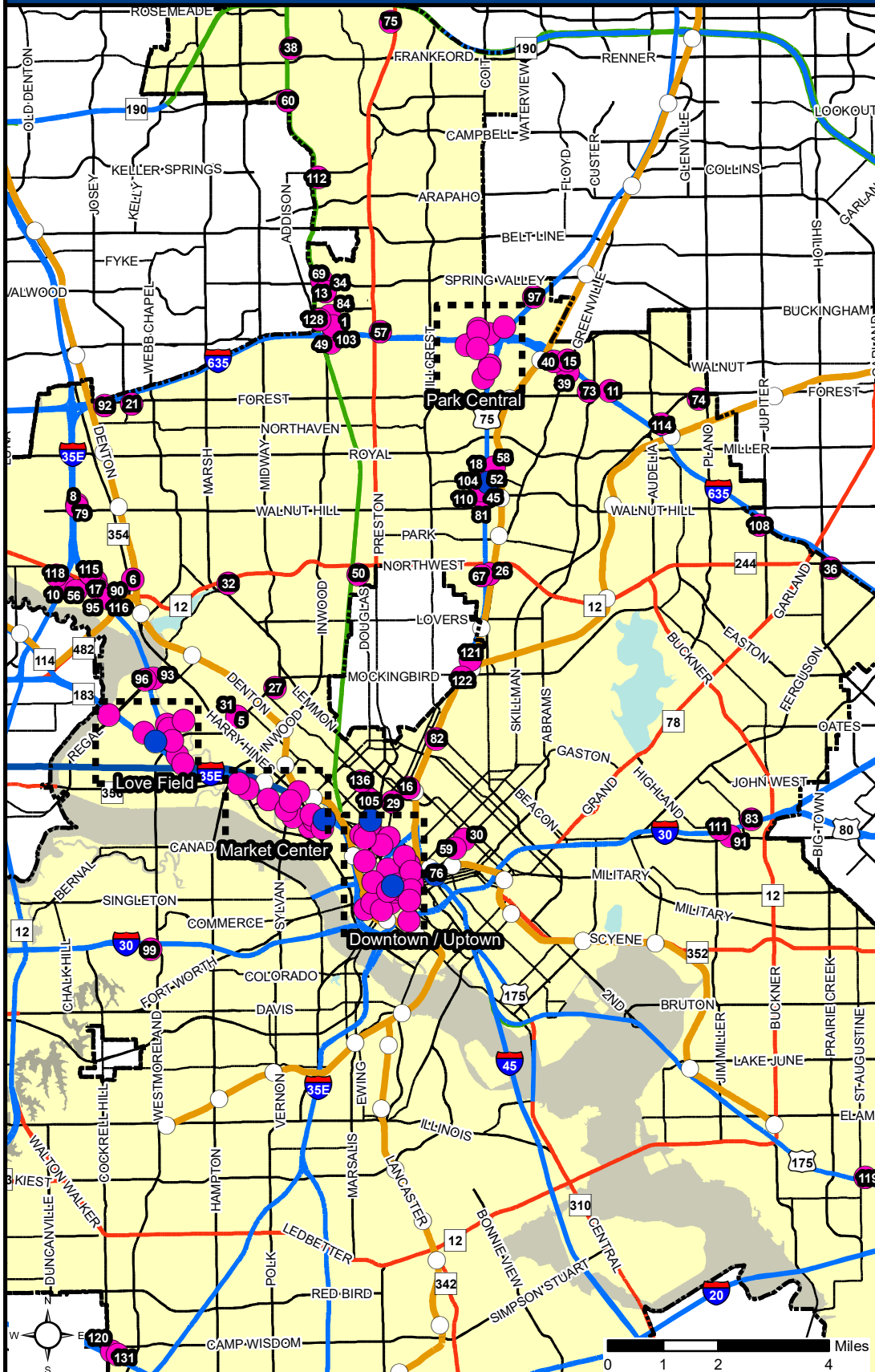
Greg White
General Manager, The Westin Dallas Galleria
Chair, Dallas Tourism Public Improvement District Corporation
1807 Ross Avenue, Suite 450, Dallas, TX 75201

Craig T. Davis, CDME
President and CEO, Visit Dallas
1807 Ross Avenue, Suite 450, Dallas, TX 75201

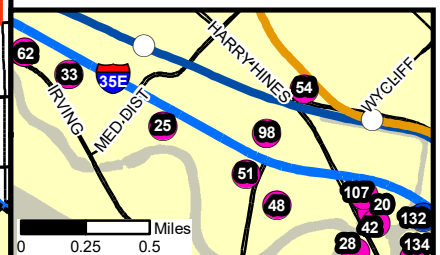
MAP

Attached

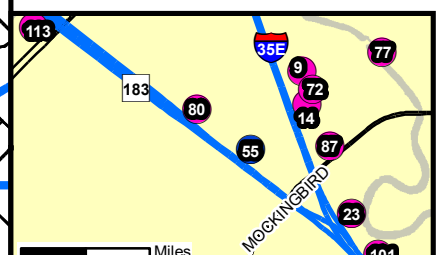
Tourism PID Hotels



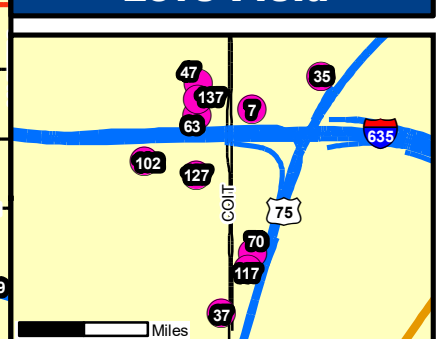
Downtown / Uptown



Market Center



Love Field



Park Central

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
(214) 670-1685

www.dallasecodev.org

Created 5.30.2016, Updtd 3.22.2022 - FY2022_23_DTPID_Hotels.RK

Legend

- Current - FY22-23 Tourism PID Hotel
- New - FY22-23 Tourism PID Hotel

- Rail Station
- Future Station
- DART Light Rail
- Commuter Rail
- Future DART Light Rail

- Freeway
- Tollway
- Highway
- Arterial

- Escarpment
- Flood Plain
- Lake
- City of Dallas

Source: Hotel List - Dallas CVB, 2016 and 2021; All Other Data - City of Dallas, 2021

May 11, 2022

WHEREAS, the Public Improvement District Assessment Act, codified in Texas Local Government Code, Chapter 372 (the “Act”) allows for a city or county governing body that receives a petition pursuant to Section 372.005 of the Act to establish a public improvement district, including a common characteristic public improvement districts; and

WHEREAS, on June 13, 2012, the Dallas City Council (“City Council”) established the Tourism Public Improvement District (the “District”), as a common characteristic public improvement district, in accordance with the Act and found that the District promoted the interests of the City and conferred a special benefit on hotel properties within the City, designated the Dallas Tourism Public Improvement District Management Corporation (“DTPIDC”) as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 12-1581; and

WHEREAS, on May 23, 2016, the DTPIDC, which manages the District and represents Dallas hotels within the District, delivered to the City of Dallas a petition to renew the District in accordance the Act, and upon City staff review of the petition, staff has determined that property owners of record representing 89.7% of the appraised value of Dallas hotels with 100 or more rooms (“Qualifying Hotels”), and 63.7% of the land area for Qualifying Hotels executed the petition, meeting the Act’s thresholds to call a public hearing to consider the proposed renewal and expansion after which the City Council authorized renewal of the District; and

WHEREAS, on March 25, 2020, pursuant to Section 372.007 of the Act, the City Council authorized District expansion to include 14 additional hotels by Resolution No. 20-0520; and

WHEREAS, the Act allows the City Council to include and levy additional hotel properties to an existing hotel-PID, with hotel owner’s consent, if such property could have been included in the hotel-PID without violating the petition thresholds set forth in Section 372.005(b-1) of the Act; and

WHEREAS, on February 15, 2022, VisitDallas, which manages the District on behalf of the Dallas Tourism Public Improvement District Corporation, delivered to the City of Dallas consent forms signed on behalf of 6 hotel owners seeking inclusion in the District in accordance with the Act, and upon review, City staff has determined that property owners of record representing 84.0% of the appraised value of Qualifying Hotels, and 62.8% of the land area for Qualifying Hotels executed the original petition or a consent form, thereby exceeding the Act’s threshold requirements to call a public hearing to consider the proposed expansion after which the City Council may consider approval of the District expansion; and

May 11, 2022

WHEREAS, pursuant to Section 372.009 of the Act, the City Council must hold a public hearing to consider the proposed expansion of the District to include an estimated six (6) additional over-100 room Dallas hotels as listed in **Exhibit A-2**, not describe in the resolution or petition re-establishing the District in 2016 and the resolution approving the 2020 boundary expansion.

Now, Therefore,

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

SECTION 1. That the petition to expand the Tourism Public Improvement District (the "District") is sufficient because it has been signed by record owners of taxable real property liable for assessment that constitutes: (a) 84.0% of the appraised value of taxable real property liable for assessment and (b) 62.8% of the area of all taxable real property liable for assessment. The property owners, or their duly authorized representatives, for an estimated six (6) additional over-100 room Dallas hotel properties ("Additional Hotel Properties") as listed in **Exhibit A-2** have each signed a consent form requesting inclusion within the District.

SECTION 2. That a virtual and in-person public hearing shall be held no earlier than 1:00 p.m. on June 8, 2022, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, 75201. That the City of Dallas desires to call and hold a virtual and in-person public hearing to consider expansion of the District to include Additional Hotel Properties not described in the resolution or petition re-establishing the District in 2016 and resolution authorizing the District's 2021 Assessment Roll for the 2022 Service Plan Year, as listed in **Exhibit A-1**, to provide funding for the District for the purpose of increasing hotel activities within the City of Dallas in accordance with Texas Local Government Code, Chapter 372 (the "Act"), as amended, and allows the City to include property in a hotel PID with the property owner's consent if such property could have been included in the District without violating the petition thresholds set forth in Section 372.005(b-1) of the Act, for the purpose of providing supplemental public services to be funded by assessments on Dallas hotels with 100 or more rooms ("Qualifying Hotels").

SECTION 3. That after the public hearing, the City Council may consider approval of a resolution expanding the boundaries of the District to include Additional Hotel Properties not described in the resolution or petition re-establishing the District in 2016 or the resolution approving the District's 2021 Assessment Roll for the 2022 Service Plan Year and authorizing the District to fund the improvements and supplemental services in the amounts described in the Service Plan.

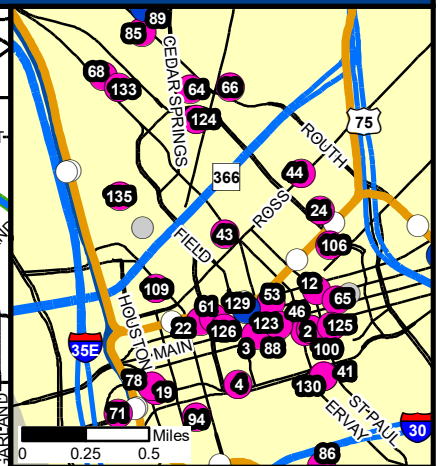
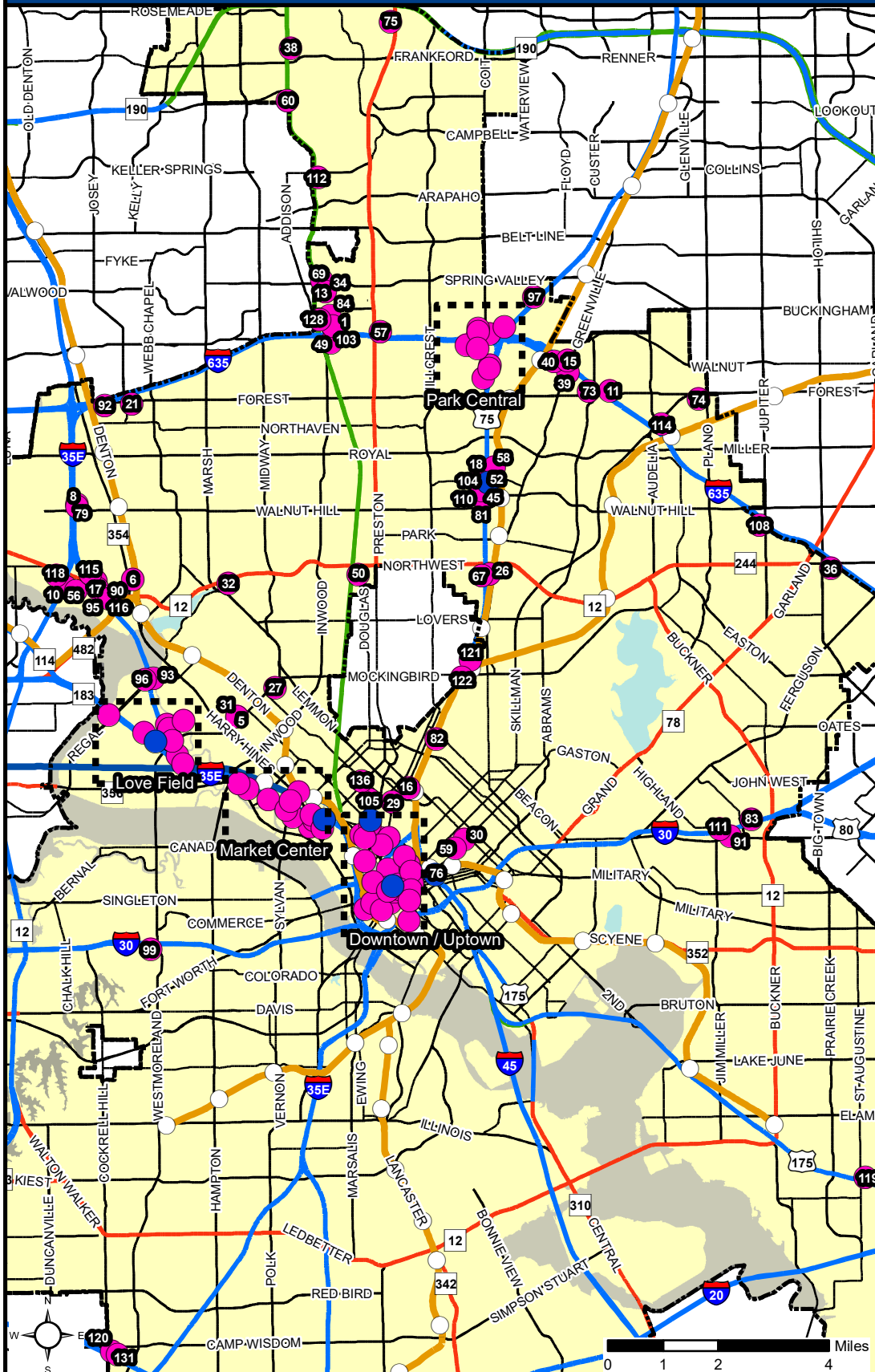
May 11, 2022

SECTION 4. That after the public hearing, the City Council may consider approval of a resolution expanding the boundaries of the District to include Additional Hotel Properties not described in the resolution or petition re-establishing the District in 2016 or the resolution approving the District's 2021 Assessment Roll for the 2022 Service Plan Year and authorizing the District to fund the improvements and supplemental services in the amounts described in the Service Plan.

SECTION 5. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A - Tourism PID Hotels



Downtown / Uptown

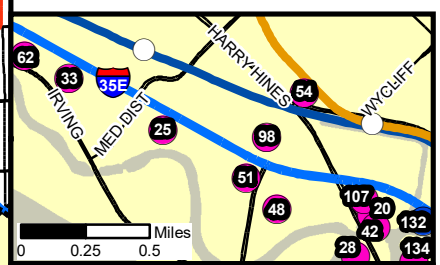


Exhibit A1
Tourism PID
Current and Proposed Hotels over 100 Rooms in the DTPID Boundary

No	Hotel_Name	ST_NUMBER	ST_NAME	DCAD_Acc_N	TotalVal	PARCEL_ARE
1	AC Hotel Dallas by the Galleria	5460	JAMES TEMPLE DR	007019000B0020000	\$15,500,000	113,645
2	AC Hotels by Marriott Dallas Downtown	1712	COMMERCE ST	00000101698000100	\$15,985,950	5,316
3	Adolphus Hotel	1321	COMMERCE ST	000070000A01A9900	\$28,737,500	34,817
4	Aloft Dallas Downtown	1033	YOUNG ST	00000100594000000	\$10,250,000	36,132
5	Aloft Dallas Love Field*	2333	W MOCKINGBIRD LN	002367000E0010000	\$14,000,000	142,727
6	Anchor Motel	10230	HARRY HINES BLVD	00000520699000000	\$1,450,000	98,651
7	Best Western Plus Dallas Hotel & Conference Center	8051	LBJ FWY	007756000E07B0000	\$7,208,000	159,622
8	Hampton Inn & Suites Dallas N I-35 at Walnut Hill (Name was The Walnut Hotel)	11069	COMPOSITE DR	006512000301A0000	\$2,050,000	70,668
9	Budget Suites of America Empire Central/Dallas	8150	N STEMMONS FWY	007940000M0020000	\$10,925,710	329,861
10	Budget Suites of America Loop 12/Dallas	10222	N WALTON WALKER BLVD	006499000B0020000	\$7,817,200	252,597
11	Budget Suites of America N Dallas	9519	FOREST LN	008420000A02A0000	\$10,121,250	322,203
12	Cambria Hotel	1907	ELM ST	00C7714000HOTL100	\$9,750,000	21,884
13	Candlewood Suites Dallas Galleria	13939	NOEL RD	007005000A01A0000	\$3,200,000	111,369
14	Candlewood Suites Dallas Market Center	7930	N STEMMONS FWY	007940000M0010000	\$6,300,000	133,375
15	Candlewood Suites Dallas Park Central	12525	GREENVILLE AVE	008408000A01B0000	\$3,000,000	131,305
16	Canopy by Hilton Dallas Uptown	2901	BLACKBURN	00C15440000HOT00	\$15,750,000	111,155
17	Holiday Inn Express & Suites Dallas Stemmons Fwy (Now Comfort Suites from April 2018)	2287	W NORTHWEST HWY	00649600020010000	\$4,050,000	106,073
18	Courtyard Dallas Central Expy	10325	N CENTRAL EXPY	0072930C0002B0000	\$6,750,000	119,522
19	Courtyard by Marriott Dallas Downtown/Reunion District	310	S HOUSTON ST	000024002205B0000	\$14,200,000	20,173
20	Courtyard Dallas Medical/Market Center	2150	MARKET CENTER BLVD	007896000002A0000	\$10,500,000	150,849
21	Courtyard Dallas Northwest	2930	FOREST LN	0065950B0018A0000	\$6,375,000	177,039
22	Crowne Plaza Dallas Downtown	1015	ELM ST	00000100360000000	\$13,200,000	30,442
23	Crowne Plaza Dallas Market Center			00000778556500000	\$10,600,000	203,264
24	Dallas Marriott City Center	600	N PEARL ST	0000010554700D100	\$29,650,000	237,085
25	Dallas Marriott Suites Medical/Market Center	2493	N STEMMONS FWY	007905000600030000	\$20,000,000	229,510
26	DoubleTree by Hilton Hotel Dallas Campbell Centre	8250	N CENTRAL EXPY	00000366506300000	\$16,200,000	107,695
27	DoubleTree by Hilton Hotel Dallas Love Field	3300	W MOCKINGBIRD LN	005719000A0030000	\$17,500,000	221,523
28	DoubleTree by Hilton Hotel Dallas Market Center	2015	MARKET CENTER BLVD	00000775675000000	\$12,000,000	164,276
29	Dream Dallas	3207	MCKINNEY AVE	00000136309000000	\$2,126,390	15,749
30	Element Dallas Downtown East	4005	GASTON AVE	000766000A0030000	\$7,224,800	42,967
31	Element - Love Field	2333	W MOCKINGBIRD LN	002367000E0010000	\$14,000,000	142,727
32	Embassy Suites by Hilton Dallas Love Field	3880	W NORTHWEST HWY	00C57250000000100	\$17,000,000	348,828
33	Embassy Suites by Hilton Dallas Market Center	2727	N STEMMONS FWY	00000776494500000	\$16,230,000	182,008
34	Embassy Suites by Hilton Dallas Near the Galleria	14021	NOEL RD	007006000A0020000	\$12,288,000	113,651
35	Embassy Suites by Hilton Dallas Park Central	13131	N CENTRAL EXPY	0077560E0016B0000	\$12,499,630	96,749
36	Executive Inn	12670	E NORTHWEST HWY	0080480D0002A0000	\$1,765,000	124,940
37	Extended Stay America - Dallas - Coit Rd.	12121	COIT RD	007736000301A0000	\$3,725,000	109,233
38	Extended Stay America - Dallas - Frankford Rd			COL-000002047964	\$3,100,806	131,347
39	Extended Stay America - Dallas - Greenville Ave.	12270	GREENVILLE AVE	008415000001E0000	\$3,390,970	90,407
40	Extended Stay America - Dallas - Vantage Point Dr.	9019	VANTAGE POINT DR	008408000C0080000	\$3,400,000	115,675
41	Fairfield Inn Dallas Downtown	500	S ERVAY ST	00000101842000000	\$46,883,820	110,063
42	Fairfield Inn & Suites Dallas Medical Market Center	2110	MARKET CENTER BLVD	00789600000040000	\$5,025,000	70,883
43	Fairmont Dallas	1717	N AKARD ST	00000112297000000	\$44,060,410	87,591
44	HALL Arts Hotel	2323	ROSS AVE	00C0677HOTELUNT00	\$7,771,700	430
45	Hampton Inn & Suites Dallas	10370	N CENTRAL EXPY	007292000B0020000	\$6,125,380	83,871
46	Hampton Inn & Suites Downtown	1700	COMMERCE ST	00000101704000000	\$12,250,000	10,943
47	Hawthorn Suites by Wyndham Park Central	7880	ALPHA RD	0074970C000050100	\$4,764,060	156,602
48	Hilton Anatole	2201	N STEMMONS FWY	007897000A0010000	\$64,367,860	1,277,293
48	Hilton Anatole			007897000A0010200	\$74,203,980	739,572
49	Hilton Dallas Lincoln Centre	5410	LBJ FWY	007000000B0010100	\$24,000,000	131,361
50	Hilton Dallas/Park Cities	5954	LUTHER LN	005625000303A0100	\$21,200,000	41,186
51	Hilton Garden Inn Dallas/Market Center	2325	N STEMMONS FWY	00000502372000000	\$12,932,360	169,639
52	Hilton Garden Inn Dallas-Central Expy/North Park Area	10350	N CENTRAL EXPY	007292000B0030000	\$9,533,020	67,041
53	Hilton Garden Inn Downtown	1600	PACIFIC AVE	00C54550000000H00	\$12,250,000	30,144
54	Holiday Inn Dallas Market Center	4500	HARRY HINES BLVD	00000430081000000	\$9,550,000	101,066
55	Holiday Inn Express & Suites Dallas Market Ctr - Love Field	7800	JOHN W CARPENTER FWY	00000778423000000	\$4,901,870	72,990
56	Holiday Inn Express & Suites Dallas NW HWY	2225	CONNECTOR DR	0064990C000011100	\$6,077,500	100,768
57	Holiday Inn Express & Suites N Dallas at Preston	6055	LBJ FWY	0074370A000020000	\$4,900,000	94,891
58	Home 2 Suites - N Park	8180	MIDTOWN BLVD	007291000D01B0000	\$6,150,000	93,821
59	Home 2 Suites- Baylor	3417	GASTON AVE	000760000003A9800	\$11,475,000	340,375
60	Crossland Economy Studios - Dallas - N Addison - Tollway			COL-000000153274	\$2,386,699	76,498
61	Homewood Suites by Hilton Dallas Downtown	1025	ELM ST	00000100363000000	\$9,100,000	13,507
62	Homewood Suites by Hilton Dallas Market Center	2747	N STEMMONS FWY	00000776496000100	\$6,750,000	135,642
63	Hotel Alexis (was OYO Townhouse)	7815	LBJ FWY	007497000C02A0100	\$2,125,000	113,116
64	Hotel Crescent Court	100	CRESCENT CT	000948000201A0000	\$565,000,000	434,034
65	Hotel Indigo Dallas Downtown	1933	MAIN ST	00000101944000000	\$8,646,720	8,637
66	Hotel ZaZa Dallas			000548000B03C0000	\$25,500,000	48,534
66	Hotel ZaZa Dallas			00000113137000000	\$1,088,140	7,339
66	Hotel ZaZa Dallas			00000113134000000	\$1,311,860	7,603

Exhibit A1
Tourism PID
Current and Proposed Hotels over 100 Rooms in the DTPID Boundary

No	Hotel_Name	ST_NUMBER	ST_NAME	DCAD_Acc_N	TotalVal	PARCEL_ARE
67	Hyatt House Dallas/Lincoln Park	8221	N CENTRAL EXPY	00545000P05A0000	\$9,750,000	92,347
68	Hyatt House Dallas/Uptown	2914	HARRY HINES BLVD	00093100020010000	\$10,610,360	64,595
69	Hyatt Place Dallas N by the Galleria	5229	SPRING VALLEY RD	007007000B0030000	\$8,581,000	130,979
70	Hyatt Place Dallas/Park Central	12411	N CENTRAL EXPY	007752000A0050000	\$4,949,810	86,731
71	Hyatt Regency Dallas	300	REUNION BLVD	00000108921000000	\$65,285,000	267,082
72	InTown Suites Dallas/Market Center Extended Stay	8201	BROOKRIVER DR	007940000M0040000	\$3,750,000	86,078
73	InTown Suites Dallas Neast Extended Stay	9355	FOREST LN	00841200000040000	\$3,920,930	103,579
74	InTown Suites Garland Extended Stay	10477	METRIC DR	008072000C01C0000	\$3,205,000	113,733
75	InTown Suites Dallas N, Plano Extended Stay			COL-000002053096	\$3,071,150	129,597
76	Kimpton Pittman Hotel	2550	PACIFIC AVE	000280000A0020100	\$12,830,720	49,519
77	Knights Inn Market Center	1550	EMPIRE CENTRAL	0079370D000040000	\$2,677,640	105,800
78	La Quinta Inn & Suites Dallas Downtown	302	S HOUSTON ST	00000100117000000	\$5,100,000	6,668
79	La Quinta Inn & Suites Dallas 135 Walnut Hill Lane	2421	WALNUT HILL LN	00651200030180000	\$3,000,000	98,571
80	La Quinta Inn & Suites Dallas Love Field	8300	JOHN W CARPENTER FWY	00794000E30020000	\$5,200,000	89,766
81	La Quinta Inn & Suites Dallas N Central	10001	N CENTRAL EXPY	00000706557000000	\$4,356,250	97,422
82	La Quinta Inn & Suites Dallas Uptown	4440	N CENTRAL EXPY	00000192565000000	\$3,787,280	67,262
83	Lamplighter Motel	9001	E R L THORNTON FWY	00000725260000000	\$1,953,230	188,799
84	Le Meridien Dallas by the Galleria	13402	NOEL RD	007017000C01A0000	\$17,950,000	129,583
85	Le Meridien Dallas, The Stoneleigh	2927	MAPLE AVE	000943000803C0000	\$20,344,000	33,972
86	Lorenzo Hotel	1011	S AKARD ST	00000109564000000	\$11,560,000	84,808
87	Love Field Hotel and Suites	1241	W MOCKINGBIRD LN	00000778556800000	\$2,719,650	178,719
88	Magnolia Hotel Dallas Downtown	1401	COMMERCE ST	00000101044000000	\$21,000,000	18,842
89	Marriott Dallas Uptown	3031	FAIRMOUNT ST	000944000904A0000	\$57,642,200	24,696
90	MCM Elegante Hotel & Suites	2320	W NORTHWEST HWY	0064980A000010100	\$4,500,000	189,957
91	Motel 6 Dallas - Fair Park #4616	8510	E R L THORNTON FWY	0084740D000030000	\$2,900,000	64,778
92	Motel 6 Dallas - Galleria #4657	2660	FOREST LN	006593000104A9900	\$1,387,200	72,886
93	Motel 6 Dallas - Market Center	1625	REGAL ROW	00000576135000000	\$3,100,000	107,308
94	Omni Dallas Hotel	555	S LAMAR ST	000045005701A0000	\$295,132,790	366,656
95	Country Inn & Suites by Carlton Dallas Love Field	2383	STEMMONS TRL	0064820A000010100	\$4,100,000	172,799
96	Ramada by Wyndham Dallas Love Field	1575	REGAL ROW	00000576129000000	\$2,600,000	168,359
97	Red Roof Inn - Dallas Richardson	13685	N CENTRAL EXPY	00000769000500000	\$2,100,000	86,494
98	Renaissance Dallas Hotel	2222	N STEMMONS FWY	006055000C0010000	\$33,000,000	269,020
99	Residence Inn - Canyon	3425	CANYON BLUFF BLVD	007212000N0010000	\$6,460,000	116,851
100	Residence Inn by Marriott Dallas Downtown	1712	COMMERCE ST	00000101698000100	\$15,985,950	5,316
101	Residence Inn by Marriott Dallas Market Center	6950	N STEMMONS FWY	005629000074B0000	\$6,600,000	160,786
102	Residence Inn by Marriott Dallas Park Central	7642	LBJ FWY	007729000C0020000	\$6,040,000	133,968
103	Residence Inn Dallas at the Galleria	5460	JAMES TEMPLE DR	007019000B0020000	\$15,500,000	113,645
104	Residence Inn Dallas Central Expy	10333	N CENTRAL EXPY	0072930C0002A0000	\$4,550,000	95,458
105	Rosewood Mansion on Turtle Creek	2821	TURTLE CREEK BLVD	001027000A02B0000	\$23,500,000	158,731
106	Sheraton Dallas Hotel	2117	LIVE OAK ST	00000105490000000	\$71,884,790	102,106
107	Sheraton Suites Market Center Dallas	2101	N STEMMONS FWY	00789600000010000	\$14,900,000	233,078
108	Regency Hotel	11350	LBJ FWY	0074870B0001G0000	\$2,500,000	289,494
109	Springhill Suites by Marriott Dallas Downtown/West End	1907	N LAMAR ST	00020500030010000	\$9,150,000	13,867
110	Springhill Suites Dallas	10111	N CENTRAL EXPY	007294000025A0000	\$6,700,000	88,182
111	Stay Express Inn Dallas Fair Park Downtown	8303	E R L THORNTON FWY	00000813125000000	\$1,915,000	89,964
112	Staybridge Suites Dallas Addison	16060	DALLAS PKWY	008707000B0020000	\$4,750,000	119,033
113	Sterling Hotel Dallas	1055	REGAL ROW	00000779041000000	\$1,506,000	167,641
114	Studio 6 Dallas Garland/Neast #5003	9801	ADLETA BLVD	008069000C01C0000	\$2,550,000	95,233
115	Express Studios	10326	FINNELL ST	00649600050020000	\$3,200,000	98,010
116	Studio 6 Dallas Northwest #6035			005796000A0020000	\$5,275,000	156,397
117	Studio 6 Dallas Richardson/N #5010	12301	N CENTRAL EXPY	007752000A0010000	\$3,750,000	92,548
118	Super 7 Inn Dallas	10335	GARDNER RD	006486000703A0000	\$995,000	107,312
119	Super 7 Inn	9626	C F HAWN FWY	00000770132000000	\$1,070,000	87,813
120	Super 7 Inn Dallas Southwest	4220	INDEPENDENCE DR	00000654167600000	\$2,340,000	87,329
121	Magnolia Hotel Dallas Park Cities	6070	N CENTRAL EXPY	005185000101D0000	\$14,950,000	143,238
122	The Highland Dallas Curio Collection by Hilton	5300	N CENTRAL EXPY	00C4508000HOTEL00	\$27,000,000	170,495
123	The Joule	1530	MAIN ST	000077000004A0100	\$14,400,000	10,410
124	The Ritz-Carlton, Dallas	2121	MCKINNEY AVE	00094800030010100	\$45,430,000	145,758
125	The Statler Dallas Curo Collection by Hilton	1914	COMMERCE ST	00000101695000000	\$75,200,000	57,756
126	Westin Dallas	1201	MAIN ST	00C537200000HTL00	\$28,225,000	99,764
127	The Westin Dallas Park Central	12720	MERIT DR	00000767319250000	\$28,000,000	160,095
128	The Westin Galleria Dallas	13340	DALLAS PKWY	0070020000000M200	\$41,688,360	141,944
129	Thompson Hotels Dallas	1401	ELM ST	00000100441000000	\$138,210,000	80,899
130	TownePlace Suites by Marriott Dallas Downtown	500	S ERVAY ST	00000101842000000	\$46,883,820	110,063
131	Townhouse Suites	4150	INDEPENDENCE DR	00693200030060000	\$1,649,000	80,619
132	Tru by Hilton Dallas Market Center	1949	N STEMMONS FWY	00000137743000000	\$9,200,000	63,889
133	Unnamed Hotel @ The Lexi	2815	N HARWOOD ST	00000134467000000	\$771,000	4,853
134	Virgin Hotel Dallas	1445	TURTLE CREEK BLVD	007888003605A0000	\$51,527,600	45,451
135	W Dallas - Victory	2440	VICTORY PARK LN	00C0545000000A000	\$30,250,000	71,838
136	Warwick Melrose Hotel Dallas	3015	OAK LAWN AVE	00000149083000000	\$13,628,270	121,000
137	Wyndham Dallas Suites Park Central	7800	ALPHA RD	0074970C000050000	\$13,981,100	216,603

Exhibit A2
Tourism PID
Proposed Additional Hotels over 100 Rooms to the DTPID Boundary Expansion

No	Hotel_Name	ST_NUMBER	ST_NAME	DCAD_Acc_N	TotalVal	PARCEL_ARE
52	Hilton Garden Inn Dallas-Central Expy/North Park Area	10350	N CENTRAL EXPY	007292000B0030000	\$9,533,020	67,041
55	Holiday Inn Express & Suites Dallas Market Ctr - Love Field	7800	JOHN W CARPENTER FWY	00000778423000000	\$4,901,870	72,990
76	Kimpton Pittman Hotel	2550	PACIFIC AVE	000280000A0020100	\$12,830,720	49,519
89	Marriott Dallas Uptown	3031	FAIRMOUNT ST	000944000904A0000	\$57,642,200	24,696
129	Thompson Hotels Dallas	1401	ELM ST	00000100441000000	\$138,210,000	80,899
132	Tru by Hilton Dallas Market Center	1949	N STEMMONS FWY	00000137743000000	\$9,200,000	63,889



Agenda Information Sheet

File #: 22-855

Item #: 19.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Knox Street Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Knox Street Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

On February 28, 2022, Knox Street Improvement District Corporation, representing owners of real property located within the District, submitted petitions to the City of Dallas requesting the renewal of the District and approval of the District's Service Plan for a new ten-year term effective January 1, 2023 to December 31, 2032, in accordance with the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372 (the Act). The Dallas City Council first authorized the creation of the District in 2010 and its renewal in 2017. This is the District's second renewal petition.

City staff reviewed the petitions and verified that owners of record representing more than 83% of the appraised value and more than 86% of the land area of real property in the District liable for assessment had signed the petitions, thereby exceeding the minimum requirements for renewal set in the current City of Dallas Public Improvement District (PID) Policy and the Act. The City's PID Policy requires signed petitions from owners of at least 60% of the appraised value of real property liable for assessment and at least 60% of the land area of real property liable for assessment. Section 372.005 of the Act requires signed petitions from owners of at least 50% of the appraised value of real property liable for assessment and at least 50% of the land area of real property liable

for assessment.

This action calls for a public hearing to be held on June 8, 2022 for the City Council to receive comments on the renewal of the District for a new ten-year term. The City desires, by the calling and holding of a public hearing, to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District. Upon closing of the public hearing, City Council will be asked to consider a resolution renewing the District. No later than seven days after City Council authorizes the District's renewal, City staff will file a copy of the authorizing resolution with the Dallas County Clerk's Office in accordance with Section 372.010 of the Act.

The petition for the District is outlined as follows:

- A. District Name.** The name of the District is Knox Street Public Improvement District.
- B. District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The boundaries of the District are shown on **Exhibit A**.
- C. Nature of the Proposed Services and Improvements.** The purpose of the assessments to be levied in the District is to supplement and enhance services provided to or for the District's benefit including, but not limited to: enhanced security and public safety, trash/litter removal, graffiti control, landscaping improvements in common areas including plantings and hardscape, capital improvements including the scope of Complete Streets project and other sidewalk and streetscape improvements, marketing and programming, website and social media marketing, promotional activities such as pop-up events, distinctive lighting including holiday lighting, signage, business development and recruitment to promote the district/area, related expenses incurred in establishing, administering, and operating the District such as liability insurance and financial audit as authorized by the Act and City Council.
- D. Estimated Cost of the Services and Improvements** During the next ten-year term of the District, the estimated annual cost of services and improvements to be provided by the District is expected to begin at approximately \$1,069,234.00 in 2023 (plus \$800,854.00 to be carried-forward) and to end at \$1,557,512.00 in 2032 (plus \$15,397.00 to be carried-forward to following term subject to Council approval). The total estimated net assessment revenue to be collected during the ten-year period is approximately \$9,228,298.00. The District shall incur no bonded indebtedness. The ten-year budget detailing the estimated cost per year and total estimated costs for the entire term (the Service Plan) is attached as **Exhibit B**.
- E. Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The net assessment amount for 2023 is proposed to be \$477,288.00. The annual assessment rate for 2023 is approximately equal to \$0.15 per \$100.00 valuation. Once levied, this assessment rate shall not increase during the 2023 Service Plan year.

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation, subject to appropriations set forth in the petition that renewed the District. Any future increase in the assessment rate would also be subject to a public hearing and City Council approval.

F. Apportionment of Costs Between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by exempt jurisdictions and entities must be established by contract. Property owned by tax-exempt religious organizations will be exempt from assessment as well as City rights-of-way, City parks, railroad rights-of-way, and cemeteries. The City of Dallas is not responsible for payment of assessment against City-owned property in the District.

G. District Management. The District shall be managed by Knox Street Improvement District Corporation (KSIDC), a Texas nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, or its successors or assigns, as approved by property owners and the City Council. KSIDC will be responsible for the management of the District, development, and recommendation of an annually updated Service Plan, and perform other required responsibilities pursuant to a contract with the City. The City Council will review and approve annually the Service Plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act.

H. District Dissolution. The District shall automatically dissolve on December 31, 2032, unless renewed or dissolved through the petition and approval process as provided by the Act. If the District is dissolved, the District nonetheless shall remain in effect for the purpose of meeting obligations of indebtedness for improvements.

I. Advisory Body. An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. At this time, staff is not recommending that an advisory board be appointed but is recommending that the responsibilities for the development and recommendation of the annual Service Plan and other duties of the advisory board contained in the Act be assigned to KSIDC or a successor entity approved by property owners and the City Council.

Following approval, the KSIDC will be contractually required to implement the Petitioned Service Plan in accordance with the Act and the following administrative provisions:

i. Service Plan Budget Modifications. The Petitioned Service Plan covers a period of 10 years, groups services and improvements to be provided into program categories

("Program Category"), and the percentage of available funds allocated to each Program Category by KSIDC. As required by the Act, changes to the adopted Annual Service Plan budget category percentages (%), need City Council approval.

- ii. **No Collection of Assessments in Excess of Petitioned Cost Total.** The City has no power to levy and collect assessments within the District in excess of the total cost of services and improvements, that property owners agreed to when they signed the District's renewal petition. If appraised property values increase or decrease within the District, the apportionment of the cost among the property owners may change on an annual basis but the cumulative amount of assessment revenue that is generated over the District's term cannot exceed the total cost of services and improvements projected on the Petitioned Service Plan. No over-collection of assessments is anticipated over the District's term. If, however, the District's cumulative, net assessment collections will exceed the cumulative assessments budgeted on the Petitioned Service Plan, KSIDC shall: (1) reduce the District's assessment rate in a subsequent year(s) to offset the over-collection, (2) return the assessment funds to the property owners, and/or (3) retain and not expend such additional assessments until a revised petition for an early renewal of the District that includes the additional assessments and increased service levels/costs is signed by the District property owners and approved by City Council, in accordance with the Act and the City's PID Policy.
- iii. **Excess Funds.** The District must identify any unspent assessment funds arising from greater than anticipated collections and/or lower than budgeted costs on the upcoming year's Annual Service Plan as either revenue available for current/future expenditures or return the excess funds to property owners, provided that the District's revenue at any time (inclusive of unspent carry-forward revenue and interest generated from assessments) does not exceed the total cost of services and improvements budgeted on the Petitioned Service Plan. Requests to carry-forward funds in excess of 20% of the District's budgeted collections, KSIDC must explain/justify why the District is carrying such a large fund balance (i.e. future capital improvement project, etc.) At no time shall carryover funds be used for services or improvements that were not approved in the District's Petition. If in the last year of the District's term, there are unspent funds, City Council reserves the right to adjust the assessment rate to absorb such funds to the extent not otherwise approved by City Council to be using during the District's ensuing renewal term. In all instances, City Council shall have final approval as to whether the District and/or KSIDC is permitted to carry over assessments to the following year.
- iv. **Expenditure Overruns and Use of Approved Fund Balance/Contingency Reserves.** If annual expenditures will exceed revenues (for example, due to lower than projected collections or greater than projected costs), KSIDC shall take measures to avoid a negative fund balance at year-end, such as: (1) reducing spending among Program Categories in a manner that best serves the interest of District property owners, tenants, and residents, provided that amendments to Program Category budget percentages require City Council approval, (2) accessing approved amounts set-aside in a budgeted contingency reserve category as applicable), (3) and/or accessing approved excess assessments carried forward from prior year fund balance.

The term of the District upon renewal is ten years, from 2023 to 2032. Pending approval, actual operations in the District will commence on January 1, 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized the establishment of the Knox Street Public Improvement District for a period of seven years and named the Knox Street Improvement District Corporation as the management entity for the District by Resolution No. 10-1670.

On June 28, 2017, City Council authorized the renewal of the District for a seven-year period and designated the Knox Street Improvement District Corporation as the management entity for the District by Resolution No. 17-1119.

On September 12, 2018, City Council authorized an amended and restated management contract with Knox Street Improvement District Corporation, the non-profit corporation designated as the management entity for the District to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Knox Street Improvement District Corporation, and to address other amendments to the agreement form; by Resolution No. 18-1311.

[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

FISCAL INFORMATION

This action has no cost consideration to the City. For District property owners, the proposed assessment amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the DCAD (i.e., property owners within the boundaries of the District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

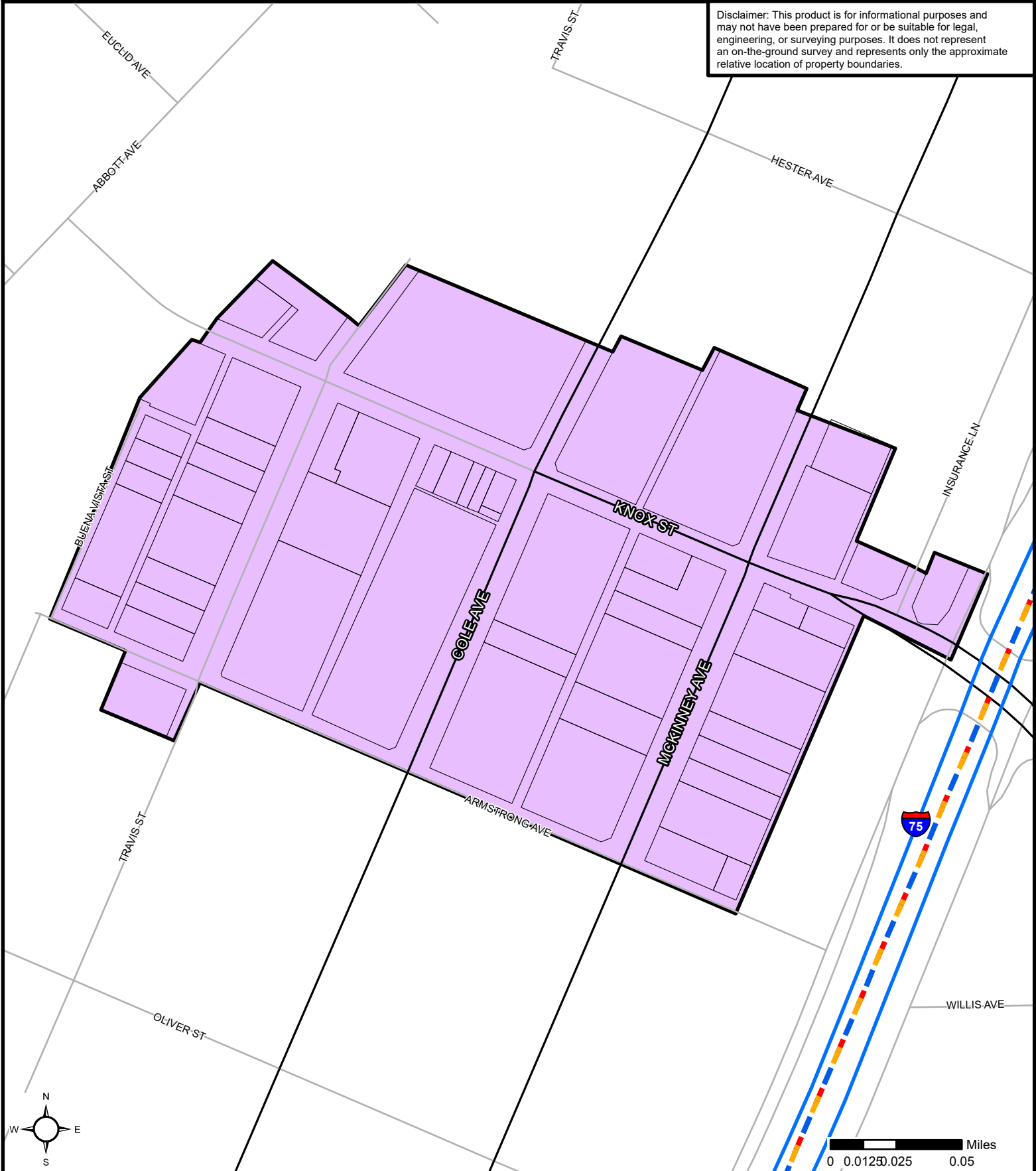
CONTACT INFORMATION

Knox Street Improvement District Corporation (KSIDC)

Joel Behrens
President, KSIDC
2100 McKinney Avenue, Suite #800
Dallas, Texas 75201

Knox Street PID Boundaries

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Knox Street - 2021
- Tax Parcels - 2021

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail

May 11, 2022

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on February 28, 2022, the Knox Street Improvement District Corporation (“KSIDC”), representing owners of real property located within the Knox Street Public Improvement District (the “District”), delivered to the City of Dallas a petition to renew the District in accordance with the Act; and

WHEREAS, City staff reviewed the petition and determined the owners of more than 83% of the appraised value of the taxable real property liable for assessment, and more than 86% of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, verified the petitions, and evaluated the service plan to determine whether the services should be made as described by the proposed service plan and found the service plan to be viable; and

WHEREAS, the City of Dallas desires to call and hold a virtual and in-person public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District, which intends to levy a special assessment against each property owner of record for real property and real property improvements, exclusive of City of Dallas rights-of-way, public parks, railroad rights-of-way, cemeteries, and property owned by tax-exempt religious organizations, to provide funding for the District for the purpose of providing supplemental services and improvements.

Now, Therefore,

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

SECTION 1. That a virtual and in-person public hearing shall be held no earlier than 1:00 p.m. on June 8, 2022, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, 75201, at which time any interested person may appear and speak for or against the renewal of the District, with boundaries as proposed on the map attached as **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of City of Dallas rights-of-way and public parks, railroad rights-of-ways, cemeteries, and property owned by tax-exempt religious organizations, as shown in the proposed Service Plan attached as **Exhibit B**.

May 11, 2022

SECTION 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

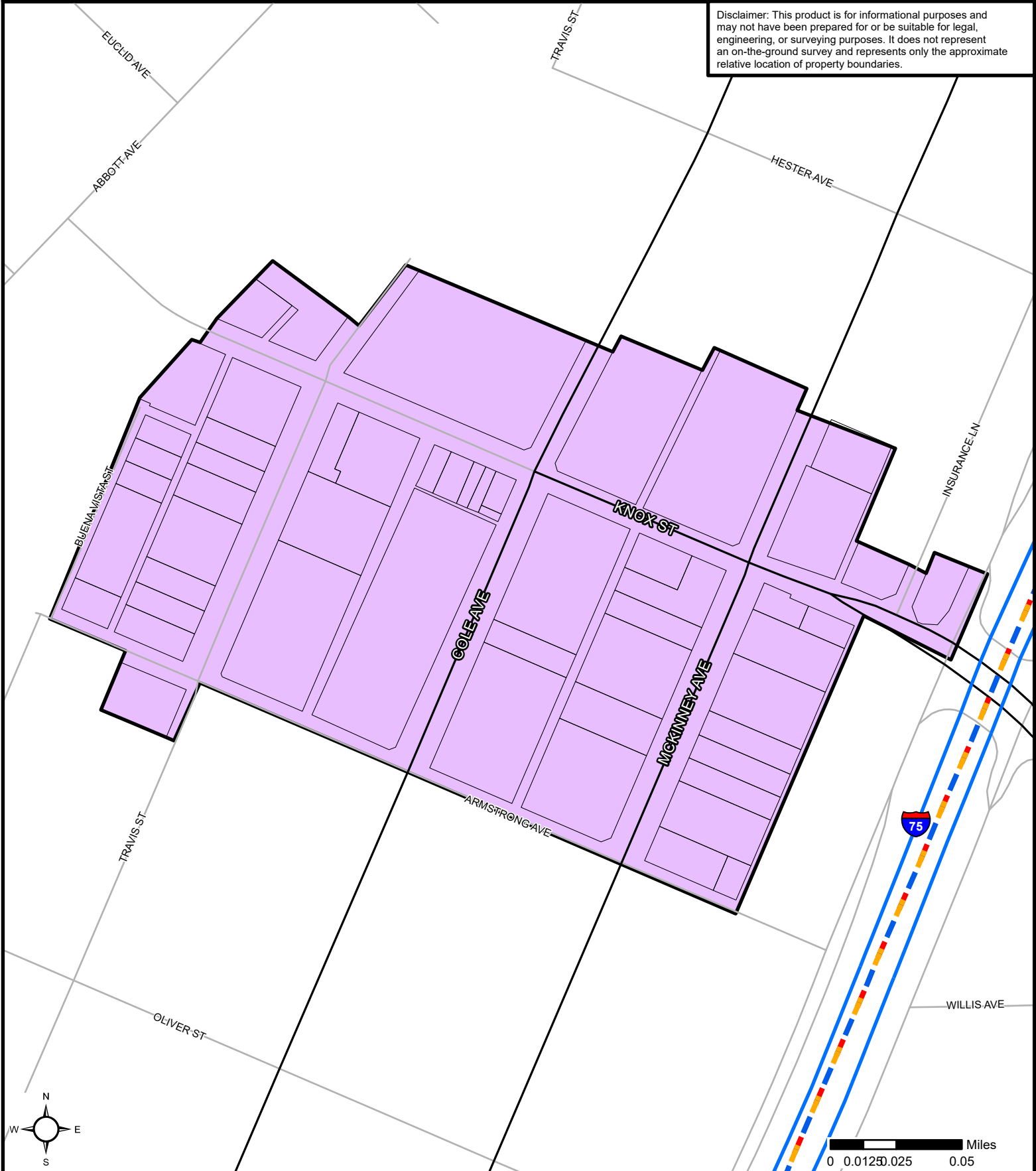
SECTION 3. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District prior to the 15th day before the public hearing.

SECTION 4. That after the closing of the public hearing, the City Council may consider a resolution renewing the District for a period of ten-years, approving the Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, and approving a management contract with KSIDC, a Texas nonprofit corporation, as the management entity for the District.

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

Knox Street PID Boundaries- Exhibit A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Knox Street - 2021
- Tax Parcels - 2021

Data Source: City of Dallas, 2021; DCAD, 2021.

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail



Agenda Information Sheet

File #: 22-857

Item #: 20.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 9, 10
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Lake Highlands Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Lake Highlands Improvement District Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

On February 1, 2022, Lake Highlands Improvement District Corporation, representing owners of real property located within the District, submitted petitions to the City of Dallas requesting the renewal of the District and approval of the District's Service Plan for a new ten-year term effective January 1, 2023 to December 31, 2032, in accordance with the Act. The Dallas City Council first authorized the creation of the District in 2008 and its renewal in 2015.

City staff reviewed the petitions and verified that owners of record representing 62% of the appraised value and 62% of the land area of real property in the District liable for assessment had signed the petitions, thereby exceeding the minimum requirements for renewal set in the current City of Dallas Public Improvement District (PID) Policy and The Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372 (the "Act"). The City's PID Policy requires signed petitions from owners of at least 60% of the appraised value of real property liable for assessment and at least 60% of the land area of real property liable for assessment. Section 372.005 of the Act requires signed petitions from owners of at least 50% of the appraised value of real property liable for assessment and at least 50% of the land area of real property liable for assessment.

This action calls for a public hearing to be held on June 8, 2022 for the City Council to receive comments on the renewal of the District for a new ten-year term. The City desires, by the calling and holding of a public hearing, to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District. Upon closing of the public hearing, City Council will be asked to consider a resolution renewing the District. No later than seven (7) days after City Council authorizes the District's renewal, City staff will file a copy of the authorizing resolution with the Dallas County Clerk's Office in accordance with Section 372.010 of the Act.

The petition for the District is outlined as follows:

- A. District Name.** The name of the District is Lake Highlands Public Improvement District.
- B. District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The boundaries of the District are shown on **Exhibit A**.
- C. Nature of the Proposed Services and Improvements.** The purpose of the assessments to be levied in the District is to supplement and enhance services provided to or for the District's benefit including, but not limited to: public safety and enhanced security, beautification, recreation, cultural enhancements, custodial and landscaping maintenance, capital improvements, common area improvements permissible under the Act, acquisition and installation of art, business recruitment, and development to promote the area in and around the District, marketing and promotional activities, distinctive lighting and signage, and related expenses incurred to establish, administer, and operate the District as authorized by the Act and City Council.
- D. Estimated Cost of the Services and Improvements** During the next ten-year term of the District, the estimated annual cost of services and improvements to be provided by the District is expected to begin at approximately \$1,169,646.00 in 2023 (plus \$58,741.00 to be carried-forward) and to end at \$6,035,116.00 in 2032 (plus \$58,741.00 to be carried-forward to following term subject to Council approval). The total estimated net assessment revenue to be collected during the ten-year period is approximately \$30,362,469.00. The District shall incur no bonded indebtedness. The ten-year budget detailing the estimated cost per year and total estimated costs for the entire term (the Service Plan) is attached as **Exhibit B**.
- E. Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The net assessment amount for 2023 is proposed to be \$1,169,646.00. The annual assessment rate for 2023 is approximately equal to \$0.13 per \$100.00 valuation. Once levied, this assessment rate shall not increase during the 2023 Service Plan year.

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per

\$100.00 valuation, subject to appropriations set forth in the petition that renewed the District. Any future increase in the assessment rate would also be subject to a public hearing and City Council approval.

F. Apportionment of Costs Between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by exempt jurisdictions and entities must be established by contract. Property owned by tax-exempt religious organizations will be exempt from assessment as well as City rights-of-way, City parks, railroad rights-of-way, cemeteries and property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Texas Tax Code, Section 11.13 (c) or (d). The City of Dallas is not responsible for payment of assessment against City-owned property in the District.

G. District Management. The District shall be managed by Lake Highlands Improvement District Corporation ("LHIDC"), a Texas nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, or its successors or assigns, as approved by property owners and the City Council. LHIDC will be responsible for the management of the District, development, and recommendation of an annually updated Service Plan, and perform other required responsibilities pursuant to a contract with the City. The City Council will review and approve annually the Service Plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act.

H. District Dissolution. The District shall automatically dissolve on December 31, 2032, unless renewed or dissolved through the petition and approval process as provided by the Act. If the District is dissolved, the District nonetheless shall remain in effect for the purpose of meeting obligations of indebtedness for improvements.

I. Advisory Body. An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. At this time, staff is not recommending that an advisory board be appointed but is recommending that the responsibilities for the development and recommendation of the annual Service Plan and other duties of the advisory board contained in the Act be assigned to LHIDC or a successor entity approved by property owners and the City Council.

Following approval, the LHIDC will be contractually required to implement the Petitioned Service Plan in accordance with the Act and the following administrative provisions:

i. **Service Plan Budget Modifications.** The Petitioned Service Plan covers a period of 10 years, groups services and improvements to be provided into program categories

("Program Category"), and the percentage of available funds allocated to each Program Category by LHIDC. As required by the Act, changes to the adopted Annual Service Plan budget category percentages (%), need City Council approval.

- ii. **No Collection of Assessments in Excess of Petitioned Cost Total.** The City has no power to levy and collect assessments within the District in excess of the total cost of services and improvements, that property owners agreed to when they signed the District's renewal petition. If appraised property values increase or decrease within the District, the apportionment of the cost among the property owners may change on an annual basis but the cumulative amount of assessment revenue that is generated over the District's term cannot exceed the total cost of services and improvements projected on the Petitioned Service Plan. No over-collection of assessments is anticipated over the District's term. If, however, the District's cumulative, net assessment collections will exceed the cumulative assessments budgeted on the Petitioned Service Plan, LHIDC shall: (1) reduce the District's assessment rate in a subsequent year(s) to offset the over-collection, (2) return the assessment funds to the property owners, and/or (3) retain and not expend such additional assessments until a revised petition for an early renewal of the District that includes the additional assessments and increased service levels/costs is signed by the District property owners and approved by City Council, in accordance with the Act and the City's PID Policy.
- iii. **Excess Funds.** The District must identify any unspent assessment funds arising from greater than anticipated collections and/or lower than budgeted costs on the upcoming year's Annual Service Plan as either revenue available for current/future expenditures or return the excess funds to property owners, provided that the District's revenue at any time (inclusive of unspent carry-forward revenue and interest generated from assessments) does not exceed the total cost of services and improvements budgeted on the Petitioned Service Plan. Requests to carry-forward funds in excess of 20% of the District's budgeted collections, LHIDC must explain/justify why the District is carrying such a large fund balance (i.e., future capital improvement project, etc.) At no time shall carryover funds be used for services or improvements that were not approved in the District's Petition. If in the last year of the District's term, there are unspent funds, City Council reserves the right to adjust the assessment rate to absorb such funds to the extent not otherwise approved by City Council to be using during the District's ensuing renewal term. In all instances, City Council shall have final approval as to whether the District and/or DDI is permitted to carry over assessments to the following year.
- iv. **Expenditure Overruns and Use of Approved Fund Balance/Contingency Reserves.** If annual expenditures will exceed revenues (for example, due to lower than projected collections or greater than projected costs), LHIDC shall take measures to avoid a negative fund balance at year-end, such as: (1) reducing spending among Program Categories in a manner that best serves the interest of District property owners, tenants, and residents, provided that amendments to Program Category budget percentages require City Council approval, (2) accessing approved amounts set-aside in a budgeted contingency reserve category as applicable), (3) and/or accessing approved excess assessments carried forward from prior year fund balance.

The term of the District upon renewal is ten years, from 2023 to 2032. Pending approval, actual

operations in the District will commence on January 1, 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized the establishment of the Lake Highlands Public Improvement District for a period of seven years and named the Lake Highlands Improvement District Corporation as the management entity for the District by Resolution No. 08-1866.

On August 12, 2015, City Council authorized the creation of the Lake Highlands Public Improvement District (District) for a seven-year period and designated the Lake Highlands Improvement District Corporation as the management entity for the District by Resolution No. 15-1473.

On September 12, 2018, City Council authorized an amended and restated management contract with Lake Highlands Improvement District Corporation, the non-profit corporation designated as the management entity for the District to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Lake Highlands Improvement District Corporation, and to address other amendments to the agreement form; by Resolution No. 18-1313.

[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

FISCAL INFORMATION

This action has no cost consideration to the City. For District property owners, the proposed assessment amount is approximately equal to \$0.13 per \$100.00 of appraised value as determined by the DCAD (i.e., property owners within the boundaries of the District pay the assessment and the funds are managed by private, non-profit entities under a management contract with the City).

CONTACT INFORMATION

Lake Highlands Improvement District Corporation

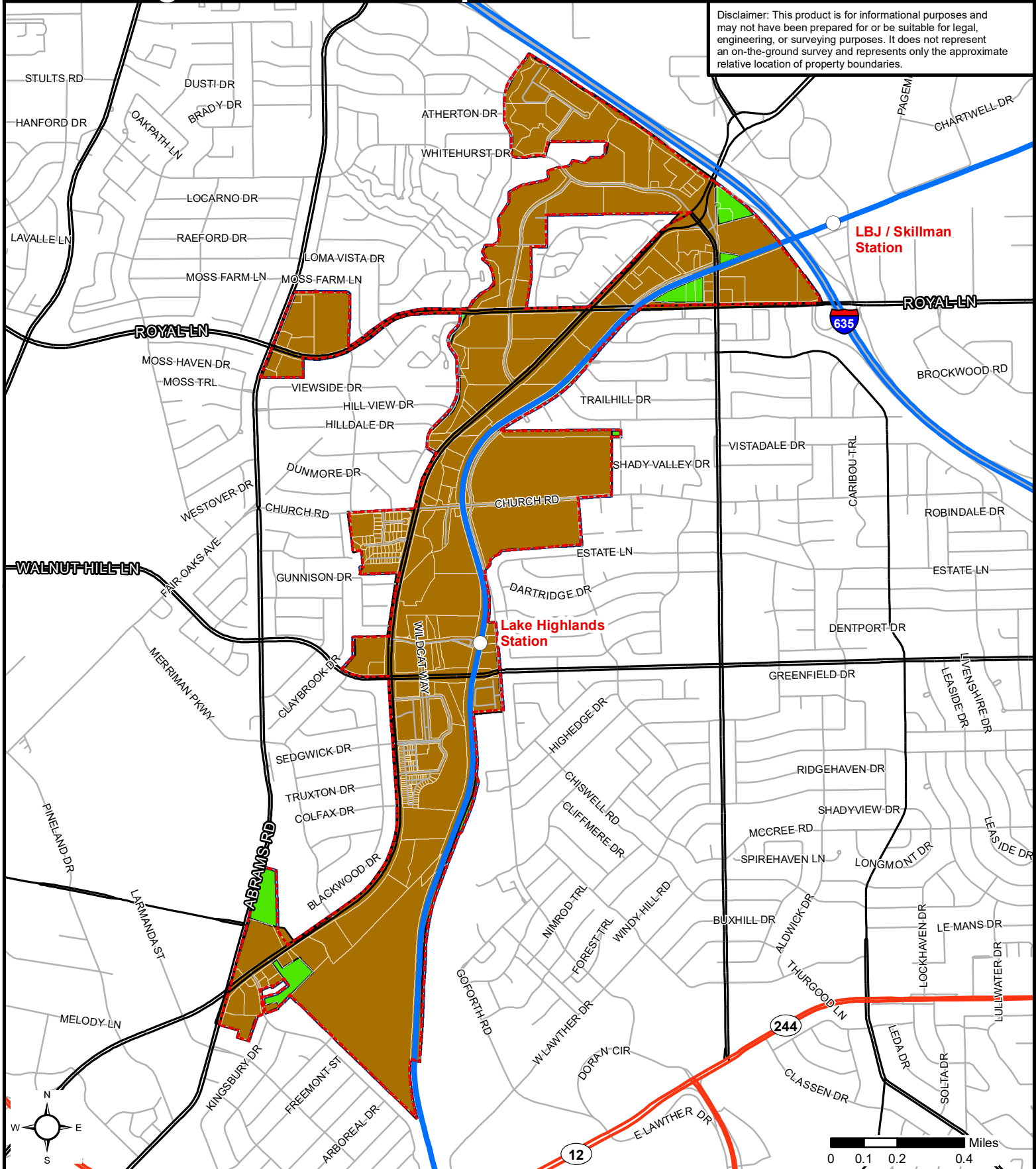
Vicky Taylor
Executive Director of LHPID/NLHPID
8676 Skillman St.
Dallas, Texas -75243

MAP

Attached

Lake Highlands Public Improvement District Boundaries

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Lake Highlands PID Existing Boundary
- Lake Highlands PID Proposed Boundary Expansion
- Tax Parcels - 2021

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail

May 11, 2022

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on February 1, 2022, the Lake Highlands Improvement District Corporation (“LHIDC”), representing owners of real property located within the Lake Highlands Public Improvement District (the “District”), delivered to the City of Dallas a petition to renew the District in accordance with the Act; and

WHEREAS, City staff reviewed the petition and determined the owners of 62% of the appraised value of the taxable real property liable for assessment, and 62% of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the LHIDC, verified the petitions, and evaluated the service plan to determine whether the services should be made as described by the proposed service plan and found the service plan to be viable; and

WHEREAS, the City of Dallas desires to call and hold a virtual and in-person public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District, which intends to levy a special assessment against each property owner of record for real property and real property improvements, exclusive of City of Dallas rights-of-way, public parks, railroad rights-of-way, cemeteries, property owned by tax-exempt religious organizations and properties property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Texas Tax Code, Section 11.13 (c) or (d), to provide funding for the District for the purpose of providing supplemental services and improvements.

Now, Therefore,

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

SECTION 1. That a virtual and in-person public hearing shall be held no earlier than 1:00 p.m. on June 8, 2022, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, 75201, at which time any interested person may appear and speak for or against the renewal of the District, with boundaries as proposed on the map attached as **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of City of Dallas rights-of-way and public parks, railroad rights-of-ways, cemeteries, and property owned by tax-exempt religious organizations, as shown in the proposed Service Plan attached as **Exhibit B**.

May 11, 2022

SECTION 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

SECTION 3. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District prior to the 15th day before the public hearing.

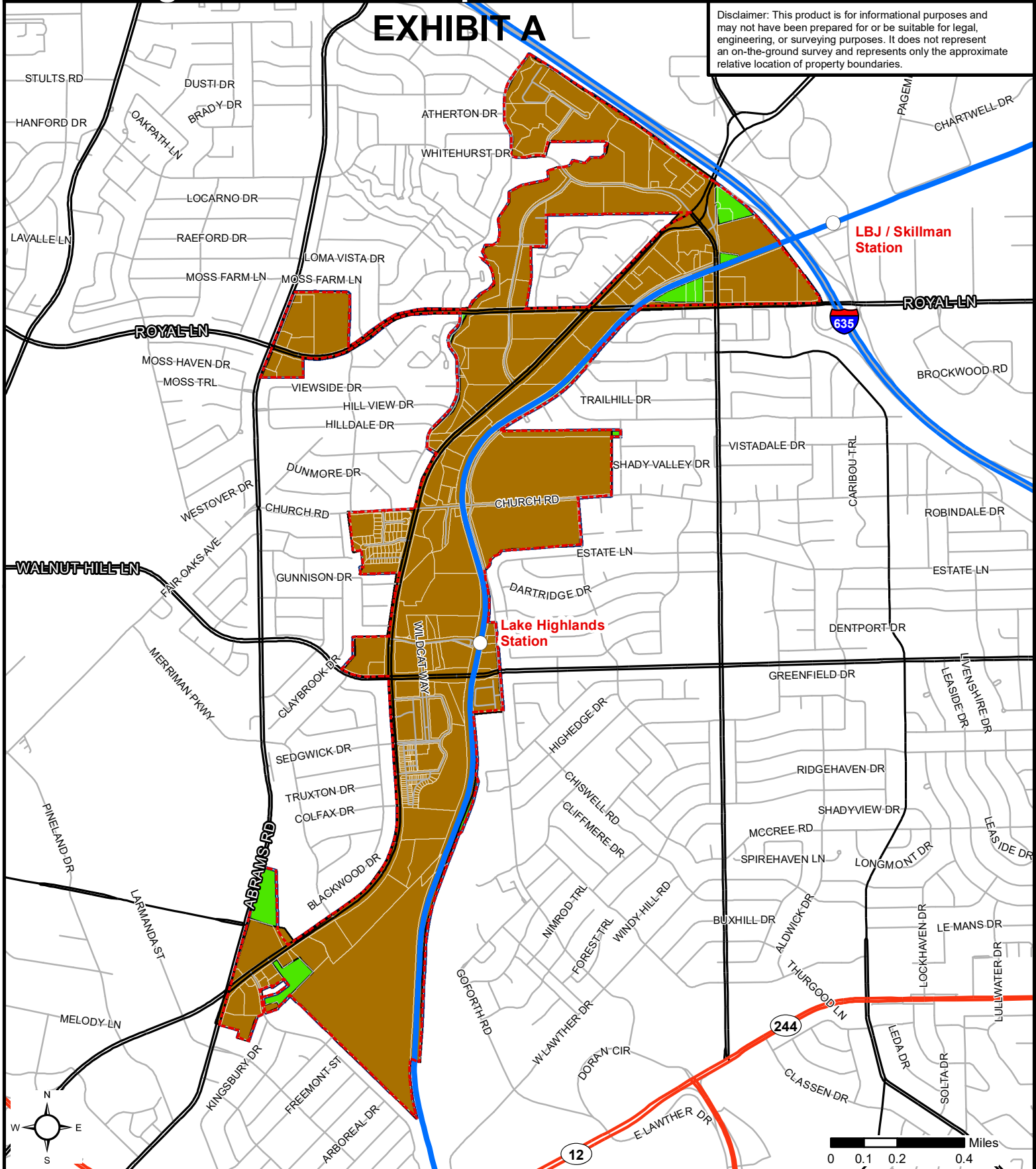
SECTION 4. That after the closing of the public hearing, the City Council may consider a resolution renewing the District for a period of ten-years, approving the Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, and approving a management contract with LHIDC, a Texas nonprofit corporation, as the management entity for the District.

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

Lake Highlands Public Improvement District Boundaries

EXHIBIT A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Lake Highlands PID Existing Boundary
- Lake Highlands PID Proposed Boundary Expansion
- Tax Parcels - 2021

Data Source: City of Dallas, 2021; DCAD, 2021.

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail

LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN 2023 TO 2032

		2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
REVENUE											
	Fund Balance from previous year	58,741	58,741	58,741	58,741	58,741	58,741	58,741	58,741	58,741	58,741
*	Net Assessment Revenue	1,169,646	1,403,575	1,684,290	2,021,148	2,425,378	2,910,454	3,492,544	4,191,053	5,029,264	6,035,116
	TOTAL REVENUE	1,228,387	1,462,316	1,743,031	2,079,889	2,484,119	2,969,195	3,551,285	4,249,794	5,088,005	6,093,857
EXPENDITURES											
1	Public Safety	\$477,216	\$572,659	\$687,190	\$824,629	\$989,554	\$1,187,465	\$1,424,958	\$1,709,950	\$2,051,940	\$2,462,328
2	Public Area Improvements	\$374,287	\$449,144	\$538,973	\$646,767	\$776,121	\$931,345	\$1,117,614	\$1,341,137	\$1,609,364	\$1,931,237
3	Capital Improvements	\$116,965	\$140,358	\$168,429	\$202,115	\$242,538	\$291,045	\$349,254	\$419,105	\$502,926	\$603,512
4	Promotion/Marketing/Programming	\$70,179	\$84,215	\$101,057	\$121,269	\$145,523	\$174,627	\$209,553	\$251,463	\$301,756	\$362,107
5	Administration	\$116,965	\$140,358	\$168,429	\$202,115	\$242,538	\$291,045	\$349,254	\$419,105	\$502,926	\$603,512
	Audit	\$8,188	\$9,825	\$11,790	\$14,148	\$16,978	\$20,373	\$24,448	\$29,337	\$35,205	\$42,246
	Insurance	\$5,848	\$7,018	\$8,421	\$10,106	\$12,127	\$14,552	\$17,463	\$20,955	\$25,146	\$30,176
	TOTAL OPERATING EXPENDITURES	1,169,646	1,403,575	1,684,290	2,021,148	2,425,378	2,910,454	3,492,544	4,191,053	5,029,264	6,035,116
	FUND BALANCE / RESERVES ⁶	\$	58,741 \$	58,741 \$	58,741 \$	58,741 \$	58,741 \$	58,741 \$	58,741 \$	58,741 \$	58,741 \$

* Assumes a 20% increase in property values each year based on the future growth and development of Lake Highlands.

1. Regular security patrols, patrol vehicle leases, safety lighting, crime reduction programs & events, and related expenses.

2. Median upkeep, non-standard ROW improvements, irrigation, Watercrest park & other park improvements, holiday lighting, distinctive lighting, Whitehurst improvements, non standard improvement, holiday lighting, wayfinding, signage, district art and murals, design, construction, aesthetics, graffiti removal and related services

3. Skillman corridor streetscape, gateway signage, Whitehurst Projects, landscape enhancements, acquisition and installation of public art and any large scale improvements.

4. Website, marketing, outreach, marketing materials, branding efforts, programming, and business development.

5. Office management expenses, rent, staff and annual property owner notice mailings.

6. Fund balance from the previous year designated by the Board of Directors for projects that falls within the Capital Improvement and Improvements categories



Agenda Information Sheet

File #: 22-868

Item #: 21.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 1, 13
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** a public hearing to be held on June 8, 2022, to receive comments concerning the renewal of the Midtown Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, for the purpose of providing supplemental public services, to be funded by an assessment on real property and real property improvements in the District; and, at the close of the public hearing; **(2)** approval of a resolution renewing the District for a period of ten years; **(3)** approval of the District's Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(4)** approval of a management contract with Vickery Meadows Management Corporation DBA Midtown Management Corporation, a Texas nonprofit corporation as the management entity for the District - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

On February 1, 2022, the Vickery Meadows Management Corporation DBA the Midtown Management Corporation, representing owners of real property located within the District, submitted petitions to the City of Dallas requesting the renewal of the District and approval of the District's Service Plan for a new ten-year term effective January 1, 2023 to December 31, 2032, in accordance with the Act.

The Vickery Meadow Public Improvement District has been rebranded. As a result, the new name of the District is the Midtown Improvement District. The District was first established in 1993, and renewed in 1998, 2003, 2008 and 2015.

City staff reviewed the petitions and verified that owners of record representing 60% of the appraised value and more than 63% of the land area of real property in the District liable for assessment had signed the petitions, thereby meeting the minimum requirements for renewal set in the current City of Dallas Public Improvement District (PID) Policy and The Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372 (the "Act"). The City's PID Policy requires signed

petitions from owners of at least 60% of the appraised value of real property liable for assessment and at least 60% of the land area of real property liable for assessment. Section 372.005 of the Act requires signed petitions from owners of at least 50% of the appraised value of real property liable for assessment and at least 50% of the land area of real property liable for assessment.

This action calls for a public hearing to be held on June 8, 2022 for the City Council to receive comments on the renewal of the District for a new ten-year term. The City desires, by the calling and holding of a public hearing, to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District. Upon closing of the public hearing, City Council will be asked to consider a resolution renewing the District. No later than seven (7) days after City Council authorizes the District's renewal, City staff will file a copy of the authorizing resolution with the Dallas County Clerk's Office in accordance with Section 372.010 of the Act.

The petition for the District is outlined as follows:

A. District Name. The name of the District is Midtown Improvement District.

B. District Location. The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The boundaries of the District are shown on **Exhibit A**.

C. Nature of the Proposed Services and Improvements. The purpose of the assessments to be levied in the District is to supplement and enhance services provided to or for the District's benefit including, but not limited to: enhanced public safety and security, neighborhood improvements, landscaping, trash/litter removal, graffiti control, beautification, cultural enhancements, SOPAC Trail improvements, Midtown Park, Shops at Park Lane, and Midtown Plaza improvements, capital improvement projects, marketing and promotional activities, lighting and signage, development, business recruitment to promote the District and related expenses incurred to establish, administer, and operate the District as authorized by the Act and City Council.

D. Estimated Cost of the Services and Improvements During the next ten-year term of the District, the estimated annual cost of services and improvements to be provided by the District is expected to begin at approximately \$2,128,778.00 in 2023 (plus \$145,000.00 to be carried-forward) and to end at \$7,194,887.00 in 2032. The total estimated net assessment revenue to be collected during the ten-year period is approximately \$42,096,170.00. The District shall incur no bonded indebtedness. The ten-year budget detailing the estimated cost per year and total estimated costs for the entire term (the Service Plan) is attached as **Exhibit B**.

E. Method of Assessment. The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The net assessment amount for 2023 is proposed to be \$1,978,778.00. The annual assessment rate

for 2023 is based on two classes of properties: the first class of property is designated as the "Standard Service Area" assessed at a rate \$0.05 per \$100.00 of appraised value as determined by the DCAD. The second class of property is designated as the "Premium Service Area" assessed at a rate \$0.10 per \$100.00 of appraised value by the DCAD. Once levied, this assessment rate shall not increase during the 2023 Service Plan year.

Future annual assessment rates, however, may be increased up to a maximum of \$0.15 per \$100.00 valuation, subject to appropriations set forth in the petition that renewed the District. Any future increase in the assessment rate would also be subject to a public hearing and City Council approval.

F. Apportionment of Costs Between the District and the Municipality as a Whole. The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by exempt jurisdictions and entities must be established by contract. Property owned by tax-exempt religious organizations will be exempt from assessment as well as City rights-of-way, City parks, railroad rights-of-way, and cemeteries. The City of Dallas is not responsible for payment of assessment against City-owned property in the District.

G. District Management. The District shall be managed by Vickery Meadows Management Corporation DBA Midtown Management Corporation ("MMC"), a Texas nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, or its successors or assigns, as approved by property owners and the City Council. MMC will be responsible for the management of the District, development, and recommendation of an annually updated Service Plan, and perform other required responsibilities pursuant to a contract with the City. The City Council will review and approve annually the Service Plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act.

H. District Dissolution. The District shall automatically dissolve on December 31, 2032, unless renewed or dissolved through the petition and approval process as provided by the Act. If the District is dissolved, the District nonetheless shall remain in effect for the purpose of meeting obligations of indebtedness for improvements.

I. Advisory Body. An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. At this time, staff is not recommending that an advisory board be appointed but is recommending that the responsibilities for the development and recommendation of the annual Service Plan and other duties of the advisory board contained in the Act be assigned to MMC or a successor entity approved by property owners and the City Council.

Following approval, the MMC will be contractually required to implement the Petitioned Service Plan in accordance with the Act and the following administrative provisions:

- i. Service Plan Budget Modifications.** The Petitioned Service Plan covers a period of 10 years, groups services and improvements to be provided into program categories ("Program Category"), and the percentage of available funds allocated to each Program Category by MMC. As required by the Act, changes to the adopted Annual Service Plan budget category percentages (%), need City Council approval.
- ii. No Collection of Assessments in Excess of Petitioned Cost Total.** The City has no power to levy and collect assessments within the District in excess of the total cost of services and improvements, that property owners agreed to when they signed the District's renewal petition. If appraised property values increase or decrease within the District, the apportionment of the cost among the property owners may change on an annual basis but the cumulative amount of assessment revenue that is generated over the District's term cannot exceed the total cost of services and improvements projected on the Petitioned Service Plan. No over-collection of assessments is anticipated over the District's term. If, however, the District's cumulative, net assessment collections will exceed the cumulative assessments budgeted on the Petitioned Service Plan, MMC shall: (1) reduce the District's assessment rate in a subsequent year(s) to offset the over-collection, (2) return the assessment funds to the property owners, and/or (3) retain and not expend such additional assessments until a revised petition for an early renewal of the District that includes the additional assessments and increased service levels/costs is signed by the District property owners and approved by City Council, in accordance with the Act and the City's PID Policy.
- iii. Excess Funds.** The District must identify any unspent assessment funds arising from greater than anticipated collections and/or lower than budgeted costs on the upcoming year's Annual Service Plan as either revenue available for current/future expenditures or return the excess funds to property owners, provided that the District's revenue at any time (inclusive of unspent carry-forward revenue and interest generated from assessments) does not exceed the total cost of services and improvements budgeted on the Petitioned Service Plan. Requests to carry-forward funds in excess of 20% of the District's budgeted collections, MMC must explain/justify why the District is carrying such a large fund balance (i.e. future capital improvement project, etc.) At no time shall carryover funds be used for services or improvements that were not approved in the District's Petition. If in the last year of the District's term, there are unspent funds, City Council reserves the right to adjust the assessment rate to absorb such funds to the extent not otherwise approved by City Council to be using during the District's ensuing renewal term. In all instances, City Council shall have final approval as to whether the District and/or MMC is permitted to carry over assessments to the following year.
- iv. Expenditure Overruns and Use of Approved Fund Balance/Contingency Reserves.** If annual expenditures will exceed revenues (for example, due to lower than projected collections or greater than projected costs), MMC shall take measures to avoid a negative fund balance at year-end, such as: (1) reducing spending among

Program Categories in a manner that best serves the interest of District property owners, tenants, and residents, provided that amendments to Program Category budget percentages require City Council approval (2) accessing approved amounts set-aside in a budgeted contingency reserve category as applicable), (3) and/or accessing approved excess assessments carried forward from prior year fund balance.

The term of the District upon renewal is ten years, from 2023 to 2032. Pending approval, actual operations in the District will commence on January 1, 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the establishment of the Vickery Meadow PID and it was renewed for a period of five-years in 1998 and for a period of seven-years in 2003 and 2008.

On August 12, 2015, City Council authorized the renewal of the Vickery Meadow Public Improvement District ('District'), for a seven-year period and designated the Vickery Meadow Management Corporation, as the management entity for the District by Resolution No.15-1474.

On September 12, 2018, City Council authorized an amended and restated management contract with Vickery Meadow Management Corporation, the non-profit corporation designated as the management entity for the District to reflect changes in the process for disbursement of assessment revenue, authorizing the City to disburse assessments to Vickery Meadow Management Corporation, and to address other amendments to the agreement form; by Resolution No. 18-1328.

[The Economic Development Committee was briefed by a memorandum regarding this matter on May 2, 2022.](#)

FISCAL INFORMATION

This action has no cost consideration to the City. For District property owners, the proposed assessment amount is approximately equal to \$0.10 per \$100.00 of appraised value for the premium service area in the District and \$0.05 per \$100.00 of appraised value for the standard service area as determined by DCAD (i.e., property owners within the boundaries of the District pay the assessment and the funds are managed by a private, non-profit entity under a management contract with the City).

CONTACT INFORMATION

Midtown Improvement District

Ted Palles, Midtown Management Corporation Board President (?)
Midtown Improvement District
10260 N. Central Expwy, #272
Dallas, TX 75231

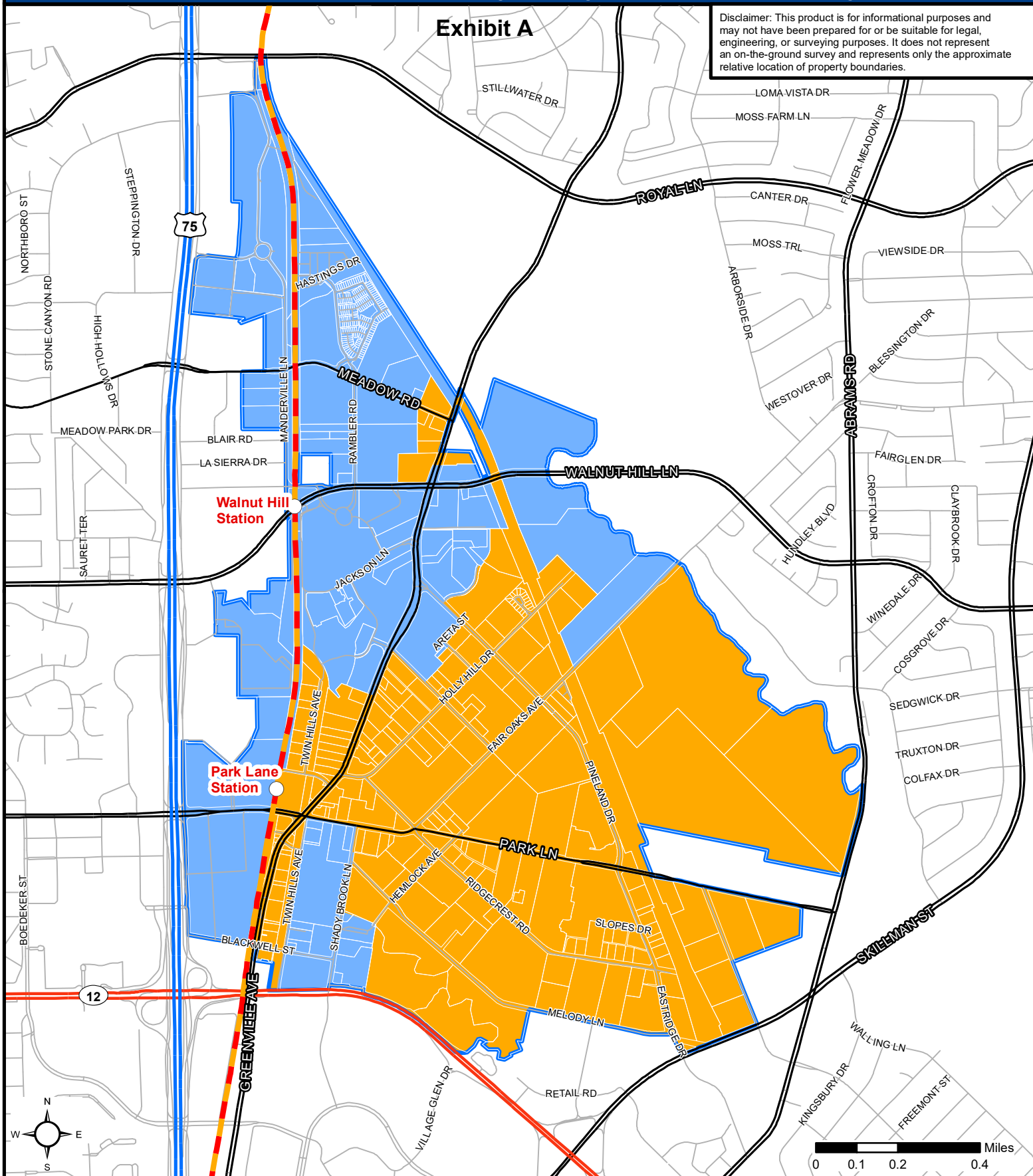
MAP

Attached

Midtown Improvement District (Formerly Vickery Meadow PID) Boundary Extension

Exhibit A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Proposed MID Standard Service Area
- Proposed MID Premium Service Area
- Proposed MID Parcels

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail

May 11, 2022

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on February 1, 2022, Vickery Meadows Management Corporation DBA Midtown Management Corporation (“MMC”), representing owners of real property located within the Midtown Improvement District (the “District”), delivered to the City of Dallas a petition to renew the District in accordance with the Act; and

WHEREAS, City staff reviewed the petition and determined the owners of 60 percent of the appraised value of the taxable real property liable for assessment, and more than 63 percent of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the VMMC, verified the petitions, and evaluated the service plan to determine whether the services should be made as described by the proposed service plan and found the service plan to be viable; and

WHEREAS, the City of Dallas desires to call and hold a virtual and in-person public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District, which intends to levy a special assessment against each property owner of record for real property and real property improvements, exclusive of City of Dallas rights-of-way, public parks, railroad rights-of-way, cemeteries, and property owned by tax-exempt religious organizations, to provide funding for the District for the purpose of providing supplemental services and improvements.

Now, Therefore,

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

SECTION 1. That a virtual and in-person public hearing shall be held no earlier than 1:00 p.m. on June 8, 2022, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, 75201, at which time any interested person may appear and speak for or against the renewal of the District, with boundaries as proposed on the map attached as **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of City of Dallas rights-of-way and public parks, railroad rights-of-ways, cemeteries, and property owned by tax-exempt religious organizations, as shown in the proposed Service Plan attached as **Exhibit B**.

|

May 11, 2022

SECTION 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

SECTION 3. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

SECTION 4. That after the closing of the public hearing, the City Council may consider a resolution renewing the District for a period of ten-years, approving the Service Plan for 2023-2032 for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, and approving a management contract with MMC, a Texas nonprofit corporation, as the management entity for the District.

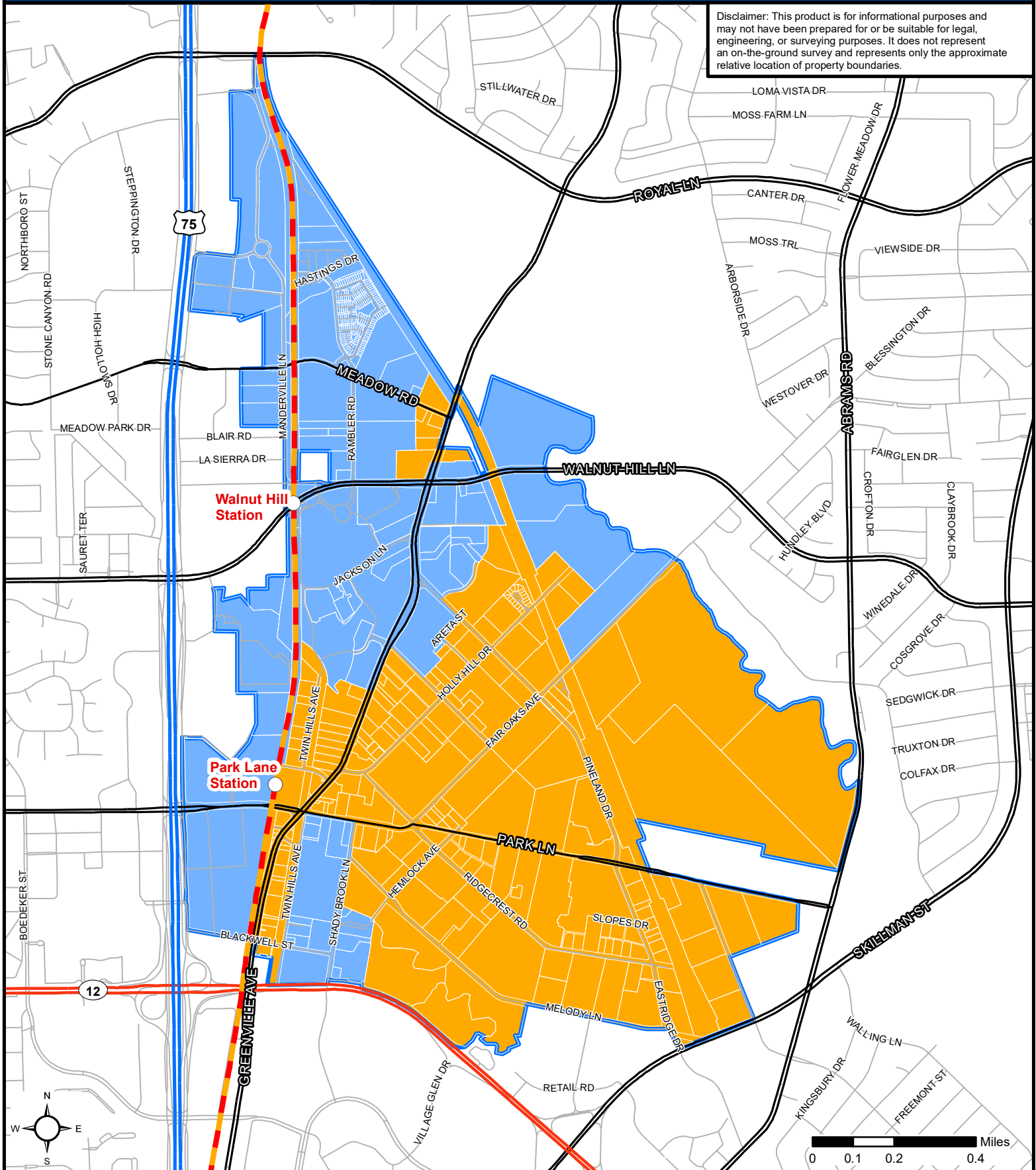
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SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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Midtown Improvement District (Formerly Vickery Meadow PID) Boundary Extension

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend

- Proposed MID Standard Service Area
- Proposed MID Premium Service Area
- Proposed MID Parcels

- Freeway
- Tollway
- Highway
- Arterial
- Local Streets

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail

**MIDTOWN IMPROVEMENT DISTRICT
SERVICE PLAN (2023-2032)**

	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
REVENUES:										
Net Assessment	\$1,978,778	\$2,268,485	\$2,675,645	\$3,144,254	\$3,588,475	\$4,197,798	\$4,853,852	\$5,757,973	\$6,436,022	\$7,194,887
Interest Income	\$3,000	\$3,150	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Surplus Carried Forward	\$292,000	\$145,000	\$3,150	\$4,150	\$4,150	\$0	\$0	\$0	\$0	\$0
TOTAL REVENUE	\$2,273,778	\$2,416,635	\$2,679,795	\$3,148,404	\$3,592,625	\$4,197,798	\$4,853,852	\$5,757,973	\$6,436,022	\$7,194,887
DISBURSEMENTS:										
Public Safety & Security ¹	\$554,058	\$589,806	\$668,911	\$754,621	\$825,349	\$923,516	\$1,019,309	\$1,151,595	\$1,222,844	\$1,295,080
Capital Improvements 2	\$565,543	\$621,382	\$661,885	\$660,293	\$757,730	\$923,516	\$1,067,848	\$1,324,334	\$1,415,925	\$1,654,824
Property Standard & Operations 3	\$415,543	\$499,067	\$615,398	\$723,178	\$861,234	\$1,049,449	\$1,213,463	\$1,497,073	\$1,737,726	\$1,870,671
Community Outreach, Cultural Enhancement & Marketing 4	\$296,817	\$362,958	\$401,347	\$471,638	\$574,156	\$629,670	\$776,616	\$921,276	\$1,094,124	\$1,223,131
Business Recruitment & Economic Development 5	\$79,151	\$90,739	\$133,782	\$157,213	\$179,424	\$209,890	\$194,154	\$230,319	\$257,441	\$287,795
Administrative Expenses 6	\$197,878	\$226,848	\$267,564	\$345,868	\$358,848	\$419,780	\$533,924	\$575,797	\$643,602	\$791,438
Insurance & Audit Expenses	\$19,788	\$22,685	\$26,756	\$31,443	\$35,885	\$41,978	\$48,539	\$57,580	\$64,360	\$71,949
TOTAL DISBURSEMENTS	\$2,128,778	\$2,413,485	\$2,675,645	\$3,144,254	\$3,592,625	\$4,197,798	\$4,853,852	\$5,757,973	\$6,436,022	\$7,194,887
ENDING FUND BALANCE	\$145,000	\$3,150	\$4,150	\$4,150	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- ¹ Safety and security initiatives, including by not limited to neighborhood safety database, SOPAC Trail & neighborhood security patrols, crime prevention/ homeless outreach team, public safety programs
- ² Building and public space improvement including but not limited to, sidewalks, new landscaping enhancements, complete streets programming, low impact development features, net zero initiatives, transportation enhancements, neighborhood planning studies, district identification and wayfinding signage, design & construction services, and other district improvements
- ³ Litter removal, additional waste services, graffiti mitigation & prevention, paint, sidewalk cleaning, cart pickup, lighting, electrical service, water utilities, seasonal landscape enhancements, SOPAC & Trail/Open Space/Five Points Plaza Management
- ⁴ Community enrichment activities such as, community events, outreach, recreational programming, youth development activities, seasonal events; Marketing and promotion activities including but not limited to website, advertising, streetlight pole banners, videography and photography, artwork, and newsletter.
- ⁵ Business recruitment & development to promote the district, data collection, innovation district initiatives, as well as efforts to ease the burden of opening and operating a business
- ⁶ Office Management & Items Required by PID Contract
- ^{*} Assumes average 13% annual increase in property value based on the future growth and development. Carried forward surplus due to on going planning and park improvemtn projects.



Agenda Information Sheet

File #: 22-913

Item #: 22.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a development agreement and all other necessary documents with FM City Park, LLC ("Adjacent Owner") and/or its affiliates in an amount not to exceed \$285,650.00 for the design and construction of the Pearl Improvement Project ("Project"), located in the Pearl Expressway public right-of-way between Taylor Street and Marilla Street, in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, payable from Farmers Market Tax Increment Financing District funds, such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Amended Project Plan and Reinvestment Zone Financing Plan - Not to exceed \$285,650.00 - Financing: Farmers Market TIF District Fund (subject to annual appropriations from tax increments)

BACKGROUND

The Farmers Market TIF District Amended Project Plan and Reinvestment Zone Financing Plan cites a goal to "improve the pedestrian environment through plaza and sidewalk improvements, landscaping, lighting, design standards, and burial of overhead utilities, including improved pedestrian connections throughout the Farmers Market TIF District" and, specifically, calls for "improvements to Pearl Street and Taylor Street for outdoor public festivals/activities."

With this public improvement Project, the City of Dallas has the opportunity to partner with the Adjacent Owner, who is an affiliate of the entities that own or lease the property known as the Farmers Market Redevelopment Project (Shed 1, Shed 2, Harvest Lofts formerly known as Shed 3 and 4, Taylor Lofts and the Auxiliary/Administrative Building), to improve the Pearl Expressway public right-of-way between Taylor Street and Marilla Street (the "Premises"). The Project will result in the creation of a curb-less pedestrian plaza and will include raising the street right-of-way to be level with the abutting sidewalks as well as installing pavers and streetscape furnishings. The Project is intended to serve as a common space connecting the quadrants of the Farmers Market Redevelopment Project, creating a more plaza-like environment within the Premises.

On November 3, 2021, the Office of Economic Development and Adjacent Owner executed a Letter of Intent to facilitate this public improvement Project. TIF funding in an amount not to exceed \$285,650.00 is proposed to reimburse the Adjacent Owner for costs to deliver the Project. TIF funding will be sourced from district-wide set-aside funds (Farmers Market Area Improvements budget category). The Adjacent Owner will privately bid and contract for the construction of the Project. Upon verification of Project completion and compliance with all conditions of the development agreement, the TIF funding will be disbursed to Adjacent Owner.

On this same City Council agenda, a separate but related agenda item recommended by the Real Estate division of the Public Works Department seeks authorization to formally reinstate the closure and vacation of the portion of Pearl Expressway (0.279 acres) between Taylor Street and Marilla Street in order to facilitate this Project and continue the use of the area as a public non-vehicular right-of-way.

ESTIMATED PROJECT SCHEDULE

Project Start Date December 2022
Project Completion Date December 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended, to promote development and redevelopment in the Farmers Market area through the use of tax increment financing, by Ordinance No. 23521.

On August 25, 1999, City Council authorized the Farmers Market TIF District Project Plan and Reinvestment Zone Financing Plan ("Farmers Market TIF District Project Plan"), by Ordinance No. 24001.

On February 27, 2013, City Council authorized a Master Agreement with DFM Developer, Ltd. for the redevelopment of the Dallas Farmers Market, by Resolution No. 13-0447.

On March 27, 2013, City Council authorized amendments to the Farmers Market TIF Project Plan (the "Amended Farmers Market TIF District Project Plan"), including the expansion of the geographic boundaries to include the Dallas Farmers Market property, by Ordinance No. 28951.

On June 10, 2015, City Council authorized an amendment to the Master Agreement with DFM Developer, Ltd. for the redevelopment of the Dallas Farmers Market, by Resolution No. 15-1099.

On December 13, 2021, the Farmers Market TIF District Board of Directors reviewed and unanimously recommended approval of a development agreement with FM City Park, LLC and/or its affiliates in an amount not to exceed \$285,650.00 to design and construct the Pearl Expressway improvements ("Pearl Improvement Project" or "the Project") and included findings that the use of district-wide set-aside funds for the Project to enhance the pedestrian environment is a benefit to the Farmers Market TIF District and is necessary and convenient to implement the Amended Farmers Market TIF District Project Plan.

The Economic Development Committee was briefed regarding this matter on February 7, 2022.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Farmers Market TIF District Fund	\$0.00	\$285,650.00	\$0.00

APPLICANT

~~FM City Park, LLC~~

~~Brian Bergersen, Spectrum Properties
2518 Converse Street
Dallas, TX 75207~~

MAP

Attached

MAP

Pearl Improvement Project

Located in the Pearl Expressway public right-of-way between
Taylor Street and Marilla Street



May 11, 2022

~~**WHEREAS**, the City of Dallas (“City”) recognizes the importance of its role in local economic development initiatives and programs; and~~

~~**WHEREAS**, on May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six (“Farmers Market TIF District”), in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended, to promote development and redevelopment in the Farmers Market area through the use of tax increment financing, by Ordinance No. 23521; and~~

~~**WHEREAS**, on August 25, 1999, City Council authorized the Farmers Market TIF District Project Plan and Reinvestment Zone Financing Plan (“Farmers Market TIF District Project Plan”), by Ordinance No. 24001; and~~

~~**WHEREAS**, on February 27, 2013, City Council authorized a Master Agreement with DFM Developer, Ltd. for the redevelopment of the Dallas Farmers Market, by Resolution No. 13-0447; and~~

~~**WHEREAS**, on March 27, 2013, City Council authorized amendments to the Farmers Market TIF District Project Plan (the “Amended Farmers Market TIF District Project Plan”), including the expansion of the geographic boundaries to include the Dallas Farmers Market property, by Ordinance No. 28951; and~~

~~**WHEREAS**, the Amended Farmers Market TIF District Project Plan cites a goal to “improve the pedestrian environment through plaza and sidewalk improvements, landscaping, lighting, design standards, and burial of overhead utilities, including improved pedestrian connections throughout the Farmers Market TIF District” and, specifically, calls for “improvements to Pearl Street and Taylor Street for outdoor public festivals/activities;” and~~

~~**WHEREAS**, on June 10, 2015, City Council authorized an amendment to the Master Agreement with DFM Developer, Ltd. for the redevelopment of the Dallas Farmers Market, by Resolution No. 15-1099; and~~

~~**WHEREAS**, on December 13, 2017, City Council adopted the Downtown Dallas 360 Plan, which included strategies for building complete neighborhoods and promoting great placemaking, including 1) creating pocket parks or plazas by activating existing small lots and other “leftover” spaces to provide relief from buildings for a range of activities, 2) improving parks and open space opportunities in emerging neighborhoods, including Farmers Market, and 3) activating the public realm, by Resolution No. 17-1940; and~~

~~**WHEREAS**, City Council finds that spending Reinvestment Zone Number Six funds to improve the Pearl Expressway public right-of-way between Taylor Street and Marilla Street as depicted in **Exhibit A** (the “Premises”) is necessary and convenient to implement the Amended Farmers Market TIF District Project Plan; and~~

May 11, 2022

~~**WHEREAS**, FM City Park, LLC is an affiliate of the entities that own property adjacent to the Premises, and the City Council seeks a partnership with FM City Park, LLC and/or its affiliates to benefit the Amended Farmers Market TIF District Project Plan; and~~

~~**WHEREAS**, on December 13, 2021, the Farmers Market TIF District Board of Directors reviewed and unanimously recommended approval of a development agreement with FM City Park, LLC and/or its affiliates in an amount not to exceed \$285,650.00 to design and construct the Pearl Expressway improvements ("Pearl Improvement Project" or "the Project") and included findings that the use of district-wide set-aside funds for the Project to enhance the pedestrian environment is a benefit to the Farmers Market TIF District and is necessary and convenient to implement the Amended Farmers Market TIF District Project Plan; and~~

~~**WHEREAS**, The Economic Development Committee was briefed on February 7, 2022; and~~

~~**WHEREAS**, the expenditure of Farmers Market TIF funds to support the Project is consistent with promoting development and redevelopment of the Farmers Market TIF District in accordance with the purposes for its creation and the ordinances adopted by the City Council approving the Farmers Market TIF District Project Plan and the Amended Farmers Market TIF District Project Plan and is for the purpose of making public improvements consistent with and described in the Amended Farmers Market TIF District Project Plan for the Farmers Market TIF District; and~~

~~**WHEREAS**, an accompanying ordinance authorized by City Council on April 13, 2022 shall declare the Premises vacated and closed insofar as the right, title and easement of the public to use said tract for vehicular purposes are concerned; and~~

~~**WHEREAS**, to further implement the Amended Farmers Market TIF District Project Plan and the Dallas Downtown 360 Plan, the City desires to enter into a development agreement with Adjacent Owner and/or its affiliates in an amount not to exceed \$285,650.00, payable from current and future Farmers Market TIF District (District-Wide Improvement) Funds to improve the Premises.~~

~~**Now, Therefore,**~~

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

May 11, 2022

SECTION 1. That the City Manager is hereby authorized to execute a development agreement and all other necessary documents with FM City Park, LLC ("Adjacent Owner") and/or its affiliates in an amount not to exceed \$285,650.00 for the design and construction of the Pearl Improvement Project, located in the Pearl Expressway public right-of-way between Taylor Street and Marilla Street, in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, payable from Farmers Market Tax Increment Financing ("TIF") District funds, such improvements being necessary and convenient to the implementation of the Amended Farmers Market TIF District Project Plan.

SECTION 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 3. That the Chief Financial Officer is hereby authorized to encumber and disburse funds in an amount not to exceed \$285,650.00 to Adjacent Owner and/or its affiliates from the Farmers Market TIF District Fund (subject to current and future appropriations from tax increments) from Farmers Market TIF District Fund, Fund 0036, Department ECO, Unit W820, Object 4599, Activity TFFM, Program FMTIF0015, Encumbrance/Contract No. CX ECO-2022-00018722, Vendor VS88464.

SECTION 4. That nothing in this resolution shall be construed to require the City to approve payment from any source of City funds other than Farmers Market TIF District (District-Wide Improvement) Funds. Any funds expended under the development agreement that remain unpaid upon termination of the Farmers Market TIF District due to lack or unavailability of Farmers Market TIF District Funds shall no longer be considered Project costs of the Farmers Market TIF District or the City and the obligation of the Farmers Market TIF District to pay Adjacent Owner shall automatically expire.

SECTION 5. That in addition to the conditions set out in the Sections above, the development agreement is hereby expressly made subject to all the following contingencies, which must be performed or occur:

- A. Development of the Project shall include improvements to Pearl Expressway public right-of-way between Taylor Street and Marilla Street (between the bollards) as depicted in **Exhibit A** and shall include, but not be limited to, raising the street right-of-way to be level with the adjacent sidewalks, installation of pavers, and streetscape furnishings, as shown in **Exhibit B**.
- B. Adjacent Owner shall enter into a private development contract with the City of Dallas, administered by the Development Services Department, and may privately bid and contract for construction of the Project.

May 11, 2022

SECTION 5. (continued)

- ~~C. Adjacent Owner shall obtain a permit or other required City documentation evidencing approval to start construction by December 31, 2022.~~
- ~~D. Construction of the Project shall be substantially complete by December 31, 2023 as evidenced by letter of acceptance, certificate of completion, or similar documentation from the City ("Project Completion").~~
- ~~E. The Adjacent Owner submitted conceptual plans for the Project to the City of Dallas Planning and Urban Design Department ("PUD"), and the conceptual plans were accepted by PUD on December 4, 2020. The Adjacent Owner shall submit a set of construction permit drawings to PUD for a staff review to ensure that the Project is constructed in substantial conformance with the conceptual plans attached as **Exhibit B**. Prior to execution of a private development contract, Project plans must be approved by Development Services Department, Public Works Department, PUD, and Dallas Fire Rescue, and all local, state and federal health and safety requirements must be met.~~
- ~~F. Adjacent Owner shall make a good faith effort to comply with the Business Inclusion and Development ("BID") Plan for construction expenditures. Specifically, the good faith effort goal shall be 32% participation by certified Minority/Women Business Enterprises firms for all construction work related to the Project, and Adjacent Owner shall meet all reporting requirements (**Exhibit C**).~~
- ~~G. Until the Project has passed final building inspection and all required paperwork documenting Project Completion has been submitted to the Office of Economic Development, Adjacent Owner shall submit to the Office of Economic Development quarterly status reports (**Exhibit D**) for ongoing work on the Project. Such status reports shall be due within 30 calendar days following the end of each calendar quarter after the City Council approval date.~~
- ~~H. The TIF funding shall be disbursed upon Project Completion and verification that all Project conditions have been met; the actual TIF funding shall be based on actual Project expenditures, and detailed documentation shall be required for verification. Any Project costs exceeding \$285,650.00 shall be at the sole expense of Adjacent Owner (estimated budget **Exhibit E**).~~
- ~~I. Prior to the Project Completion, Adjacent Owner shall execute an Operating and Maintenance Agreement (defined below) for any Non-Standard Public Improvements (defined below) associated with the Project (the "Operating and Maintenance Agreement"), and if necessary, obtain a license from City for the purpose of maintaining any improvements in the public right-of-way.~~

SECTION 5. (continued)

~~“Non-Standard Public Improvements” shall be defined as those public infrastructure improvements which exceed the City’s standard design requirements, as determined by the City, and shall include specially designed street/pedestrian lighting, brick pavers, bollards, sidewalks, public art, fountains, landscaping and irrigation. With the exception of specially designed street/pedestrian lighting, public artwork and fountains, City shall retain ownership of such public improvements and may at its sole option, if Adjacent Owner fails to maintain such public improvements after notice from City, perform such maintenance and invoice Adjacent Owner for the costs, which costs Adjacent Owner shall pay within thirty (30) days of notice. Adjacent Owner shall submit documentation evidencing that an executed Notice of Operating and Maintenance Agreement specifying the existence of an executed Operating and Maintenance Agreement for the Non-Standard Public Improvements was recorded with the Dallas County Clerk’s Office. The term for the Operating and Maintenance Agreement shall be in perpetuity, unless or until the Premises is no longer utilized as a public pedestrian area or at the City’s discretion, provided that the Director of Economic Development consents in writing to the termination of the Operating and Maintenance Agreement. Adjacent Owner shall so remain responsible for the maintenance of the Non-Standard Public Improvements in perpetuity even if Adjacent Owner chooses to forgo the TIF funding or does not earn the TIF funding as a result of default. The terms and conditions of the Operating and Maintenance Agreement are binding upon the successors and assigns of all parties hereto and may be assignable, subject to approval of the Director of Economic Development, in whole or in part, to a new adjacent owner to all or a portion of the Project. If an existing, executed, and filed operating and maintenance agreement is found to apply to the Premises, execution of a new Operating and Maintenance Agreement conforming to the requirements of this subsection shall nevertheless be required and shall supersede any such existing operating and maintenance agreement to the extent that such existing operating and maintenance agreement applies to the Premises.~~

- ~~J. To offset maintenance costs, Adjacent Owner shall have the right to provide revenue-generating activities within the Premises only during “Market Events” as described in the Farmers Market Redevelopment Project Master Agreement. This allowance does not provide Adjacent Owner permission to provide revenue-generating activities without proper permits and does not allow uses not otherwise permitted. Adjacent Owner shall continue to abide by Dallas City Code Chapter 42A related to Special Events and Dallas Farmers Market Farmers Market related activities, including, but not limited to, activation and permitting of the Premises, a portion of the “Dallas Farmers Market,” as defined in Chapter 42A.~~

May 11, 2022

SECTION 6. ~~That should Adjacent Owner not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow disbursement of any or all of the TIF funding.~~

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

CLOSE AND VACATE

Pearl Expressway

Adjacent to Block 15/144 and Block 26/132

Farmer's Market Addition, Phase 1

John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas

BEING a 0.279 acre (12,160 square foot) tract of land situated in Pearl Expressway, closed and vacated by Ordinance #23182 Volume 97127, Page 1664 Deed Records, Dallas County, Texas, John Grigsby Survey, Abstract No. 495, Dallas, Dallas County, Texas, subsequently reopened by Ordinance #29040 and being adjacent to Block 15/144 and Block 26/132 Farmer's Market Addition, Phase 1, an addition to the City of Dallas according to the plat recorded in Instrument Number 202000142504 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "x" cut in concrete set for corner in the northeast line of said Pearl Expressway (an 80 public foot right-of-way), said "x" being North 36°00'00" West a distance of 2.46 feet from an "x" cut in concrete found for corner at the intersection of said northeast line of Pearl Expressway and the northwest line of Taylor Street (a variable width public right-of-way), recorded in Volume 4, Page 350 Map Records, Dallas County, Texas, said "x" being the south corner of said Block 15/144;

THENCE South 54°00'00" West, departing said northeast line of Pearl Expressway and traveling over and across said Pearl Expressway for a distance of 80.00 feet to an "x" cut in concrete set for corner in the southwest line of said Pearl Expressway and the northeast line of aforementioned Block 26/132;

THENCE North 36°00'00" West, along said southwest line of Pearl Expressway for a distance of 152.00 feet to an "x" cut in concrete set for corner;

THENCE North 54°00'00" East, departing said southwest line of Pearl Expressway and traveling over and across said Pearl Expressway for a distance of 80.00 feet to an "x" cut in concrete set for corner in the aforementioned northeast line of Pearl Expressway, said "x" being South 36°00'00" East a distance of 17.23 feet from an "x" cut in concrete found for corner at the intersection of said northeast line of Pearl Expressway and the southeast line of Marilla Street (a variable width public right-of-way), recorded in Volume 91249, Page 4072 Deed Records, Dallas County, Texas, said "x" being the west corner of said Block 15/144;

THENCE South 36°00'00" East along said northeast line of Pearl Expressway for a distance of 152.00 feet to the POINT OF BEGINNING and containing 0.279 acres, or 12,160 square feet of land, more or less.

NOTES:

cm = controlling monument

mag fnd = magnetic nail found for corner

"x" fnd = "x" cut in concrete found for corner

"x" set = "x" cut in concrete set for corner

Vol. = Volume

Pg. = Page

R.O.W. = right-of-way

Ord No. = Ordinance Number

Inst No. = Instrument Number

D.R.D.C.T. = Deed Records, Dallas County, Texas

M.R.D.C.T. = Map Records, Dallas County, Texas

O.P.R.D.C.T. = Official Public Records, Dallas County, Texas

Basis of Bearings is the northeast line (North 36°00'00" West) of Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 4, Page 350 Map Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed By:	<u>G.S.</u>
Date:	<u>5-5-21</u>
SPRG NO.:	<u>5603</u>



CLOSE AND VACATE
Pearl Expressway
Adjacent to Block 15/144 and Block 26/132
Farmer's Market Addition, Phase 1
John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas

CLOSE AND VACATE

Pearl Expressway

Adjacent to Block 15/144 and Block 26/132

Farmer's Market Addition, Phase 1

John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas

0 10 20 30 40 60 feet

SCALE: 1" = 40'

Marilla Street
(a variable width R.O.W.)
Vol 91249, Pg 4072
(D.R.D.C.T.)

License Agreement—
Ord No. 31797
Inst No. 202100102621
(O.P.R.D.C.T.)

John Grigsby Survey
Abstract No. 495

Tract 2
Vol 91249, Pg 8003
(D.R.D.C.T.)

FARMER'S MARKET
 Inst No. 2020-01425-4
 Lot 1, Block 26/132
 ADDITION, PHASE 1
 N36°00'00"W
 12.16
 DF MARKET 2, LLC
 Inst No. 201300190271
 O.P.R.D.C.T.
 R. op
 12.16

- License Agreement
No. 31434
02000058256
(O.P.D.C.T.)

Lot 1A, Block 15/14A
FARMER'S MARKET
ADDITION, PHASE 1
Inst No. 20200074250A
O.P.R.D.C.T.

00'00"E
Pearl Expressway
foot right-of-way)
closed & vacated
Finance #2318
664 (D
g

12-140 square feet
15

P.O.B.
"x" set

License Agreement
Ord No. 31434
Inst No. 202000058256
(O.P.R.D.C.T.)

Taylor Street
(a variable width R.O.W.)
Vol 4, Pg 350 (M.R.D.C.T.)

Basis of Bearings is the northeast line (North 36°00'00" West) of Pearl Street, as shown on plat of the Revised Map of Railroad Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 4, Page 350 Map Records, Dallas County, Texas.

(For SPRG use only)

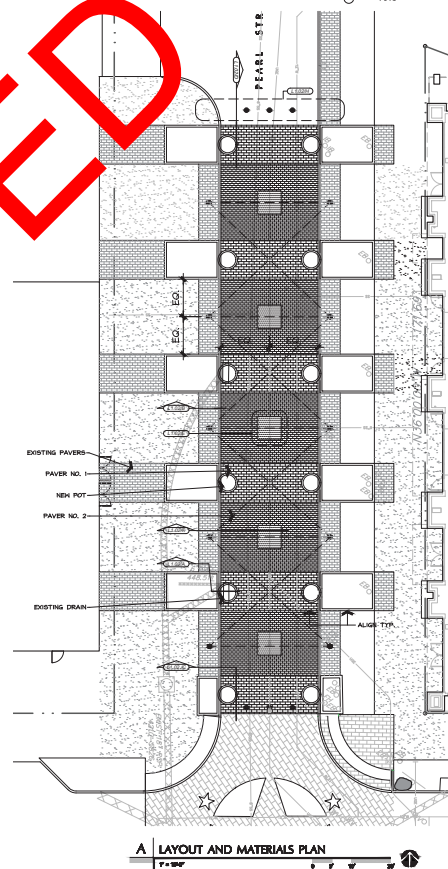
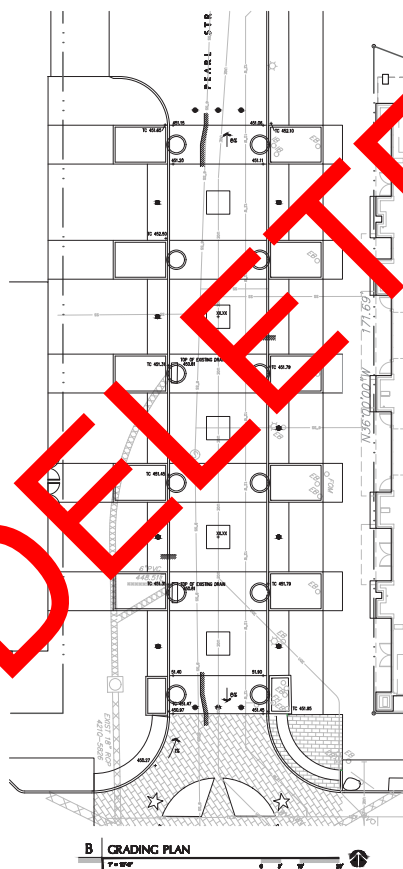
Reviewed By: G.S.
Date: 5-5-21
SPRG NO.: 5603

Rev: April 29, 2021
March 10, 2021
Project No. 21008
Page 2 of 2











PIBURN &
COMPANY

801 East Campbell Road – Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncompany.com

[illegible]

- D** **LEGEND**

 -  EXISTING LIGHT POLE
 -  EXISTING TIVOLI LIGHTS
 -  EXISTING BOLLARD
 -  EXISTING PAVING
 -  PAVING NO. 1
 -  PAVING NO. 2
 -  PEDESTAL
 -  POTS

Project Owner:
Spectrum Properties
1414 Elm Street
Suite 200 Dallas, TX 75202
214.379.8600

[illegible]

Dallas, Texas

Wilder Belshaw Project Number: 1607

Drawing Name:

PEARL STREET SITE PLAN

Sheet Number:

L1.01



EXHIBIT C

CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please *DO NOT* use the "Enter" key.)

Project Name

Bid #:

Firm Name and Address:

1. Did you meet with a staff member of the Office of Economic Development Business and Workforce Inclusion (BWI)?

Please make a selection:

Name of staff member:

2. Did you utilize a current M/WBE directory provided by BWI staff for this project?

Please make a selection:

Date of Listing:

3. Did you provide plans and specifications, bids or proposals to potential M/WBEs or information regarding the location of plans and specifications, bids, or proposals for this project?

Please make a selection:

4. If M/WBE bids and proposals were received and rejected, you must attach documentation of the received bid and the reason for rejection. (i.e. letters, memos, telephone calls, meetings, etc.)

5. Complete the attached Documentation Form(s) to further explain good faith efforts to obtain M/WBE participation on this project. If there is written documentation of efforts with the M/WBEs who responded affirmatively to the bidder's written notice please attach documentation (i.e. quotes, or e-mails).



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please *DO NOT* use the “Enter” key.)

Project Name #: _____

Bid #: _____

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

Please use the form(s) below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature: _____ Title: _____ Date: _____

Printed Name: _____ Date: _____



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please *DO NOT* use the “Enter” key.)

Project Name & Bid/Contract #: _____ #: _____

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

Please use the form below if additional spaces needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature: _____ Title: _____ Date: _____

Printed Name: _____ Date: _____

Sections II and III are worth 15 Total Points: Section II = 5 Points Maximum, Section III = 10 Points Maximum

Section I: Business Inclusion Affidavit

Construction - 32.00%, Architectural & Engineering - 34.00%, Professional Services - 38.00%, Other Services - N/A, Goods - 32.00%

Typed or Printed Name of Company's Certifying Official

Signature _____

Date _____

Section II: Historical Utilization

Entity Name Address, City, State, Zip	Contact Person, Title Phone Number	Month/Year of Project	Total Goal Amount	M/WBE Goal (%)	Project Name/ Contract Type	M/WBE Actual Participation (\$)	M/WBE Actual Participation (%)
			\$ -			\$ -	#DIV/0!
			\$ -			\$ -	#DIV/0!
			\$ -			\$ -	#DIV/0!

Include historical M/WBE utilization for the last three projects completed. Not limited to City of Dallas contracts, but should only include projects performed with municipalities.

Section II = 5 Total Points: 3 Projects = 3 Points; 2 Projects = 3 Points; 1 Project = 1 Point

Section III: Team Make-Up/Schedule of Work

[illegible]

Include all subcontractors who will be performing on this project, both M/WBEs and Non-M/WBEs. This section should include the Prime Contractor's value of work, and the total contract amount will auto populate.

Section III = 10 Total Points: Meets Goal = 5 Points; Exceeds Goal, Additional 3 Points; Diverse Team Make-Up, Additional 2 Points



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Ethnic Workforce Composition Report (BWI-FRM-627)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. *Please DO NOT use the “Enter” key.*)

Company name: _____

Address: _____

Bid #: _____

Telephone Number: _____ - _____ - _____ Ext. _____

Email Address: _____

Please complete the following sections based on the ethnic composition of the (location) entity in the address line above.

Employee Classification	Total No. Employees		White		Black		Hispanic		Other	
	Male	Female	M	F	M	F	M	F	M	F
Administrative/Managerial										
Professional										
Technical										
Office/Clerical										
Skilled										
Semiskilled										
Unskilled										
Seasonal										
Totals:										
# of employees living in Dallas:										
Total % of employees living in Dallas										

Officer's Signature

Title

Typed or Printed Name

Date



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Subcontractor Intent Form (BWI-FRM-214)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please DO NOT use the "Enter" key.)

TO: City of Dallas DATE: _____

Office of Economic Development - Business and Workforce Inclusion

Project Name: _____ Bid # _____

_____ will provide the following

_____ M/WBE Subcontractor on the project

good(s)/service(s): _____

to _____

_____ Prime Contractor on the project

MWBE subcontractor is currently certified by the following agency: _____

M/WBE Certification Number: # _____

Certification must be kept current / valid for the entire duration of this contract. Failure to comply with this provision could be subject to removal from contract.

For the purpose of M/WBE subcontracting participation, the City of Dallas does not include amounts paid to the prime by the sub-contractor.

Total Contract Amount for prime	\$ _____	_____ NCTRCA
		_____ DFWMSDC
MWBE/DBE Sub Participation Amount	\$ _____	_____ WBCSW
		% _____

The undersigned intends to enter into a formal agreement with the subcontractor listed, conditioned upon being awarded the City of Dallas contract. The undersigned understands that, for the purpose of M/WBE subcontracting participation, any amounts paid to the prime from the sub contractor should not be included in the above listed participation amount. Finally, the prime contractor must submit a Change of M/WBE subcontractor/supplier form to the Business and Workforce Inclusion division for approval prior to any changes in the team make-up. Failure to comply with these provisions could result in termination of the contract, sanctions against the prime contractor, and/or ineligibility for future City contracts.

 Officer's Signature (Prime Contractor)

 Officer's Signature (M/WBE/DBE Subcontractor)

 Printed Name (Prime Contractor)

 Printed Name (M/WBE/DBE Subcontractor)

 Title (Prime Contractor)

 Title (M/WBE/DBE Subcontractor)

 Date

 Date

Please select or list all Chambers or Advocacy groups you are a member of:

Greater Dallas Asian American Chamber of Commerce	<input type="checkbox"/> Prime <input type="checkbox"/> Sub	Asian Contractors Association	<input type="checkbox"/> Prime <input type="checkbox"/> Sub
Greater Dallas Black Chamber of Commerce	<input type="checkbox"/> <input type="checkbox"/>	Regional Black Contractors Association	<input type="checkbox"/> <input type="checkbox"/>
Greater Dallas Hispanic Chamber of Commerce	<input type="checkbox"/> <input type="checkbox"/>	Regional Hispanic Contractors Association	<input type="checkbox"/> <input type="checkbox"/>
U.S. Pan Asian American Chamber of Commerce	<input type="checkbox"/> <input type="checkbox"/>		

Other _____



CITY OF DALLAS
Office of Economic Development - Business and Workforce Inclusion
Contractor's Affidavit - Schedule of Work and Actual Payment (BWI-FRM-213)

Project Name: _____ Bid/Contract #: _____

Instructions:

Column 1: List type of work to be performed by Prime and 1st tier subcontractors.

Column 2: City of Dallas Vendor Number for Prime and Subcontractors/Suppliers (If none, register online: www.bids.dallascityhall.org). ALL Prime and Subcontractors/Suppliers must be registered with the City of Dallas.

Column 3: List name of firm; M/WBE Certification Number (if applicable).

Column 4: List firm(s); contact name; address; telephone number.

Column 5: List ethnicity of firm(s) owner as B=African American; H=Hispanic; I=Asian Indian; N=Native American; P=Asian Pacific; W=Woman; NON=other than M/WBE.

Column 6: Indicate firm's location as L=local (within Dallas county limits); N=Non-local (Outside Dallas county limits).

Column 7: Indicate dollar amount of value of work for the Prime contractor, subcontractors, and suppliers.

Column 8: Indicate percentage of total contract amount.

Column 9: Indicate total payments to date.

Column 10: Indicate payments during current pay period.

Type of Work [1]	City of Dallas Vendor Number [2]	Name of Firm & M/WBE Certification (If Applicable) [3]	Contact Name Address, City, State, Zip & Tel. Number [4]	Type of Firm [5]	L or N [6]	Value of Work (\$) [7]	Percent (%) [8]	Payments to Date (\$) [9]	Payment this Period (\$) [10]
							#VALUE!		
Notes:									
							#DIV/0!		
Notes:									
							#DIV/0!		
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Notes:									

EXHIBIT C

Type of Work	City of Dallas Vendor Number	Name of Firm & M/WBE Certification (if Applicable)	Contact Name Address, City, State, Zip & Tel. Number	Type of Firm	L or N	Value of Work (\$)	Percent (%)	Payments to Date (\$)	Payment this Period (\$)	
							#DIV/0!			
Notes:										
							#DIV/0!			
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Notes:										
							#DIV/0!			
Notes:										
							#DIV/0!			
Notes:										
[Note: Totals and Percentages will automatically calculate.]						Total Bid Amount:	\$ -	#VALUE!	\$ -	\$ -

The undersigned intends to enter into a formal agreement with the subcontractors listed, conditioned upon being awarded the City of Dallas contract. If any changes are made to this list, the Prime contractor must submit to the City for approval a revised schedule with documented explanations for the changes and the change of M/WBE Subcontractor Form. Failure to comply with this provision could result in termination of the contract, sanctions against the Prime contractor, and/or ineligibility for future City contracts.

Officer's Signature: _____

Title: _____

Printed Name: _____

Date: _____

Company Name: _____

Exhibit D

Quarterly Project Status Report

Prepared by
FM City Park, LLC

Project Name:
Report Period: From: _____ To: _____
Project Start Date: Required Completion Date: Current Completion Date: Number of units completed:
Briefly describe Project progress during this period:
Which documents did you submit to the City of Dallas Business Development & Procurement Services? When?
Which documents did you submit to the City of Dallas Fair Housing Department? When?
Describe any issues of concern with the City of Dallas (Office of Economic Development/Business Development & Procurement Services/ Fair Housing Department/Public Work and Transportation etc.)?
Attach 4-8 current construction progress pictures from four sides of the Project.
By: _____ _____ PRINT NAME: _____

EXHIBIT E

Pearl (Street) Plaza Renovation

CLIENT:

Spectrum Properties

PROJECT NAME: Pearl (Street) Plaza Renovation

r3

Cat.	ID	Description	Unit	Amnt	Cost	TOTAL
D02	17	Cut (vert) existing C-stnd. Curb to depth	Per Ft	326	\$18.35	\$5,982.10
D21	21	Horz/Bush hammer	Sq Ft	245	\$12.05	\$2,952.25
D06	5	Select Demo at Drains	Sq Ft	65	\$20.25	\$1,316.25
D06	27	Select Demo prep for piers	Sq Ft	35	\$20.25	\$708.75
C38	13	Demo / Reset M/H / pavers to spec ht.	lump sum	1		\$823.00
Demo - Total						\$11,782.35
UD02	29	Concrete Piers 32'x14'8" #5 cage per struc	per	2	\$5,685.00	\$11,370.00
C07	14	Paver curb reset replacement	Per Ft	326	\$18.65	\$6,079.90
C14	18	Establish new bases: Removable Bollards	per	6	\$435.00	\$2,610.00
Concrete - Total						\$20,059.90
IR02	4	Select Install new 4" SDR 35 drain system	Per Ft	110	\$19.10	\$2,101.00
IR10	12	Install new 12" Conc Drain boxes (Trate)	Eac	2	\$1,485.00	\$2,970.00
Drainage - Total						\$5,071.00
P04	L19	Pavers Grp 1 incl base work	Sq Ft	1595	\$13.97	\$22,282.15
P04	L170	Pavers Grp 2 incl base work	Sq Ft	2389	\$13.97	\$33,374.33
P16	L01	R/R existing for new curb	Sq Ft	625	\$12.05	\$7,531.25
Pavers - Total						\$63,187.73
S10	14	38.5' Metal DallasFarmersMarket sign back base	allowance	1	\$35,250.00	\$35,250.00
S21	16	Lettering and Logo per design	allowance	1	\$2,850.00	\$2,850.00
Specialty Metals - Total						\$38,100.00
U00	IRR002	Re-route current Irrigation valve controls per plan	lump sum	1	\$4,110.00	\$4,110.00
IRR - Total						\$4,110.00
L09	164	Bed soil prep imported compost / tilled / graded	lump sum	673	\$950.00	\$950.00
L11	189	Imported soil planters	Sq Ft	146	\$3.75	\$547.50
PL03	16	1 gal Solver Sunpro Liriope	per	360	\$10.40	\$3,744.00
PL49	2	Plantings per L101	lump sum	520	\$7,908.50	\$7,908.50
M01	8	2" Layered Native Hardwood Mulch	lump sum	684	\$684.00	\$684.00
GC1	32	Allowance: safety fencing maint & dumpster haul off	lump sum	1	\$1,450.00	\$1,450.00
Landscape - Total						\$15,284.00
L104	6	LS Forms Harvest Table & Benches	lump sum	10	\$65,491.25	\$65,491.25
L49	4	Kornegay Dune Planter 60" x 40"	lump sum	10	\$31,476.00	\$31,476.00
INST	10	Installation and securing of FFE	lump sum		\$8,650.00	\$8,650.00
Furnishings for Plaza - Total						\$105,617.25
Description Totals						\$221,002.23
10.00%	Overhead & Indirect Expenses					\$22,100.22
7.50%	Contractor's Contingency					\$16,575.17
	SUBTOTAL					\$259,677.62
10.00%	Fee					\$25,967.76
Grand Totals						\$285,645.38



Agenda Information Sheet

File #: 22-914

Item #: 23.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a development agreement and an amendment to the Master Agreement, as amended, along with other documents the City deems necessary with 1100 Pearl Street, Inc. ("Developer") and/or its affiliates in an amount not to exceed \$6,544,249.00 payable from future Farmers Market TIF District Funds, in consideration for the design, funding, and construction of the Pearl Lofts Project ("Project") located on property currently addressed as 2100 Jan Pruitt Way ("Project site") in Tax Increment Financing Reinvestment Zone Number Six ("Farmers Market TIF District"), approved as to form by the City Attorney, with such improvements being necessary and convenient to the implementation of the Farmers Market TIF District Project Plan and Reinvestment Zone Financing plan, as amended - Not to exceed \$6,544,249.00 - Financing: Farmers Market TIF District Fund (subject to future appropriations from tax increments)

BACKGROUND

1100 Pearl Street, Inc., a Texas corporation and single purpose entity of Spectrum Properties, which is the master developer of each of the Farmers Market Redevelopment parcels (Shed 1, Shed 2, Harvest Lofts, Taylor Lofts, Futsal), submitted an incentive application to the City of Dallas' Office of Economic Development ("OED") to support the Pearl Lofts Mixed-Use and Mixed-Income Development Project (the "Project").

The Project, which is the last of the Farmers Market Redevelopment parcels to be developed, is being proposed on the site of an existing 15,520 square foot vacant and obsolete structure, currently addressed as 2100 Jan Pruitt Way. The existing structure, which will be removed to construct the Project, previously housed the corporate office of North Texas Food Bank ("NTFB") and, after Project completion, NTFB will move back to the space from their current temporary location.

The Project site, which is approximately 0.96 acres, is planned to include the construction of a 6-level mixed-use and mixed-income building consisting of 5,585 gross square feet (approximately 5,300 net rentable square feet) of office space on the ground floor with the intended tenant of NTFB and 400 apartment units of which 30% will be set aside as affordable to households earning a maximum of

80% Dallas Area Median Family Income. Of the parking spaces being constructed as part of the Project, 25 spaces will be required to be available to the public during evenings and weekends. The total development cost of the Project is estimated to be \$33.2 million.

The Project was reviewed by the City's Urban Design Peer Review Panel ("Panel") in May 2021 and June 2021, and the Developer made changes to the Project's design to accommodate recommendations by the Panel.

The OED engaged an independent outside underwriter to extensively review the Project and the Developer's incentive application. Staff, in consultation with the underwriter, structured the proposed TIF Subsidy as gap financing to make the Project financially feasible. The OED negotiated a detailed Letter of Intent with the Developer for an amount not to exceed \$6,544,249.00 ("TIF Subsidy"), payable upon completion of the Project and Developer's satisfaction of all terms and conditions in the agreement. On January 19, 2022, the Developer agreed to and executed the detailed Letter of Intent. The Resolution accompanying this agenda item contains detailed terms and conditions of the agreement.

Staff recommends approval of the TIF Subsidy to be used for TIF eligible expenditures including an Economic Development TIF Grant for high density development, to offset the cost of providing affordable housing and for infrastructure improvements.

City Council's approval of this item will authorize the City Manager to execute a development agreement and an amendment to the Master Agreement as amended, as well as any other related documents.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	December 2022
Complete Construction	March 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six, ("Farmers Market TIF District"), in accordance with the Tax Increment Financing Act (Texas Tax Code, Chapter 311) as amended to promote development and redevelopment in the Farmers Market area through the use of tax increment financing by Ordinance No. 23521, as amended.

On August 25, 1999, City Council authorized the Farmers Market TIF District Project Plan and Reinvestment Zone Financing Plan ("Farmers Market TIF District Project Plan") by Ordinance No. 24001.

On February 27, 2013, City Council authorized a Master Agreement with DFM Developer, Ltd. to redevelop the Dallas Farmers Market by Resolution No. 13-0447.

On March 27, 2013, City Council authorized amendments to the Farmers Market Plan, including the expansion of the geographic boundaries of the Farmers Market TIF District to include the Dallas Farmers Market property by Ordinance No. 28951.

On March 27, 2013, City Council authorized the sale of the Property to DF Market pursuant to an exception to the requirements to seek public bids for the sale of City-owned property as set forth in Texas Local Government Code, Section 272.001(b)(6), by Resolution No. 13-0538.

~~The Economic Development Committee was briefed regarding this matter on February 7, 2022.~~

On February 17, 2022, the Farmers Market TIF District Board of Directors reviewed the proposed Pearl Lofts Project and recommended tabling the agenda item until the Board had an opportunity to receive neighborhood feedback on the Project.

On February 28, 2022, the Farmers Market TIF District Board of Directors reviewed the proposed Pearl Lofts Project and recommended City Council authorization of a development agreement with 1100 Pearl Street Inc. and/or its affiliates in an amount not to exceed \$6,544,249.00.

FISCAL INFORMATION

Fund	FY 20XX	FY 20XX	Future Years
Farmers Market TIF District Fund	\$0.00	\$0.00	\$6,544,249.00

OWNER/DEVELOPER

1100 Pearl Street Inc.

Brian Bergersen, Director
2518 Converse Street
Dallas, Texas 75207

MAP

Attached

MAP

Pearl Lofts

a mixed-use and mixed-income development project
located at 2100 Jan Pruitt Way in the Farmers Market TIF District



May 11, 2022

~~**WHEREAS**, the City of Dallas (“City”) recognizes the importance of its role in local economic development initiatives and programs; and~~

~~**WHEREAS**, on May 27, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Six, (“Farmers Market TIF District”), in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended (the “Act”) to promote development and redevelopment in the Farmers Market area through the use of tax increment financing by Ordinance No. 23521, as amended; and~~

~~**WHEREAS**, on August 25, 1999, City Council authorized the Farmers Market TIF District Project Plan and Reinvestment Zone Financing Plan (“Farmers Market TIF District Project Plan”) by Ordinance No. 24001, as amended; and~~

~~**WHEREAS**, on February 27, 2013, City Council authorized a Master Agreement with DFM Developer, Ltd to redevelop the Dallas Farmers Market (“Master Developer”) by Resolution No. 13-0447; and~~

~~**WHEREAS**, the Master Agreement dated February 27, 2013 anticipated the sale of the Auxiliary/Administration Building (the “Property”), currently addressed as 2100 Jan Pruitt Way, by the City to Dallas Farmers Market Trust, LLC (“DF Market”), an affiliate of the Master Developer, with obligations to renovate the existing building for use as a culinary learning center, production studio, administration office, retail leasing/retail vendors and potential Dallas Police Department assistance or staging center and a building permit for such renovation was initially required no later than October 1, 2014; and~~

~~**WHEREAS**, on March 27, 2013, City Council authorized amendments to the Farmers Market TIF District Project Plan (the “Amended Farmers Market TIF District Project Plan”), including the expansion of the geographic boundaries of the Farmers Market TIF District to include the Dallas Farmers Market property by Ordinance No. 28951; and~~

~~**WHEREAS**, on March 27, 2013, pursuant to an exception to the requirements to seek public bids for the sale of City-owned property as set forth in Texas Local Government Code, Section 272.001(b)(6), the City Council authorized the sale of the Property to DF Market with a right of reverter to be released subject to permits being issued for improvements to the Property or a personal guarantee of completion of improvements to the Property by Resolution 13-0538; and~~

~~**WHEREAS**, the City conveyed the Property to the Master Developer via a Deed Without Warranty (Administration Building) (the “Deed”), which included a right of reverter in favor of the City, along with Operating Covenants (Administration Building), was executed on September 16, 2013, and filed with the Dallas County Clerk as clerk’s file number 201300356402; and~~

May 11, 2022

~~**WHEREAS**, the Deed was further subject to: (i) the terms, covenants, conditions, reservations, restrictions and exceptions of Resolution Nos. 13-0447 and 13-0538, passed by the City Council on February 27, 2013 and March 27, 2013, respectively; (ii) the terms of the Master Agreement pertaining to the Property, to the extent same have not been released pursuant to the terms on the Deed; (iii) the Operating Covenants; (iv) any and all recorded covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, or other instruments applicable to the Property or any part thereof, to the extent same are valid, binding and enforceable against the Property; [non-relevant conditions excluded]; and~~

~~**WHEREAS**, on May 2, 2014, the City Manager's Office provided correspondence to the North Texas Food Bank ("NTFB") acknowledging that DF Market and the NTFB had entered into a purchase and sale agreement for the Property, and indicating that (i) NTFB must apply for a building permit to renovate the Property, and commence construction by October 1, 2015; and (ii) the City would release the reverter upon issuance of a certificate of occupancy to NTFB upon completion of certain Property improvements; and~~

~~**WHEREAS**, on September 19, 2014, the City executed an "Acknowledgement of Release and Termination of Right of Reverter", due to NTFB's compliance with the extended deadlines of the Master Agreement, as amended and the modified conditions of the Operating Covenants; and~~

~~**WHEREAS**, since the reverter was released and the five-year term of the Operating Covenants expired on September 16, 2018, such obligations are no longer a requirement of the Property; and~~

~~**WHEREAS**, on June 10, 2015, the City Council authorized an amendment to the Master Agreement with DFM Developer, Ltd., extending deadlines for several Farmers Market Redevelopment parcels by Resolution No. 15-1099; and~~

~~**WHEREAS**, on December 13, 2017, City Council adopted the Downtown Dallas 360 Plan, which included strategies to build complete neighborhoods and promote great placemaking, including 1) creating pocket parks or plazas by activating existing small lots and other "leftover" spaces to provide relief from buildings for a range of activities, 2) improving parks and open space opportunities in emerging neighborhoods, including Farmers Market, and 3) activating the public realm, by Resolution No. 17-1940; and~~

~~**WHEREAS**, on October 9, 2020, NTFB sold the Property back to the Master Developer under the entity name of 1100 Pearl Street, LLC; and~~

~~**WHEREAS**, this item was briefed to the Economic Development Committee on February 7, 2022; and~~

May 11, 2022

~~**WHEREAS**, on February 17, 2022 the Farmers Market TIF District Board of Directors (“TIF Board”) reviewed the proposed Pearl Lofts Project and tabled action on the item until the Board had an opportunity to receive neighborhood feedback on the Project; and~~

~~**WHEREAS**, on February 28, 2022 the TIF Board reviewed the proposed Pearl Lofts Project and recommended City Council authorization of a development agreement with 1100 Pearl Street Inc. and/or its affiliates in an amount not to exceed \$6,544,249.00; and~~

~~**WHEREAS**, while the Master Agreement, as amended, does not expressly authorize the proposed Pearl Lofts Project, such use is in line with the goals and objectives of the Amended Farmers Market TIF District Project Plan; and~~

~~**WHEREAS**, despite the change in conditions since the City conveyed the Property to an affiliate of Developer, the Deed and the Master Agreement, as amended, impose conditions that remain of record and are valid, binding and enforceable against the Property; and~~

~~**WHEREAS**, to further implement the Amended Farmers Market TIF District Project Plan and the Dallas Downtown 360 Plan, the City desires to enter into a development agreement, and amendment to the Master Agreement, as amended (for which consideration from the Master Developer or an affiliate has been received), with 1100 Pearl Street, Inc. and/or its affiliates in an amount not to exceed \$6,544,249.00, payable from future Farmers Market TIF District Funds, as consideration for the design, funding, and construction of the Project on property currently addressed as 2100 Pruitt Way (the “Property”) in the Farmers Market TIF District, approved as to form by the City Attorney, to improve the Property.~~

~~**Now, Therefore,**~~

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

~~**SECTION 1.** That the City Manager is hereby authorized to execute, conditioned upon approval as to form by the City Attorney, a development agreement (“development agreement”), and an amendment to the Master Agreement, as amended, that expressly permits the uses and improvements as proposed, along with other documents the City deems necessary, with 1100 Pearl Street, Inc. (“Developer”) and/or its affiliates in an amount not to exceed \$6,544,249.00 (“TIF Subsidy”), payable from future Farmers Market TIF District Funds, in consideration of Pearl Lofts mixed-use and mixed-income development project (the “Project”) on property currently addressed at 2100 Jan Pruitt Way (the “Property”) in Tax Increment Financing Reinvestment Zone Number Six (“Farmers Market TIF District”) as depicted in **Exhibit A**.~~

~~**SECTION 2.** That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.~~

May 11, 2022

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds to 1100 Pearl Street, Inc. and/or its affiliates from the Farmers Market TIF District Fund (subject to future appropriations from tax increments), as follows:

Farmers Market TIF District Fund
Fund 0036, Department ECO, Unit W819, Object 3016
Activity TFFM, Program FMTIF0014
Encumbrance/Contract No. CX ECO-2022-00018711
Vendor No. VC24472, in an estimated amount of _____ \$ 6,166,015.00

Farmers Market TIF District Fund
Fund 0036, Department ECO, Unit W819, Object 4599
Activity TFFM, Program FMTIF0014
Encumbrance/Contract No. CX ECO-2022-00018711
Vendor No. VC24472, in an estimated amount of _____ \$ 378,234.00

For a total amount not to exceed _____ \$6,544,249.00

SECTION 4. That the Developer shall design, fund and/or construct The Project and related public infrastructure improvements on and adjacent to the Property as described in Section 6 of this Resolution and in substantial conformance with **Exhibit B**.

SECTION 5. That nothing in this resolution shall be construed to require the City to approve payment from any source of City funds other than the Farmers Market TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Farmers Market TIF District, due to lack or unavailability of Farmers Market TIF District Funds, shall no longer be considered project costs of the Farmers Market TIF District or the City, and the obligation of the Farmers Market TIF District to pay Developer shall automatically expire.

SECTION 6. That in addition to the conditions set out in the sections 1-5 above, the development agreement and TIF Subsidy is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Developer shall incur (or cause to be incurred) and provide documentation evidencing a minimum of \$27,000,000.00 in private investment expenditures (**Exhibit C**) for the Project, including on-site and off-site infrastructure, on-site preparation including demolition, site amenities, building construction/finish-out, and professional fees (e.g., architecture, engineering, landscape architecture, testing and permit fees). Construction management costs may be considered a private investment expenditure if services are directly related to ensuring the quality of the construction of the Project and are performed by an independent and third party unaffiliated with Developer.

May 11, 2022

SECTION 6. (continued)

~~Construction management costs must be evidenced by invoices with detailed descriptions of services performed. Acquisition cost and soft costs, including but not limited to, developer fees, legal fees, marketing fees, financing fees, leasing commissions, carrying costs, reserves, operating deficits through stabilization and other similar costs shall not be considered a private investment expenditure. With the exception of professional fees and environmental assessments, expenditures made prior to January 19, 2022, the execution date of the Letter of Intent, shall not count towards Developer's minimum private investment requirement.~~

- ~~B. The Project shall include a minimum of 100 multi-family units of which 30% (30) of the units shall be set aside and leased solely to those households earning a maximum of 80% of the Area Median Income (AMFI) for the Affordability Period, as further described in Section 6.F of this resolution.~~
- ~~C. The Project shall include a minimum of 100,000 square foot building (excluding parking structure) of which a minimum of 5,300 square feet shall be the ground floor office space.~~
- ~~D. Developer shall obtain a demolition permit by December 31, 2022 and a building permit or a foundation permit by March 31, 2023.~~
- ~~E. Construction of the Project, including all associated public improvements/streetscape improvements, shall be complete, and all portions of the building shall be inhabitable or occupiable by March 31, 2025, as evidenced by certificate of occupancy, letter of acceptance, certificate of completion, and/or similar documentation from the City.~~
- ~~F. The Project shall include a minimum of 100 residential units of which 30% of the units shall be set aside and leased solely to those households earning a maximum of 80% of the AMFI for a minimum of 15 years (the "Affordability Period"), in accordance with the attached rent schedule (**Exhibit D**). The Farmers Market TIF District Mixed-Income Housing Guidelines ("Guidelines") (**Exhibit E**) shall be followed except where the requirements herein or in the development agreement are more restrictive than the Guidelines. The affordable units shall be comparable in size and finish quality to market rate units, shall not be fixed to specific unit numbers and shall not be segregated or concentrated in any one floor or area of the Project, but shall be dispersed throughout all of the residential portions of the Project. By right, Developer may decrease the size of any unit as shown in Exhibit D by no more than 10%. Prior to the Project's completion as defined herein, the affordability requirement shall be impressed upon the Property by deed restriction for the Affordability Period.~~

May 11, 2022

SECTION 6. (continued)

~~After the Project's completion and throughout the Affordability Period, Developer shall monitor and submit bi-annual reports to the Director of the Office of Economic Development ("Director") on the status of its compliance with the requirements of the Project's Affordability. Developer shall submit written certification and documentation of compliance on the form attached as **Exhibit F**.~~

~~Developer further agrees to complete the Affirmative Fair Housing Marketing Plan, attached hereto as **Exhibit G**, and submit the plan to the Office of Equity and Inclusion for approval. Developer shall submit a copy of the approved Affirmative Fair Housing Marketing Plan to the Director within thirty (30) calendar days of approval and market the residential units pursuant to the Affirmative Fair Housing Marketing Plan.~~

- ~~G. Developer shall abide by Ordinance 30246, approved by Resolution 16-1760, which requires that "multifamily housing accommodations that benefit from a financial award approved by the City Council on or after the effective date of this ordinance [October 26, 2016] shall set aside at least 10 percent of the dwelling units and solely lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of occupancy". If Ordinance 30246 and Chapter 20A of the Dallas City Code are amended prior to the Project's certificate of occupancy date, Developer shall abide by such amended requirements. If applicable, prior to the Project's completion as defined in Section 6E of this resolution, this requirement shall be impressed upon the Property by deed restriction. For the avoidance of doubt, the dwelling units leased to voucher holders to satisfy the ten percent (10%) requirement in this section will count towards the affordability requirement included in Section 6.F of this resolution.~~
- ~~H. Of the parking spaces being constructed as part of the Project, 25 spaces, most conveniently located to the public, shall have signage stating that those 25 parking spaces are available to the public between 6:00 p.m. and 7:00 a.m. on the weekdays and at all times during the weekends; the public parking spaces may be shared with the North Texas Food Bank ("NTFB") and shall be reflected in the lease between Developer and NTFB.~~
- ~~I. The proposed management entity for the Project must be submitted at least three months prior to Project completion for review and approval by the Director, based on the management entity's comparable experience managing other multi-family properties.~~

May 11, 2022

SECTION 6. (continued)

- ~~J. Prior to the Project completion, Developer shall execute an Operating and Maintenance Agreement (defined below) for any Non-Standard Public Improvements (defined below) associated with the Project (the "Operating and Maintenance Agreement"), and if necessary, obtain a license from City for the purpose of maintaining any improvements in the public right-of-way. "Non-Standard Public Improvements" shall be defined as those public infrastructure improvements which exceed the City's standard design requirements, as determined by the City, and shall include specially designed street/pedestrian lighting, brick pavers, bollards, sidewalks, public art, fountains, landscaping and irrigation. With the exception of specially designed street/pedestrian lighting, public art work and fountains, City shall retain ownership of such public improvements and may at its sole option, if Developer fails to maintain such public improvements after notice from City, perform such maintenance and invoice Developer for the costs, which costs Developer shall pay within thirty (30) days of notice. Developer shall submit documentation evidencing that an executed Notice of Operating and Maintenance Agreement specifying the existence of an executed Operating and Maintenance Agreement for the Non-Standard Public Improvements was recorded with the Dallas County Clerk's Office. The term for the Operating and Maintenance Agreement shall be twenty (20) years. The terms and conditions of the Operating and Maintenance Agreement are binding upon the successors and assigns of all parties hereto and may be assignable, subject to Director approval, in whole or in part, to a new owner of all or a portion of the Project. Developer shall remain responsible for the maintenance of the Non-Standard Public Improvements for a term of 20 years even if Developer chooses to forgo the TIF Subsidy, does not qualify for the TIF Subsidy or defaults pursuant to the development agreement.~~
- ~~K. The Developer shall make a good faith effort to comply with City's Business Inclusion and Development ("BID") goal of 32% participation by certified Minority/Women-owned Business Enterprises ("M/WBE") for all hard construction expenditures, excluding tenant finish-out not funded by Developer, of the Project (i.e., public and private improvements) and meet all reporting requirements (see **Exhibit H**).~~
- ~~L. Until the Project has passed final building inspection and all required paperwork for TIF payment has been submitted, Developer shall submit to the Office of Economic Development ("OED") quarterly status reports (**Exhibit I**) for ongoing work on the Project as well as public improvements. Such status reports will be due to the OED no later than thirty (30) calendar days after the end of each calendar quarter after the City Council approval date, if any.~~

May 11, 2022

SECTION 6. (continued)

~~M. The Urban Design Peer Review Panel ("UDPRP") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. Review by the UDPRP is required for all projects requesting TIF subsidies. Following a formal review of the Project's preliminary conceptual drawings and renderings on May 21, 2021 and June 25, 2021, the UDPRP provided advice (see **Exhibit B-1**). Developer submitted responses to the City's Planning and Urban Design Department ("PUD") staff with updated conceptual drawings and renderings in several iterations, resulting in a final set of conceptual plans accepted by PUD staff as satisfying UDPRP's advice, on December 9, 2021 (see **Exhibit B**).~~

~~The Director may authorize minor modifications to the conceptual site plan and conceptual renderings, which may arise during the development process due to local, state, or federal regulatory requirements so long as the minor modifications are in substantial conformance with the spirit and intent of the UDPRP advice. Modifications to the conceptual site plan and conceptual renderings, should the Director determine they are material, shall require review by the UDPRP. As the final step in the urban design process and prior to permit approval, Developer shall provide a set of permit drawings for the Project (i.e., public and private improvements) to PUD for internal review and approval to ensure compliance with UDPRP recommendations and responses as submitted by Developer and shown in **Exhibit B** and **Exhibit B-1**. PUD shall complete the review of the permit drawings within ten (10) business days of Developer's submission.~~

~~N. Developer shall submit to the City a written plan describing (i) how Developer shall use and document best efforts to recruit and hire residents of the city of Dallas and (ii) how Developer shall cause all tenants of the retail/commercial spaces to use and document best efforts to recruit and hire residents of the city of Dallas. At a minimum, the written plan shall describe how Developer and tenants will target local recruitment through local advertisement, community outreach, local engagement, participation in local job fairs, and/or coordination with local hiring sources. The plan shall be subject to approval by the Director to ensure that employment opportunities are targeted to Dallas residents, and that reasonable efforts are made to promote the hiring of neighborhood residents for any new jobs created. No portion of the TIF Subsidy shall be paid until Director approves the written plan. Compliance with the approved written plan shall be a material obligation of the development agreement.~~

May 11, 2022

SECTION 6. (continued)

- ~~O. Prior to City's execution of a development agreement, Developer shall execute a lease with NTFB for a minimum 5 year term.~~
- ~~P. Prior to payment of the TIF Subsidy, Developer shall provide evidence that a minimum of sixty percent (60%) of the residential units and sixty percent (60%) of the ground floor office space are leased and occupied ("Occupancy Requirement"). As ongoing compliance, the Occupancy Requirement must be verified each year that a TIF Subsidy payment is made, prior to the remittance of such payment.~~
- ~~Q. The Director may authorize minor modifications to the Project, including, but not limited to, adjustment in unit type and unit mix. The Director may, after approval and recommendation of the TIF Board, authorize an extension of the Project for up to an additional 12 months.~~

~~**SECTION 7.** That payment of the TIF Subsidy is subject to the availability of tax increment during the lifespan of the Farmers Market TIF District. If the appraised value of the Property in the Farmers Market TIF District remains constant or decreases in value from the base year value, the TIF Subsidy for that year may be reduced or unpaid due to the lack of available increment. The TIF Subsidy shall be paid solely from the Tax Increment Fund, if and when tax increments are received and available for such purpose, during the life of the Farmers Market TIF District (including collection of the 2028 tax year increments in calendar year 2029), subject to the limitations on repayment of the TIF Subsidy provided in the development agreement.~~

~~**SECTION 8.** That assuming all other conditions for payment have been met, the City of Dallas will administer the payment of the TIF Subsidy for the Project annually, pursuant to the Farmers Market TIF District Increment Allocation Policy attached hereto as **Exhibit J**.~~

~~**SECTION 9.** That prior to completing all obligations in Section 6 of this resolution, necessary to begin receiving payment of the TIF Subsidy, the Developer may assign the development agreement only to a direct affiliate of Developer with the Director's prior written approval.~~

May 11, 2022

SECTION 9. (continued)

~~After completing all obligations required to begin receiving payment of the TIF Subsidy, an assignment of the obligations of the development agreement, in whole or in part, shall require the Director's prior written approval. If the Director, in his or her sole discretion, allows the Developer to assign the development agreement, however, the terms and conditions of the development agreement shall be binding upon the successors and assigns. Such assignment shall not be effective unless or until the assignee assumes and expressly agrees to perform, observe, and fulfill all the terms, covenants, conditions, and obligations required to be performed and fulfilled by Developer under the development agreement from and after the date of assignment.~~

~~Any receivables due under the development agreement may be assigned and transferred by Developer or assignee upon providing the Director with written notice within 30 calendar days of such assignment. Developer and assignee have the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, interest under the development agreement for the benefit of their respective lenders without the consent of, but with written notice to, the Director. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however, obligate the lender to perform any obligations or incur any liability under the development agreement unless the lender agrees in writing to perform such obligations or incur such liability.~~

~~Upon dissolution of the assignee or termination of the assignment, however, the terms and conditions of the development agreement shall revert to the Developer.~~

SECTION 10. ~~That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.~~

EXHIBIT A

Pearl Lofts Project

The TIF Subsidy includes 1) an Economic Development Grant and 2) infrastructure improvements, for a total in not to exceed \$6,544,249, from the Farmers Market TIF District.

The TIF Subsidy to the Project could be less if final, actual TIF eligible costs are less or adequate increment does not accrue to the TIF fund. The budget shown below outlines anticipated TIF payment for the Project. Payments in the Infrastructure Improvement category will be based on actual expenditures for the Project. In no case shall the Economic Development TIF Grant exceed \$6,166,015. No interest shall accrue on any portion of the TIF Subsidy. Soft costs paid to a third-party and directly related to the public improvements are eligible for TIF payment, and such costs are accounted for in the TIF budget.

TIF Eligible Expenditures for TIF Subsidy	Estimated
Economic Development TIF Grant for high density development and offsetting the cost of providing affordable housing	\$6,166,015
Infrastructure Improvements (utility improvements, street and streetscape improvements, associated design expenses)	\$378,234
TOTAL TIF SUBSIDY - amount not to exceed	\$6,544,249

Urban Design Changes

Pearl Lofts

12.14.21

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First UDPRP Review: May 21, 2021

Advice Summary

1. The Panel appreciates this proposed development for providing a new, active, mixed-use development on a challenging site in an already vibrant part of the city.
2. The Panel recommends that more thought be given to the way this development interfaces with the removal of Cesar Chavez, including providing a potential Phase II diagram. Another possibility is a future extension of the proposed garage to allow for new retail/office along the Pearl Street frontage.
3. The Panel advises that the design team explore opportunities for on-site rain capture and low-impact development to be used for on-site irrigation and improved stormwater management.
4. The Panel suggests the design team further explore the design of the ground-level along Pearl Street and Jan Pruitt Way to provide more transparency and activity along those facades to reinforce the pedestrian nature of this district.
5. The Panel recommends further design detail be given to the plaza space between the Harvest Lofts and Pearl Lofts, advising a new location for a dog park/relief area might be warranted. Consideration should also be given for the terminating lawn to be used for integrated stormwater management and underground storage opportunities.
6. The Panel recommends that further design refinement be given to the streetscape along Jan Pruitt Way to create a more inviting pedestrian space, including replacing the landscape buffer with tree wells and giving more focused design to the driveway entries into the garage.
7. The Panel suggests further design refinement be given to the design of the parking garage façade on all sides to further screen the parking uses and improve the proportionality between openings on the First and Second floors.
8. The Panel advises the project return in the future with the recommended changes and additional diagrams.

Second UDPRP Review: June 25, 2021

Advice Summary

1. The Panel thanks the design team for the noted changes to the project, including highlighting the potential new green space at the rear of the site.
2. The Panel notes the need to address the façade facing the future green space, including opportunities for paneling or continuing the façade design around the entire building. Additionally, better interaction with the future green space through building design elements and programming is recommended.
3. The Panel advises that the design consider stormwater management and processing along the edge of the site to improve water quality.
4. The Panel recommends further design detail be given to the streetscape and façade along Jan Pruitt Way, including widening the sidewalk and enhancing ground-level transparency.
5. The Panel notes a lack of notable change in the garage façade design facing Pearl Street and Jan Pruitt Way, highlighting the need to better reflect recommended changes noted in the first review.
6. The Panel recommends further thought be given to how loading will occur in the proposed plaza, considering the need to treat this as a people-oriented space.

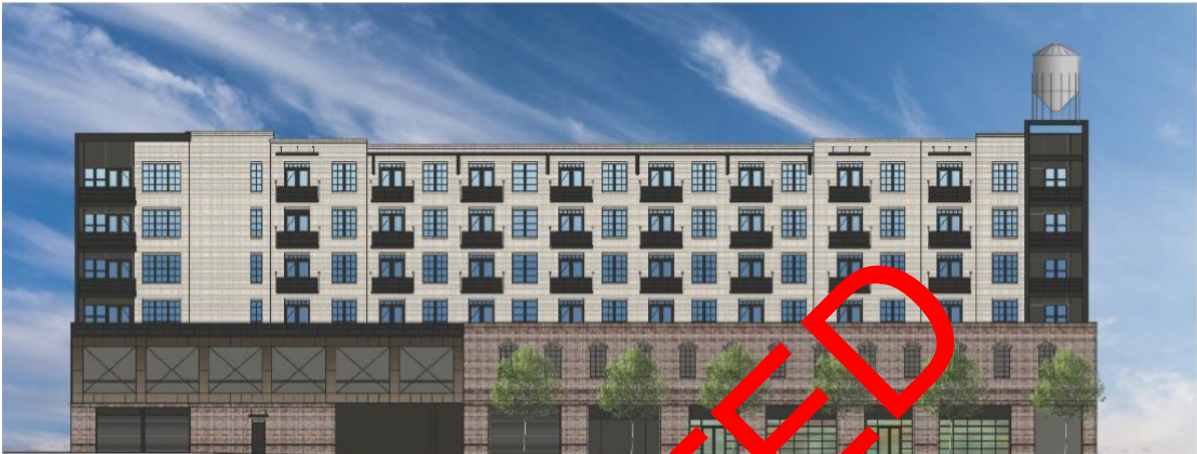
Notable Design Changes/ Improvements

- As noted in both reviews, the UDPRP was particularly concerned about the screening of the garage on the first and second level. On Page 3, the before and afters of the garage are shown.
- The Panel was also concerned about sustainable design practices, included low-impact development and integrated stormwater management. New on-site practice, notably rainwater catchment for on-site irrigation, were added.
- As a part of the second review, the Panel advised the development team better consider ways in which this development could be thought of as part of future development which could occur as a result of the reconstruction of I-30 and the freeing up of City and TXDOT right-of-way. The development team provided a diagram highlighting what that might look like in the future.
- The UDPRP was also concerned about the dimensions and interaction of the structure on the ground-level with Jan Pruitt Way. Enhancements were added as a result.

Before / After

Garage Screening

Before: Garage was not screened on the rear, and along Pearl Street ROW and Jan Pruitt Way, it was not reflective of the remainder of the façade on the front of the building



After: A green/vegetated screening wall was added to the rear façade to soften the edge in the interim and better interact with a future open space. Additional façade enhancements were added on the other garage facades to better screen the parking.

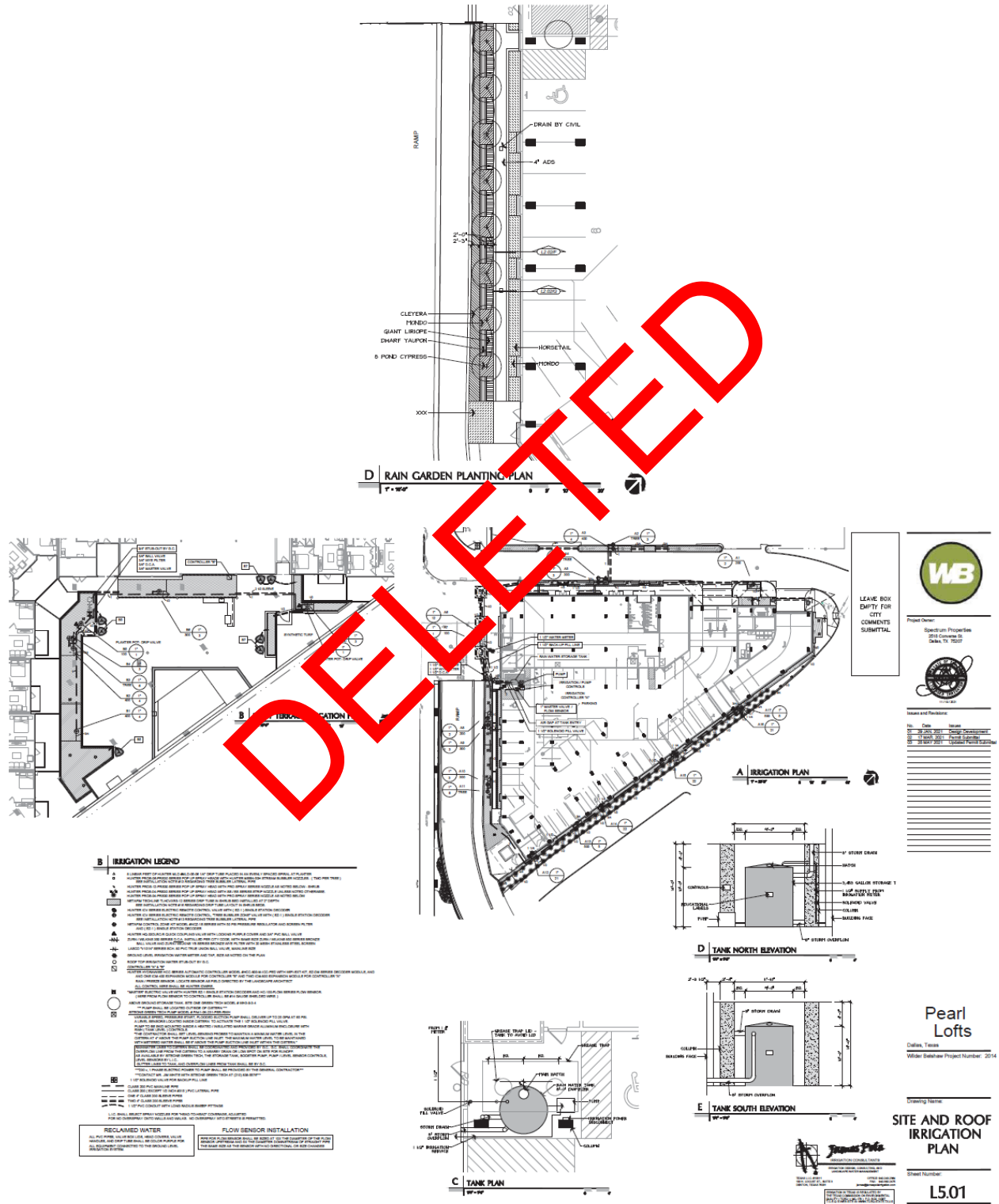


Note that After indicates final set of conceptual plans accepted by PUD staff as satisfying UDPRP's advice.

Low-Impact Development

Before: No on-site rainwater harvest or integrated stormwater management was provided

After: On-site rainwater harvesting and a rain garden were included in final development plans

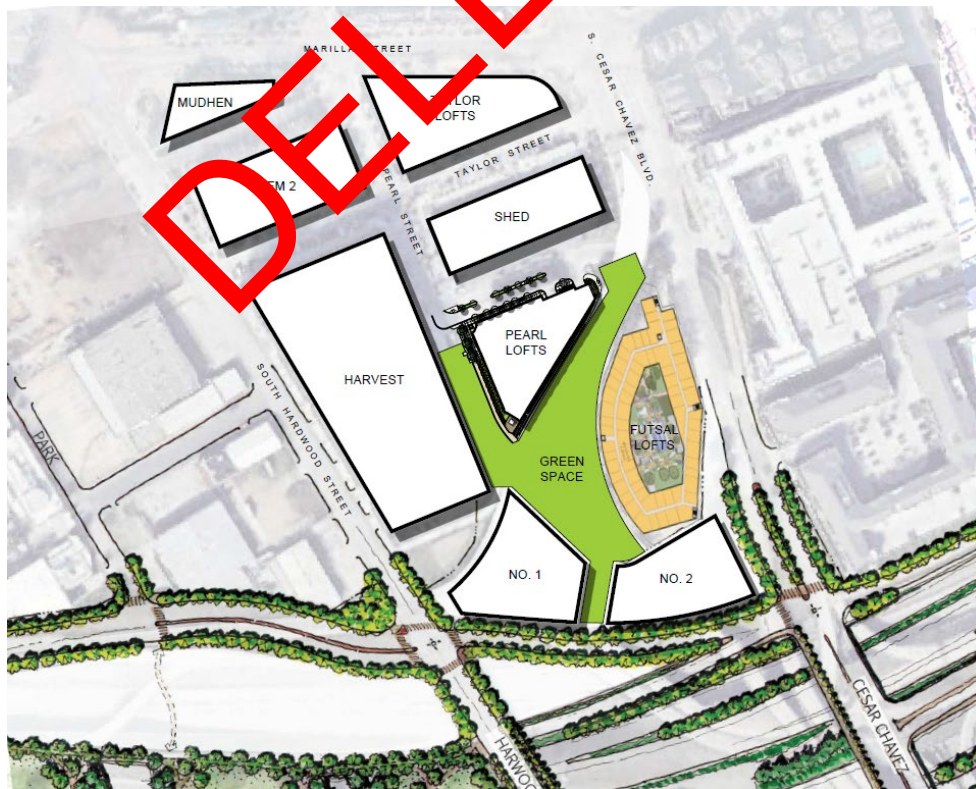


Relation with Future TXDOT Improvements

Before: Initial site plan

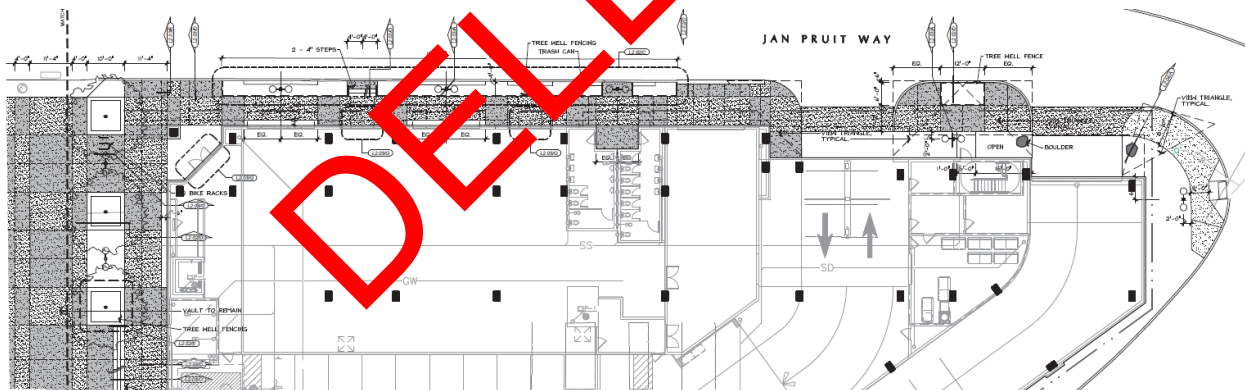
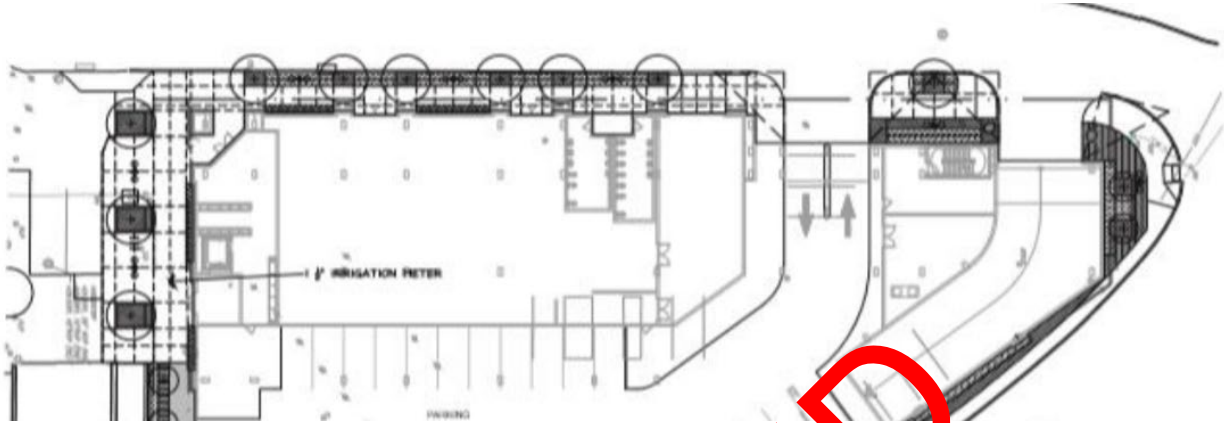


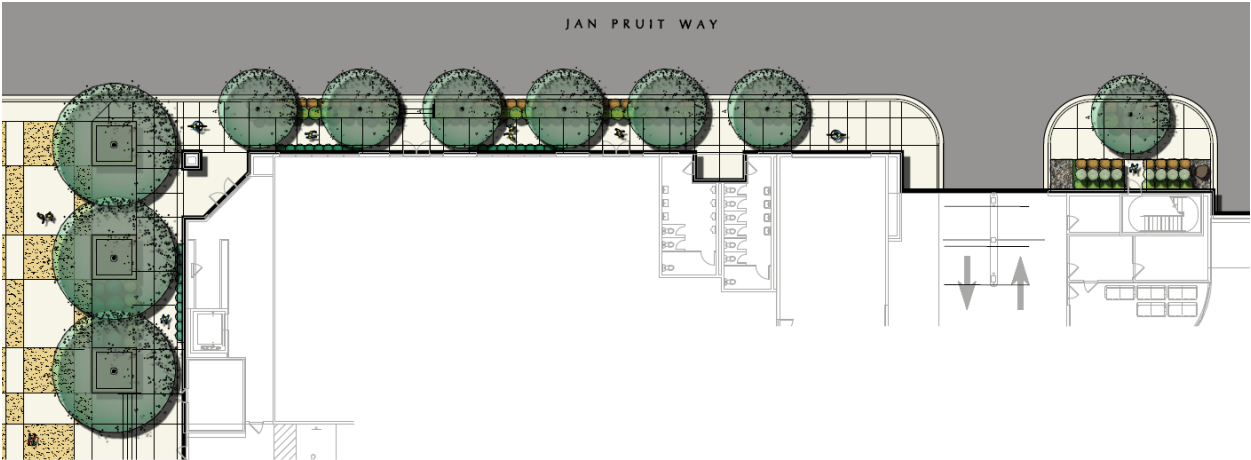
After: Diagram showing how Pearl Lofts might interface with new developable property



Streetscape and Plaza Enhancements Along Jan Pruitt Way

Before: The treatment of the plaza area at the terminus of Pearl Street was not considered. Additionally, the streetscape along Jan Pruitt Way needed improvements in terms of dimensions and treatments across driveway entrances.







WB Wilder Belshaw Architects
3875 Routh Ave. Suite 410
Addicks, Texas 75001 214.959.0300

PEPPER LOFTS
DALLAS, TEXAS

SPECTRUM *sp* PROPERTIES

EXHIBIT C

Pearl Lofts Mixed-Use Mixed Income Project

	Total Costs/ Investment	Private Investment Expenditures (eligible towards minimum private investment requirement)
PROJECT BUDGET		
Acquisition	\$1,607,936	\$0
On-Site Preparation including demolition costs	\$100,000	\$100,000
On-Site and Off-Site Infrastructure (site work)	\$1,337,960	\$1,337,960
Hard Construction Costs (building/parking construction, finish out, site amenities)	\$27,153,237	\$27,153,237
Professional Fee (including but not limited to A&E, testing, permits)	\$317,449	\$317,449
Soft Costs (including but not limited to construction interest, legal fees, taxes)	\$2,027,788	\$0
Developer Fee	\$650,887	\$0
TOTAL COSTS	\$33,195,258	\$28,908,646
MINIMUM PRIVATE INVESTMENT REQUIREMENT		\$27,000,000

Private Investment Expenditures (eligible towards minimum private investment requirement) describe the expenditures that may count towards the Minimum Private Investment. The Minimum Private Investment is required as a performance measure related to compliance with Project conditions for TIF Subsidy. The Private Investment Expenditures include Project costs for the creation of affordable housing.

Owner shall incur (or cause to be incurred) and provide documentation evidencing a minimum of \$27,000,000 in Private Investment Expenditures for the Project, including on-site and off-site infrastructure, on-site preparation including demolition, site amenities, building construction/finish-out, and professional fees (e.g. architecture, engineering, landscape architecture, testing and permit fees).

Construction management costs may be considered a Private Investment Expenditure if services are directly related to ensuring the quality of the construction of the Project and are performed by an independent and unaffiliated third-party. Construction management costs must be evidenced by invoices with detailed descriptions of services performed.

Acquisition cost and soft costs including developer fees, legal fees, marketing fees, financing fees, leasing commissions, carrying costs, reserves, operating deficits through stabilization and other similar costs shall not be considered a Private Investment Expenditure.

EXHIBIT D – PEARL LOFTS RENT SCHEDULE

Rent Roll - 30% affordable units @ 80% of AMFI											
Unit Type	No. Units	Bedrooms	Unit Size			Mthly Rent/SF	Mthly Rent	Annual Rent	Rentable SF	Gross SF	
A-1	32	1	648	\$	1,490.00	\$	2.30	\$ 47,680.00	\$ 572,160	20,736	25,625
Affordable A-1	17	1	648	\$	1,163.75	\$	1.80	\$ 19,783.75	\$ 237,405	11,016	13,613
A-1c	3	1	643	\$	1,460.00	\$	2.27	\$ 4,380.00	\$ 52,560	1,929	2,384
A-1d	1	1	643	\$	1,460.00	\$	2.27	\$ 1,460.00	\$ 17,520	643	795
A-2	10	1	720	\$	1,565.00	\$	2.17	\$ 15,650.00	\$ 187,800	7,200	8,898
Affordable A-2	3	1	720	\$	1,163.75	\$	1.62	\$ 3,491.25	\$ 41,895	2,160	2,669
A-3	3	1	656	\$	1,505.00	\$	2.29	\$ 4,515.00	\$ 54,180	1,968	2,432
Affordable A-3	1	1	656	\$	1,163.75	\$	1.77	\$ 1,163.75	\$ 13,965	656	811
A-4	4	1	656	\$	1,505.00	\$	2.29	\$ 6,020.00	\$ 72,240	2,624	3,243
A-4b	1	1	628	\$	1,450.00	\$	2.31	\$ 1,450.00	\$ 17,400	628	776
Affordable A4b	2	1	628	\$	1,163.75	\$	1.85	\$ 2,327.50	\$ 27,930	1,256	1,552
Affordable A4c	3	1	646	\$	1,163.75	\$	1.80	\$ 3,491.25	\$ 41,895	1,938	2,395
B-1	3	2	1,120	\$	2,325.00	\$	2.08	\$ 6,375.00	\$ 83,700	3,360	4,152
Affordable B-1	1	2	1,120	\$	1,496.25	\$	1.34	\$ 1,496.25	\$ 17,955	1,120	1,384
B-2	3	2	1,196	\$	2,370.00	\$	1.98	\$ 7,110.00	\$ 85,320	3,588	4,434
Affordable B-2	1	2	1,196	\$	1,496.25	\$	1.34	\$ 1,496.25	\$ 17,955	1,196	1,478
B-3	3	2	1,267	\$	2,525.00	\$	1.99	\$ 7,575.00	\$ 90,900	3,801	4,697
Affordable B-3	1	2	1,267	\$	1,496.25	\$	1.18	\$ 1,496.25	\$ 17,955	1,267	1,566
B-4	3	2	1,264	\$	2,525.00	\$	1.99	\$ 7,575.00	\$ 90,900	3,792	4,686
Affordable B-4	1	2	1,264	\$	1,496.25	\$	1.18	\$ 1,496.25	\$ 17,955	1,264	1,562
B-5	4	2	1,320	\$	2,625.00	\$	1.99	\$ 10,500.00	\$ 126,000	5,280	6,525
				Avg Mthly Rent		Rent Per Sq Ft					
Total Units	100		774	\$	1,571.00	\$	2.03	\$ 157,133	\$ 1,885,590	77,422	95,677

UNIT SUMMARY

	MARKET	AFFORDABLE
1 BEDROOM	14	26
2 BEDROOM	16	4
	70	30

Rent Schedule shows 2021 Rent Limits and Utility Allowances. Rent Limits and Utility Allowances are expected to change annually.

EXHIBIT E

**City of Dallas Tax Increment Finance Districts
Mixed Income Housing Guidelines**
Adopted by the Farmers Market TIF Board on November 20, 2013

TIF Program Purpose

The purpose of the City of Dallas' TIF program is to promote development in underutilized and vacant areas through the use of public investment to attract private investment. The goals for the districts include improving the infrastructure within the districts and adding market rate apartments, single family homes, retail and commercial space, and office and professional space. Promoting housing for individuals and families at a variety of income levels is one of many policy considerations for the districts.

General definitions

Mixed income housing requires a minimum of 20% of all units to meet affordable housing standards.

Affordable housing units are those which are affordable to a household earning 80% or less of the median family income for the Dallas Area.

The 20% affordability requirement applies to both rental units and to units that are for sale. Requirements for for-sale units will be handled on a case-by-case basis. These guidelines primarily pertain to rental housing.

Affordability period and rent rates

Rental units must be affordable for a period of at least fifteen years, beginning from the date the project is complete per the development agreement.

Income levels and *maximum* rent will vary each year and are based on HUD's calculations for Area Median Income (AMI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMI, including a utility allowance. Information pertaining to the maximum affordable rent and income levels that are currently in effect can be obtained from the Office of Economic Development.

Affordable units

A minimum of 20% of all occupied units shall be rented to qualifying households.

The developer may choose to offer any available unit to qualifying households. The TIF program does not require that specific units or unit types be set aside for qualifying households. The 20% total requirement thus may be satisfied by any combination of units and need not apply to units of all sizes.

Affordable units shall be comparable in size and finish quality to market rate units and shall be dispersed throughout the development. Affordable units shall not be segregated into a particular section of the development and shall be a minimum of 500 square feet.

Qualifying households

A qualifying household is defined as a household making 80% or less of the Area Median Income.

Developers may include wages, salaries, tips, commissions, social security income, etc. to certify a household's income. The method used to determine income should be the same for qualifying and market rate households.

Lease terms

Households that qualify at the beginning of a lease will be assumed to qualify for the entirety of the term of that lease. Recertification is therefore only necessary during lease renewal.

At the end of the lease, the new lease rates will be set based on the household's current income at the time of renewal.

Once a household qualifies as an affordable household, subsequent increases in the household income will not disqualify the household until the household's income exceeds 140% of the allowed maximum qualifying income. If the household no longer qualifies for an affordable unit, the lease may be renewed at market rate and another unit made available for a qualifying household in order to maintain the 20% affordability requirement.

Fees and leasing requirements

In general, all leasing requirements and all fees, utility charges, assessments, fines, etc. charged by the apartment community must be applied uniformly to qualifying households and market rate households, with the exception that the developer may choose to waive or reduce fees for qualifying households and the developer may choose to set specific lease lengths for affordable units.

Reporting Requirements

Adequate reporting by developer, owner, or property manager shall be required to ensure that the City can appropriately monitor compliance with the policy. Projects receiving affordable housing funding under federal or state programs may choose to submit copies of compliance reports specific to the federal or state program in lieu of the TIF program report. Specific reporting requirements will be updated as necessary.

Compliance

The developer assumes all liability for compliance with these requirements and with all applicable laws. By participating in the City's TIF program, the developer agrees to report all information

accurately and on time. At the City's request, the developer agrees to produce necessary documentation for determining full compliance with this program.

The affordability period shall be extended by six months for any number of units by which the affordable housing provided during a semi-annual period falls short of the number of units required to meet the affordable housing requirements. Noncompliance may result in termination of the development agreement, a reduction in TIF reimbursement, or other action as determined by the Office of Economic Development.

Request for waiver or minor modification of these requirements shall be submitted to the Office of Economic Development and will be negotiated on a project by project basis with the City and the County.

The City may consider retainage of a percentage of TIF funding to ensure that in the event that the property is sold prior to the end of the 15 year compliance period, all successors and assigns will be required to provide affordable housing for the remainder of the affordability period.

Alternative Methods

A developer may propose alternative methods of meeting the requirements which provide affordable housing in a comparable location within or adjacent to the TIF district. Examples include a Low Income Housing Tax Credit (LIHTC) project that provides a significant amount of affordable housing in a single time period, a land trust that provides for for-sale affordable units, a partnership with a non-profit provider of affordable housing, or provision of special needs housing. All proposed alternative methods will be considered on a case by case basis and must be approved by both the City and Dallas County.

AFHMP

An affirmative fair housing marketing plan is required for all housing projects supported with TIF funding. This requirement is detailed in each project's development agreement. Each project will be evaluated individually to ensure that it furthers affirmative fair housing goals.

Effective Date

This policy is effective in each district as of the date it is approved by that district's TIF board. The policy applies to developments with first occupancy on October 1, 2011 or later.

Policy Modifications

As needed, the City may make modifications or corrections to this policy to increase its effectiveness. Where these guidelines conflict with a district's Final Plan, the Final Plan shall rule, as determined by the Director of the Office of Economic Development.

Exhibit F

Mixed Income Housing Certification Letter

Letter Head

[Date]

To Whom It May Concern:

This mixed income housing certification letter is for the timeframe of [INSERT 6 MONTH TIMEFRAME HERE]. [INSERT NAME OF RESIDENTIAL PROJECT/COMPLEX] consists of [TOTAL NUMBER OF RESIDENTIAL UNITS], with [TOTAL NUMBER OF AFFORDABLE UNITS PROVIDED] to be leased as units meeting maximum affordable rent and income levels set annually, based on HUD's calculations for Area Median Family Income (AMFI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMFI including a utility allowance.

As of [INSERT DATE OF LETTER], [INSERT NAME OF RESIDENTIAL PROJECT/COMPLEX] has [INSERT NUMBER OF UNITS] occupied apartments and [INSERT NUMBER OF UNITS] vacant apartments. [NUMBER OF AFFORDABLE UNITS PROVIDED] have been provided and of those, [NUMBER OF OCCUPIED AFFORDABLE UNITS] are occupied with qualifying "moderate income" households.

Documentation verifying occupied affordable units is attached.

Submitted by:

Apartment Manager:

Insert Name
Insert Management Company Name

Developer:

Insert Name, Title
Insert Entity Name

Exhibit F

Mixed Income Housing Certification Letter

Name of Project/Complex: _____

Address of Project/Complex: _____

Reporting Timeframe: _____

Date: _____

	Unit #	# of Bedrooms	# of Occupants*	Rent	Income
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*Person(s) on the lease of the unit.

Exhibit G

CITY OF DALLAS AFFIRMATIVE FAIR HOUSING MARKETING PLAN



**COMPLETE FORM AND SUBMIT TO:
FAIR HOUSING OFFICE**

**CITY HALL • 1500 MARILLA ST., RM 1BN • DALLAS, TEXAS 75201
Ph. (214) 670-3247 • Fax (214) 670-0665**

1. INTRODUCTION

The Affirmative Fair Housing Marketing Program requires that each City Assisted Housing Provider carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups to the housing that the applicant is providing. These groups include Whites (Non-Hispanic) and members of minority groups: African-American, Hispanics and others in the Dallas, Texas area who may be subject to housing discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status.

2. APPLICATION AND PROJECT IDENTIFICATION

A. APPLICANTS:

B. PROJECT OR APPLICATION NUMBER

NAME:

NUMBER OF UNITS AVAILABLE: _____

ADDRESS (include city, state and zip code):

NUMBER OF UNITS LEASED OR SOLD: _____

PRICE OR RENTAL RANGE OF UNITS:

TELEPHONE NUMBER:

FROM \$ _____ TO: \$ _____

C. PROJECT NAME:

D. FOR MULTIFAMILY HOUSING ONLY:

☐ ELDERLY

☐ NON-ELDERLY

PROJECT ADDRESS:

E. APPROXIMATE STARTING DATE:

ADVERTISING: _____ OCCUPANCY: _____

CENSUS TRACT: _____

F. NAME OF MANAGING AGENT:

ADDRESS (include city, state and zip code):

3. TYPE OF AFFIRMATIVE MARKETING PLAN

☐ Project Plan

☐ Annual Plan (For single family scattered site units)

NOTE: a separate Annual Plan must be developed for each type of census tract in which the house is to be built.

☐ Minority Area

☐ White (non-minority area)

☐ Mixed Area (with _____% minority residents)

4. DIRECTION OF MARKETING ACTIVITY

Indicate below which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts.

☐ White

☐ African-American

☐ Hispanic

☐ Other

5. MARKETING PROGRAM

A. COMMERCIAL MEDIA

Check the media to be used to advertise the availability of the housing.

☐ Newspaper(s)/Publication(s)

☐ Radio

☐ TV

☐ Billboard(s)

☐ Other (Specify) _____

NAME OF NEWSPAPER RADIO OR TV STATION (1)	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE (2)	SIZE/DURATION OF ADVERTISING (3)

B. BROCHURES, SIGNS AND HUD'S FAIR HOUSING POSTER

(1) Will brochures, leaflets or handouts be used to advertise? ☐ Yes ☐ No If yes, attach a copy or submit when available. (2) For project site sign; indicate sign size ____ x ____; Logotype size ____ x _____. Attach a photograph or project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the ☐ Sales/Rental Office(s); ☐ Real Estate Office(s); ☐ Model Units; ☐ Other _____

C. COMMUNITY CONTACTS

To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups/organization listed below that are located in the housing market area or SMSA. If more space is need attach an additional sheet. Notify FHO of any change in this list. Attach a copy of correspondence to be mailed to these group/organizations. (Provide all requested information.)

NAME OF GROUP/ ORGANIZATION (1)	RACIAL/ETHNIC IDENTIFICATION (2)	APPROXIMATE DATE OF CONTACT PROPOSED CONTACT (3)	PERSON CONTACTED OR TO BE CONTACTED (4)
ADDRESS AND TELEPHONE NUMBER (5)	METHOD OF CONTACTS (6)	INDICATE THE SPECIFIC FUNCTION GROUP/ORGANIZATION WILL UNDERTAKE IN IMPLEMENTING THE MARKETING PROGRAM (7)	

6. FUTURE MARKETING ACTIVITIES (Rental Units Only)

Check the block(s) that best describe future marketing activities to fill vacancies as they occur after the project has been initially occupied.

☐ Newspapers/Publications

☐ Radio

☐ TV

☐ Brochures/Leaflets/Handouts

☐ Site Signs

☐ Others (Specify)

D. OCCUPANCY GOALS			
Race/Ethnic Origin:	GOALS African-American _____% Hispanic _____% White _____% Other _____%	Race/Ethnic Origin:	CURRENT STATUS African-American _____% Hispanic _____% White _____% Other _____%
7. EXPERIENCE AND STAFF INSTRUCTIONS (Attach description on separate sheet)			
A. Indicate any experience in marketing housing to the group(s) identified as least likely to apply <input type="checkbox"/> Yes <input type="checkbox"/> No B. Indicate training to be provided to staff on federal, state and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing.			
8. ADDITIONAL CONSIDERATIONS:			
9. By signing this form, the applicant agrees, after appropriate consultation with FHO, to change any part of the plan covering a multifamily project to assure continued compliance with the City of Dallas Affirmative Fair Housing Marketing Program.			
FOR FHO'S USE ONLY		SIGNATURE OF PERSON SUBMITTING PLAN	
APPROVAL BY:	DISAPPROVAL BY:		
SIGNATURE:	SIGNATURE:	NAME (Type or print):	
NAME (Type or print):	NAME (Type or print):	TITLE:	
TITLE:	TITLE:	COMPANY:	
DATE:	DATE:	DATE:	



EXHIBIT H

CITY OF DALLAS Office of Economic Development – Business and Workforce Inclusion Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please *DO NOT* use the "Enter" key.)

Project Name _____

Bid #: _____

Firm Name and Address: _____

1. Did you meet with a staff member of the Office of Economic Development Business and Workforce Inclusion (BWI)?

Please make a selection:

Name of staff member: _____

2. Did you utilize a current M/WBE directory provided by BWI staff for this project?

Please make a selection:

Date of Listing: _____

3. Did you provide plans and specifications, bids or proposals to potential M/WBEs or information regarding the location of plans and specifications, bids, or proposals for this project?

Please make a selection:

4. If M/WBE bids and proposals were received and rejected, you must attach documentation of the received bid and the reason for rejection. (i.e. letters, memos, telephone calls, meetings, etc.)

5. Complete the attached Documentation Form(s) to further explain good faith efforts to obtain M/WBE participation on this project. If there is written documentation of efforts with the M/WBEs who responded affirmatively to the bidder's written notice please attach documentation (i.e. quotes, or e-mails).



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please *DO NOT* use the “Enter” key.)

Project Name #: _____

Bid #: _____

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

Please use the form(s) below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature: _____

Title: _____

Date: _____

Printed Name: _____

Date: _____



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Business Inclusion and Development Documentation Form (BWI-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please *DO NOT* use the “Enter” key.)

Project Name & Bid/Contract #: _____ **#:** _____

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

DELETED

Please use the form below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature: _____ **Title:** _____ **Date:** _____

Printed Name: _____ **Date:** _____



CITY OF DALLAS
Office of Economic Development - Business and Workforce Inclusion
Pre-Bid/Pre-Proposal Form (BWI-FRM-623)

Sections II and III are worth 15 Total Points: Section II = 5 Points Maximum, Section III = 10 Points Maximum

Solicitation Number: _____ Project Name: _____ Company Name: _____

Section I: Business Inclusion Affidavit

It is the policy of the City of Dallas to involve qualified Minority and Women-Owned Business Enterprises (MWBEs) to the greatest extent feasible on the City's construction, procurement and professional services contracts. The City and its contractors shall not discriminate on the basis of race, age, color, religion, national origin, or sex in the award and performance of contracts. On September 23, 2020 the City Council adopted the following MWBE participation goals without consideration for specific ethnicity or gender (Resolution Number 20-1430):

Construction - 32.00%, Architectural & Engineering - 34.00%, Professional Services - 38.00%, Other Services - N/A, Goods - 32.00%

By signing below, I certify that the information included in sections II and III are true and complete to the best of my knowledge and belief. I further understand and agree that all information will be reviewed and verified by the Office of Economic Development, Business and Workforce Inclusion (BWI). I agree to provide the City of Dallas with a completed copy of all required forms provided within the BWI Inclusion document package. I understand that, for the purpose of MWBE subcontracting participation, any amounts paid to the prime from the sub contractor should not be included in the above listed participation amount. Finally, I understand that if I fail to provide all of the required documents, my bid may be deemed a "non-responsive" and I may be denied award of the contract.

Typed or Printed Name of Company's Certifying Official _____
 Signature _____
 Date _____

Section II: Historical Utilization

Entity Name Address, City, State, Zip	Contact Person, Title Phone Number	Month/Year of Project	Total Contract Amount	M/WBE Goal (%)	Project Name/ Contract Type	M/WBE Actual Participation (\$)	M/WBE Actual Participation (%)
			\$	-		\$	#DIV/0!
			\$	-		\$	#DIV/0!
			\$	-		\$	#DIV/0!

Include historical MWBE utilization for the last three projects completed in New York City or New Jersey. Projects completed by the City of Dallas contracts, but should only include projects performed with municipalities.

Section III: Team Make-Up/Schedule of Work

Company Name Address, City, State, Zip	Contact Person, Title Phone Number	M/WBE Certification # (if applicable)	Ethnicity/ Gender	Local or Non-Local	Scope of Work	Value of Work (\$)	Participation (%)
						\$ -	#DV/0!
						\$ -	#DV/0!
						\$ -	#DV/0!
						\$ -	#DV/0!
						\$ -	#DV/0!
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						\$ -	#DV/0!
						\$ -	#DV/0!
					Total Contract Amount	\$ -	#DV/0!

Include all subcontractors who will be performing on this project, both MWBEs and Non-MWBEs. This section should include the Prime Contractor's value of work, and the total contract amount will auto populate.

Section III = 10 Total Points: Meets Goal = 5 Points; Exceeds Goal, Additional 3 Points; Diverse Team Make-Up, Additional 2 Points



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Ethnic Workforce Composition Report (BWI-FRM-627)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. *Please DO NOT use the “Enter” key.*)

Company name: _____

Address: _____

Bid #: _____

Telephone Number: _____ - _____ - _____ Ext. _____

Email Address: _____

Please complete the following sections based on the ethnic composition of the (location) entity in the address line above.

Employee Classification	Total No. Employees		White		Black		Hispanic		Other	
	Male	Female	M	F	M	F	M	F	M	F
Administrative/ Managerial										
Professional										
Technical										
Office/Clerical										
Skilled										
Semiskilled										
Unskilled										
Seasonal										
Totals:										
# of employees living in Dallas:										
Total % of employees living in Dallas										

Officer's Signature

Title

Typed or Printed Name

Date



CITY OF DALLAS
Office of Economic Development – Business and Workforce Inclusion
Subcontractor Intent Form (BWI-FRM-214)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please DO NOT use the "Enter" key.)

TO: City of Dallas DATE: _____

Office of Economic Development - Business and Workforce Inclusion

Project Name: _____ Bid # _____

_____ will provide the following

_____ M/WBE Subcontractor on the project

good(s)/service(s): _____

to _____

_____ Prime Contractor on the project

MWBE subcontractor is currently certified by the following agency: _____

M/WBE Certification Number: # _____

Certification must be kept current / valid for the entire duration of this contract. Failure to comply with this provision could be subject to removal from contract.

For the purpose of M/WBE subcontracting participation, the City of Dallas does not include amounts paid to the prime by the sub-contractor.

Total Contract Amount for prime	\$ _____	_____ NCTRCA
		_____ DFWMSDC
MWBE/DBE Sub Participation Amount	\$ _____	% _____ WBCSW

The undersigned intends to enter into a formal agreement with the subcontractor listed, conditioned upon being awarded the City of Dallas contract. The undersigned understands that, for the purpose of M/WBE subcontracting participation, any amounts paid to the prime from the sub contractor should not be included in the above listed participation amount. Finally, the prime contractor must submit a Change of M/WBE subcontractor/supplier form to the Business and Workforce Inclusion division for approval prior to any changes in the team make-up. Failure to comply with these provisions could result in termination of the contract, sanctions against the prime contractor, and/or ineligibility for future City contracts.

 Officer's Signature (Prime Contractor)

 Officer's Signature (M/WBE/DBE Subcontractor)

 Printed Name (Prime Contractor)

 Printed Name (M/WBE/DBE Subcontractor)

 Title (Prime Contractor)

 Title (M/WBE/DBE Subcontractor)

 Date

 Date

Please select or list all Chambers or Advocacy groups you are a member of:

	Prime	Sub		Prime	Sub
Greater Dallas Asian American Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Asian Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
Greater Dallas Black Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Regional Black Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
Greater Dallas Hispanic Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Regional Hispanic Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Pan Asian American Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>			

Other _____



CITY OF DALLAS
Office of Economic Development - Business and Workforce Inclusion
Contractor's Affidavit - Schedule of Work and Actual Payment (BWI-FRM-213)

Project Name: _____

Bid/Contract #: _____

Instructions:

Column 1: List type of work to be performed by Prime and 1st tier subcontractors.

Column 2: City of Dallas Vendor Number for Prime and Subcontractors (Suppliers (if none, register online: www.bids.dallascityhall.org). ALL Prime and Subcontractors/Suppliers must be registered with the City of Dallas.

Column 3: List name of firm; M/WBE Certification Number (if applicable).

Column 4: List firm(s); contact name; address; telephone number.

Column 5: List ethnicity of firm(s) owner as B=African American; H=Hispanic/Latino; A=Asian; N=Native American; P=Asian Pacific; W=Woman; NON=other; MWBE.

Column 6: Indicate firm's location as L=local (within Dallas county limits);

N=Non-local (Outside Dallas county limits).

Column 7: Indicate dollar amount of value of work for the Prime contractor, subcontractors, and suppliers.

Column 8: Indicate percentage of total contract amount.

Column 9: Indicate total payments to date.

Column 10: Indicate payments during current pay period.

Type of Work [1]	City of Dallas Vendor Number [2]	Name of Firm & M/WBE Certification (if Applicable) [3]	Contact Name Address, City, State, Zip & Tel. Number [4]	Type of Firm L or N [5]	Value of Work (\$) [7]	Percent (%) [8]	Payments to Date (\$) [9]	Payment this Period (\$) [10]
Notes:						#VALUE!		
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Type of Work	City of Dallas Vendor Number	Name of Firm & M/WBE Certification (if Applicable)	Contact Name Address, City, State, Zip & Tel. Number	Type of Firm	L or N	Value of Work (\$)	Percent (%)	Payments to Date (\$)	Payment this Period (\$)						
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<div style="display: flex; justify-content: space-between;"> [Note: Totals and Percentages will automatically calculate.] <table border="1"> <tr> <td>Total Bid Amount: \$</td> <td>-</td> <td>#VALUE!</td> <td>\$</td> <td>-</td> <td>\$</td> </tr> </table> </div>										Total Bid Amount: \$	-	#VALUE!	\$	-	\$
Total Bid Amount: \$	-	#VALUE!	\$	-	\$										

The undersigned intends to enter into a formal agreement with the subcontractors listed, conditioned upon being awarded the City of Dallas contract. If any changes are made to this list, the Prime contractor must submit to the City for approval a revised schedule with documented explanations for the changes and the Change of M/WBE Subcontractor Form. Failure to comply with this provision could result in termination of the contract, sanctions against the Prime contractor, and/or ineligibility for future City contracts.

Officer's Signature: _____

Title: _____

Printed Name: _____

Date: _____

Company Name: _____

Exhibit I

Quarterly Project Status Report

Prepared by
1100 Pearl Street, Inc.

Project Name:
Report Period: From: _____ To: _____
Project Start Date: Required Completion Date: Current Completion Date: Number of units completed:
Briefly describe Project progress during this period:
Which documents did you submit to the City of Dallas Business Development & Procurement Services? When?
Which documents did you submit to the City of Dallas Fair Housing Department? When?
Describe any issues of concern with the City of Dallas (Office of Economic Development/Business Development & Procurement Services/ Fair Housing Department/Public Work and Transportation etc.)?
Attach 4-8 current construction progress pictures from four sides of the Project.
By: _____ _____ PRINT NAME: _____ _____

**TIF Increment Allocation Policy
Farmers Market TIF District
May 4, 2015**

It is important for the City of Dallas to encourage as many projects as possible and also allocate Farmers Market TIF District funds to Developers, based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District rather than on a first come first serve basis.

Definitions:

Project (TIF-eligible) - development or redevelopment that adds taxable real property value at a particular site or is a space or facility of public benefit such as open space, trails or cultural facilities. The Project has been approved for TIF funds and all requirements set forth in the development agreement have been completed.

Developer – A person or entity that has completed all requirements for a TIF-eligible Project as set out in the fully executed development agreement for the Project.

Related Project/Developer– if a Developer or a Developer's affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Projects may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or demolished structures.

Total Increment– the annual amount of increment deposited into the TIF fund from the participating jurisdictions.

Individual Increment – the portion of the increment that a Project or Related Project creates each year.

Net Individual Increment – Individual Increment less the Project's and/or Related Project's portion of Administrative Expenses each year. This portion will be based on the ratio of Individual Increment to Total Increment.

Administrative Expenses – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

District-Wide Improvements – improvements that are not specific to a single development site such as gateways, trails, open space, public facilities, or utility/streetscape improvements benefiting multiple properties or blocks.

Shared Increment – the Total Increment less (1) the portion of Administrative Expenses not already deducted from Individual Increment, (2) a set-aside for District-Wide Improvements if applicable, and (3) the sum of the Individual Increments of all eligible Developers.

Available Cash - cash in the Farmers Market TIF District fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

Procedure:

Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses. After Administrative Expenses and any District-Wide Improvement allocation have been paid or set aside, Developers approved for TIF funding from the Farmers Market TIF District will be eligible to receive their Net Individual Increment.

In addition to their Net Individual Increment, the Developers of the Dallas Farmers Market site will be eligible to receive all Shared Increment generated from properties located within original Farmers Market TIF District boundaries. Increment from projects NOT included in the Dallas Farmers Market site nor located within the original boundaries of the Farmers Market TIF District may be allocated to projects located outside original TIF boundaries and the Dallas Farmers Market area. If there are no funding requests from projects NOT located within the Dallas Farmers Market site or within the original TIF District boundaries, all funds generated may be used for reimbursement of Dallas Farmers Market incentives.

Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure. However, no increment allocation will be made unless a total Project or specific phase as defined in a development agreement is completed by May 1st of a given year. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.

District-Wide Improvement Set-Aside

On October 28, 2008, TIF Board created a set-aside for District-Wide improvements. An allocation of 20% of total increment collections less Administrative Expenses was reserved for this purpose. With the development of a majority of land within the original Farmers Market TIF boundaries and redevelopment of the Dallas Farmers Market, such a large set-aside for District-Wide improvements is no longer needed.

On May 5, 2015, the TIF Board reduced the set-aside for District-Wide improvements to 5% of total TIF collections less Administrative Expenses. Additionally, any revenues from the Shed 3 and Shed 4 parking garage will be directed to the District-Wide Improvement Set-Aside fund.

Accumulated District-Wide Improvement Set-Aside funds may be allocated by the Board for improvements that benefit the Farmers Market TIF District. Specific improvement projects are to be determined and the amount of this set aside will be reviewed annually based on updated financial projections and District needs.

If there is future revenue from the parking, those funds will be allocated towards the District-Wide Improvement Set-Aside.

Farmers Market Redevelopment Project increment set-aside

After the TIF subsidies due the developers with pre-existing development agreements have been paid, all TIF funds (other than those required to pay administrative expenses) that become available from (1) the Farmers Market Redevelopment Project Individual Increments and (2) those properties located within the boundaries of the Farmers Market TIF District as of March 27, 2013 (the Shared Increment), shall be paid to the Farmers Market Redevelopment Project Developer until said Developer has received the full amount that it is due under the TIF development agreements between said Developer and City and that no other person shall be entitled to receive any of the TIF funds available from such sources unless and until said Developer has received the full amount that it is due under its TIF development agreements with City. Notwithstanding the foregoing, said Developer understands that (1) it will not be entitled to receive any of the TIF funds which may become available from any future development in the Farmers Market TIF District, other than from (a) the Farmers Market Redevelopment Project and (b) those properties located within the boundaries of the Farmers Market TIF District as of the date of March 27, 2013 (Farmers Market Original Boundary and Dallas Farmers Market Redevelopment Project location as shown in the map below), and (2) any future developments in the Farmers Market TIF District, which request TIF funds, will be eligible to receive their own TIF increment generated (after paying administrative expense and District-Wide Improvement set-aside) and proportional increment generated by projects located in remainder of the Farmers Market TIF District (Farmers Market Extended Boundary as shown in the map below) if any, until such time as the Farmers Market Redevelopment Project Developer has received the full amount that it is due under its TIF development agreements with City. In the event that a future development in the Farmers Market Extended Boundary does not request TIF funds, then the TIF increment generated from the Farmers Market Extended Boundary shall be paid to the Farmers Market Redevelopment Project Developer.

City of Dallas Advance to the Farmers Market TIF - Phase IA

The City of Dallas advanced funding for Phase IA improvements. A development agreement was authorized indicating that these funds would be reimbursed, with a grant in lieu of interest, at the time of the termination of the Farmers Market TIF District. The City's reimbursement has been deferred in hopes of encouraging more private investment in the Farmers Market area. The primary goal of the Farmers Market TIF District is to redevelop, stabilize and improve the area. Once the redevelopment obligations are fulfilled the City advance along with the interest will be reimbursed from the Phase IA budget category.

Notes:

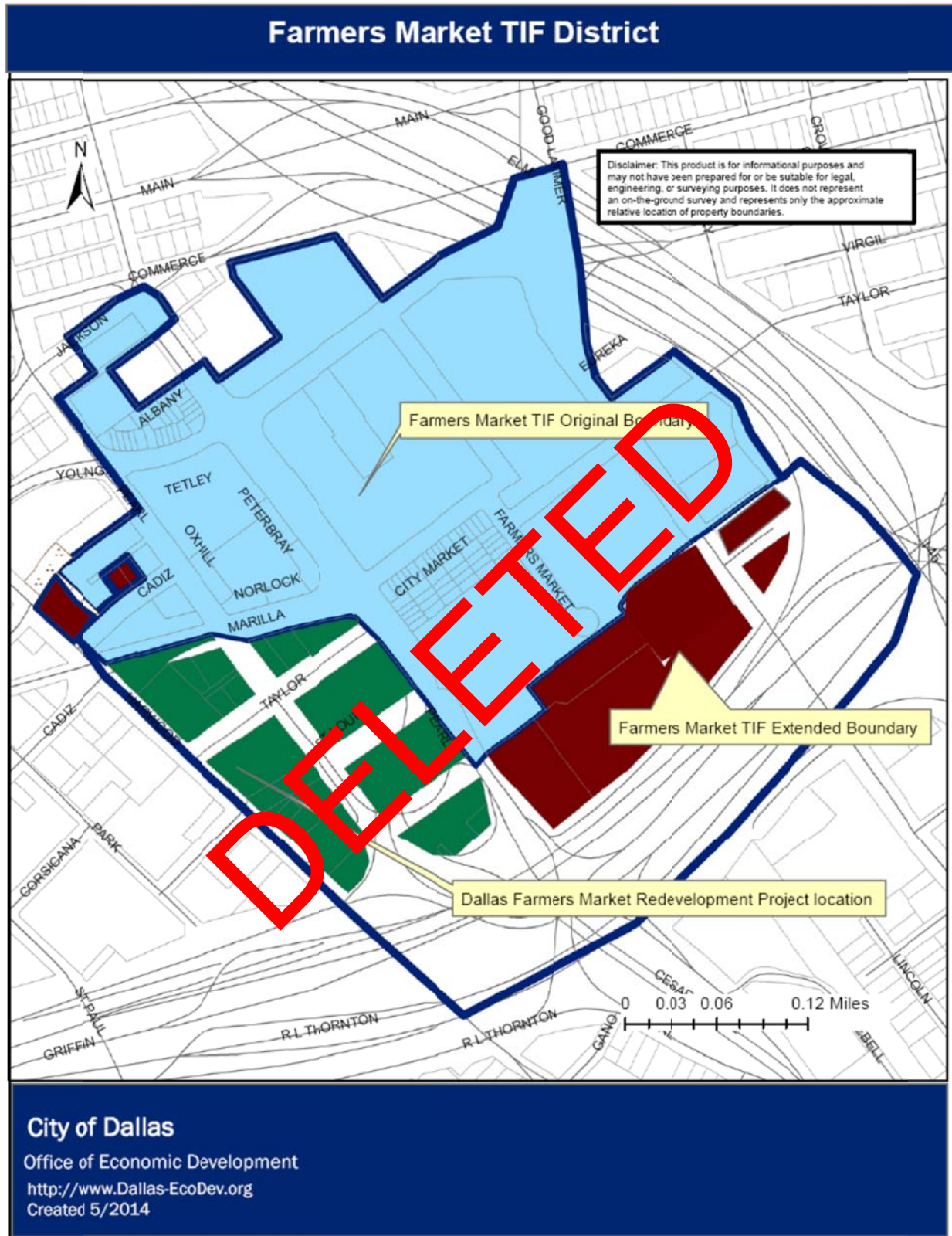
In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. Upon completion of a Project, developers are eligible to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

If the appraised value of the remaining property in the TIF District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum of (1) Administrative Expenses, (2) District-Wide Improvements, and (3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum

of the Individual Increments for that year. If there is no revenue available after administrative expenses, there will be no increment payments that year.

At its discretion, the Farmers Market TIF District TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

DELETED





Agenda Information Sheet

File #: 22-853

Item #: 24.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Economic Development
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a public hearing to be held on June 8, 2022, to receive comments regarding extension of the Public/Private Partnership Program Guidelines and Criteria, for the period July 1, 2022 through December 31, 2022 - Financing: No cost consideration to the City

BACKGROUND

The Property Redevelopment and Tax Abatement Act (Texas Tax Code, Chapter 312) requires that any city desiring to enter into tax abatement agreements as an incentive to foster private investment must first establish guidelines and criteria governing tax abatement agreements and must pass a resolution stating that it elects to be eligible to participate in tax abatement agreements and other economic development incentives.

The Dallas City Council approved the Public/Private Partnership Program Guidelines --and Criteria ("Guidelines") on December 11, 2019, by Resolution No. 19-1959. The Guidelines were re-adopted through City Council Resolution Nos. 20-1972 and 21-0696 on December 9, 2020 and June 9, 2021, respectively. The current Guidelines are effective through June 30, 2022.

City Council approved a new Economic Development policy (the "Policy") on May 26, 2021. The Policy calls for a thorough review of current economic development incentive policies, including the Guidelines. This work is currently being conducted by HR&A Advisors with guidance from the Economic Development Task Force chaired by former council member Jennifer Gates. Revisions to the economic development incentive policies, including the Guidelines will be presented to City Council later this year. While the amendments to the incentive policies are being finalized, staff recommends extending the current Guidelines to allow sufficient time for completion of this work.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2019, City Council authorized the adoption of the existing Guidelines and Criteria for the Public/Private Partnership Program governing the provision of tax abatement and other

economic incentives by Resolution No. 19-1959.

On December 9, 2020, City Council authorized the re-adoption of the Guidelines for the period December 31, 2020 through June 30, 2021 by Resolution No. 20-1972.

On June 9, 2021, City Council authorized the re-adoption of the Guidelines for the period July 1, 2021 through June 30, 2022 by Resolution No. 21-0696.

[The Economic Committee was briefing by memorandum regarding this matter on May 2, 2022.](#)

FISCAL INFORMATION

No cost consideration to the City.

May 11, 2022

WHEREAS, the City recognizes the importance of its continued role in local economic development; and

WHEREAS, the Property Redevelopment and Tax Abatement Act, as amended (Texas Tax Code, Chapter 312), requires any taxing jurisdiction wishing to enter into tax abatement agreements to establish guidelines and criteria governing tax abatement agreements; and

WHEREAS, Chapter 380 of the Local Government Code provides that the governing body of a municipality may create programs for loans and grants to promote state or local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, it is in the best interest of the City of Dallas to adopt Guidelines in order to make use of available economic development incentives for the promotion of new businesses, the retention and expansion of existing businesses, enhancement of the tax base, and the creation and retention of job opportunities for Dallas citizens; and

WHEREAS, the Guidelines shall not be construed as implying or suggesting that the City of Dallas is under obligation to provide tax abatement or other incentive to any applicant, and all applicants shall be considered on a case-by-case basis; and

WHEREAS, on June 9, 2021, City Council authorized the re-adoption of the City of Dallas' Public/Private Partnership Program Guidelines and Criteria ("Guidelines") for the period July 1, 2021 through June 30, 2022, by Resolution No. 21-0696; and

WHEREAS, the City Council must hold a public hearing to provide a reasonable opportunity for any interested person to speak for or against the extension of the current Public/Private Partnership Program Guidelines and Criteria for the period July 1, 2022 through December 31, 2022.

Now, Therefore,

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

SECTION 1. That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

SECTION 2. That a public hearing shall be held no earlier than 9:00am on June 8, 2022, in the City Council Chamber, Dallas City Hall, 6th Floor, 1500 Marilla Street, Dallas, Texas 75201 at which time any interested person may appear and speak for or against the extension of the current Public/Private Partnership Program Guidelines and Criteria for the period July 1, 2022 through December 31, 2022.

SECTION 3. That after the public hearing, the City Council may consider approval of a resolution extending the current Public/Private Partnership Program Guidelines and Criteria for the period July 1, 2022 through December 31, 2022.

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

City of Dallas Public/Private Partnership Programs

It is the purpose of the following programs to provide assistance only for projects where such assistance is necessary to stimulate private investment and job creation. Accordingly, these programs are available when agreements between the City and private parties that are not tax-exempt are approved by City Council prior to private investment occurring. Projects seeking economic incentives must provide written assurance that 'but for' the incentives sought, the proposed project will not occur, or would otherwise be substantially altered so that the economic returns or other associated public purpose secured by the City's incentives would be reduced. Projects occurring in Target Areas are provided special consideration.

The information contained herein shall not be construed as implying or suggesting that the City of Dallas is offering or is under any obligation to provide tax abatement or other incentives to any applicant, and all applicants shall be considered on a case-by-case basis. The source of City funding for a particular incentive may require or impose certain limitations on the types of projects for which those funds may be used, which are not described herein. Pawnshops, sexually oriented businesses, bars, truck stops, and truck dealerships are excluded from consideration for incentives provided under this program.

Eligibility Requirements

The City has established targeted project areas which set minimum project requirements in order to be considered for incentives:

- **Target Areas:** Projects must create/retain 25 jobs or provide \$1 million of investment;
- **Non-target Areas:** Projects must create/retain 100 jobs or provide \$5 million of investment; and
- **Non-Conforming Projects:** Projects not meeting these requirements that nevertheless significantly advance the public purpose of economic development will be considered on a case-by-case basis.

Tax Abatement

Temporary abatement of either real estate or personal property taxes. Recipient firms must meet primary considerations of capital improvements and job creation/retention. City staff may consider secondary considerations such as Dallas resident employment, efforts to exceed minimum environmental regulations, wage rates, community activities, target industry projects, and M/WBE participation when negotiating this incentive. A firm's tax abatement percentage will be reduced by 25 percent for any single year of the tax abatement term in which secondary considerations included in the agreement are not met unless an alternative method is prescribed by City Council in a project specific resolution. Real property tax abatement is not available in TIF Districts. In limited cases, projects may be considered for a combination of both real and personal property tax abatement when the combined amount does not exceed 90 percent of the City taxes on total new improvement value. All tax abatements must begin by January 1 of the second calendar year following City Council authorization unless otherwise specified.

Abatement Benefits:

- **Target Areas:** Real property tax abatement up to 90 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Non-Target Areas:** Real property tax abatement up to 50 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Non-Conforming Projects:** Projects not meeting these requirements that nevertheless significantly advance the public purpose of economic development will be considered on a case-by-case basis.

Economic Development Chapter 380 Grant Program

Companies considering a relocation/expansion or new commercial development may be eligible for an

economic development grant. Grants will be considered on a case-by-case basis based on specifics such as project type, location, design, and fiscal impact to the City. Companies will be required to meet eligibility requirements of the Public/Private Partnership Program. Pursuant to this program the City may administer and accept resources from other political subdivision of the state to support this program and may administer and accept resources from the Federal government to support developments. Bond funding utilized through the program may be subject to certain limitations in use.

Economic Development GO Bond Program

General Obligation Bond funding may be used as described in this paragraph for private commercial, industrial, retail, residential, and mixed-use development that promotes economic development. Funding may be provided as a catalyst to promote private economic development and may be used for planning, designing, extending, constructing and acquiring land for public streets, utilities and other related infrastructure facilities or uses consistent with this purpose and the bond proposition approved by the voters.

Private developments may be eligible for economic development grants and loans pursuant to Chapter 380 of the Texas Local Government Code. Grants and loans will be considered for infrastructure improvements and/or land acquisition consistent with the scope of funding and other uses described above. Grants or loans will be considered on a case-by-case basis subject to funding limitations and development agreements approved by City Council, which agreements will contain appropriate conditions, safeguards and benchmarks to ensure that the public purpose of economic development will be carried out.

Funding in support of mixed-use or residential development, including the acquisition of improved and unimproved properties and for the cost of demolition of existing structures for such projects are also subject to the City of Dallas Housing Policy, which requires a portion of residential units to be affordable.

Target Industry Projects

Target Industry projects are provided special consideration for economic incentives and are generally defined as follows: Brownfields or recycling, information technology, building materials and furnishings, company headquarters, logistics, telecommunications, transportation manufacturing and assembly, film/television/media, advanced instruments and food processing/distribution. The City is also targeting high quality grocery store projects in underserved areas of the City. Due to the temporary nature of film/television production, projects in this industry are not required to meet minimum job or investment eligibility established for the Public/Private Partnership Program. Rather, these projects are considered on a case-by-case basis with consideration given to the positive economic returns projects bring to the City. Target Industry projects must be confirmed in advance by the City in order to receive consideration under this designation.

Non-Conforming Projects

Non-Conforming projects are considered on a case-by-case basis for high impact projects, unique developments, and competitive situations where projects may receive competing offers of incentives. These projects require a simple majority vote of City Council in Target Areas and a 3/4 vote of City Council in Non-Target Areas. High Impact Project - Projects creating/retaining a minimum of 500 jobs with substantial capital investment. In addition, this status may be granted to major projects by Fortune 500, Manufacturers 400, or Global 500 listed firms. A mixed-use or residential development considered for support as a non-conforming project requires special circumstances and must ensure that a minimum of 20% of the residential units in the development meet affordable housing or mixed-income housing requirements for the location. Commercial aspects of predominately residential mixed-use projects providing affordable housing in "areas of opportunity" in collaboration with the Housing Department will be considered.

Competitive and Retention Projects

In special cases, companies receiving competing offers of incentives or those currently located in the city of Dallas considering a relocation/expansion are eligible to apply for financial incentives with negotiable terms. Existing firms must expand job base by 25 percent to be eligible for consideration. Incentives may be offered in specific cases to 'match other offers.' Companies may be required to demonstrate competing cities, offers, land/lease costs, taxes at current rates, utility rates, relocation costs, other significant costs and 'gap' to be filled, etc.

Other Sources of Financial Assistance

Public/Private Partnership Program grants and abatements may be used in combination with other sources of federal, state, or City funds where necessary to achieve the public purpose advanced by a project. The City is willing to partner with special entities, such as Local Government Corporations, and special districts to provide an advantageous structure for projects that advance economic development. Such entities and districts may issue revenue bonds as allowed by state law to finance projects.

Tax Increment Finance Districts

Special districts funding public improvements (not services) with increased tax revenues resulting from new private development. Tax rates are the same as elsewhere in the City and no added cost to private parties is incurred.

Public Improvement Districts

Special districts created by petition to privately fund public improvements or special supplemental services over and above those provided by City, when such services are supportive of related City investments in capital improvements.

Neighborhood Commercial/Retail Redevelopment Grant Program

This Program is intended to provide financial assistance to existing retail shopping centers and other retail/commercial facilities within Target Areas that are at least 15 years old for improvements and/or redevelopment which will positively impact surrounding neighborhoods and residents. Contemplated improvements must improve the aesthetics, design, or architectural appeal of the property and may include enhanced landscaping, lighting, pedestrian and/or parking improvements, new signage and facades, and major renovations to the facility among other items. Each project is considered on a case by case basis. City financial participation is on a matching and reimbursement basis. Phasing is permitted. Minimum total project investment is \$250,000 and potential grants are subject to funding availability. An agreement must be in place with the City prior to work commencing.

Small Business & Adaptive Reuse Incentives

The City of Dallas is committed to supporting growth of small businesses and fostering adaptive reuse of commercial buildings. Additional programs can be flexibly developed and linked to this policy as approved by the City Council.

City of Dallas Regional Center - EB 5

The City of Dallas Regional Center (CDRC) is dedicated to assisting individuals and their families through the EB-5 immigration process via investment into businesses and development projects located within the Dallas city limits. The CDRC offers a variety of investments to foreign investors that meet or exceed requirements and offer investors features unique to the EB-5 community. Minimum foreign investment is \$500,000 in Targeted Employment Areas or \$1M in other areas. All opportunities supported by the CDRC must provide 10 full-time jobs (directly or indirectly) per investor.

New Market Tax Credits

The City of Dallas participates in the New Market Tax Credit Program (NMTC), a federal program operated

by the Department of Treasury, that provides opportunities for new development in traditionally underserved areas. The program provides NMTC investors with a 39% federal tax credit payable over seven years. These investments are partnered with additional funds for businesses and real estate development in Low Income Neighborhoods.

Foreign Trade Zone

Allows duty-free importing of foreign-made components into the Zone, where they may be assembled, manufactured, processed or packaged. Duties are charged only when products are subsequently distributed into the U.S. market - if they are shipped to international markets, no duty is levied.

State Incentives

The City of Dallas will facilitate applications for assistance from State programs including Enterprise Zone Projects, Texas Enterprise Fund, and the Texas Emerging Technology Fund.

To obtain more detail on these programs, or to inquire regarding other assistance, contact: Office of Economic Development, Dallas City Hall, Room 6DN, Dallas, Texas 75201, Phone: (214) 670-1685, Fax: (214) 670-0158.



Agenda Information Sheet

File #: 22-1031

Item #: 25.

STRATEGIC PRIORITY: Human and Social Needs
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Community Care
EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

A resolution authorizing approval of the program statement for the American Rescue Plan Act (ARPA)/Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) - Food Banks/Pantries Support Program, as shown in **Exhibit A**, to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic. Financing: No cost consideration to the City

BACKGROUND

The Novel Coronavirus Disease ("COVID-19") pandemic and its resulting economic impacts have put a strain on many local Hunger Relief Organizations. Since Spring of 2020, the City has seen tremendous demand for community social services provided by local nonprofits. City of Dallas nonprofit organizations have experienced negative economic impacts or disproportionate impacts of the COVID-19 pandemic, including, but not limited to, decreased revenue, increased costs, increased service need in the community, and other financial hardships.

The Food Banks Support Program will provide financial support to food banks, food pantries, and hunger relief organizations located in the city of Dallas. There is a need for this funding, as approximately 20% of Dallas County faces food insecurity, and nearly 38% of city of Dallas residents live in a food desert. The COVID-19 pandemic and resulting economic downturn increased demand for local food pantries and distribution sites among city of Dallas residents impacted the pandemic due to job loss, reduced or lost income, and increased expenses.

Data from the City Innovation Project show disparities in food access and behavior when comparing zip codes with the highest levels of impact from COVID-19 and the city as a whole. Individuals living in high-impacted COVID-19 areas are more likely to state that "they sometimes or often cannot afford to eat balanced meals and had to make less healthy options due to cost" compared to respondents overall (39% for high-impact COVID-19 areas versus 23% for respondents overall). Additionally, a 2021 survey of Dallas nonprofits seeking insight on the impact of the pandemic showed that approximately 40% of the organizations indicated food assistance as one of the highest priority

needs for their clients. These surveys, along with meetings with local hunger relief entities, were used to develop this Program Statement.

The Food Banks Support Program will financially support hunger-relief organizations located in the city of Dallas in their mission to provide food to city of Dallas residents by providing funding for: storage equipment, food costs, and other items to support food distribution program delivery. The Program Statement outlines that the City may seek a third-party administrator to provide the grants, which will allow for leveraging opportunities to maximize impact of the funds.

This item authorizes acceptance of the program statement for American Rescue Plan Act (ARPA) - Food Banks/Pantries Support Program to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2021, the City Council authorized application for and acceptance of a direct allocation from the Coronavirus Local Fiscal Recovery Fund of the Treasury in the total amount of \$355,426,891.00, by Resolution No. 21-1149.

On August 18, 2021, City Council was briefed on allocation of funds from the American Rescue Plan Act, including allocation of \$800,000.00 to the Food Banks/Pantries Support Program to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic.

On September 22, 2021, City Council approved the Fiscal Year 2021-22 Budget, which authorized the appropriation of \$355,426,891.00 from the American Rescue Plan Act in Local Fiscal Recovery Funds, including \$25,400,000.00 to support people in crisis by providing mental health care, children/family services, food/essentials assistance, benefits/financial navigation, and contract oversight/technology, by Resolution No. 21-1590.

On April 11, 2022, the Workforce, Education, and Equity Committee was briefed on the proposed program statement for the ARPA Food Banks/Pantries Support Program, and recommended approval of the program statement.

FISCAL INFORMATION

No cost consideration to the City.

May 11, 2022

WHEREAS, the Novel Coronavirus Disease 2019 (“COVID-19”) pandemic has been declared a public health disaster; and

WHEREAS, the U.S. Department of the Treasury (“Treasury”) has made funding available to the City of Dallas to cover expenses incurred due to the COVID-19 pandemic; and

WHEREAS, the City received a direct allocation from the Coronavirus Local Fiscal Recovery Fund of the Treasury in the total amount of \$355,426,891.00; and

WHEREAS, on June 23, 2021, the City Council authorized application for and acceptance of a direct allocation from the Coronavirus Local Fiscal Recovery Fund of the Treasury in the total amount of \$355,426,891.00, by Resolution No. 21-1149; and

WHEREAS, on August 18, 2021, City Council was briefed on allocation of funds from the American Rescue Plan Act, including allocation of \$800,000.00 to the Food Banks/Pantries Support Program to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic; and

WHEREAS, on September 22, 2021, City Council approved the Fiscal Year 2021-22 Budget, which authorized the appropriation of \$355,426,891.00 from the American Rescue Plan Act in Local Fiscal Recovery Funds, including \$25,400,000.00 to support people in crisis by providing mental health care, children/family services, food/essentials assistance, benefits/financial navigation, and contract oversight/technology, by Resolution No. 21-1590; and

WHEREAS, on April 11, 2022, the Workforce, Education, and Equity Committee was briefed via memorandum on the proposed program statement for the ARPA Food Banks/Pantries Support Program, and recommended approval of the program statement; and

WHEREAS, City of Dallas nonprofit organizations have experienced negative economic impacts or disproportionate impacts of the COVID-19 pandemic and continue to struggle with unmet needs, due to decreased revenue, increased costs, increased service need in the community, and other financial hardships; and

WHEREAS, the City of Dallas has seen and continues to see significant demand for local food pantries and distribution sites among city of Dallas residents impacted by the COVID-19 pandemic due to job loss, reduced or lost income, and increased expenses; and

WHEREAS, the City of Dallas will benefit from providing financial support, through the Food Banks/Pantries Support Program, to Dallas-based Hunger Relief Organizations impacted by the COVID-19 pandemic because such support will provide food to low- and moderate-income residents in need.

May 11, 2022

Now, Therefore,

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

SECTION 1. That the program statement for the American Rescue Plan Act (ARPA)/Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) - Food Banks/Pantries Support Program, as shown in **Exhibit A**, is hereby approved, to provide financial support in the form of grants to Dallas-based Hunger Relief Organizations that were impacted by the COVID-19 pandemic and/or by needs caused by the COVID-19 pandemic.

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

Exhibit A

City of Dallas American Rescue Plan Act (ARPA) Food Banks/Pantries Support Program Program Statement

Program Purpose: To support Hunger-Relief Organizations (“Organizations”), such as Food Banks and Food Pantries, that have been negatively impacted during the pandemic in their ability to deliver services due to either decreased revenue, increased cost, or increased client demand, in their mission to provide food to residents struggling with hunger by providing financial grants and in-kind support to cover costs related to food distribution and service delivery. Funds can support grants to Hunger Relief Organizations and/or to purchase on behalf of these organizations. Support will be provided to Organizations through a competitive application process that considers factors such as location, target client and service delivery and capacity, as well as potential impact from the Organization’s planned use of funds. To demonstrate need, applicants will be required to provide documents demonstrating negative economic impacts directly related to the COVID-19 pandemic for the period of March 3, 2021, through December 31, 2024. Such negative economic impacts could be due to an increase in services provided, an inability to hold fundraising events, loss of revenue from donations, increased costs due to COVID-19, or costs of new programming designed to assist those disparately impacted by the pandemic and its economic effects. Applicants that are located within Qualified Census Tracts, as defined by the U.S. Department of Housing and Urban Development (HUD) or other communities determined to be highly impacted by the pandemic as outlined in Treasury guidance for use of ARPA State and Local Fiscal Recovery Funds, will be presumed to be disproportionately impacted by the pandemic (Disproportionately Impacted Nonprofits).

Eligible Participants: Nonprofit Hunger-Relief Organizations that are located within the City of Dallas (having their primary business office or a site of service delivery located in the City of Dallas) and serve primarily City of Dallas residents by providing social services to low- and moderate-income individuals.

- Must be a nonprofit organization with registered 501(c)3 tax exempt status
- Be officially registered with the State of Texas, currently in existence, physically located, and operating in the City of Dallas and serving residents of the City of Dallas
- Participants must have been in existence since March 1, 2018
- Must primarily serve low- and moderate-income individuals, households, and/or communities, as defined as those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 65 percent

of the Area Median Income for the county and size of household based on the most recently published data by HUD

- Must be current on applicable City taxes
- Must be currently providing direct-to-client food distribution services
- Must have been providing food assistance programming for at least 1 year prior to March 3, 2021
- Nonprofit organizations that have received funding from the City of Dallas's Small Business Assistance Program, Child Care Providers Micro-Grant Program, or other assistance programs, as well as those who have received funding from the federal Paycheck Protection Program may apply for support, however the Program shall not provide funds for the same eligible expenses for the same time period already funded by another local, state, or federal program.

Participants will be required to complete an application on-line or by phone for assistance and provide proof of the following:

1. Being in existence on or before March 1, 2018
2. Documentation demonstrating loss of income, increased costs, and/or other negative economic impact due to the COVID-19 pandemic since March 3, 2021
3. Documentation of nonprofit status and description of food distribution and social services program delivery history, including:
 - a. Copy on IRS determination letter of tax-exempt status
 - b. Copy of Articles of Incorporation, By-Laws
 - c. Board of Directors Listing and Board Information Form
 - d. Minutes of the three most recent Board of Directors meetings
 - e. Organization Chart
 - f. Current year operating budget (revenue and expenses) and year-to-date financials

Meeting this eligibility does not obligate the City to provide assistance to any nonprofit organization.

Ineligible Participants:

- Nonprofit organizations who have ceased operations or are closed, excluding short-term or temporary closures resulting from an exposure or need for facility cleaning due to a diagnosis of COVID-19 or due to staffing shortages resulting from COVID-19 diagnosis or exposure
- Nonprofit organizations that do not offer direct-to-client food assistance programming
- Nonprofit organizations that primarily or solely provide scholarships and do not provide direct-to-client assistance programs

Assistance to be Provided: Grants in the amount of no more than \$10,000.00 will be provided to organizations through this Food Banks/Pantries Support

Program. Assistance is provided to support organizations' ability to provide food assistance. Assistance will be administered via an online application process during one or more established application periods. Should the level of funding requests exceed funding availability, applicants will be prioritized that are located within Qualified Census Tracts or other communities determined to be highly impacted by the pandemic as outlined in Treasury guidance for use of ARPA State and Local Fiscal Recovery Funds.

Eligible Uses of Funds: Funds may support allowable administrative costs and grants to nonprofits, in accordance with all applicable laws, regulations, and guidelines, including U.S. Department of Treasury laws, regulations, and guidelines and City guidelines related to Coronavirus State and Local Fiscal Recovery Funds. Grant funds can be used by the grant recipient for operational expenses, including but not limited to expenses such as equipment that supports food distribution with a cost that is not in excess of \$5,000.00 per unit, such as refrigerators, freezers, etc.; supplies that support food distribution programs, such as office supplies for administration, organizational supplies for pantry and distribution space, furniture and tables, special supplies to support transportation of food like products to maintain food temperature in transit, etc.; shelf-stable food items for distribution to clients; fresh-produce items for distribution to clients; protein items, including meat and meat alternatives, for distributions to clients; dairy items and non-dairy alternatives for distribution to clients, incurred between March 3, 2021 and December 31, 2024. Such expenses may include but are not limited to expenses resulting from COVID-19 and/or in response to needs caused by COVID-19. Supporting documentation for all expenses is required.

Grantee Reporting Requirements: Participants will be required to submit documentation of planned use of funding during the application process, including any documentation of expenses incurred to date that are included within the grant request. Participants will be required to submit documentation of use of funds upon Food Banks/Pantries Support Program closure. Additionally, participants may be subject to operational review and audit of fund use by City of Dallas and are required to agree to submit requested documentation to City of Dallas as requested and required by the ARPA and the United States Department of Treasury.

Third Party Administrator: Should the City enter into a subrecipient agreement for administration of the Food Banks/Pantries Support Program, the selected third-party administrator shall provide monthly reports to the City of Dallas through a designated staff that includes nonprofit awardees and award amounts. Detailed report(s) on the application process of the Food Banks/Pantries Support Program should be provided that includes data on all applicants, locations and service areas of awardees, primary services and programs delivered by awardees.

Program Budget: \$800,000.00 over the ARPA grant period term (March 3, 2021-December 31, 2024).

Funding: Various funding types may be used under this Food Banks/Pantries Support Program and must follow the requirements of the funding types. The Food Banks/Pantries Support Program may include, but is not limited to, the provision of services and distribution of funds made available through the American Rescue Plan Act, future federal or state relief funds and/or donated funds, as well as distribution of donated items.

Amendments to Program Statement: This Program Statement may be amended by the City Manager or designee as appropriate according to changes in applicable laws, regulations, and/or guidance documents, or to meet changing needs and funding requirements.

DRAFT



Agenda Information Sheet

File #: 22-432

Item #: 26.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a two-year cooperative purchasing agreement for **(1)** citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of \$2,430,000.00; and **(2)** citywide bio-hazardous decontamination and spill clean-up services with Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of \$1,927,380.72 - Total estimated amount of \$4,357,380.72 - Financing: General Fund (\$3,521,059.77), Equipment and Fleet Management Fund (\$442,634.35), Dallas Water Utilities Fund (\$197,895.53), Capitol Construction Fund (\$97,895.53), Airport Fund (\$48,947.77), and Sanitation Operation Fund (\$48,947.77)

BACKGROUND

This action does not encumber funds; the purpose of a cooperative purchasing agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This cooperative purchasing agreement will provide for citywide disposal of confiscated, biologically hazardous, environmentally hazardous and non-hazardous materials and bio-hazardous decontamination and spill clean-up service. Hazardous and non-hazardous materials disposed through this contract include but are not limited to:

- Blood
- Body fluids
- Corrosive/flammable materials
- Liquor, beer, and wine
- Ammunition and fireworks
- Automobile and equipment solid batteries

Disposal services also include the collection and disposing of used and spilled cleaning materials, paints and pesticides to avoid City employee exposure to such materials and to ensure compliance with the Environmental Management Program. These products need to be disposed in accordance with specifications for toxic hazardous substances separately from the City's regular solid waste pickup and materials recycling. Bio-hazardous decontamination and spill clean-up service contract provides the City with decontamination services for incidents involving hazardous substance spills and areas of the City affected by homeless encampments.

The Dallas/Fort Worth International Airport and the Texas Department of Transportation interlocal agreements are cooperative agreements are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2019, City Council authorized a two-year service price agreement for citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport; and citywide bio-hazardous decontamination and spill clean-up services with The Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation by Resolution No. 19-1017.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
General Fund	\$1,543,875.89	\$1,727,280.43	\$249,903.45
Equipment and Fleet Management Fund	\$221,317.18	\$221,317.17	
Dallas Water Utilities Fund	\$40,000.00	\$78,947.77	\$78,947.76
Capitol Construction Fund	\$32,631.84	\$32,631.84	\$32,631.85
Airport Fund	\$24,473.89	\$24,473.88	
Sanitation Operation Fund	\$24,473.89	\$24,473.88	
Total	\$1,886,772.69	\$2,109,124.97	\$361,483.06

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$4,357,380.72	Other Services	N/A	57.77%	\$2,430,000.00
<ul style="list-style-type: none"> • The Business Inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is a certified M/WBE. • Green Planet, Inc. - Non-local; Workforce - 5.00% Local • Cleaning Guys, LLC dba CG Environmental - Non-local; Workforce - 0.00% Local 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Interlocal Agreement/Intergovernmental Agreement	<ul style="list-style-type: none"> • Interlocal agreements/intergovernmental agreements allow the City to take advantage of competitively bid contracts by a State agency or local government and enable the City to purchase goods or services at lower prices • Interlocal agreements/intergovernmental agreements are an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement
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OWNERS

Green Planet, Inc.
6371 Highway 276 West
Royse City, TX 75189

Virginia Belmore, President
Hassan Aicha, Vice President

Cleaning Guys, LLC dba CG Environmental
5255 Teague Road
Fort Worth, TX 76140

Erick McCallum, President
William Haan, Vice President

May 11, 2022

WHEREAS, on June 26, 2019 City Council authorized a two-year service price agreement for citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of \$1,744,066.15; and citywide bio-hazardous decontamination and spill clean-up services with The Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of \$1,486,388.88, in a total estimated amount of \$3,230,455.03, by Resolution No. 19-1017.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a cooperative purchasing agreement for **(1)** citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. (357112) through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of \$2,430,000; and **(2)** citywide bio-hazardous decontamination and spill clean-up services with Cleaning Guys, LLC dba CG Environmental (VS0000055324) through an interlocal agreement with the Texas Department of Transportation in an estimated amount of \$1,927,380.72, approved as to form by the City Attorney, for a term of two years, in the total estimated amount of \$4,357,380.72. The amount payable pursuant to this cooperative purchasing agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this cooperative purchasing agreement during its term. Payments made to Green Planet, Inc. and Cleaning Guys, LLC dba CG Environmental shall be based only on the amount of the services directed to be performed by the City and properly performed by Green Planet, Inc. and Cleaning Guys, LLC dba CG Environmental under the cooperative purchasing agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$4,357,380.72, but not more than the amount of budgetary appropriations for this cooperative purchasing agreement during its term to Green Planet, Inc. and Cleaning Guys, LLC dba CG Environmental from Cooperative Purchasing Agreement Contract No. POM-2022-00018122.

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



Agenda Information Sheet

File #: 22-707

Item #: 27.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year cooperative purchasing agreement, with two three-year renewal options, for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Dallas Airport System for the Department of Aviation with GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement - Not to exceed \$231,775.85 - Financing: Aviation Fund (subject to annual appropriations)

BACKGROUND

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

This cooperative purchasing agreement will allow for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Department of Aviation (AVI). AVI falls under Transportation Critical Infrastructure Sector and Presidential Policy Directive 21 (PPD-21): Critical Infrastructure Security and Resilience which advances a national policy to strengthen and maintain secure, functioning, and resilient critical infrastructure. The airport firewalls are the first line of defense to protect AVI's critical infrastructure from cyber threats. The current firewalls must have continued maintenance and support that will ensure protection for Dallas Love Field Airport. With major cyber-attacks such as 'SolarWinds' moving across the world, the City must stay on the cutting edge of technological infrastructure.

The Department of Information Resources cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of

Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2020, City Council authorized a one-year cooperative purchasing agreement for the purchase of firewalls and equipment, related accessories, managed services, and support for the Department of Information and Technology Services sold through Carahsoft Technology Corp. and distributed by GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement by Resolution No. 20-1000.

On August 11, 2021, City Council authorized a three year with two three-year renewal options cooperative purchasing agreement for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Department of Aviation through the Department of Information Resources cooperative agreement by Resolution No. 21-1257.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Aviation Fund	\$115,887.93	\$115,887.92	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$231,775.85	Other Services	N/A	100.00%	\$231,775.85
<ul style="list-style-type: none"> The Business Inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is a certified M/WBE. GTS Technology Solutions, Inc. - Non-local; Workforce - 0.00% Local 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing Agreement	<ul style="list-style-type: none"> Cooperative purchasing agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices The cooperative purchasing agreement is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement
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OWNER

GTS Technology Solutions, Inc.

9211 Waterford Centre Blvd., Suite 175
Austin, TX 78758

Ryan Grant, President

May 11, 2022

WHEREAS, on June 24, 2020, City Council authorized a one-year cooperative purchasing agreement for the purchase of firewalls and equipment, related accessories, managed services, and support for the Department of Information and Technology Services sold through Carahsoft Technology Corp. and distributed by GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement by Resolution No. 20-1000, in an amount not to exceed \$266,331.75, by Resolution No. 20-1000; and

WHEREAS, on April 16, 2021, Administrative Action No. 21-5563 authorized Supplemental Agreement No. 1 to add to the scope of work for the purchase of Firewall License and Support for the Pivot 3 servers used by the Department of Aviation for cyber safety and security, add funds in the amount of \$12,131.97, and extend the term until October 8, 2021, terms and conditions are provided under DIS-TSO-4288, in an amount not to exceed \$12,131.97, from \$266,331.75 to \$278,463.72; and

WHEREAS, on August 11, 2021, City Council authorized a three year, with two three-year renewal options for the purchase of firewalls and equipment, related accessories, managed services, and support for the Department of Aviation with GTS Technology Solutions, Inc. through the Department of Information Resources cooperative agreement, in the amount not to exceed \$658,939.00, by Resolution No. 21-1257.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a cooperative purchasing agreement for the purchase of firewalls and equipment, related accessories, managed services, and support services for the Dallas Airport System for the Department of Aviation with GTS Technology Solutions, Inc. (263234) through the Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for a term of three years with two three-year renewal options, in an amount not to exceed \$231,775.85. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payments to GTS Technology Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by GTS Technology Solutions, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$231,775.85 (subject to annual appropriations) to GTS Technology Solutions, Inc. from Service Contract No. AVI-2022-00018773.

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



Agenda Information Sheet

File #: 22-695

Item #: 28.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year cooperative purchasing agreement for an identity and access management, single-sign on platform for the Department of Information and Technology Services with Netsync Network Solutions through the State of Texas Department of Information Resources cooperative agreement - Estimated amount of \$3,759,266 - Financing: Data Services Fund

BACKGROUND

This action does not encumber funds; the purpose of a cooperative purchasing agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This cooperative purchasing agreement will provide for the purchase of an identity and access management, single sign-on platform for the Department of Information and Technology Services. This platform will allow for centralized identity and access management for users, including multi-step authentications for City system access. This platform is required to maintain compliance with risk management and cyber insurance. Additionally, the platform will maintain compliance with Health Insurance Portability and Accountability Act of 1996, Criminal Justice Information System, and Payment Card Industry Standards. The City utilized an existing enterprise software agreement to purchase an identity and access management, single sign-on platform to provide an extra layer of security and threat protection to the City's network for COVID-19 employees working from home or on alternative networks.

The State of Texas Department of Information Resources cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$15.21; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Data Services Fund	\$751,853.20	\$751,853.20	\$2,255,559.60

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$3,759,266.00	Other Services	N/A	100.00%	\$3,759,266.00
<ul style="list-style-type: none"> • The Business Inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is a certified M/WBE. • Netsync Network Solutions - Non-local; Workforce - 0.0013.33% Local 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing Agreement	<ul style="list-style-type: none"> • Cooperative purchasing agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices • The cooperative purchasing agreement is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement
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OWNER

Netsync Network Solutions

2500 West Loop South

Ste. 410

Houston, TX 77027

Diana Gonzales, President

May 11, 2022

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

SECTION 1. That the City Manager is hereby authorized to execute a cooperative purchasing agreement with Netsync Network Solutions (VS0000067969) through the State of Texas Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for an identity and access management, single sign-on platform for the Department of Information and Technology Services for a term of five years, in the estimated amount of \$3,759,266. The amount payable pursuant to this cooperative purchasing agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this cooperative purchasing agreement during its term. Payments made to Netsync Network Solutions shall be based only on the amount of the services directed to be performed by the City and properly performed by Netsync Network Solutions under the cooperative purchasing agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$3,759,266, but not more than the amount of budgetary appropriations for this cooperative purchasing agreement during its term to Netsync Network Solutions from Cooperative Purchasing Agreement Contract No. DSV-2021-00017463.

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



Agenda Information Sheet

File #: 22-826

Item #: 29.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 1 to exercise the first of two one-year renewal options, with Prime Controls, LP, for maintenance and support of the supervisory control and data acquisition system for the Water Utilities Department - Not to exceed \$200,000.00 - Financing: Dallas Water Utilities Fund (subject to annual appropriations)

BACKGROUND

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

This Supplemental Agreement will continue to provide maintenance and support for the supervisory control and data acquisition (SCADA) system for the Pumping Division of the Water Utilities Department. The SCADA system located throughout the entire water delivery area allows for automated control of pump stations, data logging, and regulatory reporting of operations. The current system was installed in 2010 and requires periodic maintenance. Maintenance includes patches, updates, technical, and customer service support to ensure compliance with state and federal requirements.

The Water Utilities Department utilizes this SCADA system to effectively monitor, and control 21 water storage tanks and 29 pump stations located throughout its 5,005-mile potable pipeline network. The Water Utilities Department provides drinking water and fire flow protection to approximately 2.5 million people in the City of Dallas and 23 customer cities. The Water Utilities Department service area covers over 700 square miles and is divided into 18 pressure zones.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. This contract renewal option includes the most current living wage of \$10.37.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 23, 2017, City Council authorized a five-year service contract, with two one-year renewal options, for maintenance and support of the supervisory control and data acquisition for the Water Utilities Department with Prime Controls, LP by Resolution No. 17-1267.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Dallas Water Utilities Fund	\$200,000.00	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$200,000.00	Other Services	N/A	N/A	N/A
• The Business Inclusion and Development Policy does not apply to Other Service contracts.				
• Prime Controls - Non-local; Workforce - 0.00% Local				

OWNER**Prime Controls, LP**

1725 Lakepointe Dr.

Lewisville, TX 75057

Jason D. McNiel, President

Gary D. McNiel, Vice President

May 11, 2022

WHEREAS, on August 23, 2017, City Council authorized a five-year service contract, with two one-year renewal options, for maintenance and support of the supervisory control and data acquisition for the Water Utilities Department with Prime Controls, LP by Resolution No. 17-1267.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a Supplemental Agreement No. 1 to exercise the first of two one-year renewal option to the service contract with Prime Controls, LP (VS0000007557) approved as to form by the City Attorney, for supervisory control and data acquisition system for the Water Utilities Department in an amount not to exceed \$200,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$200,000 (subject to annual appropriations) to Prime Controls, LP from Service Contract No. DSV-2017-00002549.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-835

Item #: 30.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize [Supplemental Agreement No. 3 to](#) (1) ~~the ratification of~~ [ratify](#) \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022; and (2) ~~Supplemental Agreement No. 3 to~~ increase the service contract with WSP, USA, Inc. for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in the amount of \$678,701.50 - Total not to exceed \$1,157,674.50, from \$4,953,198.00 to \$6,110,872.50 - Financing: Convention Center Construction Fund (subject to annual appropriations)

BACKGROUND

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

The Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan is in the eleventh month of the master planning process. The master planning contract with WSP USA, Inc. (WSP) was approved by Council Resolution No. 21-0245 on January 27, 2021 based on the outcomes of a Request for Qualifications/Request for Proposals process which was conducted in coordination with multiple stakeholders and 14 City departments. The overall goal of the procurement process was to engage a firm that could develop a plan to create a walkable convention center district that incorporates transportation and private development in a way that ensures Dallas continues to be competitive economically in multiple sectors, including the tourism and hospitality space, and in its ability to keep pace with the downtown growth of other large competing cities.

Convention and Event Services (CES) briefed the Transportation and Infrastructure Committee on December 7, 2021, and January 18, 2022, to provide updates and to present recommendations related to the KBHCCD Master Plan. Based on the Committee's recommendation, CES briefed the City Council on February 2, 2022, recommending that the 3C West of Lamar convention center alternative be moved forward for full City Council approval. The City Council adopted the

recommended 3C West of Lamar alternative on February 9, 2022.

As WSP USA, Inc. continued to work with City staff toward the adoption of the recommended 3C West of Lamar alternative, the City ordered additional public meetings, telephone townhalls, stakeholder meetings, and conceptual design services that exceeded the original contract amount by \$478,973. These costs require ratification by the City Council before they can be paid.

In performing the additional services for the convention center component of the four-part master plan, the consultant exhausted the number of proposed internal, task force, public, and stakeholder meetings required for the transportation and land use components of the plan as well as the development of concept materials. Staff are requesting an increase to the contract of \$678,701.50 to cover those costs such that the master plan can be completed by September 8, 2022.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Transportation and Infrastructure Committee was briefed on the Kay Bailey Hutchison Convention Center Dallas Master Plan on December 8, 2020.

[City Council was briefed by memorandum regarding the Kay Bailey Hutchison Convention Center Dallas Master Plan on January 22, 2021.](#)

On January 27, 2021, City Council authorized a one-year professional services contract to develop a master plan for the Kay Bailey Hutchison Convention Center Dallas with WSP USA, Inc. by Resolution No. 21-0245.

[City Council was briefed by memorandum regarding progress to-date on the Kay Bailey Hutchison Convention Center Dallas Master Plan on August 13, 2021.](#)

The Economic Development Committee was briefed on October 4, 2021 regarding the Kay Bailey Hutchison Convention Center Master Plan and the Project Financing Zone.

On October 13, 2021 City Council authorized the designation of Project Financing Zone Number One, City of Dallas, Texas by Ordinance No. 32016, by Resolution No. 21-1650.

The Transportation and Infrastructure Committee was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on December 7, 2021.

[The Transportation and Infrastructure Committee was updated by memorandum on questions presented during the December 7, 2021 briefing on December 17, 2021.](#)

City Council was briefed by memorandum regarding this matter on December 17, 2021.

The Transportation and Infrastructure Committee was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on January 18, 2022.

City Council was updated by memorandum regarding questions presented during the January 18, 2022 Transportation and Infrastructure briefing on January 28, 2022.

City Council was briefed by memorandum regarding questions presented by a constituent regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan on January 28, 2022.
<<https://dallascityhall.com/government/citymanager/Documents/FY%2021-22%20Memos/KBHCCD%20Master%20Plan%20Update%20-%20Additional%20Questions.pdf>>

City Council was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on February 2, 2022.

On February 9, 2022 City Council authorized the adoption of the 3C west of Lamar alternative to implement the Kay Bailey Hutchison Convention Center Dallas Master Plan and the city manager to take the necessary steps to implement the 3C alternative by Resolution No. 22-0334.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Convention Center Construction Fund	\$478,973.00	\$678,701.50	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,157,674.50	Architecture & Engineering	25.66%*	8.23%	\$95,286.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 3 - 22.11% Overall MWBE participation				
• WSP USA Inc. - Local; Workforce - 100.00% Local				

OWNER

WSP USA, Inc.
2777 North Stemmons Freeway
Suite 1600
Dallas, TX 75207

Robert Brown, Vice President

May 11, 2022

WHEREAS, on January 27, 2021, City Council authorized a one-year professional services contract to develop a master plan for the Kay Bailey Hutchison Convention Center Dallas with WSP USA, Inc. in an amount not to exceed \$4,888,698, by Resolution No. 21-0245; and

WHEREAS, on August 27, 2021, Administrative Action No. 21-6017 authorized Supplemental Agreement No. 1 to the professional services contract with WSP USA, Inc. for additional services related to the of a master plan for the Kay Bailey Hutchinson Convention Center Dallas, in an amount not to exceed \$64,500, from \$4,888,698 to \$4,953,198; and

WHEREAS, on November 19, 2021, Administrative Action No. 21-6604 authorized Supplemental Agreement No. 2 to the professional services contract with WSP USA, Inc. for an 18-month extension for additional services related to the development of a master plan for the Kay Bailey Hutchinson Convention Center Dallas, with zero cost, having no effect on the contract amount; and

WHEREAS, the Kay Bailey Hutchison Convention Center Master Plan is a four component plan consisting of a convention center concept, transportation, land use and funding; and

WHEREAS, additional services were required to complete the convention center concept and funding components of the plan which have exceeded the existing allocation for the Plan requiring additional capacity within the contract.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute [Supplemental Agreement No. 3 to](#) (1) ~~the ratification of~~ [ratify](#) \$478,973 to pay additional expenses related to professional services performed in advance of the adoption of 3C West of Lamar alternative adopted by City Council in February 2022 to WSP USA, Inc. (134356); and (2) ~~Supplemental Agreement No. 3 to~~ increase the ~~service~~ contract with WSP USA, Inc. (134356) for additional transportation and land use planning, and public meeting services required to complete the Kay Bailey Hutchison Convention Center Dallas Master Plan in an amount not to exceed \$678,701.50, approved as to form by the City Attorney, in a total amount not to exceed \$1,157,674.50, increasing the service contract amount from \$4,953,198 to \$6,110,872.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,157,674.50 (subject to annual appropriations) to WSP USA, Inc. from Service Contract No. CCT-2020-00011768.

May 11, 2022

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



Agenda Information Sheet

File #: 22-824

Item #: 31.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 3 to increase the service contract with RNDI Companies, Inc. for asbestos abatement and demolition services for City and non-City owned structures and to extend the term from August 10, 2022 to August 9, 2023 - Not to exceed \$2,977,840 - Financing: General Fund (\$2,957,840) and Convention Center Construction Fund (\$20,000) (subject to annual appropriations)

BACKGROUND

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

This Supplemental Agreement provides for continued asbestos abatement and demolition services for City and non-City owned structures. The Department of Code Compliance utilizes this agreement for asbestos abatement and demolition of structures ordered to be demolished by the municipal court. Emergency demolition projects consist of unsafe buildings due to fire damage and other necessary demolitions of City owned and non-City structures. The demolishing of these structures contributed to the safety and beautification of City neighborhoods.

On November 10, 2015, City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. This contract renewal option includes the most current living wage of \$15.21.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 8, 2015, City Council authorized a four-year service contract for asbestos abatement and demolition services for City and non-City owned structures as required with RNDI Companies, Inc. and SKW Services, LLC, dba Clean Air Remediation Environmental Service by Resolution No. 15-0645.

On August 12, 2015, City Council authorized rescinding the four-year service contract with SKW Services, LLC, dba Clean Air Remediation Environmental and RNDI Companies, Inc. previously approved on April 8, 2015, by Resolution No. 15-0645, for asbestos abatement and demolition services; and a four-year service contract for asbestos abatement and demolition services for City and non-City owned structures as required with RNDI Companies, Inc. and Lindamood Demolition, Inc. by Resolution No. 15-1338.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
General Fund	\$347,606.00	\$1,305,117.00	\$1,305,117.00
Convention Center Construction Fund	\$ 20,000.00	\$ 0.00	\$ 0.00
Total	\$367,606.00	\$1,305,117.00	\$1,305,117.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,977,840.00	Other Services	23.80%*	100.00%	\$2,977,840.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 3 - 100.00% Overall M/WBE participation.				
• RNDI Companies, Inc.- Local; Workforce - 100.00% Local				

OWNER

RNDI Companies, Inc.
1851 Summit Ave. Unit 1 D
Dallas, TX 75206

Diana Cross, President

May 11, 2022

WHEREAS, on April 8, 2015, City Council authorized a four-year service contract for asbestos abatement and demolition services for City and non-City owned structures as required with RNDI Companies, Inc. in the amount of \$5,922,200 and SKW Services, LLC, dba Clean Air Remediation Environmental Service in the amount of \$5,788,880, in a total amount not to exceed \$11,711,080, by Resolution No. 15-0645; and

WHEREAS, on August 12, 2015, City Council authorized rescinding the four-year service contract with SKW Services, LLC, dba Clean Air Remediation Environmental and RNDI Companies, Inc. previously approved on April 8, 2015, by Resolution No. 15-0645, for asbestos abatement and demolition services; and a four-year service contract for asbestos abatement and demolition services for City and non-City owned structures as required with RNDI Companies, Inc. in the amount of \$11,911,360 and Lindamood Demolition, Inc. in the amount of \$1,683,400, in a total amount not to exceed \$13,594,760, by Resolution No. 15-1338; and

WHEREAS, on July 1, 2019, Administrative Action No. 19-0644 authorized Supplemental Agreement No. 1 for a two-year extension with RNDI Companies, Inc. for asbestos abatement and demolition services for City and non-City owned structures, with zero cost, having no effect on the contract amount; and

WHEREAS, on July 12, 2019, Administrative Action No. 19-0647 authorized Supplemental Agreement No. 1 for a two-year extension with Lindamood Demolition, Inc. for asbestos abatement and demolition services for City and non-City owned structures, with zero cost, having no effect on the contract amount.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to increase the service contract with RNDI Companies, Inc. (520330) for asbestos abatement and demolition services for City and non-City owned structures, approved as to form by the City Attorney, in an amount not to exceed \$2,977,840.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,977,840 (subject to annual appropriations) to RNDI Companies, Inc. from Service Contract No. POM-2019-00010651.

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



Agenda Information Sheet

File #: 22-941

Item #: 32.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of cast iron fittings for the Water Utilities Department - Fortiline, Inc. dba Fortiline Waterworks in the estimated amount of \$245,000 and Core & Main LP in the estimated amount of \$185,000, lowest responsible bidders of two - Total estimated amount of \$430,000 - Financing: Dallas Water Utilities Fund (\$410,000) and Stormwater Drainage Management Operation Fund (\$20,000)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for the purchase of cast iron fittings for the Water Utilities Department. The Water Utilities Department maintains approximately 5,000 miles of water mains throughout the water distribution system. The cast iron fittings are connected to the system's potable water pipelines, which serve City residents and customer cities. The fittings utilized in this agreement will allow Water Utilities Department field crew personnel to repair, replace, and make required adjustments to water pipe lines within distribution systems, as well as to repair residential and commercial piping, water meters, bypass valves, and other apparatuses as needed at existing locations and new installations.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2017, City Council authorized a two-year master agreement for cast iron fittings with HD Supply Waterworks, LTD by Resolution No. 17-1156.

On December 12, 2018, City Council authorized a one-year master agreement for large cast iron fittings for the Water Utilities Department with Fortiline, Inc. by Resolution No. 18-1806.

On January 8, 2020, City Council authorized a two-year master agreement for small cast iron fittings for the Dallas Water Utilities with Fortiline, Inc. dba Fortiline Waterworks by Resolution No. 20-0124.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Dallas Water Utilities Fund	\$75,000.00	\$167,500.00	\$167,500.00
Stormwater Drainage Management Operation Fund	\$5,000.00	\$7,500.00	\$7,500.00
Total	\$80,000.00	\$175,000.00	\$175,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$430,000.00	Goods	32.00%	0.00%	\$0.00
<ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. • Fortiline, Inc. dba Fortiline Waterworks - Non-local; Workforce - 0.00% Local • Core & Main LP - Non-local; Workforce - 100.00% Local 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements
	<ul style="list-style-type: none"> • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BV22-

00018176. We opened them on February 25, 2022. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
*Fortiline Inc. dba Waterworks	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines Fortiline
*Core & Main, LP	4333 Irving Blvd. Dallas, TX 75247	Multiple Lines

OWNERS

Fortiline Inc. dba Fortiline Waterworks

Tim Tysinger, President
James Cagle, Vice President

Core & Main LP

Jack Schaller, President
Chuck Zappola, Vice President

May 11, 2022

WHEREAS, on August 9, 2017, City Council authorized a two-year master agreement for cast iron fittings with HD Supply Waterworks, LTD in an amount not to exceed \$370,000, by Resolution No. 17-1156; and

WHEREAS, on December 12, 2018, City Council authorized a one-year master agreement for large cast iron fittings for the Water Utilities Department with Fortiline, Inc. in the estimated amount of \$235,000, by Resolution No. 18-1806; and

WHEREAS, on January 8, 2020, City Council authorized a two-year master agreement for small cast iron fittings for the Dallas Water Utilities with Fortiline, Inc. dba Fortiline Waterworks in the estimated amount of \$185,000, by Resolution No. 20-0124.

Now, Therefore,

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

SECTION 1. That a master agreement for the purchase of cast iron fittings for the Water Utilities Department is authorized with Fortiline, Inc. dba Fortiline Waterworks (VS0000073028) in the estimated amount of \$245,000 and Core & Main LP (VS0000038746) in the estimated amount of \$185,000 , approved as to form by the City Attorney, for a term of three- years, in the total estimated amount of \$430,000. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for cast iron fittings for the Water Utilities Department. If a written contract is required or requested for any or all purchases of cast iron fittings for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$430,000, but not more than the amount of budgetary appropriations for this master agreement during its term to Fortiline, Inc. dba Fortiline Waterwork and Core & Main LP from Master Agreement Contract No. DWU-2022-00018176.

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



Agenda Information Sheet

File #: 22-944

Item #: 33.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of printed utility bill inserts for the Water Utilities Department - AC Printing, LLC, only bidder - Estimated amount of \$765,245.40 - Financing: Dallas Water Utilities Fund

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for the purchase of printed utility bill inserts for the Water Utilities Department's customers to be included with the monthly water bill. Other City departments will also utilize this master agreement by coordinating with the Water Utilities Department for inclusion of their inserts with utility bills.

Inserts provided through this agreement are trifold, multi-color, and printed on recycled paper. These inserts are utilized as a method to relay up-to-date information regarding items such as: water conservation, water quality reports, annual Water-Wise seminars and tour, recycling and bulk trash collection, storm water pollution prevention, and spay/neuter services, as well as other initiatives and programs.

Inserts are also posted on the Water Utilities Department's website for customers that receive electronic bills. In 2013, the Water Utilities Department launched the initiative "Go Green Go Paperless" to promote paperless billing and online payment. This initiative is advertised through bill inserts, as a special message on the invoice, on the back of the invoice envelope, at public meetings, and on the City's website. Since 2013, paperless participation has increased by approximately 39 percent.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 28, 2017, City Council authorized a three-year master agreement for printed utility bill inserts with Nieman Printing, Inc. by Resolution No. 17-1042.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Dallas Water Utilities Fund	\$30,900.00	\$255,081.00	\$479,264.40

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$765,245.40	Goods	32.00%	0.00%	\$0.00
<ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. • AC Printing, LLC - Local; Workforce - 100.00% Local 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements
	<ul style="list-style-type: none"> • Negotiations are not allowed

The Office of Procurement Services received the following bid from solicitation number BV21-00018179. We opened it on February 11, 2022. We recommend the City Council award this master agreement in its entirety to the only bidder.

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
AC Printing, LLC	2911 Turtle Creek Blvd. Suite 300 Dallas, TX 75219	\$765,245.40

Note: The Office of Procurement Services conducted a single bid review and found no exceptions.

OWNER

AC Printing, LLC

Shirazali Kanji, President
Razia Kanji, Vice President
Durriya Dawoodbhoy, Chief Executive Officer

May 11, 2022

WHEREAS, on June 28, 2017, City Council authorized a three-year master agreement for printed utility bill inserts with Nieman Printing, Inc. in an amount not to exceed \$552,744, by Resolution No. 17-1042; and

WHEREAS, on August 10, 2021, Administrative Action No. 21-6073 authorized the purchase of printed utility bill inserts for the Water Utilities Department with Midway Press in an amount not to exceed \$50,000.

Now, Therefore,

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

SECTION 1. That a master agreement for the purchase of printed utility bill inserts for the Water Utilities Department is authorized with AC Printing, LLC (VS89505), approved as to form by the City Attorney, for a term of three years, in the estimated amount of \$765,245.40. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for printed utility bill inserts for the Water Utilities Department. If a written contract is required or requested for any or all purchases of printed utility bill inserts for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$765,245.40, but not more than the amount of budgetary appropriations for this master agreement during its term to AC Printing, LLC from Master Agreement Contract No. DWU-2022-00018179.

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



Agenda Information Sheet

File #: 22-678

Item #: 34.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 7, 10, 11

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional engineering services required for developing construction plans and specifications related to water and wastewater relocations and storm drainage improvements at three locations - Not to exceed \$302,270.00, from \$965,165.00 to \$1,267,435.00 - Financing: Wastewater Capital Improvement G Fund (\$137,849.00), Water Capital Improvement F Fund (\$112,041.00), and Storm Drainage Management Capital Construction Fund (\$52,380.00)

BACKGROUND

On June 12, 2019, City Council authorized a professional services contract with Halff Associates, Inc. for storm drainage improvements at three locations for the Sanford Avenue Storm Drainage Relief, Guildhall-McCree Storm Drainage Relief, and Greenhollow/Sapling/Clearsprings Storm Drainage Relief projects. The three projects will address flooding issues attributed to inadequate storm drainage infrastructure. The Sanford Avenue Storm Drainage Relief Project will address flooding of homes, structures, and property by making improvements to the drainage system that outfalls to Ash Creek. Guildhall-McCree drainage improvements will address flooding by making improvements to the drainage system that outfalls to White Rock Creek south of Audelia Road and Northwest Highway. Greenhollow/Sapling/Clearsprings drainage improvements will address flooding by making improvements to the drainage system that outfalls to Cottonwood Creek south of Midpark Road.

During the preliminary engineering phase of these projects, it was determined that existing water and wastewater infrastructure in the area of the proposed storm drainage improvements needed to be relocated and/or upgraded. The proposed improvements to the water and wastewater systems will address conflicts with the proposed drainage improvements and ensure that water and wastewater infrastructure is upgraded with the drainage improvement projects to avoid future disruptions to residents in the area of construction. Water and wastewater pipeline improvements will be designed in the area of the Guildhall-McCree Storm Drainage Relief and Greenhollow/Sapling/Clearsprings Storm Drainage Relief projects and constructed with the drainage improvements. In addition, pavement, storm drainage, and wastewater main improvements will be designed crossing the Union

Pacific Railroad southwest of Parnell Street to meet property and access requirements for the future Lamar Levee project.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for additional engineering services required for the design and development of construction plans and specifications for water and wastewater relocations and replacements for the Guildhall-McCree and Greenhollow/Sapling Way/Clearsprings projects, and paving, drainage, and wastewater main improvements for the Union Pacific Railroad crossing.

ESTIMATED SCHEDULE OF PROJECT

Began Design July 2019
Complete Design December 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2019, City Council authorized a professional services contract with Halff Associates, Inc., for the engineering design of Storm Drainage Contract No. 2 by Resolution No. 19-0905.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Wastewater Capital Improvement G Fund	\$137,849.00	\$0.00	\$0.00
Water Capital Improvement F Fund	\$112,041.00	\$0.00	\$0.00
Storm Drainage Management Capital Construction Fund	\$52,380.00	\$0.00	\$0.00
Total	\$302,270.00	\$0.00	\$0.00

Design \$ 965,165.00
Supplemental Agreement No. 1 (this action) \$ 302,270.00

Project Total \$1,267,435.00

<u>Council District</u>	<u>Amount</u>
7	\$ 57,380.00
10	\$ 170,530.00
11	\$ <u>74,360.00</u>
Total	\$ 302,270.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

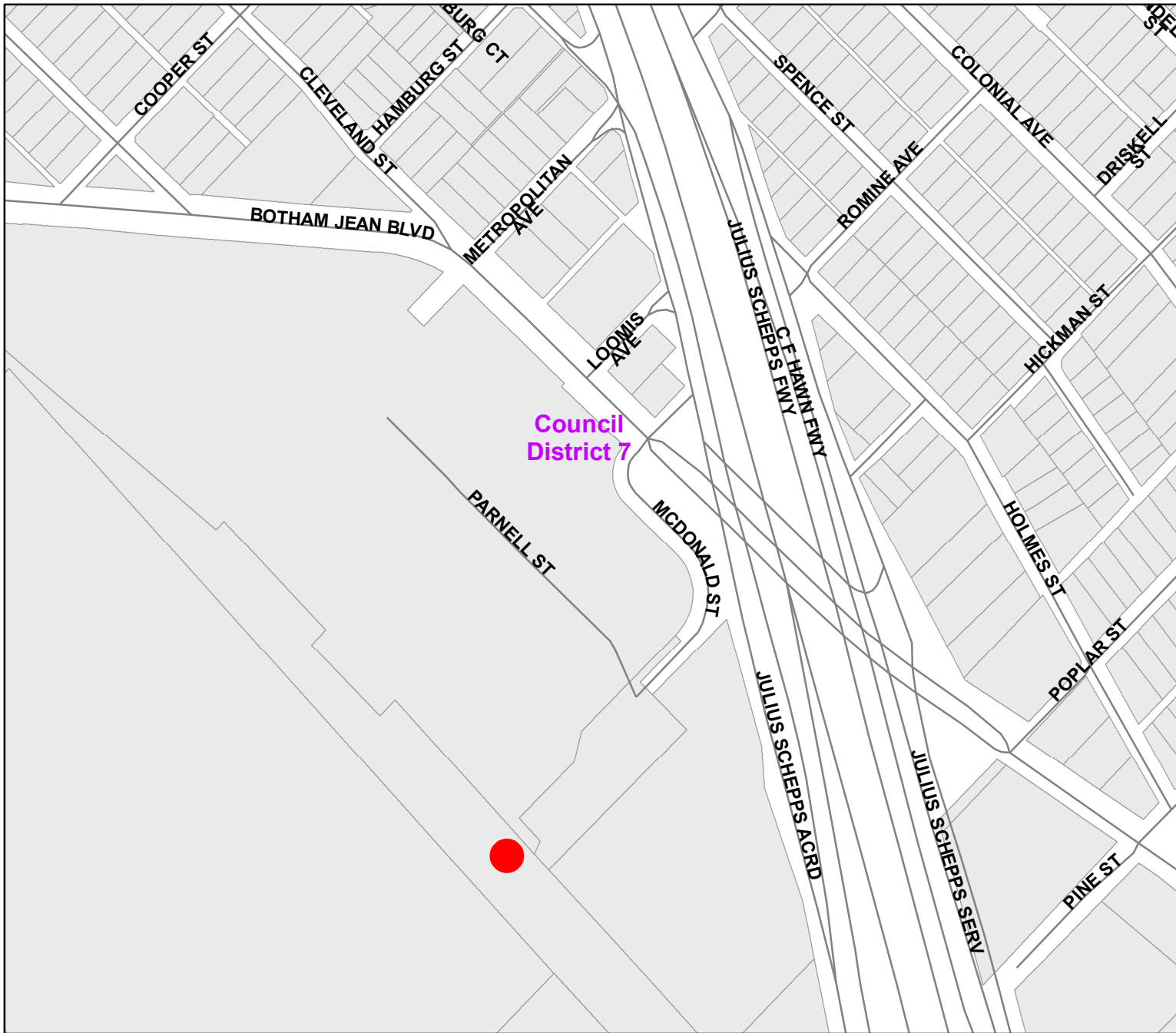
Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<u>\$302,270.00</u>	Architecture & Engineering	25.00%*	<u>24.51%</u>	74,100.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 1 - 25.38% Overall MWBE participation				
• Half Associates, Inc - Local; Workforce - 21.70% Local				

OWNER**Half Associates, Inc.**

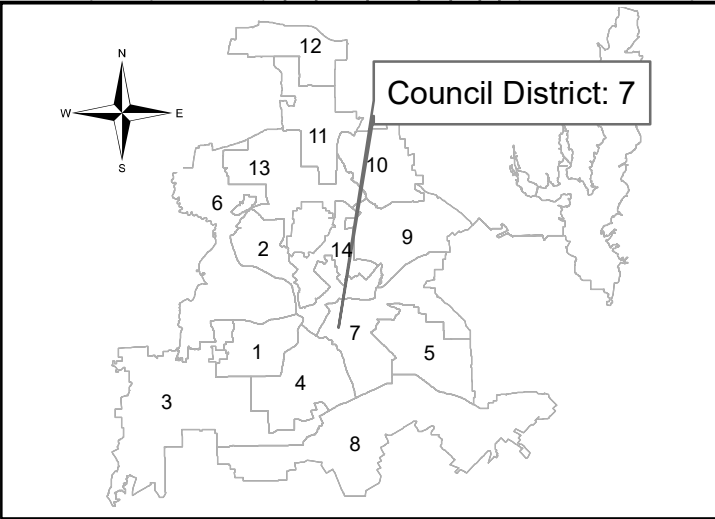
Gregory Kuhn, PE, Vice President

MAPS

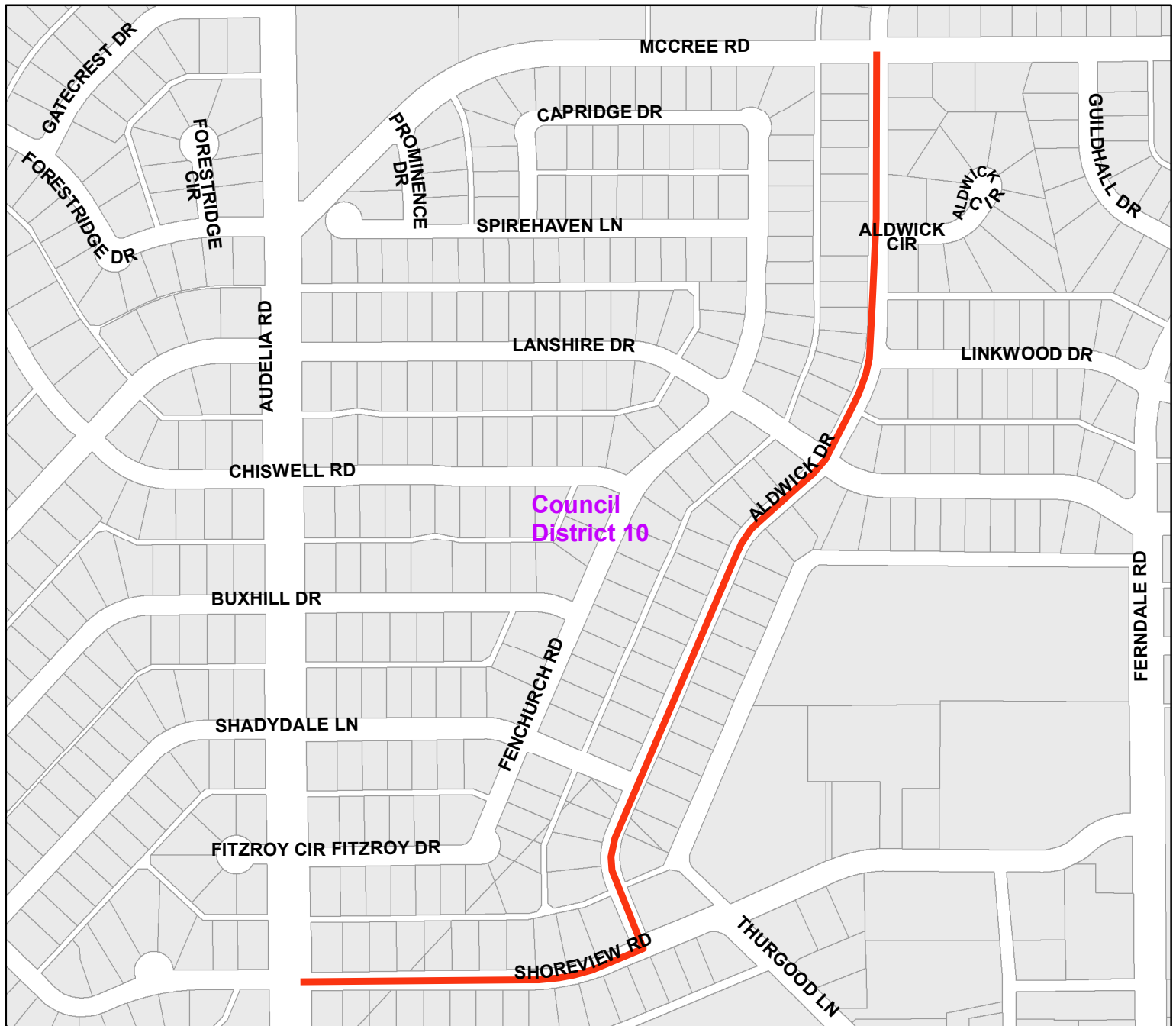
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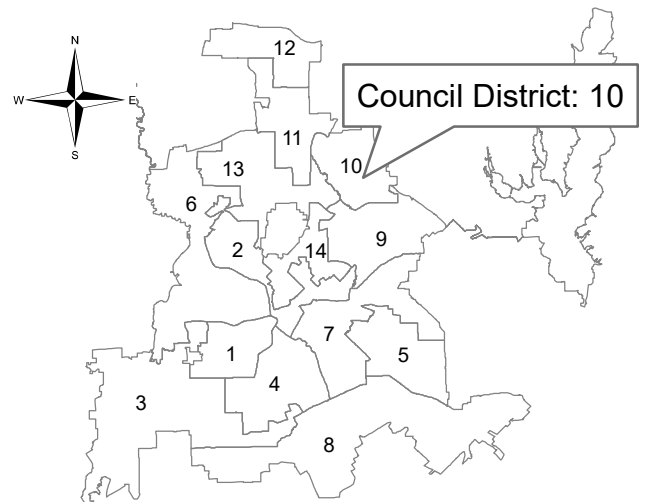
Union Pacific Railroad Crossing



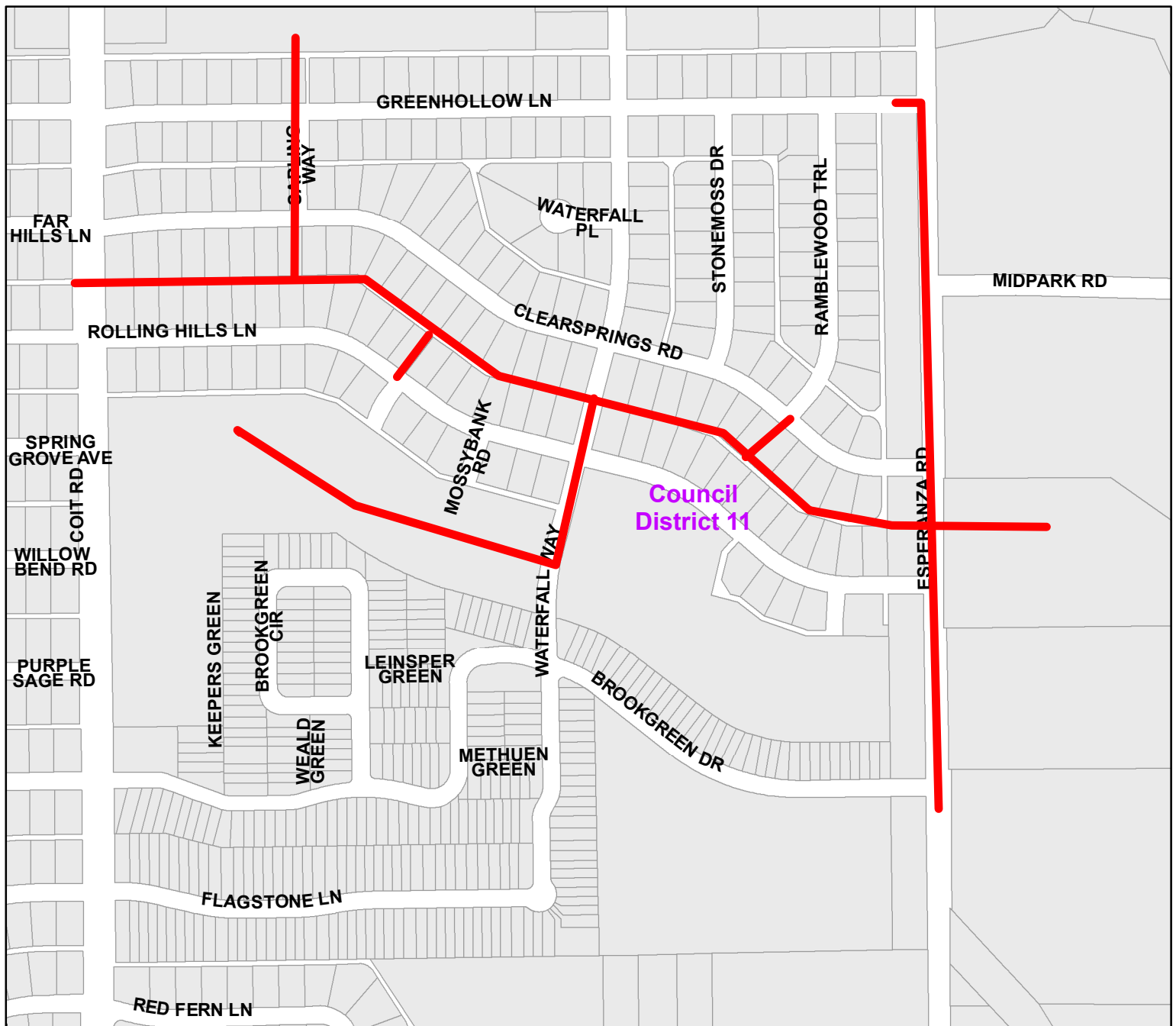
Dallas Water Utilities
Contract No. 19-077E Supplemental Agreement No. 1
Storm Drainage Contract No. 2
Stormwater Project Management



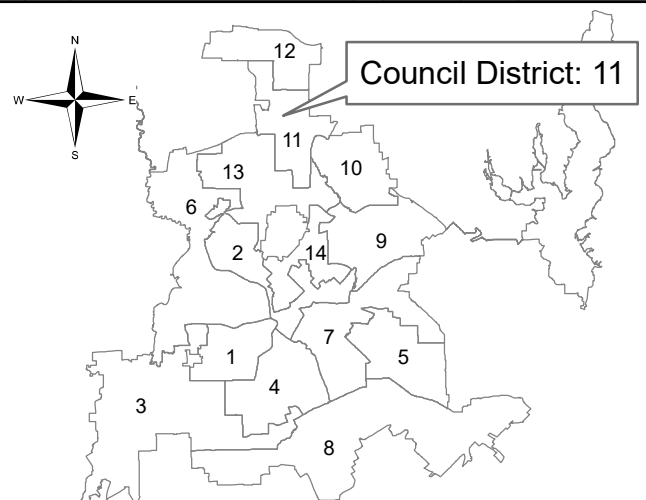
Guildhall-McCree
Storm Drainage Relief



Dallas Water Utilities
Contract No. 19-077E Supplemental Agreement No. 1
Storm Drainage Contract No. 2
Stormwater Project Management



Greenhollow/Sapling/Clearsprings
Storm Drainage Relief



Dallas Water Utilities
Contract No. 19-077E Supplemental Agreement No. 1
Storm Drainage Contract No. 2
Stormwater Project Management

May 11, 2022

WHEREAS, on June 12, 2019, City Council authorized a professional services contract with Halff Associates, Inc., for the engineering design of Storm Drainage Contract No. 2 in an amount not to exceed \$965,165.00 by Resolution No. 19-0905; and

WHEREAS, the City of Dallas has identified the need for additional engineering services to relocate and upgrade existing water and wastewater infrastructure in the area of the proposed storm drainage and make improvements at the Union Pacific Railroad Crossing southwest of Parnell Street; and

WHEREAS, Halff Associates, Inc. 1201 N. Bowser Road, Richardson, TX 75081, has submitted an acceptable proposal to provide these engineering services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 19-077E be increased by \$302,270.00, from \$965,165.00 to \$1,267,435.00.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 1 to the professional services contract be accepted and that Contract No. 19-077E with Halff Associates, Inc. be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., approved as to form by the City Attorney, to provide additional engineering services required for developing construction plans and specifications related to water and wastewater relocations and storm drainage improvements at three locations, in an amount not to exceed \$302,270.00, increasing the contract amount from \$965,165.00 to \$1,267,435.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$302,270.00, as follows:

Wastewater Capital Improvement G Fund	
Fund 5116, Department DWU, Unit PS42	
Object 4111, Program 721490, Vendor 089861	
Encumbrance/Contract No. DWU-2019-00009208	\$ 85,265.00

Wastewater Capital Improvement G Fund	
Fund 5116, Department DWU, Unit PS42	
Object 4111, Program 722020, Vendor 089861	
Encumbrance/Contract No. DWU-2019-00009208	\$ 47,584.00

May 11, 2022

SECTION 3. (continued)

Wastewater Capital Improvement G Fund Fund 5116, Department DWU, Unit PS42 Object 4111, Program 722134, Vendor 089861 Encumbrance/Contract No. DWU-2019-00009208	\$ 5,000.00
Water Capital Improvement F Fund Fund 4115, Department DWU, Unit PW42 Object 4111, Program 722019, Vendor 089861 Encumbrance/Contract No. DWU-2019-00009208	\$ 26,776.00
Water Capital Improvement F Fund Fund 4115, Department DWU, Unit PW42 Object 4111, Program 721489, Vendor 089861 Encumbrance/Contract No. DWU-2019-00009208	\$ 85,265.00
Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W200, Activity SD01 Object 4599, Program TW17W200, Vendor 089861 Encumbrance/Contract No. DWU-2019-00009208	<u>\$ 52,380.00</u>
Total amount not to exceed	\$302,270.00

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



Agenda Information Sheet

File #: 22-889

Item #: 35.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize acquisition from One Morrell, LLC of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities, located on Morrell Avenue near its intersection with Sargent Road for the Dallas Floodway Extension Project. - Not to exceed \$4,158,174.00 (\$4,135,174.00 plus closing costs and title expenses not to exceed \$23,000.00) - Financing: Storm Drainage Management Capital Construction Fund (\$1,492,597.87), Flood Protection and Storm Drainage Facilities Fund (1995 General Obligation Bond Funds) (\$230,198.11), Trinity Corridor Project Fund (1998 General Obligation Bond Funds) (\$423,328.83), Flood Protection and Storm Drainage Facilities Fund (1998 General Obligation Bond Funds) (\$323,075.58), Flood Protection and Storm Drainage Facilities Fund (2003 General Obligation Bond Funds) (\$125,605.60), and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$1,563,368.01)

BACKGROUND

The City of Dallas is the owner and operator of the Dallas Levee System extending from the Elm and West Forks of the Trinity River through the main stem and terminating at Interstate Highway 20. This system is regulated by the U.S. Army Corps of Engineers (USACE). In addition to regulating the Dallas Levee System, the USACE and City have been cost participating in two separate federal projects to improve the public safety of the residents and businesses that are served by this system. The City is required to own, in fee simple, all parcels related to the Dallas Levee System.

In July 2018, the Dallas Levee System flood risk management projects included in the Modified Dallas Floodway Project (DF) and the Dallas Floodway Extension (DFE) were authorized for funding under the Supplemental Appropriation in the Bipartisan Budget Act of 2018 Public Law 115-123 (PL-115-123). This information has been presented to the City Council and provided in memorandum to the City Council at major milestones since the notification by the USACE. All work associated with the design and construction of these improvements is being performed by USACE with the City serving as a technical advisor and client. An overview of the projects, federal funding and associated local requirements included in PL 115-123 are, as follows:

- DFE: Up to \$135.25M for Lamar Levee and Cadillac Heights Levee City is obligated to expend funds to complete necessary real estate activities such as acquisition, relocation and environmental remediation and public utility relocation; acquisition funds are potentially eligible for reimbursement in the future.

- DF: \$261.9M for approved flood risk management such as levee raises and flattening, removal of ATSF Bridge, Trinity Portland Pump Station, Charlie Pump Station, Delta Pump Station Rehabilitation, Hampton Pump Station and Nobles Sump Improvements

City is obligated to expend funds on 35 percent of the design and construction and environmental remediation and public utility relocation; the real estate funds are credits against the cost share for the project.

This item authorizes the acquisition of a tract of land containing approximately 206,362 square feet, improved with commercial structures and supporting facilities from One Morrell, LLC. The property is located on Morrell Avenue near its intersection with Sargent Road and will be used for the Dallas Floodway Extension Project. The consideration is based on an independent appraisal. Future relocation assistance may be necessary for this acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized reprogramming the remaining bond funds from the 1998 Bond Proposition 11 from the Trinity Lakes and Trinity Parkway to other flood control improvement consistent with the bond proposition approved by the voters, by Resolution No. 15-1486.

[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the U.S. Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Storm Drainage Management Capital Construction Fund	\$1,492,597.87	\$0.00	\$0.00
Flood Protection and Storm Drainage Facilities Fund (1995 General Obligation Bond Funds)	\$230,198.11	\$0.00	\$0.00
Trinity Corridor Project Fund (1998 General Obligation Bond Funds)	\$423,328.83	\$0.00	\$0.00

Flood Protection and Storm Drainage Facilities Fund (1998 General Obligation Bond Funds)	\$323,075.58	\$0.00	\$0.00
Flood Protection and Storm Drainage Facilities Fund (2003 General Obligation Bond Funds)	\$125,605.60	\$0.00	\$0.00
Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)	\$1,563,368.01	\$0.00	\$0.00
Total	\$4,158,174.00	\$0.00	\$0.00

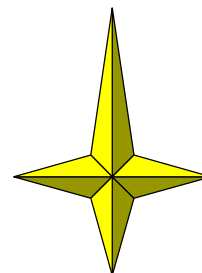
OWNER**One Morrell, LLC**

Eyal Gabbay, Director

MAP

Attached

N



**AREA TO BE
ACQUIRED**

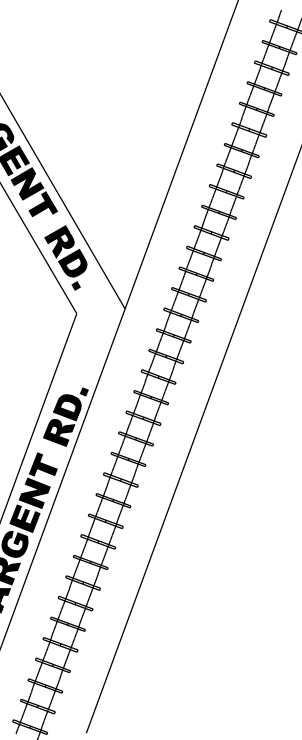


**BLOCK
5907**

MORRELL AVENUE

SARGENT RD.

SARGENT RD.



May 11, 2022

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 206,362 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Dallas Floodway Extension

"USE": The installation, use, and maintenance of a levee, swale, channel or other improvements as may be necessary for the control of drainage and flooding provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple Estate subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": One Morrell, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$4,135,174.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$23,000.00

"AUTHORIZED AMOUNT": Not to exceed \$4,158,174.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

May 11, 2022

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT payable out of the SDM-Capital Construction Fund, Fund 0063, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$1,492,597.87); Flood Protection and Storm Drainage Facilities Fund, Fund 1T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$853,568.13); Flood Protection and Storm Drainage Facilities Fund, Fund 7T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$509,799.88); Trinity Corridor Project Fund, Fund 2P14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$324,299.00); Flood Protection/Storm Drainage Fund, Fund 0L23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$143,182.48); Flood Protection Fund, Fund 6R23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$125,605.60); Flood Protection and Storm Drainage Facilities Fund, Fund 8P23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$123,359.41); Flood Protection and Storm Drainage Facilities Fund, Fund 0P23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$110,802.71); Flood Protection and Storm Drainage Facilities Fund, Fund 3T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$100,000.00); Flood Protection and Storm Drainage Facilities Fund, Fund BT23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$100,000.00);

May 11, 2022

Flood Protection and Storm Drainage Facilities Fund, Fund 0M23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$20,989.88); Trinity Corridor Project Fund, Fund 6P14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$73,019.15); Flood Protection and Storm Drainage Facilities Fund, Fund 0N23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$66,025.75); Trinity Corridor Project Fund, Fund 9P14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$16,127.39); Trinity Corridor Project Fund, Fund TP14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$9,883.29); Flood Protection and Storm Drainage Facilities Fund, Fund 1P23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018365 (\$65,913.46); and CLOSING COSTS AND TITLE EXPENSES payable out of the Flood Protection and Storm Drainage Facilities Fund, Fund 1P23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4230, Encumbrance/Contract No. SDM-2022-00018366. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

BY



Assistant City Attorney

**DALLAS FLOODWAY EXTENSION
CADILLAC LEVEE, TRACT CL-112**

Field Notes Describing a 206,362 Square Foot (4.737 Acre)
Tract of Land to be Acquired in City Block 5907

BEING a 206,362 Square Foot (4.737 Acre) tract of land out of the William J. Elliot Survey, Abstract No. 448, Dallas County, Texas, lying in City Block 5907, City of Dallas, Dallas County, Texas, also being out of that tract of land conveyed to One Morrell, LLC by deed recorded in Instrument No. 201700328449 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

NOTE: All distances are surface projection, using a scale factor of 1.000136506.

BEGINNING at a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958184.2561, E=2496980.1872) at the most easterly corner of said One Morrell tract, said point also being at the intersection of the northwesterly right-of-way line of Morrell Avenue (a variable width right-of-way) (Volume 2, Page 36, Map Records of Dallas County, Texas, (M.R.D.C.T.)) and the northeasterly right-of-way line of Sargent Road (a 40-foot right-of-way) (Volume 2, Page 36, M.R.D.C.T.);

THENCE South 69°14' 09" West, along the northwesterly right-of-way line of said Morrell Avenue and the southeasterly line of said One Morrell tract, a distance of 260.54 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958091.9087, E=2496736.6005);

THENCE North 55°17' 52" West, departing the northwesterly right-of-way line of said Morrell Avenue and the southeasterly line of said One Morrell tract, over and across said One Morrell tract, a distance of 535.53 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958396.7471, E=2496296.3906) in the northwesterly line of said One Morrell tract, said point also being in the southeasterly line of Block 4/5907 of Forest Ave & Eight St. Industrial Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 10, Page 335, M.R.D.C.T.;

THENCE North 49°36' 37" East, along the common line of said One Morrell tract and said Block 4/5907, at a distance of 218.03 feet, passing the most southerly corner (not monumented) of a tract of land described as "Tract 1-C" conveyed to the City of Dallas, Texas, by deed recorded in Instrument No. 201000031431, O.P.R.D.C.T., thence continuing along the common line of said One Morrell and the City of Dallas tracts, for a total distance of 492.19 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958715.6336, E=2496671.2194) at the most northerly corner of said One Morrell tract, said point also being the most northerly corner of a tract of land described as "Tract 1-A" conveyed to the City of Dallas, Texas, by deed recorded in Instrument No. 201000031431, O.P.R.D.C.T.,

Drafted
 FIELD NOTES APPROVED:
 3/2/2022



**DALLAS FLOODWAY EXTENSION
CADILLAC LEVEE, TRACT CL-112**

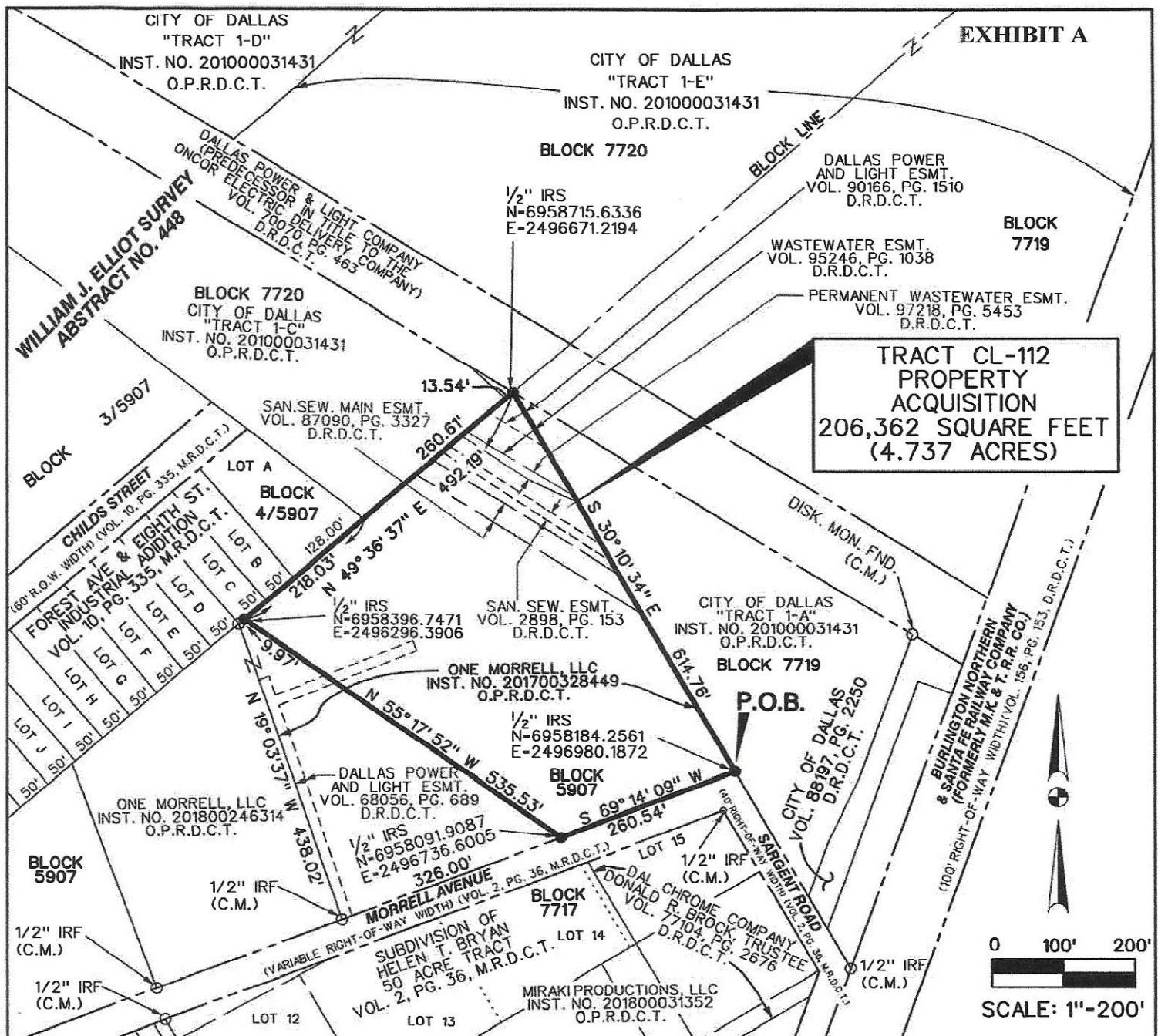
Field Notes Describing a 206,362 Square Foot (4.737 Acre)
Tract of Land to be Acquired in City Block 5907

THENCE South 30°10' 34" East, along the common line of said One Morrell and said City of Dallas tracts, a distance of 614.76 feet to the **POINT OF BEGINNING**, containing 206,362 Square Feet, or 4.737 Acres of land.

BASIS OF BEARING: Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 (2011).

COORDINATES: All Coordinates are State Plane Values, No Scale, No Projection.





NOTES:

1. BASIS OF BEARING is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).
2. All Coordinates are State Plane Values, No Scale, No Projection. All distances are surface projection, using a scale factor of 1.000136506.

LEGEND:

- C.M. - CONTROLLING MONUMENT
- I.R.S. - 1/2-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "LIM ASSOC"
- I.R.F. - IRON ROD FOUND
- M.R.D.C.T. - MAP RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. - DEED RECORDS, DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

LIM & ASSOCIATES, inc.
engineering & surveying consultants
TBPELS Surveying Firm Reg. 101236-00
1112 N. Zang Boulevard, Suite 200
Dallas, Texas 75203
Tel. (214) 942-1888 Fax (214) 942-9881



Daniel S. Lim
3-2-2022

DALLAS FLOODWAY EXTENSION				
PROPERTY ACQUISITION				
CADILLAC LEVEE: TRACT CL-112				
FOR: DEPARTMENT OF PUBLIC WORKS				
SURVEYOR'S NAME: LIM & ASSOCIATES, INC.				
TECHNICAL	USACE APPROVAL DATE			
LIM	02/03/21			
PROPERTY	CALCULATIONS	SCALE	FOLDER	NUMBER
LIM	LIM	1"=200'	BLOCK 7717	CL-112

NOTICE OF CONFIDENTIALITY OF RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That One Morrell, LLC, a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of FOUR MILLION ONE HUNDRED THIRTY-FIVE THOUSAND ONE HUNDRED SEVENTY-FOUR AND NO/100 DOLLARS (\$4,135,174.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns the following (all said property and interests being collectively referred to herein as the "Property"):

- (a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;
- (b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;
- (c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;
- (d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and
- (e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

EXHIBIT B

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

One Morrell, LLC, a Texas limited liability company

By: _____
Eyal Gabbay, Director

* * * * *
STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Eyal Gabbay, Director of One Morrell, LLC, a Texas limited liability company, on
behalf of said limited liability company.

Notary Public, State of Texas

* * * * *
After recording return to:
City of Dallas,
Dallas Water Utilities, Real Estate Division
1500 Marilla Street, Room 4AN
Dallas, Texas 75201
Attn: Todd Wright

Warranty Deed Log No. DWU CL-112

Rev 11/14/12

Warranty Deed Page 2



Agenda Information Sheet

File #: 22-710

Item #: 36.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 6, 7, Outside City Limits

DEPARTMENT: Water Utilities Department

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Freese and Nichols, Inc. to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities - Not to exceed \$4,493,094.00, from \$11,404,513.00 to \$15,897,607.00 - Financing: Water Capital Improvement G Fund

BACKGROUND

As initially authorized by the City Council on June 12, 2019, the contract provides construction management services for water quality improvements at the East Side and Elm Fork Water Treatment Plant, major maintenance at the Bachman Water Treatment Plant, and improvements at water storage and pumping facilities. Each project is critical to the mission of providing clean drinking water for the customers of the City of Dallas. It is imperative that these projects are managed and constructed with the utmost regard to cost, schedule, and quality control. The construction management contract ensures that these goals are met by providing complete construction management and integrated inspection services. Under the contract terms, the construction management firm acts as the City's representative and augments City staff to provide planning and coordination of all construction activities for these projects.

Supplemental Agreement No. 1 was authorized on March 24, 2021 to extend services provided by the construction manager under this contract for approximately one year. This action will authorize Supplemental Agreement No. 2 to extend services provided by the construction manager through May 2023. The original contract was set up for a duration of three years with the option of extending additional years. Future supplemental agreements were anticipated to provide contract capacity and budget the services over several years.

Construction management services are critical to efficiently schedule and stage simultaneous and complex construction activities of multiple contractors and vendors. The construction management firm will continue to be responsible for assuring that all work is accomplished in accordance with

plans and specifications, assist the City in reviewing and negotiating change orders, aid in resolution of construction conflicts, provide schedule and budget evaluations, value engineering, constructability reviews, and monitor the quality of construction. This approach ensures that all construction activities are coordinated in a manner that treatment plant and conveyance infrastructure have sufficient capacity to meet daily needs.

ESTIMATED SCHEDULE OF PROJECT

Began Construction Services June 2019
Complete Construction Services May 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2019, City Council authorized a professional services contract with Freese and Nichols, Inc. to provide construction management services for construction contracts related to improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and the Walnut Hill Pump Station by Resolution No. 19-0908.

On March 24, 2021, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities by Resolution No. 21-0526.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Water Capital Improvement G Fund	\$4,493,094.00	\$0.00	\$0.00

Construction Management Services	\$ 7,042,700.00
Supplemental Agreement No. 1	\$ 4,361,813.00
Supplemental Agreement No. 2 (this action)	<u>\$ 4,493,094.00</u>

Total Project Cost	\$15,897,607.00
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<u>Council District</u>	<u>Amount</u>
6	\$ 606,823.68
7	\$ 967,373.26
Outside City Limits	<u>\$2,918,897.06</u>
Total	\$4,493,094.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as

follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
<u>\$4,493,094.00</u>	Professional Services	34.00%	42.57%	\$1,912,626.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 2 - 46.36% Overall MWBE participation				
• Freese & Nichols, Inc - Local; Workforce - 38.00% Local				

OWNER**Freese and Nichols, Inc.**

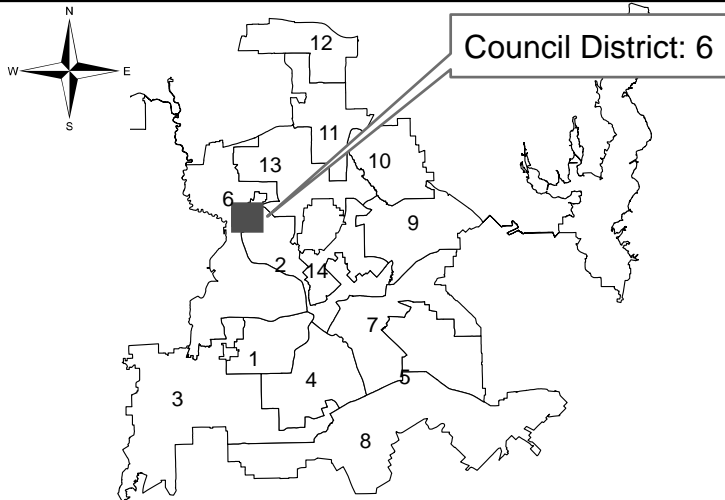
Brian C. Coltharp, P.E., President and Chief Executive Officer

MAPS

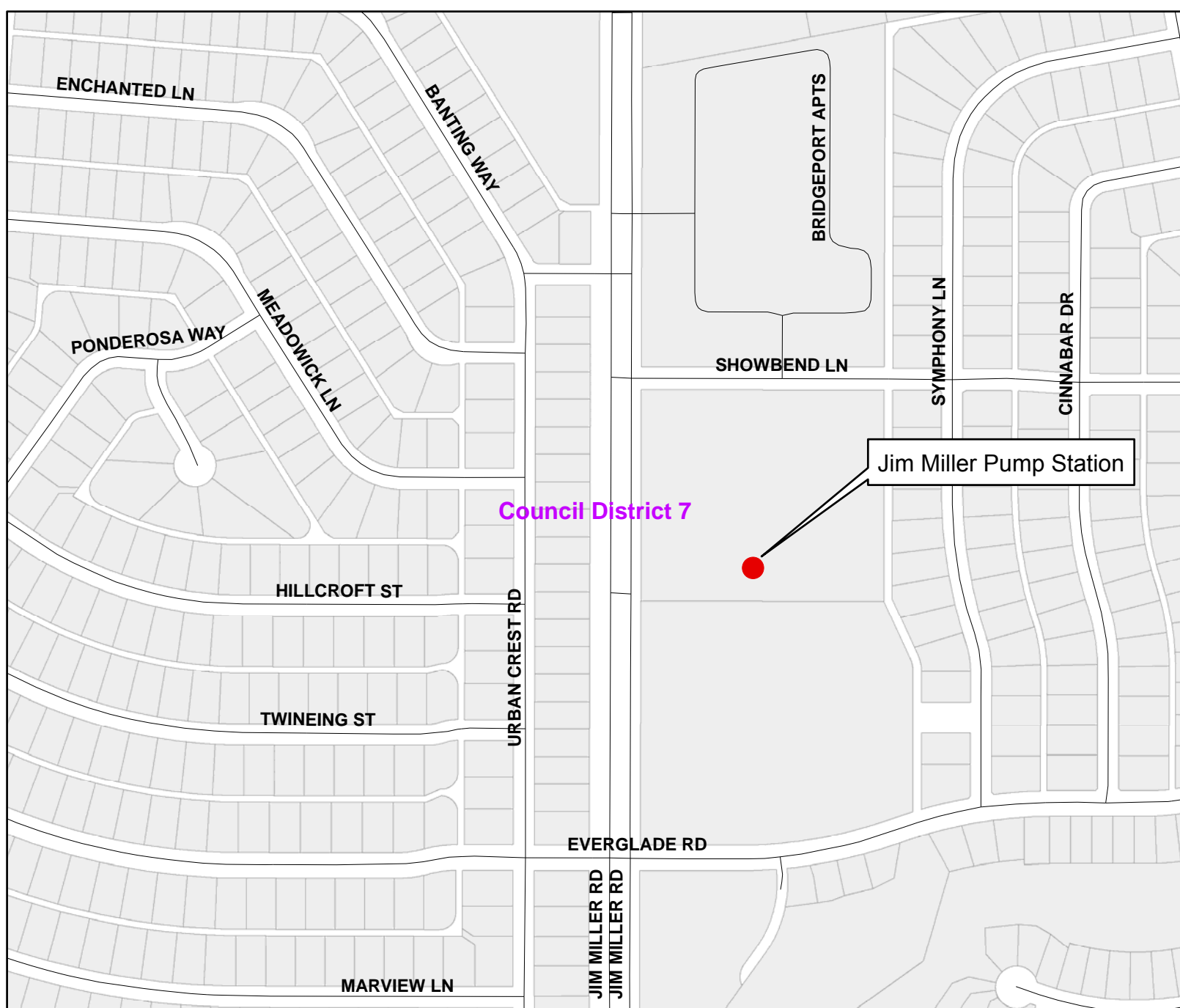
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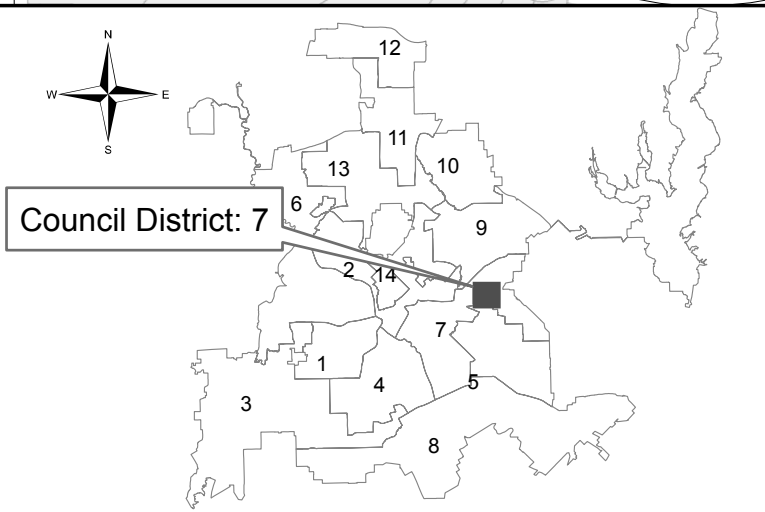
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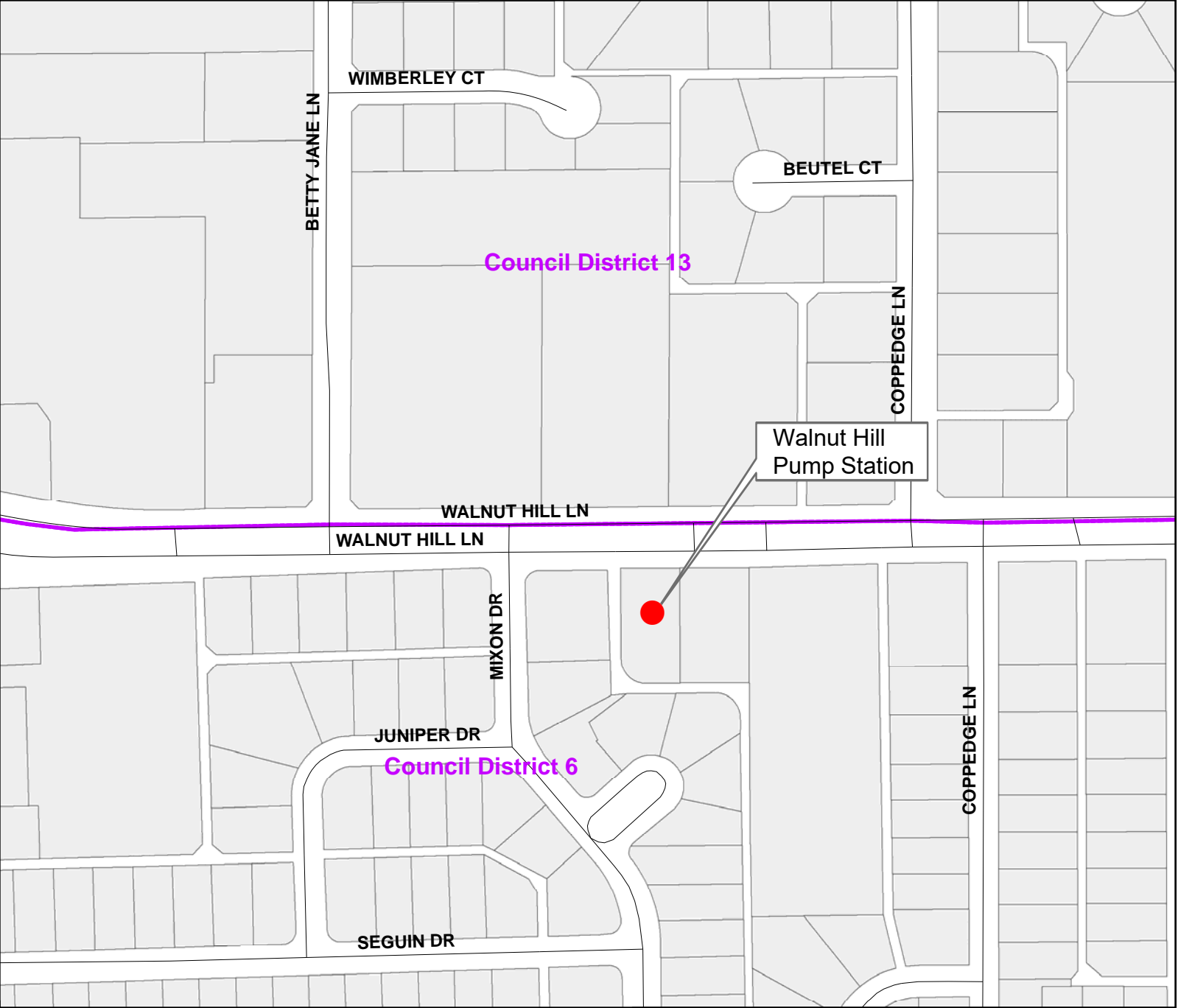
Dallas Water Utilities
Contract No. 19-007E Supplemental Agreement No. 2
Bachman Water Treatment Plant
Construction Management Services



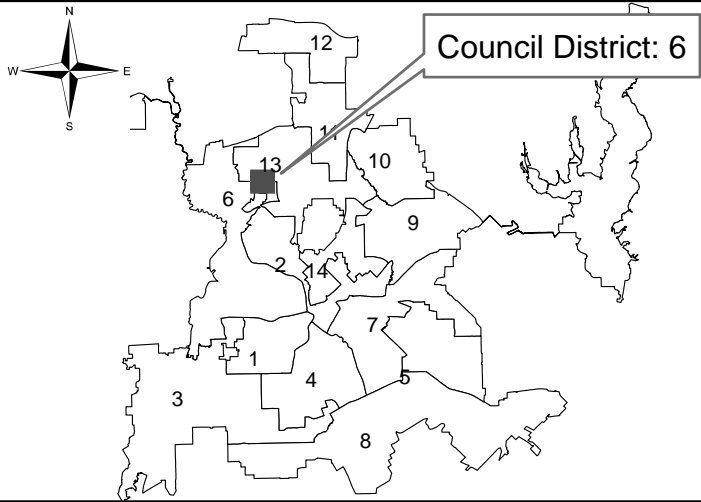
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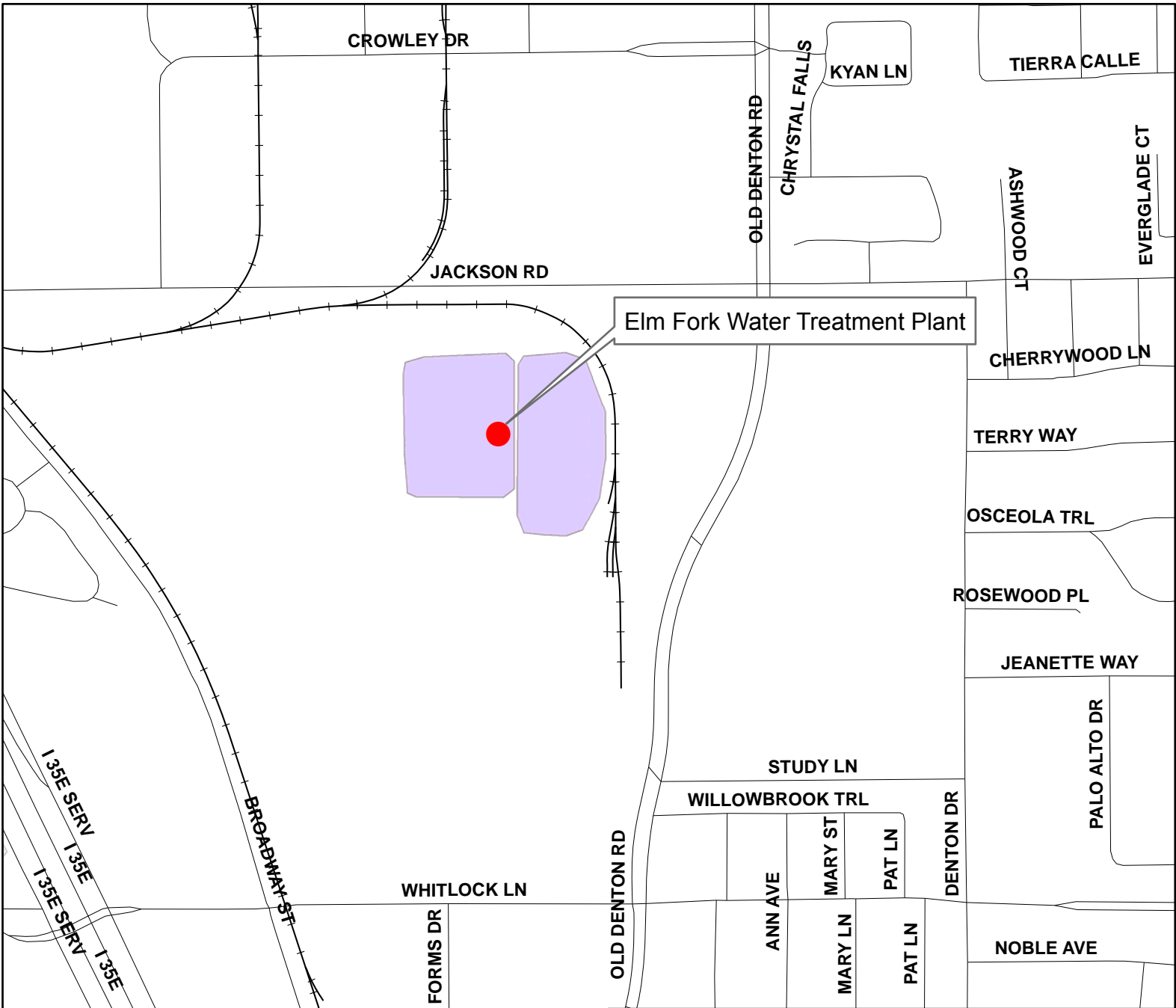


**Dallas Water Utilities
Contract No. 19-007E Supplemental Agreement No. 2
Jim Miller Pump Station
Construction Management Services**



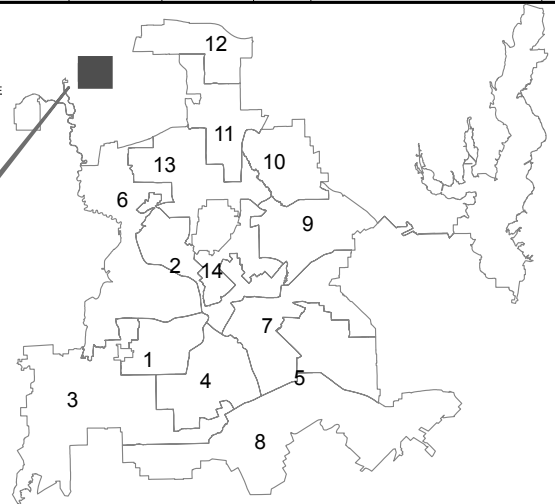
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Council District: Outside City Limits

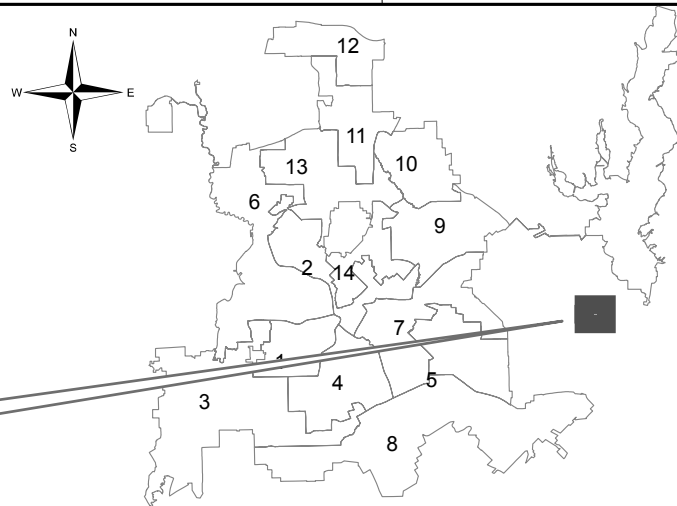


**Dallas Water Utilities
Contract No. 19-007E Supplemental Agreement No. 2
Elm Fork Water Treatment Plant
Construction Management Services**



Mapsco: 50A N S T

Council District: Outside City Limits



Dallas Water Utilities
Contract No. 19-007E Supplemental Agreement No. 2
East Side Water Treatment Plant
Construction Management Services

May 11, 2022

WHEREAS, on June 12, 2019, City Council authorized a professional services contract with Freese and Nichols, Inc., to provide construction management services for construction contracts related to improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and the Walnut Hill Pump Station, in an amount not to exceed \$7,042,700, by Resolution No. 19-0908; and

WHEREAS, on March 24, 2021, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities by Resolution No. 21-0526; and

WHEREAS, ongoing and new construction activities at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, and several pumping facilities require that the existing contract be supplemented to extend services and ensure these projects are managed and constructed with the utmost regard to cost, schedule, and quality control; and

WHEREAS, Freese and Nichols, Inc., 2711 North Haskell Avenue, Suite 3300, Dallas, Texas 75204, has submitted an acceptable proposal to provide these construction management services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 19-007E be increased by \$4,493,094, from \$11,404,513.00 to \$15,897,607.00.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 2 to the professional services contract be accepted and that Contract No. 19-007E with Freese and Nichols, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to provide additional construction management services for improvements at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, the Bachman Water Treatment Plant, and several pumping facilities, in an amount not to exceed \$4,493,094.00, increasing the contract amount from \$11,404,513.00 to \$15,897,607.00.

May 11, 2022

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,493,094.00 to Freese and Nichols, Inc. from the Water Capital Improvement G Fund, Fund 5115, Department DWU, Unit PW31, Object 4116, Program 719007, Encumbrance/Contract No. DWU-2019-00009329, Vendor 347200.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1029

Item #: 37.

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

SUBJECT

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-898

Item #: 38.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance amending Ordinance No. 32000, previously approved on September 22, 2021, authorizing certain transfers and appropriation adjustments for FY 2021-22 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Not to exceed \$4,345,607,637 - Financing: General Fund (\$1,560,076,196), Enterprise, Internal Service, and Other Funds (\$1,476,881,876), Capital Funds (\$911,461,085), and Grants, Trusts and Other Funds (\$397,188,480)

BACKGROUND

On September 22, 2021, City Council adopted the Operating, Grants/Trust, and Capital Budgets for FY 2021-22, by Ordinance No. 32000.

City Charter does not allow for expenditure of City funds without sufficient appropriation (City Charter, Chapter XI, Section 6). Management has closely monitored revenues and expenses throughout the fiscal year to ensure compliance with City Charter. The amendments requested reflect: (1) appropriation adjustments previously approved by City Council; (2) adjustments to ensure adequate departmental appropriations in the General Fund; (3) Enterprise, Other, Grant, and Trust funds revenue and expenditure increases; and (4) capital appropriation adjustments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 22, 2021, City Council adopted the FY 2021-22 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 21-1590; Ordinance No. 32000.

The Government Performance and Financial Management Committee was briefed regarding this matter on April 25, 2022.

FISCAL INFORMATION

General Fund - \$1,560,076,196

Enterprise Funds, Internal Service, and Other Funds - \$1,476,881,876

Capital Funds - \$911,461,085

Grants, Trust, and Other Funds - \$397,188,480

ORDINANCE NO. _____

**AMENDING THE OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS
ORDINANCE**

An ordinance amending Ordinance No. 32000 (2021-22 FY Operating and Capital Budgets' Appropriation Ordinance), to make adjustments for the fiscal year 2021-22 for the maintenance and operation of various departments and activities, amending capital budgets; authorizing the city manager to make certain adjustments; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2021-22; providing a saving clause; and providing an effective date.

WHEREAS, on September 22, 2021, the city council passed Ordinance No. 32000, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2021-22; and

WHEREAS, shortages and excesses in various departments and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, Therefore,

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

SECTION 1. That the city manager is hereby authorized to increase the general fund operating revenue appropriation budget by \$25,057,296 from \$1,535,018,900 to \$1,560,076,196 due to additional sales tax revenue and use of contingency reserve.

SECTION 2. That Section 1 of Ordinance No. 32000 (2021-22 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 22, 2021, is amended by making adjustments to fund appropriations for fiscal year 2021-22 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

<u>DEPARTMENTS AND ACTIVITIES</u>	<u>PROPOSED 2021-22</u>
Building Services	<u>24,338,775</u> [24,356,319]
City Attorney's Office	<u>*18,565,088</u> [17,814,203]
City Auditor's Office	<u>3,064,115</u> [3,048,254]
City Controller's Office	<u>7,804,952</u> [7,764,698]
City Manager's Office	<u>2,987,300</u> [2,933,212]
City Secretary's Office	<u>3,068,256</u> [3,050,306]
Civil Service	<u>3,037,119</u> [3,021,703]
Code Compliance	<u>35,314,022</u> [35,032,924]
Court and Detention Services	<u>24,005,239</u> [24,077,721]
Dallas Animal Services	<u>16,173,829</u> [16,068,520]
Dallas Fire-Rescue	<u>336,663,887</u> [335,699,096]
Dallas Police Department	<u>566,879,714</u> [565,934,568]
Elections	<u>283,013</u> [104,713]
Housing and Neighborhood Revitalization	<u>3,815,087</u> [3,825,426]
Human Resources	<u>7,387,253</u> [7,199,251]
Independent Audit	745,429
Judiciary	<u>3,850,484</u> [3,675,924]
Lew Sterrett Jail Contract	9,450,527
Liability/Claims Fund Transfer	<u>9,483,807</u> [4,483,807]

Library	<u>33,155,563</u> [32,917,306]
Mayor and City Council	<u>5,432,068</u> [5,351,007]
Non-Departmental	<u>122,818,281</u> [115,542,145]
Office of Arts and Culture	<u>21,377,336</u> [21,337,590]
Office of Budget and Management Services	<u>4,541,156</u> [4,512,904]
Office of Data Analytics and Business Intelligence	<u>4,058,538</u> [3,988,372]
Office of Economic Development	<u>3,541,806</u> [3,252,177]
Office of Management Services	<u>46,937,936</u> [46,283,791]
Park and Recreation	<u>101,068,491</u> [99,627,169]
Planning and Urban Design	<u>6,752,112</u> [4,209,553]
Procurement Services	<u>3,103,102</u> [3,082,909]
Public Works	<u>81,871,019</u> [76,357,799]
Salary and Benefit Stabilization	<u>3,202,244</u> [5,020,000]
Transportation	<u>45,298,648</u> [45,249,577]

**An increase of \$197,558 was previously approved by Resolution No. 21-2023 on December 8, 2021.*

GENERAL FUND TOTAL	<u>1,560,076,196</u> [1,535,018,900]
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<u>GRANT, TRUST AND OTHER FUNDS</u>	<u>PROPOSED</u> <u>2021-22</u>
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Building Services

American Rescue Plan Act (ARPA)(FC18)	<u>21,000,000</u> [21,550,000]
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City Attorney's Office

FY 2021-22 Community Development Block Grant (CD21)	763,739
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Convention and Event Services

Convention Hotel Tax Rebate (0756)	29,892,205
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Court and Detention Services

American Rescue Plan Act (ARPA)(FC18)	<u>6,620,750</u> [6,425,750]
<u>Municipal Jury Fund (0026)</u>	<u>10,731</u>

Dallas Animal Services

Ivor O'Conner Morgan Trust (0320)	233,892
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Dallas Fire-Rescue

American Rescue Plan Act (ARPA)(FC18)	25,000,000
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Dallas Police Department

Confiscated Monies- State (0411)	<u>1,243,613</u> [97,656]
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Juvenile Case Manager Fund (0396)	<u>545,173</u> [358,520]
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Law Enforcement Officer Standards and Education (LEOSE) (01SN)	180,970
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American Rescue Plan Act (ARPA)(FC18)	<u>20,620,255</u> [18,163,647]
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Task Forces Fund (0T69)	<u>557,032</u>
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Police Gifts and Donation (0321)	<u>18,128</u>
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Confiscated Monies- Federal- Dept. of Treasury (0436)	<u>212,800</u>
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Dallas Water Utilities

American Rescue Plan Act (ARPA)(FC18)	37,426,891
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Development Services

Reforestation Fund (0T06)	300,000
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Express Business Center

American Rescue Plan Act (ARPA)(FC18)	5,000,000
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Housing and Neighborhood Revitalization

FY 2021-22 Community Development Block Grant (CD21)	11,375,184
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FY 2021-22 HOME Investment Partnership (HM21)	6,397,968
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American Rescue Plan Act (ARPA)(FC18)	21,250,000
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Information and Technology Services

American Rescue Plan Act (ARPA)(FC18)	15,000,000
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Information Technology Equipment (0897)	<u>2,997,005</u>
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Library

Central Library Gifts and Donations (0214)	230,000
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Edmond & Louise Kahn E. Trust (0208)	227,578
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Hamon Trust (0458)	10,875
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American Rescue Plan Act (ARPA)(FC18)	250,000
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Office of Arts and Culture

Majestic Gift and Donations Fund (0338)	200,000
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OCA Gift and Donations Fund (0388)	146,507
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American Rescue Plan Act (ARPA)(FC18)	<u>1,000,000</u> [450,000]
<u>OCA Hotel Occupancy Tax (0435)</u>	<u>1,345,727</u>

Office of Budget and Management Services

FY 2021-22 Community Development Block Grant (CD21)	1,157,785
FY 2021-22 Emergency Solutions Grant (ES21)	23,000
FY 2021-22 Housing Opportunities for Persons w/AIDS (HW21)	103,714
American Rescue Plan Act (ARPA)(FC18)	<u>6,426,856</u> [7,000,000]

Office of Management Services

FY 2021-22 Community Development Block Grant (CD21)	1,438,596
FY 2021-22 Emergency Solutions Grant (ES21)	1,267,230
FY 2021-22 Housing Opportunities for Persons w/AIDS (HW21)	7,839,794
American Rescue Plan Act (ARPA)(FC18)	<u>98,828,144</u> [98,180,000]
<u>Child Care Programs (P114)</u>	<u>10,836</u>
<u>88-89 WDMC-Emergency Scl Srvcs (0T04)</u>	<u>70,812</u>
<u>OCC Energy Assistance (0T76)</u>	<u>41,030</u>

Office of Economic Development

Deep Ellum Public Improvement District (9P01)	1,031,370
Dallas Downtown Improvement District (9P02)	6,145,988
Klyde Warren Park/Dallas Arts District Public Improvement District (9P03)	1,288,918
Knox Street Public Improvement District (9P04)	415,978
Lake Highlands Public Improvement District (9P05)	925,565
North Lake Highlands Public Improvement District (9P06)	<u>553,207</u> [533,207]
Oak Lawn-Hi Line Public Improvement District (9P07)	415,497
Prestonwood Public Improvement District (9P08)	402,084
South Dallas/Fair Park Improvement District (9P09)	160,403
South Side Public Improvement District (9P10)	222,832
Tourism Public Improvement District (9P11)	19,410,129
University Crossing Public Improvement District (9P12)	864,135
Uptown Public Improvement District (9P13)	2,704,547
Vickery Meadow Public Improvement District (9P15)	966,154
New Markets Tax Credit (0065)	67,390
Sales Tax Agreement Fund (0680)	600,000
South Dallas/Fair Park Opportunity Fund (0351)	229,228

American Rescue Plan Act (ARPA)(FC18)	2,000,000
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Park and Recreation

FY 2021-22 Community Development Block Grant (CD21)	851,424
Golf Improvement Trust (0332)	1,921,122
Park Land Dedication Program (9P32)	387,230
PKR Program Fund (0395)	139,933
White Rock Lake Beautification Fund (9P30)	333,985
American Rescue Plan Act (ARPA)(FC18)	<u>4,105,000</u> [4,900,000]
Carryout Bag Regulation Fund (0989)	520,000

Public Works

Naval Air Station Redevelopment Fund (0022)	818,189
American Rescue Plan Act (ARPA)(FC18)	6,800,000

Transportation

Bike Lane Fund (0791)	<u>1,700,955</u> [805,000]
Freeway Traffic Signals (0670)	267,397
American Rescue Plan Act (ARPA)(FC18)	<u>13,675,000</u> [13,075,000]

GRANT, TRUST, AND OTHER FUNDS TOTAL	<u>397,188,480</u> [387,144,206]
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ENTERPRISE FUNDS

PROPOSED
2021-22

Aviation	
Aviation Operations	141,986,787
Transportation Regulation	403,065
Convention and Event Services	100,819,948
Dallas Water Utilities	
Stormwater Drainage Management	<u>71,814,586</u> [69,314,586]
Water Utilities	<u>755,468,335</u> [722,432,650]
Development Services	38,383,670
Municipal Radio	1,815,740
Sanitation Services	<u>141,699,380</u> [139,536,992]

ENTERPRISE FUNDS TOTAL	<u>1,252,391,511</u> [1,214,693,438]
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<u>INTERNAL SERVICE/OTHER FUNDS</u>	<u>PROPOSED</u> <u>2021-22</u>
Employee Benefits	1,936,868
Equipment and Fleet Management	<u>64,284,687</u> [56,541,723]
Express Business Center	2,323,978
Information and Technology Services	
911 System Operations	<u>14,808,520</u> [14,341,472]
Information Technology	99,176,891
Radio Services	<u>13,629,450</u> [13,248,650]
Office of Bond and Construction Management	
Office of Management Services	5,209,374
Park and Recreation	5,231,840
Public Works	12,500,722
Transportation	123,582
Office of Risk Management	5,264,453
INTERNAL SERVICE/OTHER FUNDS TOTAL	<u>224,490,365</u> [215,899,553]
ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	
GRAND TOTAL	<u>1,476,881,876</u> [1,430,592,991]

SECTION 3. That Section 4 of Ordinance No. 32000, is amended by making adjustments to fund appropriations for fiscal year 2021-22 for maintenance and operation of various departments and activities, to read as follows:

“SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed \$23,484,163, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on

Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed \$9,483,807 [~~\$4,483,807~~], from the General Fund 0001, Department BMS, Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.

(4) Transfer funds, not to exceed \$5,000,000 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9229, from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.

(5) Transfer funds, not to exceed \$27,241,962 from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed \$8,500,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and \$18,741,962 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed \$2,915,509, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.

(7) Transfer funds, not to exceed \$611,312 [~~\$600,000~~], from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Tax Agreement Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the terms of the sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.

(8) Transfer funds, not to exceed \$627,812, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(9) Transfer funds, not to exceed \$200,000, from New Markets Tax Credit Fund 0065, Department ECO, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(10) Transfer funds, not to exceed \$100,000, from the Clean Energy Program Fund 0750, Department ECO, Unit W183, Object 3899 to the General Fund 0001, Department ECO, Unit (Various), Object 5011 to reimburse the General Fund for costs incurred in administering the Dallas PACE Program.

(11) As part of the restructuring of the Office of Economic Development, authorize any and all actions necessary to effect the following changes on funding and/or City Council resolutions authorized by City Council or via Administrative Action through 09/30/2021: a) Reallocate the remaining balance of the Cares Act Relief Funds – Community Development Block Grant (CDBG) Workforce Development, as referenced in CR 20-1845, in Fund: CCV3, Unit: 991F, from Dept: ECO to Dept: MGT (Small Business Center); b) Reallocate the remaining balance of the 2017 Bond Program – Proposition (I), as referenced in CR 19-0803, in Fund: 1V52, Unit: VI09, from Dept: ECO to Dept: MGT (Small Business Center); c) Reassign the remaining balance of the contract and City Council approved funding related to workforce readiness placement and retention program, as referenced in CR 19-0433, and subsequent amendment authorized by City Council CR#: 21-1374 to contract/encumbrance ECO-2019-00009251 in the Public Private Partnership Fund, Fund: 0352, Unit: W178, from Dept: ECO to Fund: 0438, Unit: W805, Dept: MGT (Small Business Center); d) Reassign the remaining balance of the contract and City Council approved funding related to CR 14-0965 (Adaptive-Reuse) in the Public Private Partnership Fund, Fund: 0352, Unit: P886, and also the remaining balance of the contract related to CR 15-1236 (Adaptive-Reuse) in the Public Private Partnership Fund, Fund: 0352, Unit: W142, from Dept: ECO to Fund: 0438, Units W807 and W806.

Dept: MGT (Small Business Center); e) also authorize any other Reassignment(s) and/or Reallocation(s) and/or transfers of Office of Economic Development funding and/or contracts and/or encumbrances that had been authorized by City Council or via Administrative Action through 09/30/2021 that may be part of any program moving into the new Office of Management Services-Small Business Center.

(12) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

(13) Transfer funds, not to exceed \$1,000,000 from the General Fund 0001, Department BSD, Unit 3040, Object 3690, to the Capital Construction Fund 0671, Department BSD, Unit W680, Revenue Source 9236, for the purpose of maintenance and repair of city facilities.

(14) Transfer funds, not to exceed \$2,000,000 from the General Fund 0001, Department TRN, Unit 1579, Object 3637, to the Bike Lane Fund 0791, Department TRN, Unit W660, Revenue Source 9236, for the purpose of citywide bike lanes.

(15) Transfer residual cash balances from one grant fund to another within the same fund category, provided that the total appropriation for each fund is not exceeded by this action.

(16) Decrease appropriation of any fund described in Section 1 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.”

SECTION 4. That Section 9 of Ordinance No. 32000 is amended by adding capital funds to fund appropriations for fiscal year 2021-22 to read as follows:

“SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for projects listed in the FY 2021-22 capital budget:

CAPITAL FUNDS**PROPOSED**
2021-22

<u>From the 01 Southport Business Park</u> <u>Fund (1998 GO Bonds) (0P52)</u>	<u>606</u>
From the 2021 AVI Commercial Paper Fund (0795)	27,500,000
From the 2022 Certificate of Obligation Fund (0793)	55,000,000
From the 2022 Master Lease-Equipment Fund (ML22)	20,000,000
From the Aviation Capital Construction Fund (0131)	500,000
From the Aviation Passenger Facility Charge Near Term Projects Fund (A477)	37,780,302
From the Capital Construction Fund for City and Cultural Facilities (0671)	9,667,669
<u>From the Capital Projects Reimbursement</u> <u>Fund (0556)</u>	<u>*1,750,000</u>
From the Cedars Tax Increment Financing District Fund (0033)	2,547,948
From the City Center Tax Increment Financing District Fund (0035)	8,025,620
<u>From the City Facilities and Improvement</u> <u>Fund (1998 GO Bonds) (1P60)</u>	<u>9,551</u>
<u>From the City Facilities Improvement</u> <u>Fund (1998 GO Bonds) (0P60)</u>	<u>7,782</u>
<u>From the City Facilities Repair Improvement</u> <u>Fund (1998 GO Bonds) (9P60)</u>	<u>1</u>

From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (1T60)	122,926
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (2T60)	315,476
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (4T60)	295,660
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (7T60)	103,048
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (9T60)	19,132
From the Convention Center Capital Construction Fund (0082)	17,000,000
From the Court Facilities Fund (2006 GO Bonds) (8T30)	65,753
From the Court Facilities Fund (2006 GO Bonds) (BT30)	132,250
From the Cultural Affairs Fund (2017 GO Bonds) (1V49)	131,484
<u>From the Cultural Arts 04-05</u> <u>Fund (2003 GO Bonds) (4R49)</u>	<u>128,401</u>
From the Cultural Arts Facilities Fund (2006 GO Bonds) (4T49)	67,086
From the Cultural Arts Facilities Fund (2006 GO Bonds) (6T49)	123,214
From the Cultural Arts Facilities Fund (2006 GO Bonds) (BT49)	74,377
<u>From the Cultural Arts</u> <u>Fund (2003 GO Bonds) (3R49)</u>	<u>1</u>

From the Cypress Waters Tax Increment Financing District Fund (0066)	6,530,678
From the Davis Garden Tax Increment Financing District Fund (0060)	2,043,639
From the Deep Ellum Tax Increment Financing District Fund (0056)	6,289,665
From the Design District Tax Increment Financing District Fund (0050)	6,196,903
From the Downtown Connection Tax Increment Financing District Fund (0044)	28,333,574
<u>From the Economic and Business Development Fund (2003 GO Bonds) (5R52)</u>	<u>44,988</u>
<u>From the Economic and Business Development Fund (2003 GO Bonds) (6R52)</u>	<u>1,649</u>
<u>From the Economic Development 4-05 Fund (2003 GO Bonds) (4R52)</u>	<u>537</u>
<u>From the Economic Development Fund (1998 GO Bonds) (8P52)</u>	<u>42,172</u>
<u>From the Economic Development Fund (1998 GO Bonds) (9P52)</u>	<u>372</u>
From the Economic Development Fund (2017 GO Bonds) (1V52)	9,657,745
From the Equipment Notes, Series 2021 Fund (0772)	<u>30,500,000</u> [28,000,000]
From the Facilities Fund (2017 GO Bonds) (1V60)	2,703,750

<u>From the Fair Park Facilities Improvement Fund (1985 GO Bonds) (0D02)</u>	<u>6,406</u>
From the Fair Park Improvement Fund (2017 GO Bonds) (1V02)	7,034,549
From the Farmers Market Tax Increment Financing District Fund (0036)	3,674,363
From the Flood Control Fund (2017 GO Bonds) (1V23)	<u>12,058,956</u> [13,061,956]
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	5,291,624
From the General Capital Reserve Fund (0625)	3,000,000
From the Grand Park South Tax Increment Financing District Fund (0054)	313,426
From the Homeless Assistance Fund (2017 GO Bonds) (1V43)	<u>3,992,185</u> [2,989,185]
<u>From the Land Acquisition 04-05 Fund (2003 GO Bonds) (4R10)</u>	<u>3,742</u>
<u>From the Land Acquisition Fund (2003 GO Bonds) (3R10)</u>	<u>8,871</u>
From the Library Facilities Fund (2006 GO Bonds) (2T42)	72,849
From the Library Facilities Fund (2006 GO Bonds) (6T42)	79,680
From the Library Facilities Fund (2006 GO Bonds) (7T42)	151,965
From the Library Facilities Fund (2006 GO Bonds) (8T42)	153,783

From the Library Facilities Fund (2006 GO Bonds) (BT42)	166,519
<u>From the Library Services Facilities Improvement Fund (1998 GO Bonds) (0P42)</u>	<u>1,748</u>
<u>From the Library Services Improvement Fund (1998 GO Bonds) (1P42)</u>	<u>18,296</u>
From the Mall Area Redevelopment Tax Increment Financing District Fund (0049)	810,657
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	4,696,372
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	5,780,543
From the Park and Recreation Facilities Fund (2006 GO Bonds) (1T00)	1,264
From the Park and Recreation Facilities Fund (2006 GO Bonds) (2T00)	8,068
From the Park and Recreation Facilities Fund (2006 GO Bonds) (3T00)	2,132
From the Park and Recreation Facilities Fund (2006 GO Bonds) (4T00)	11,572
From the Park and Recreation Facilities Fund (2006 GO Bonds) (6T00)	15
From the Park and Recreation Facilities Fund (2006 GO Bonds) (7T00)	1,007
From the Park and Recreation Facilities Fund (2006 GO Bonds) (8T00)	61,240

From the Park and Recreation Facilities Fund (2006 GO Bonds) (9T00)	128,963
From the Park and Recreation Facilities Fund (2006 GO Bonds) (BT00)	106,139
From the Park and Recreation Facilities Fund (2017 GO Bonds) (1V00)	27,366,933
From the Public Safety Facilities Fund (2006 GO Bonds) (1T33)	6,428
From the Public Safety Facilities Fund (2006 GO Bonds) (2T33)	136,940
From the Public Safety Facilities Fund (2006 GO Bonds) (3T33)	35,759
From the Public Safety Facilities Fund (2006 GO Bonds) (6T33)	139,765
From the Public Safety Facilities Fund (2006 GO Bonds) (7T33)	278,510
From the Public Safety Facilities Fund (2006 GO Bonds) (8T33)	351,314
From the Public Safety Facilities Fund (2017 GO Bonds) (1V33)	2,160,198
From the Public/Private Partnership Fund (0352)	8,500,000
From the Sanitation Capital Improvement Fund (0593)	4,000,000
<u>From the SBC-Multiyear Fund</u> <u>Fund (0438)</u>	<u>250,000</u>
From the Skillman Corridor Tax Increment Financing District Fund (0052)	7,454,567

From the Southwestern Medical Tax Increment Financing District Fund (0046)	1,080,004
From the Sports Arena Tax Increment Financing District Fund (0038)	14,327,817
From the Storm Drainage Management Capital Construction Fund (0063)	<u>**22,181,133</u> [13,027,437]
From the Street and Alley Improvement Fund (0715)	23,036,102
From the Street and Transportation Fund (2017 GO Bonds) (1V22)	112,894,200
<u>From the Street System Improvements Fund (1985 GO Bonds) Fund (0522)</u>	<u>4,562</u>
From the Transit Oriented Development Tax Increment Financing District Fund (0062)	3,531,739
<u>From the Transportation Special Projects Fund (0761)</u>	<u>***1,057,000</u>
From the University Tax Increment Financing District Fund (0051)	1,661,262
From the Vickery Meadow Tax Increment Financing District Fund (0048)	3,070,274
From the Wastewater (Clean Water) - TWDB 2021 Fund (1192)	22,000,000
From the Wastewater Construction Fund (0103)	21,300,000
From the Wastewater Capital Improvement Series F Fund (4116)	83,000,000

From the Wastewater Capital Improvement Series G Fund (5116)	38,750,000
From the Water (Drinking Water) - TWDB 2021 Fund (1193)	44,000,000
From the Water and Wastewater Public Art Fund (0121)	50,000
From the Water Construction Fund (0102)	<u>64,485,685</u> [31,450,000]
From the Water Capital Improvement Series F Fund (4115)	38,000,000
From the Water Capital Improvement Series G Fund (5115)	45,000,000

*An increase of \$1,750,000 was previously approved by Resolution No.22-0129 on January 12, 2022.

**An increase of \$3,370,896 was previously approved by Resolution No. 21-1769 on October 27, 2021.

***An increase of \$3,282,800 was previously approved by Resolution No. 22-0409 on February 23, 2022.

***An increase of \$50,000 was previously approved by Resolution No. 22-0237 on January 26, 2022.

***An increase of \$315,000 was previously approved by Resolution No. 22-0450 on March 9, 2022.

***An increase of \$120,000 was previously approved by Resolution No. 22-0452 on March 9, 2022.

***An increase of \$572,000 was previously approved by Resolution No. 22-0456 on March 9, 2022.

CAPITAL FUNDS TOTAL **911,461,085 [863,435,019]**

(b) That in order to reimburse and finance certain 2017 General Obligation (GO) bond funds capital project expenditures authorized in section (a) (Street & Transportation Improvements 1V22, Park and Recreation Facilities 1V00, Fair Park 1V02, Flood Control 1V23, Library 1V42, Cultural Facilities 1V49, Public Safety 1V33, City Facilities 1V60, Economic Development 1V52, and Homeless Assistance 1V43), the City intends to issue one or more commercial paper notes as part of the General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse disbursements incurred.

(c) That in order to reimburse and finance the lease/purchase acquisition of equipment authorized in section (a) (2022 Master Lease-Equipment ML22), the City intends to execute, acknowledge and deliver a Schedule A (as defined in the Master Equipment Lease/Purchase Agreement) pertaining to such equipment including all attachments, financing statements and schedules thereto.

(d) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2021-22 Debt Service Budget:

<u>DEBT SERVICE FUNDS</u>	<u>PROPOSED</u> <u>2021-22</u>
From the General Obligation Debt Service Fund (0981)	348,776,403
DEBT SERVICE FUNDS TOTAL	348,776,403

(e) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(f) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager.”

SECTION 5. That Section 12 of Ordinance No. 32000 is amended by adding capital funds to fund appropriations for fiscal year 2021-22 to read as follows:

“SECTION 12. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer funds, not to exceed \$2,520,000, to the General Fund 0001, in the amounts of \$125,000 from the Cedars Tax Increment Financing District Fund 0033; \$200,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; \$200,000 from the City Center Tax Increment Financing District Fund 0035; \$145,000 from the Farmers Market Tax Increment

Financing District Fund 0036; \$185,000 from the Sports Arena Tax Increment Financing District Fund 0038; \$225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; \$100,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; \$125,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; \$100,000 from the Mall Area Tax Increment Financing District Fund 0049; \$115,000 from the Design District Tax Increment Financing District Fund 0050; \$100,000 from the University Tax Increment Financing District Fund 0051; \$110,000 from the Skillman Corridor Tax Increment Financing District Fund 0052; \$125,000 from the Grand Park South Tax Increment Financing District Fund 0054; \$125,000 from the Deep Ellum Tax Increment Financing District Fund 0056; \$110,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058; \$135,000 from the Davis Garden Tax Increment Financing District Fund 0060; \$125,000 from the Transit-Oriented Development Tax Increment Financing District Fund 0062; \$100,000 from the Maple/Mockingbird Tax Increment Financing District Fund 0064; and \$70,000 from the Cypress Waters Tax Increment Financing District Fund 0066, for reimbursement of tax increment financing administration costs.

(2) Transfer funds, not to exceed \$85,835,685 [~~\$52,800,000~~], from the Water Utilities Operating Fund 0100, in the amounts of \$64,485,685 [~~\$31,450,000~~] to the Water Construction Fund 0102; \$21,300,000 to the Wastewater Construction Fund 0103; and \$50,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2021-22 Capital Budget.

(3) Transfer funds, not to exceed \$28,991,133 [~~\$13,027,437~~], from the Storm Drainage Management Operating Fund 0061 to the Storm Drainage Management Capital Construction Fund 0063, for projects listed in the FY 2021-22 Capital Budget.

(4) Transfer funds, not to exceed \$4,990,131 [~~\$3,433,149~~], from the Sanitation Enterprise Fund 0440 to the General Obligation Debt Service Fund 0981, for payment of the 2003 General

Obligation Bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill and payment of 2020 Equipment Notes, 2021 Equipment Notes, and 2022 Equipment Notes.

(5) Transfer funds, not to exceed \$3,000,000, from the General Capital Reserve Fund 0625 to the Capital Construction Fund 0671 for the purpose of maintenance and repair of city facilities.

(6) Transfer funds, not to exceed \$667,669, from the Convention Center Operating Fund 0080 to the Capital Construction Fund 0671 for the purpose of major maintenance and repair of cultural facilities.

(7) Transfer funds, not to exceed \$8,327,637, from the Water Utilities Operating Fund 0100 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.

(8) Transfer funds, not to exceed \$3,435,882, from the Sanitation Enterprise Fund 0440 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.

(9) Transfer funds, not to exceed \$8,500,000, from the General Fund 0001 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.

(10) Transfer funds, not to exceed \$2,772,583, from the Stormwater Operations Fund 0061 to the Street and Alley Improvement Fund 0715, for the purpose of funding sidewalks and neighborhood infrastructure.

(11) Transfer funds, not to exceed \$10,355,355, from the Convention Center Operating Fund 0080 to the Convention Center Capital Construction Fund 0082, for projects listed in the FY 2021-22 Capital Budget.

(12) Transfer funds, not to exceed \$10,615,955, from the Sanitation Services Fund 0440 to the Sanitation Capital Improvement Fund 0593, for capital improvements and equipment.

(13) Transfer funds, not to exceed \$39,200,283, to the General Obligation Debt Service Fund 0981, from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2021-22, for payment of debt service on the Pension Obligation Bonds Series 600 and 601.

(14) Transfer funds, not to exceed \$250,000, from the Public Private Partnership Fund 0352 to the SBC-Multiyear Fund 0438, to support economic initiatives of the city.

(15) Transfer funds, not to exceed \$79,744, from the Storm Drainage Management Operating Fund 0061 to the General Obligation Debt Service Fund 0981, for payment of 2022 Equipment Notes.

(16) Transfer funds, not to exceed \$5,000,000, from the Sports Arena Lease Fund 0A71 to the Capital Construction Fund 0671, for the purpose of major maintenance and repair of cultural facilities.

(17) Transfer funds, not to exceed \$1,733,200 to the Debt Service Fund 0981, in the amount not to exceed \$93,000 from 06 Arts Theater Fund 6R07; \$4,000 from Cultural Arts Fund 3R49; \$190,000 from Cultural Arts 04-05 Fund 4R49; \$200 from Central Exprwy-Land Acqui-1990 Fund 0HLC; \$25,000 from City Facilities Repairs & Imp Fund 0N60; \$75,000 from City Fac Imp Fund 0P60; \$202,000 from City Facilities And Imp Fund 1P60; \$133,000 from City Services-Facility Fund 3R60; \$31,000 from City Facilities Repair Imp Fund 9P60; \$32,000 from 01 Southport Business Park Fund 0P52; \$29,000 from Economic Development 4-05 Fund 4R52; \$170,000 from Economic and Business Development Fund 5R52; \$88,000 from Economic and Business Development Fund 6R52; \$319,000 from Economic Development Fund 8P52; \$20,000

from Economic Development Fund 9P52; \$6,000 from Fair Park Facilities Impro Fund 0D02; \$5,000 from Homeless Facilities 04-05 Fund 4R43; \$69,000 from Homeless Assistance Facilities Fund 6S43; \$9,000 from Land Acquisition Fund 3R10; \$4,000 from Land Acquisition 04-05 Fund 4R10; \$2,000 from Library Services Fac Imp Fund 0P42; \$102,000 from Library Services Imp Fund 1P42; \$7,000 from Police Headqtrs Fac Imp Fund 0P44; \$9,000 from Police Headquarters Fac Fund 8P44; \$19,000 from Street System Improvements Fund 0E22; and \$90,000 from Street System Improvements Fund 0522 to close-out inactive general obligation bond funds.

(18) Upon written notice to the city controller, to transfer expenses, appropriations, or both between funds in the 1985 General Obligation Bond Program series of funds, the 1995 General Obligation Bond Program series of funds, the 1998 General Obligation Bond Program series of funds, the 2003 General Obligation Bond Program series of funds, and the 2005 General Obligation Bond Program series of funds, and to transfer residual cash amounts to the General Obligation Debt Service Fund to facilitate the close out of prior bond programs.”

SECTION 6. That it is the intent of the city council, by passage of this ordinance, to appropriate funds for the city departments and activities. No office or position is created by the appropriations.

SECTION 7. That Ordinance No. 32000 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That this ordinance will take effect immediately from its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-989

Item #: 39.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Dallas Animal Services
EXECUTIVE: Carl Simpson

SUBJECT

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-4.2, 7-4.5 7-4.10, and 7-8.1; **(1)** prohibiting the sale of dogs and cats at pet stores; **(2)** providing a penalty not to exceed \$500; providing a saving clause; **(3)** providing a severability clause; and **(4)** providing an effective date. Financing: No cost consideration (see Fiscal Information)

BACKGROUND

On March 29, 2022, this ordinance was briefed by memorandum to the Quality of Life, Arts, and Culture Committee on a proposed Dallas Humane Pet Store Ordinance that would prohibit the sale of dogs and cats at pet stores.

In accordance with the proposed ordinance, pet stores would be penalized in an amount not to exceed \$500.00, if they continue the sale of dogs and cats. Additionally, this ordinance provides a saving clause, as well as a severability clause and provides a date on which this ordinance will take effect.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

[The Quality of Life, Arts, and Culture Committee was briefed by memorandum regarding this matter on March 29, 2022.](#)

FISCAL INFORMATION

This item has no cost consideration to the City. Ordinance enforcement of penalty up to \$500 may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-1.1, 7-4.2, 7-4.5 7-4.10, and 7-8.1; prohibiting the sale of dogs and cats at pet stores; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

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

SECTION 1. That Section 7-1.1, “Definitions,” of Article I, “General,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Paragraph (29.1) to read as follows:

“(29.1) PET STORE means a for-profit business that sells dogs or cats. This term does not include an individual who only sells, gives, or otherwise transfers dogs or cats bred by that individual.”

SECTION 2. That Subsection (b) of Section 7-4.2, “Microchipping of Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) that:

- (1) the dog or cat was under four months of age;
- (2) the dog or cat was being held [~~for sale by a retail pet store or~~] for adoption by animal services or an animal welfare organization;
- (3) the owner of the dog or cat has resided in the city for fewer than 30 days;
- (4) the dog or cat qualifies for a medical exception from a licensed veterinarian;
- (5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or

(6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.”

SECTION 3. That Section 7-4.5, “Sale of Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-4.5. SALE OF DOGS AND CATS.

(a) A person commits an offense if the person sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:

(1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and

(2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is a defense to prosecution under Subsection (a) if the person is:

(1) animal services;

(2) an animal welfare organization; or

(3) an animal adoption agency.

(c) A pet store commits an offense if the pet store sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat, regardless of age.

(d) A pet store may provide space for the display of dogs or cats available for adoption by an animal shelter, animal welfare organization, or animal adoption agency, if the pet store does not have an ownership interest in any of the displayed dogs or cats and the pet store does not receive any fees or compensation associated with the display of the dogs or cats.”

SECTION 4. That Subsection (b) of Section 7-4.10, “Restrictions on Unsterilized Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) that:

- (1) the animal is under six months of age;
- (2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
- (3) the animal is being held [~~for sale by a retail pet store or held~~] for adoption by animal services or an animal welfare organization;
- (4) the animal is certified annually as a competition cat or competition dog;
- (5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued; or
- (6) the owner holds a valid breeding permit issued under Section 7-4.11 of this chapter for the animal.”

SECTION 5. That Subsection (e) of Section 7-8.1, “Violations; Criminal and Civil Penalties,” of Article VIII, “Violations, Penalties, and Enforcement,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

- (1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5(a), 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);
- (2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and
- (3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part

thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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 on month day, year [six months from the date passage] and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 22-1056

Item #: 40.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Convention and Event Services
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with WSP USA, Inc. to provide advance planning and feasibility for the Kay Bailey Hutchison Convention Center Dallas Master Plan - Not to exceed \$14,924,394.00 - Financing: Convention Center Construction Fund

BACKGROUND

The Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan is in the eleventh month of the master planning process. The master planning contract with WSP USA, Inc. (WSP) was approved by Council Resolution No. 21-0245 on January 27, 2021 based on the outcomes of a Request for Qualifications/Request for Proposals process which was conducted in coordination with multiple stakeholders and 14 city departments. The overall goal of the procurement process was to engage a firm that could develop a plan to create a walkable convention center district that incorporates transportation and private development in a way that ensures Dallas continues to be competitive economically in multiple sectors, including the tourism and hospitality space, and in its ability to keep pace with the downtown growth of other large competing cities.

Convention and Event Services (CES) briefed the Transportation and Infrastructure Committee on December 7, 2021, and January 18, 2022, to provide updates and to present recommendations related to the KBHCCD Master Plan. Based on the Committee's recommendation, CES briefed City Council on February 2, 2022, recommending that the 3C West of Lamar convention center alternative be moved forward for full City Council approval. City Council adopted the recommended 3C West of Lamar alternative on February 9, 2022.

City Council approval incorporated implementation steps to be carried out by CES staff, including: (1) developing the materials necessary for City Council to consider authorization of a supplemental agreement to the contract with WSP to complete the next phases of the project; and (2) developing the materials necessary for City Council to consider adoption of a resolution requesting the State Comptroller make a determination that the 3C West of Lamar alternative will not have a significant negative impact on the state's revenue.

This item requests City Council approval of a professional services contract that allows WSP to complete advance planning (includes programming and initial phases of schematic planning) and feasibility of the 3C West of Lamar option. This advance planning component is still a part of the master planning phase and includes no design component.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Transportation and Infrastructure Committee was briefed on the Kay Bailey Hutchison Convention Center Dallas Master Plan on December 8, 2020.

[City Council was briefed by memorandum regarding the Kay Bailey Hutchison Convention Center Dallas Master Plan on January 22, 2021.](#)

On January 27, 2021, City Council authorized the contract with WSP USA, Inc. by Resolution No. 21-0245.

[City Council was briefed by memorandum regarding progress to-date on the Kay Bailey Hutchison Convention Center Dallas Master Plan on August 13, 2021.](#)

The Economic Development Committee was briefed on the Kay Bailey Hutchison Convention Center Master Plan and the Project Financing Zone on October 4, 2021.

On October 13, 2021 City Council authorized the designation of Project Financing Zone Number One, City of Dallas, Texas by Ordinance No. 32016, by Resolution No. 21-1650.

The Transportation and Infrastructure Committee was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on December 7, 2021.

[The Transportation and Infrastructure Committee was updated by memorandum on questions presented during the December 7, 2021 briefing on December 17, 2021.](#)

[City Council was briefed by memorandum regarding this matter on December 17, 2021.](#)

The Transportation and Infrastructure Committee was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on January 18, 2022.

[City Council was updated by memorandum regarding questions presented during the January 18, 2022 Transportation and Infrastructure briefing on January 28, 2022.](#)

City Council was briefed by memorandum regarding questions presented by a constituent regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan on January 28, 2022. <<https://dallascityhall.com/government/citymanager/Documents/FY%2021-22%20Memos/KBHCCD%20Master%20Plan%20Update%20-%20Additional%20Questions.pdf>>

City Council was briefed regarding the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan Alternative Recommendation and Requirements Pursuant to Texas Local Government Code Chapter 334 on February 2, 2022.

On February 9, 2022 City Council authorized the adoption of the 3C west of Lamar alternative to implement the Kay Bailey Hutchison Convention Center Dallas Master Plan and the city manager to take the necessary steps to implement the 3C alternative by Resolution No. 22-0334.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
Convention Center Construction Fund	\$14,924,394.00	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$14,924,394.00	Professional Services	38.00%	38.21%	\$5,702,545.00
• This contract exceeds the M/WBE goal.				
• WSP USA, Inc. - Local; Workforce - 100.00% Local				

PROCUREMENT INFORMATION

In accordance with Administrative Directive 4-5, Paragraph 9.3.5, Special Needs Justification was approved to contract with WSP USA, Inc.

OWNER

WSP USA, Inc.

Bernard P. McNeilly, President
Lewis P. Cornell, Executive Vice President

May 11, 2022

WHEREAS, on February 9, 2022, the City of Dallas City Council approved the 3C West of Lamar Alternative for continued master planning and implementation for the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan; and

WHEREAS, the next phase of the continued master planning process includes advance planning, programming, and feasibility of the 3C West of Lamar Alternative;

Now, Therefore

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with WSP USA, Inc. (134356), approved as to form by the City Attorney, to provide advance planning and feasibility for the Kay Bailey Hutchison Convention Center Dallas in an amount not to exceed \$14,924,394.00. If the service was bid or proposed on an as needed basis, unit price basis for the performance of specified tasks, payment to WSP USA, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by WSP USA, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,924,394.00 to WSP USA, Inc., in accordance with the terms and conditions for the contract from Convention Center Construction Fund, Fund 0082, Department CCT, Unit W433, Activity CCIM, Object 3070, Program PBC00032, Encumbrance/Contract No. CCT-2022-00019207, Vendor 134356.

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



Agenda Information Sheet

File #: 22-880

Item #: 41.

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code by **(1)** amending Sections 20A-4.1, 20A-5, 20A-24 through 20A-28, 20A-30 through 20A-33; adding Section 20A-23.1 and Section 20A-34; and deleting Section 20A-29; **(2)** providing updated requirements regarding housing accommodations that benefit from a subsidy or financial award and clarifying certain non-discrimination provisions; **(3)** providing updated defenses to prosecution; **(4)** providing an updated applicability statement; **(5)** providing alternative methods to satisfy the requirements of the mixed income program; **(6)** providing clarified definitions and program implementation procedures; **(7)** deleting specific eligible household responsibilities; **(8)** providing for a set of specific fees in lieu of provision of on-site reserved dwelling units; **(9)** providing a penalty not to exceed \$500.00; **(10)** providing a saving clause; **(11)** providing a severability clause; and **(12)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

The Dallas-Fort Worth region grew faster between 2015 and 2019 than any other major United States metropolitan area, but the area's housing market has not kept up. Multifamily developments are at 98% occupancy across the board, and the single family market is similarly tight. The region needs additional housing at all price points to try to keep up with the demand.

This proposal, originally briefed under the name "One Dallas Options," is a proposed expansion of the existing Mixed Income Housing Development Bonus (MIHDB) program and is intended to incentivize additional mixed-income housing and create a revenue stream that can be used to advance equity in the city. The current program exchanges additional development rights for on-site affordable housing units. The proposed expansion adds additional development bonus options and additional ways to fulfill the requirements of the bonus.

Creation of the program requires amendments to Dallas Development Code Division 51A-4.1100, Dallas City Code Section 20A-4.1 and Article 20A-II, and the Comprehensive Housing Policy.

In a public hearing scheduled for May 11, 2022, the City Council will consider an amendment to Chapter 51A of the Dallas Development Code to add a menu of development bonus options and to clarify existing language.

A related agenda item also scheduled for May 11, 2022 authorizes associated amendments to the Comprehensive Housing Policy (CHP) to set policy direction for the expanded MIHDB program and to guide the use of the funding collected through the fee in lieu of on-site provision (MIHDB Fund).

This agenda item proposes two sets of amendments to Chapter 20A to support the amendment to Chapter 51A.

Amendments to Article 20A-II Mixed Income Housing

Article 20A-II provides the regulatory framework that guides a developer's compliance with development bonuses associated with the mixed income housing program. The proposed amendments include:

- Additional options to fulfill this voluntary exchange of affordability for development bonuses. In addition to providing units on site, under this proposal a developer may offer to pay a fee in lieu of on-site provision in exchange for additional development rights. The fee varies with the number of stories in the development, with high-rise developments above 12 stories in Market Value Analysis categories A through F paying the largest fee.
- Additional amendments to streamline coordination with other funding mechanisms such as tax credits and to improve implementation.

Amendments to Chapter 20A-4.1 Housing Voucher Incentives

In 2016, City Council amended Chapter 20A-4.1 to require that any residential development receiving a financial award from the City must set aside ten percent of the dwelling units and lease them solely to voucher holders. Staff recommends continuing this requirement and adding best efforts language.

In addition, staff recommends strengthening the non-discrimination language for on-site participants in the MIHDB program and for developments that receive City funding. These owners will be required to 1) maintain registration as a vendor with one or more local providers of housing vouchers, 2) certify quarterly that they have reported available units to the local providers of housing vouchers, 3) actively market their units to holders of housing vouchers, and 4) prioritize holders of housing vouchers on wait lists for occupancy of the affordable units.

Implementation

Together, these three agenda items set the policy direction and regulatory framework for the MIHDB program. Actual implementation of the program will take place over the next year and will include specific guidance and controls for the MIHDB Fund, additional staff to run the program, modification of the existing Notice of Funding Availability process for the New Construction and Substantial Rehabilitation Program to disburse MIHDB fees, and associated marketing and training.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 26, 2016, City Council amended Section 20A-4.1 of the Dallas City Code to require multifamily housing accommodations that receive City funding to lease ten percent of their dwelling units solely to voucher holders by Resolution No. 16-1760 and Ordinance No. 30246.

On May 9, 2018, City Council adopted the CHP by Resolution No. 18-0704, as amended.

On March 27, 2019, City Council approved amendments to Chapter 51A and approved Article 20A-II to create the MIHDB by Resolution No. 19-0429 and Ordinance No. 31142.

On May 11, 2021 and November 15, 2021, the Housing Policy Task Force (HPTF) was presented with the proposed changes to and expansion of the Mixed Income Housing Development Bonus program for review and comment.

On October 21, 2021, November 4, 2021, and November 18, 2021, the Zoning Ordinance Advisory Committee (ZOAC) of the City Plan Commission (CPC) considered these proposed amendments to Division 51A-4.1100 of the Dallas Development Code; and on December 16, 2021, ZOAC recommended the proposal move to CPC.

On January 6, 2022 and February 17, 2022, CPC reviewed the proposed changes to Division 51A-4.1100 of the Dallas Development Code; and on March 3, 2022, CPC recommended approval of the amendments.

The Housing and Homelessness Solutions Committee was briefed on the Proposed One Dallas Options on October 26, 2020, January 25, 2021, June 8, 2021, December 14, 2021 and March 28, 2022.

The Economic Development Committee was briefed on the Proposed One Dallas Options on April 4, 2022.

City Council was briefed on the Proposed One Dallas Options on April 20, 2022.

FISCAL INFORMATION

This action has no cost consideration to the City. Net revenues to the Mixed Income Housing Development Bonus Fund during the first year are estimated to be \$4,000,000.00 to \$12,000,000.00. Potential future costs associated with program implementation, including overhead related to new positions, are yet to be determined.

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code by amending Sections 20A-4.1, 20A-5, ~~20A-23~~, 20A-24, 20A-25, 20A-26, 20A-27, 20A-28, 20A-29, 20A-30, 20A-31, 20A-32, and 20A-33 and adding new Sections 20A-23.1 and 20A-34; providing clarification regarding housing voucher incentives; providing a defense to prosecution; providing a fee in lieu; providing definitions; providing revised regulations and fees for the One Dallas Options program; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 20A-4.1, “Housing Voucher Incentives,” within Article I “Fair Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-4.1. HOUSING VOUCHER INCENTIVES.

In accordance with Section 250.007(c) of the Texas Local Government Code, as amended, the city hereby creates and implements the following voluntary program to encourage acceptance of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(a) Subsidy or financial award. All housing accommodations that benefit from a subsidy or financial award, as defined in Section 20A-3, approved by the city council on or after the effective date of this ordinance (1) shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government and (2) shall comply with Section 20A-28 regarding tenant selection criteria, Section 20A-31(e)(6) regarding registering as a vendor with local providers of housing vouchers, and Section 20A-31(g) regarding compliance with an affirmative fair housing marketing plan.

(b) Financial award. Multifamily housing accommodations that benefit from a financial award approved by the city council on or after the effective date of this ordinance shall set aside at least 10 percent of the dwelling units and shall make best efforts to ~~solely~~ lease those dwelling units to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for a minimum of 15 years from the date of the initial issuance of the housing accommodation's certificate of occupancy. Multifamily has the meaning assigned in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended. In this section, best efforts means compliance with Section 20A-4.1(a) and compliance with the incentive agreement related to the financial award.

SECTION 2. That Subsection (h) within Section 20A-5, "Defenses to Criminal Prosecution and Civil Action," within Article I "Fair Housing," within Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code is amended to read as follows:

"(h) It is a defense to criminal prosecution or civil action under Sections 20A-4 regarding source of income and under 20A-4.1 that the following are leased to housing voucher holders:~~[at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.]~~

(1) the minimum required percentage or number of reserved dwelling units as defined in Section 20A-24, as required by the applicable zoning district; or

(2) the minimum required percentage or number of affordable dwelling units, as required by the subsidy or financial award; or

(3) if neither (1) nor (2) applies, at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended."

SECTION 3. That Article 20A, “Mixed Income Housing,” of the Dallas City Code is amended by adding a new Section 20A-23.1, “Alternative Methods of Provision and Incentives,” to read as follows:

“SEC. 20A-23.1 ALTERNATIVE METHODS OF PROVISION AND INCENTIVES.

(a) Alternative methods of provision. Developments seeking a bonus under this article may:

- (1) provide the required units on the same building site as the market rate units;
- (2) provide the units as part of a phased development as provided in Section 51A-4.1105(e); or
- (3) pay a fee in lieu of on-site or phased development.

(b) On-site provision and phased on-site provision. Units provided on-site must comply with all requirements in Division 51A-4.1100 unless specifically exempted in the applicable zoning district.

(c) Fee in lieu. The requirement for reserved dwelling units may be satisfied by making a payment to the city’s Mixed Income Housing Development Bonus Fund established by Resolution No. xxxx.

(1) If the floor area devoted to non-residential uses is more than 20 percent of the total floor area, the fee shall be calculated by multiplying the applicable per square foot amount in Sec. 20A-34 by the total floor area as floor area is defined in Section 51A-2.102(38); otherwise the fee shall be calculated by multiplying the applicable per square foot amount in Section 20A-34 by the residential floor area as floor area is defined in Section 51A-2.102(38).

(2) The amount of the fee applies to each building using the bonus separately and will vary by the number of stories in that building according to Sec. 20A-34.

(d) Financial Incentives.

(1) Developments that choose the on-site or phased on-site provisions in Subsection 51A-4.1105(e) may also qualify for financial incentives.

(2) Financial incentives are not available to developments that choose the fee in lieu option.

SECTION 4. That Section 20A-24, “Definitions and Interpretations,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this article:

(1) ~~[ADJUSTED INCOME has the definition assigned to that term in 24 CFR §5.611, as amended.~~

(2) AFFIRMATIVE FAIR HOUSING MARKETING PLAN means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, ~~[or]national origin, or source of income.~~

(3) AFFORDABLE RENT means: (i) a monthly rental housing payment, ~~[less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12,]~~ in compliance with a rent and income schedule produced annually by the department, or (ii) the voucher payment standard for voucher holders.

(4) ANNUAL INCOME has the definition assigned to that term in 24 CFR §5.609, “Annual Income,” as amended.

(5) APPLICANT means a household applying to lease a reserved dwelling unit.

(6) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(7) DEPARTMENT means the department of housing and neighborhood revitalization.

(8) DEVELOPMENT means the structure or structures located on the Property receiving a development bonus.

(9) DEVELOPMENT BONUS means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(10) DEVELOPMENT BONUS RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this chapter.

(11) DIRECTOR means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.

(11[42]) ELIGIBLE HOUSEHOLDS means households with an ~~adjusted~~ income within the required income band or voucher holders regardless of income.

(12[43]) FAMILY means family as defined in 24 CFR §5.403, “Definitions,” as amended.

(13[44]) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(14[45]) HUD means the United States Department of Housing and Urban Development.

(15[46]) INCOME means income as defined by 24 CFR §5.609, “Annual Income.”

(16[47]) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(A) INCOME BAND 1 means an income between 81 and 100 percent of AMFI.

(B) INCOME BAND 2 means an income between 61 and 80 percent of AMFI.

(C) INCOME BAND 3 means an income between 51 and 60 percent of AMFI.

(17[48]) MARKET VALUE ANALYSIS ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(18[49]) MIXED-INCOME HOUSING PROGRAM means a program administered by the department in which each owner using a development bonus participates.

(19[20]) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.

(20[24]) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(21[22]) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

(22) PROGRAM MANUAL means the guidebook published, maintained, and updated by the department that includes specific guidance for program implementation.

(23) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(24) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(25) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(26) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

~~[(27) UTILITY ALLOWANCE means the reasonable allowance for tenant-furnished utilities and other services as published annually by the Dallas Housing Authority.]~~

(27[28])VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(28[29])VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702 (a)(6)(C) apply in this division.”

SECTION 5. That Section 20A-25, "Market Value Analysis Category and Reserved Dwelling Unit Verifications," within Article II "Mixed-Income Housing," within Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code is amended to read as follows:

"SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

(a) In general. Before applying for a permit for construction, a~~A~~n owner shall comply with this section.

(1) Submit an application to the department detailing the proposed project, and the application shall include the following information:

(A) the legal description and address of the property;

(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and

(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program.

(2) O~~o~~btain a certified verification of the building site's market value analysis ("MVA") category ~~[verification].~~

(3) S~~and shall s~~ign a reserved dwelling unit verification form provided by the department where the owner acknowledges ~~[acknowledging]~~ receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, states the intended pro-rata distribution of the reserved dwelling units, if applicable, and provides any other pertinent information requested by the director ~~[as a precondition to participating in the mixed-income housing program].~~

(4) Acknowledge intent to participate in the Mixed Income Housing Development Bonus program.

(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department ~~[of Housing and Neighborhood Revitalization]~~ and authorized by the city council that furthers the public purposes and goals of the city's housing policy ~~[and affirmatively furthers fair housing].~~

(c) ~~[Procedure for obtaining a market value analysis category, and reserved dwelling unit verification.~~

(1) ~~An owner shall attend an in-person meeting to review the terms of the mixed-income housing program, including the MVA category and reserved dwelling unit verification.~~

(2) ~~Before the meeting, the owner shall disclose the following information on a form provided by the director:~~

(A) ~~the legal description and address of the property;~~

(B) ~~any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and~~

(C) ~~any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program.~~

(3) ~~At the close of the meeting, the director shall sign and date the MVA category verification and the owner shall sign and date the reserved dwelling unit verification for the Property. Copies of the signed verifications will be provided to the owner.]~~

In the case of a conflict between the documents required in this section and the requirements of:

(1) ~~the base zoning district, the base zoning district controls; and~~

(2) ~~the restrictive covenant, the restrictive covenant controls.~~

(d) Expiration of market value analysis category, reserved dwelling unit, and participation verifications. ~~[MVA category and reserved dwelling unit] V[erifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the [MVA category and reserved dwelling unit] verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code, on the Property that will be subject to the mixed-income restrictive covenant."~~

SECTION 6. That Section 20A-26, “Mixed-Income Restrictive Covenant,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-26. MIXED-INCOME RESTRICTIVE COVENANT.

(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:

- (1) be signed by all owners of the Property;
- (2) be signed by all lienholders, other than taxing entities, having an interest in the Property;
- (3) contain a legal description of the Property;
- (4) specify the number of any required reserved dwelling units and the income band applicable to each unit;
- (5) be a covenant running with the land;
- (6) be for a term of 20 years with ~~one-year~~ ~~[five-year auto renewals]~~ automatic renewals (to allow for periods of noncompliance until the full 20-year term is met) and it is [unless] terminated by a subsequent written instrument;
- (7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;
- (8) state that it may only be amended or terminated by a subsequent written instrument that is:
 - (A) signed by all owners of the Property and all lienholders, other than taxing entities;
 - (B) approved by the director;
 - (C) approved as to form by the city attorney; and
 - (D) recorded and made a part of the deed records of the county or counties in which the Property is located;
- (9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in

compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's ~~[Mixed-Income Housing]~~ Program Manual maintained by the ~~d[Department of Housing and Neighborhood Revitalization]~~, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

(10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;

(11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;

(12) state that it may be enforced by the City of Dallas;

(13) state that it shall be governed by the laws of the State of Texas; and

(14) be approved by the director and be approved as to form by city attorney.

(b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

(c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

(d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development if the total number of dwelling units has changed."

SECTION 7. That Section 20A-27, “Administration of the Mixed-Income Housing Program,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-27. ADMINISTRATION OF THE MIXED-INCOME HOUSING PROGRAM.

(a) Compliance~~[with the handbook]~~. Except as provided in this ~~[subsection]~~ division, ~~[the intent of the mixed-income housing program is that]~~ the owner shall provide reserved units and conduct eligibility determinations in accordance with the handbook, 24 CFR Part 5, “General HUD Program Requirements; Waivers,” and the department’s program manual. Where the program manual provides specific exceptions to the handbook or to 24 CFR Part 5, the program manual shall control with respect to the Mixed-Income Housing Program.

(b) Exceptions. The following mandatory items in the handbook do not apply to the mixed-income housing program:

- (1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;
- (2) use of HUD forms, unless specifically required in this division;
- (3) compliance with HUD requirements that are specific to a HUD program and are not generally-applicable; and
- (4) use of the Enterprise Income Verification (EIV) system.

(c) ~~[Eligibility determinations in general. In accordance with the handbook and 24 CFR Part 5, an An owner shall determine whether an applicant is eligible to lease and occupy a reserved dwelling unit before approving the applicant for tenancy and thereafter on an annual basis.~~

(d) ~~Eligibility determination prior to approving an applicant for tenancy. An owner shall determine:~~

- ~~(1) family size in accordance with the handbook;~~
- ~~(2) annual income and adjusted income in accordance with the handbook and 24 CFR Part 5;~~
- ~~(3) whether the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property; and~~

~~(4) if the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property, whether there are any reserved units at the property that are currently available for lease to and occupancy by an applicant and are dwelling units of adequate size, per the owner's general occupancy standards that must:~~

~~(A) take into account all persons residing in the household and follow the guidelines set forth in the handbook and in accordance with the Fair Housing Act;~~

~~(B) prevent both over-occupancy and under-occupancy of units. In general, a two-person-per-bedroom standard is appropriate; and~~

~~(C) take into account the specific size of bedrooms and units, configuration of the unit, and age of children who may be occupying the unit (if any), among other factors.~~

~~(e)] Determination of family size. An owner shall use the broad definition of family as defined in 24 CFR §5.403, "Definitions," and may not engage in any discriminatory housing practices as defined in Section 20A-4 of this chapter.~~

~~(d[f)] Rent and i[H]ncome limits. The department will annually publish rent and income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits and shall use the rent limits published annually by the Texas Department of Housing and Community Affairs for nine percent tax credit projects.~~

~~(e[g)] Income bands.~~

~~(1) An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant. [For the mixed income housing program, units must be reserved for families with adjusted annual incomes within the following bands, except that voucher holders may be selected to occupy any reserved dwelling unit:~~

~~(1) Income band 1: 81-100 percent of AMFI;~~

~~(2) Income band 2: 61-80 percent of AMFI; and~~

~~(3) Income band 3: 51-60 percent of AMFI.]~~

~~(2) Eligible households making less than the minimum AMFI for a particular income band, including voucher holders, may be counted for that [as a higher] income band provided that they are charged an affordable rent.~~

(f[h]) Affordable rents.

(1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units and shall re-certify eligibility and rent annually.

~~(2) [An owner is responsible for calculating the affordable rent before approving the applicant for tenancy and on an annual basis based on the eligible household's adjusted income reported during the annual certification.]~~

~~(A) After completing the annual eligibility certification process, the owner shall adjust the rent upwards or downwards so that it remains an affordable rent.~~

~~(B)] An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.~~

(3) The ~~[calculated]~~ affordable rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.

(g[i]) Annual certification of eligibility. An owner shall conduct an annual certification of household income and composition for each eligible household in accordance with the program manual [as follows:]

~~(1) [Except as provided in Paragraph (2), eligible households leasing reserved dwelling units may satisfy the annual certification process by self-certifying their eligibility using a form provided by the director. For reserved dwelling units subject to Subsection (i)(2), this paragraph does not apply.]~~

~~(2) Every six years during the property's affordability period, the owner shall conduct the annual certification of each eligible household leasing a reserved dwelling unit in accordance with Subsection (d), regardless of the number of years the eligible household has leased a reserved dwelling unit.~~

~~(3) Annual certification must be completed at least 30 days before the annual anniversary of the initial lease date.~~

~~(4) An owner shall send at least one written notice to the eligible household at least 90 days in advance of the annual anniversary of the initial lease date requesting all information needed to conduct the annual certification in compliance with this division.]~~

(5)] An owner shall not conduct a certification on less than an annual basis unless requested to do so by an eligible household. An owner shall conduct the interim certification in the same manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.

~~(2[6])~~ If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.

~~(h[j])~~ ~~[Over and under income eligible households. This subsection is intended to provide a reasonable time period for eligible households and owners to respond to an eligible household's changing economic circumstances.]~~

~~(1) If an eligible household's adjusted income at the annual certification exceeds the highest income for which the unit is reserved, the unit remains in compliance until the next annual certification so long as the owner continues to charge an affordable rent.~~

~~(2) If an eligible household's adjusted income at the annual certification falls below the lowest income for which the unit is reserved, an owner shall provide written notice to the director so that the director can determine whether the eligible household is eligible for any available subsidies. The unit remains in compliance until the next annual certification so long as the owner continues to charge a rent amount that does not exceed the prior year's affordable rent.~~

~~(3) If an eligible household's adjusted income either exceeds the highest income for which the reserved dwelling unit is reserved or falls below the lowest income for which the reserved dwelling unit is reserved at a consecutive annual recertification:~~

~~(A) the owner may begin charging the household market rate rents and the unit is no longer a reserved dwelling unit. The next comparably sized unit to become available will be deemed a reserved dwelling unit; or~~

~~(B) if the owner is required to provide reserved dwelling units to more than one income band and the eligible household's adjusted income falls within the income band for an alternative reserved dwelling unit, the owner may allow the household to lease an alternative reserved dwelling unit, if available or the owner may re-designate the eligible household's current reserved dwelling unit to the appropriate income band.]~~

~~(k)~~ Additional requirements and prohibitions.

(1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

(2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

(3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for tuition shall be included in annual income, except if the student will live with his or her parents and his or her parents are voucher holders.

(4) The department shall conduct regular inspections and monitoring in accordance with the published program manual.”

SECTION 8. That Section 20A-28, “Tenant Selection and Other Written Policies,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-28. TENANT SELECTION AND OTHER WRITTEN POLICIES.

(a) Tenant selection and other policies must comply with the program manual and~~should~~ :

(1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

(2) prioritize holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for lease and occupancy of reserved units;

(3~~2~~) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(4~~3~~) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

(5~~4~~) be consistent with this article.

(b) Owners shall create the following written policies and retain written records related to the following policies:

(1) reasonable accommodations;

(2) affirmative marketing;

(3) applicant screening criteria;

(4) tenant selection criteria;

(5) policies for opening and closing the waiting list;

- (6) waiting list preferences, if any;
- (7) procedures for rejecting ineligible tenants;
- (8) occupancy standards;
- (9) non-renewal and termination notices; and
- (10) unit transfers.”

~~(c) — Owners may not reject an applicant only for reasons of credit history or prior rental payment history.”~~

SECTION 9. That Section 20A-29, “Applicant and Eligible Household Responsibilities,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is deleted.

“SEC. 20A-29. RESERVED[APPLICANT AND ELIGIBLE HOUSEHOLD RESPONSIBILITIES].

~~(a) Applicants and eligible households who lease a reserved dwelling unit shall timely provide the owner all documents and information required by this article to be used to determine income, adjusted income, and family size.~~

~~(b) An eligible household who is leasing a reserved dwelling unit at the time the director conducts an audit, upon written request by the director, shall timely provide the director with all documents and information required by this article to be used to determine annual income, adjusted income, and family size.~~

~~(c) An eligible household's failure to timely provide requested information and documents to the owner or director upon written request does not constitute an offense. However, if the director is unable to verify that the household is an eligible household, the reserved dwelling unit may be deemed non-compliant and the owner is no longer required by this ordinance to charge an affordable rent. The non-compliance can be cured by completing and providing any required documentation to the director.]”~~

SECTION 10. That Section 20A-30, “Non-Discrimination,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-30. NON-DISCRIMINATION.

(a) In general. Except as provided in this section, an owner receiving a mixed income development bonus under Division 51A-4.1100 shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Exception. It is a defense to criminal prosecution or civil action under this section that at least the minimum required percentage of reserved units are leased to eligible households and that all applicable requirements of this article have been met.”

SECTION 11. That Section 20A-31, “Compliance, Reporting, and Recordkeeping,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is amended to read as follows:

“SEC. 20A-31. COMPLIANCE, REPORTING, AND RECORDKEEPING.

(a) In general. An owner must comply with the city's mixed-income housing program during the term of the mixed-income restrictive covenant.

(b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.

(c) Management policies. An owner is responsible for ensuring that his or her employees and agents, including third-party management companies, are aware of and comply with the development bonus restrictive covenant and the mixed-income housing program.

(d) Recordkeeping.

(1) An owner shall maintain documentation during the rental affordability period including, but not limited to, applications, waitlists, first-hand or third-party verification of income and assets, leases for reserved dwelling units, and rents and any fees charged for reserved dwelling units.

(2) An owner shall maintain all required documentation in the eligible household's file on site at the development or maintain the documentation in an electronic format as long as the documentation can be accessed by onsite employees and provided in a timely fashion to the director upon request.

(3) An owner shall maintain documentation of all income verification efforts and household composition reviews throughout the term of each eligible household's tenancy and for at least three years after the eligible household moves out.

(e) Quarterly status reports. An owner shall submit quarterly status reports on a form provided by the director, as described below, in January, April, July, and October on or before the 10th day of the month. The report must include:

- (1) the total number of dwelling units on the property;
 - (2) the total number of reserved dwelling units on the property;
 - (3) a list of all reserved dwelling units on the property, identified by unit number and unit type;
 - (4) for each reserved dwelling unit:
 - (A) the applicable income bands;
 - (B) the current affordable rent, utility allowance, and any fees charged;
 - (C) the occupancy status as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th of the same year;
 - (D) the ~~adjusted~~ income of the eligible household leasing and occupying the unit; and
 - (E) the most recent eligibility date for the eligible household leasing and occupying the unit;
 - (5) a signed statement by the owner acknowledging compliance with this division;
 - (6) certification that the development:
 - (A) has maintained vendor registration with one or more local providers of housing vouchers;
 - (B) has reported available units to one or more local providers of housing vouchers each quarter; and
 - (C) that the development will pass the provider's required inspections;
- and

(7) any other information requested by the director that is reasonably related to the mixed-income housing program.

(f) First and final quarterly status reports. An owner shall submit:

(1) the first quarterly status report before the 10th day of the month following the end of the first quarter in which the affordability period began; and

(2) the final quarterly status report on the 20th anniversary of the beginning of the rental affordability period, or a date determined by the director due to the tolling of and extension of the rental affordability period. The director shall verify that the owner has completed all applicable requirements of this division. If all requirements are completed the director shall sign the submitted final quarterly status report before it is filed with the building official.

(g) Affirmative fair housing marketing plan. In this subsection ADMINISTRATOR means the administrator of the fair housing division of the office of equity and inclusion or its successor

(1) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.

(2) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.

(3) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.

~~(4) The affirmative fair housing marketing plan must be resubmitted annually or at the request of the administrator, during the rental affordability period, for review by the administrator. The resubmission must be approved or denied in the same manner as the original affirmative fair housing marketing plan.~~

~~(45)~~ The administrator [director] shall approve or deny the affirmative fair housing marketing plan [within 60 days after a complete plan is submitted to the director] in a timely manner.

(A) Approval. The administrator [director] shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.

(B) Denial. The administrator [director] shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the administrator [director] denies the affirmative fair housing marketing plan, he or she shall state in writing the specific

reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

(h) Audit and inspection.

(1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

(i) Consent to substitute.

(1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two bedroom dwelling units and/or on a three-to-one basis additional one bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements."

SECTION 12. That Section 20A-32, "Violations, Corrective Action Period, and Penalty," within Article II "Mixed-Income Housing," within Chapter 20A, "Fair Housing and Mixed Income Housing," of the Dallas City Code is amended to read as follows:

"SEC. 20A-32. VIOLATIONS, CORRECTIVE ACTION PERIOD, AND PENALTY.

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) Corrective action period and extensions of mixed-income restrictive covenants.

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a reasonable [30-day] corrective action period for failure to file a quarterly unit status report and a reasonable [90-day] corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) ~~[For a violation other than a violation that poses an imminent hazard or threat to health and safety, and only for good cause, the director may extend the corrective action period for up to three months from the date of the notice to the owner.]~~

~~(4)~~ If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law.”

SECTION 14. That Article 20A “Mixed Income Housing” of the Dallas City Code is amended by adding a new Section 20A-32.1 “Uses of the One Dallas Fund,” to read as follows:

“SEC. 20A-33. MIXED INCOME HOUSING DEVELOPMENT BONUS FUND.

(a) Use. The Mixed Income Housing Development Bonus Fund may only be used for the following purposes:

(1) Funding programs authorized by the Comprehensive Housing Policy that affirmatively further fair housing.

(2) Funding for data and analysis in support of housing programs authorized by the Comprehensive Housing Policy that affirmatively further fair housing.

(3) Funding staff and expenses for management and administration of Mixed Income Housing Development Bonus Program and the Mixed Income Housing Development Bonus Fund.

(b) Administration. The Mixed Income Housing Development Bonus Fund will be administered by the Department of Housing & Neighborhood Revitalization.”

SECTION 14. That Section 20A-33, “Fees,” within Article II “Mixed-Income Housing,” within Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code is renumbered and amended to read as follows:

“SEC. 20A-34[~~33~~]. FEES.

Program Participation Fees	Fee
Pre-application meeting	\$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	\$625.00
Compliance monitoring during affordability period	\$3,736.00

<u>Fees in Lieu of On-Site Provision of Units</u> <u>Fee to be multiplied by the square footage of floor area as specified in Section 20A-23.1</u>	<u>Fee</u> <u>MVA</u> <u>Categories A-F</u>	<u>Fee</u> <u>MVA</u> <u>Categories G-I</u>
<u>Under six stories</u>	<u>\$3.07</u>	<u>\$2.15</u>
<u>Between six and eight stories</u>	<u>\$4.91</u>	<u>\$3.44</u>
<u>Between nine and twelve stories</u>	<u>\$6.14</u>	<u>\$4.30</u>
<u>Over twelve stories</u>	<u>\$7.98</u>	<u>\$5.59</u>

Consumer Price Index adjustment. The fees in lieu will be increased yearly by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor. Comparisons will be made using the index entitled, “Housing in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted,” series ID CUURS37ASAH (1982-1984 = 100),” or similar comparable United States Bureau of Labor data on changes in the cost of living, if the initial index is no longer published. Beginning with January 2023, the change will be determined by comparison of the figure for the previous January with that of January of the current year. This calculation may not reduce the fee in lieu below the listed amount for the preceding year.

SECTION 15. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 16. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 18. 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 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-864

Item #: 42.

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by **(a)** adding additional development bonus options including additional development rights, parking reductions, and financial incentives and **(b)** adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and **(2)** establishment of the Mixed Income Housing Development Bonus Fund - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

The Comprehensive Housing Policy (CHP) has three main goals: (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements.

This proposal originally briefed under the name "One Dallas Options," is a proposed expansion of the existing Mixed Income Housing Development Bonus (MIHDB) program and is intended to incentivize additional mixed-income housing and create a revenue stream that can be used to advance equity in the city. The current program exchanges additional development rights for on-site affordable housing units. The proposed expansion adds additional development bonus options and additional ways to fulfill the requirements of the bonus.

Creation of the program requires amendments to Dallas Development Code Division 51A-4.1100, Dallas City Code Section 20A-4.1 and Article 20A-II, and the CHP.

In a public hearing scheduled for May 11, 2022, the City Council will consider an amendment to Division 51A-4.1100 of the Dallas Development Code to add a set of development bonus options and to clarify existing language.

A related agenda item also scheduled for May 11, 2022 proposes two sets of amendments to Chapter 20A to support the amendments to Division 51A-4.1100.

Amendments to the CHP

This agenda item includes an updated MIHDB program statement, creates the MIHDB Fund, and adds a program statement in the CHP to guide usage of the MIHDB fund.

Under the MIHDB Fund guidance, developments that create and preserve mixed income housing may apply for MIHDB funding through the New Construction and Substantial Rehabilitation Program's processes in accordance with the program's scoring policies as amended this summer. Funding will be subject to underwriting and may be in the form of a forgivable grant or a repayable loan depending on the results of the underwriting process.

Specific guidance and controls for the use of the fund will be developed during the summer of 2022, and all funding will be subject to this guidance.

Implementation

Together, these three items set the policy direction and regulatory framework for the MIHDB program. Actual implementation of the program will take place over the next year and will include specific guidance and controls for the MIHDB Fund, additional staff to run the program, modification of the existing Notice of Funding Availability process for the New Construction and Substantial Rehabilitation Program to disburse MIHDB fees, and associated marketing and training.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 26, 2016, City Council amended Section 20A-4.1 of the Dallas City Code to require multifamily housing accommodations that receive City funding to lease ten percent of the dwelling units solely to voucher holders by Resolution No. 16-1760 and Ordinance No. 30246.

On May 9, 2018, City Council adopted the CHP by Resolution No. 18-0704, as amended.

On November 28, 2018, City Council authorized amendments to the CHP, to make technical changes to the Home Improvement Preservation Program (HIPP), the Dallas Homebuyer Assistance Program (DHAP), and the New Construction and Substantial Rehabilitation Program by Resolution No. 18-1680.

On May 22, 2019, City Council authorized an amendment to the CHP to add a Land Transfer Program to incentivize the development of high quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, or redevelopment policy by Resolution No. 19-0824.

On March 27, 2019, City Council approved amendments to Chapter 51A and Chapter 20A-II to create a MIHDB by Resolution No. 19-0429 and Ordinance No. 31142.

On June 12, 2019, City Council authorized amendments to the CHP to amend and restate the low-

income Housing Tax Credit policy by Resolution No. 19-0884.

On June 26, 2019, City Council authorized amendments to the CHP to amend the DHAP, the HIPP, and the HIPP Landlord Program by Resolution No. 19-1041.

On September 25, 2019, City Council authorized amendments to the CHP to create the Title Clearing and Clouded Title Prevention Pilot Program by Resolution No. 19-1498.

On December 11, 2019, City Council authorized amendments to the CHP to modify the provisions for the housing policy task force, update language to comply with the MIHDB previously approved by City Council and remove two application forms by Resolution No. 19-1864.

On January 22, 2020, City Council authorized amendments to the CHP and created a residential Neighborhood Empowerment Zone Program by Resolution No. 20-0188.

On August 26, 2020, City Council authorized amendments to the CHP to amend the DHAP program, include the 0-30% income band in the range of income bands to be served, create the Targeted Rehabilitation Program (TRP), and to allow Community Housing Development Organizations to retain a percentage of sales proceeds from eligible HOME-funded projects by Resolution No. 20-1220.

On January 27, 2021, City Council authorized an amendment to the CHP to (1) amend the loan terms in the New Construction and Substantial Rehabilitation Program to allow forgivable loans for projects with permanent supportive housing units; and (2) to remove the nine percent subsidy cap from the annual HUD 234 - Condominium Housing Limits by Resolution No. 21-0212.

On September 9, 2021, City Council authorized amendments to the HIPP, Subrecipient Minor Home Repair Grant Program, Housing Reconstruction Program, Landlord Rental Repair Program, Community Land Trust Program, and the TRP in the CHP by Resolution No. 21-1450.

On October 13, 2021, City Council authorized an amendment to the CHP to amend the loan terms in the New Construction and Substantial Rehabilitation program to remove the requirement that the City may only subordinate its lien position to a private financial institution for a loan in a greater amount by Resolution No. 21-1655.

On October 13, 2021, City Council authorized an amendment to the CHP to amend the terms of the Dallas Homebuyer Assistance Program (DHAP) to: (1) change the citizenship definition for applicants to meet the guidelines set forth by the Department of Housing and Urban Development (HUD); (2) remove the minimum income requirement of 60% of the Area Median Income (AMI) (3) remove the minimum 26% front-end loan to income ratio requirement; and (4) modify the Targeted Homebuyer Incentive Program to remove federal requirements when assistance is provided to homebuyers using nonfederal funds by Resolution No. 21-1656.

On May 11, 2021 and November 15, 2021, the Housing Policy Task Force was presented with the proposed changes to and expansion of the MIHDB program for review and comment.

On October 21, 2021, November 4, 2021, and November 18, 2021, the Zoning Ordinance Advisory Committee (ZOAC) of the City Plan Commission (CPC) considered these amendments to the Dallas Development Code; and on December 16, 2021, ZOAC recommended the proposal move to CPC.

On January 6, 2022 and February 17, 2022, CPC reviewed the proposed changes to Division 51A-4.1100 of the Dallas Development Code, and on March 3, 2022, CPC recommended approval of the amendments.

The Housing and Homelessness Solutions Committee was briefed on the Proposed One Dallas Options on October 26, 2020, January 25, 2021, June 8, 2021, December 14, 2021, and March 28, 2022.

The Economic Development Committee was briefed on the Proposed One Dallas Options on April 4, 2022.

City Council was briefed on the Proposed One Dallas Options Program on April 20, 2022.

FISCAL INFORMATION

This action has no cost consideration to the City. Net revenues to the Mixed Income Housing Development Bonus Fund during the first year are estimated to be \$4,000,000.00 - \$12,000,000. Potential future costs associated with program implementation, including overhead related to new positions, are yet to be determined.

May 11, 2022

WHEREAS, on May 9, 2018, City Council adopted a Comprehensive Housing Policy (CHP) that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP to make technical changes to the Home Improvement and Preservation Program (HIPP), the Dallas Homebuyer Assistance Program (DHAP), and the New Construction and Substantial Rehabilitation Program by Resolution No. 18-1680; and

WHEREAS, on May 22, 2019, City Council authorized an amendment to the CHP to add a Land Transfer Program to incentivize the development of high quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, and redevelopment policy by Resolution No. 19-0824; and

WHEREAS, on March 27, 2019, City Council approved amendments to Dallas City Code Chapters 51A and 20A by adding Article 20A-II to create the Mixed Income Housing Development Bonus (MIHDB) by Resolution No. 19-0429 and Ordinance No. 31142.

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP to amend and restate the low-income Housing Tax Credit policy by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP to amend the DHAP, the HIPP Homeowner Program, and the HIPP Landlord Program by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP to create the Title Clearing and Clouded Title Prevention Pilot Program by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP to modify the provisions for the housing policy task force, update language to comply with the Mixed Income Housing Development Bonus previously approved by City Council, and remove two application forms by Resolution No. 19-1864; and

WHEREAS, on January 22, 2020, City Council authorized amendments to the CHP and created a residential Neighborhood Empowerment Zone Program by Resolution No. 20-0188; and

May 11, 2022

WHEREAS, on August 26, 2020, City Council authorized amendments to the CHP to amend the DHAP program, include the 0-30% income band in the range of income bands to be served, create the Targeted Rehabilitation Program (TRP), and to allow Community Housing Development Organizations to retain a percentage of sales proceeds from eligible HOME-funded projects by Resolution No. 20-1220; and

WHEREAS, on January 27, 2021 City Council authorized amendments to the CHP to amend the loan terms in the New Construction and Substantial Rehabilitation program to allow forgivable loans for projects with permanent supportive housing units and remove the nine percent (9%) subsidy cap from the annual HUD 234 – Condominium Housing Limits, by Resolution No. 21-0212; and

WHEREAS, on September 9, 2021, City Council authorized amendments to the HIPP, Subrecipient Minor Home Repair Grant Program, Housing Reconstruction Program, Landlord Rental Repair Program, Community Land Trust Program, and the TRP in the CHP by Resolution No. 21-1450; and

WHEREAS, on October 13, 2021, City Council authorized an amendment to the CHP to amend the loan terms in the New Construction and Substantial Rehabilitation program to remove the requirement that the City may only subordinate its lien position to a private financial institution for a loan in a greater amount, by Resolution No. 21-1655; and

WHEREAS, on October 13, 2021, City Council authorized an amendment to the CHP to amend the terms of the Dallas Homebuyer Assistance Program (DHAP) to: (1) change the citizenship definition for applicants to meet the guidelines set forth by The Department of Housing and Urban Development (HUD); (2) remove the minimum income requirement of 60% of the Area Median Income (AMI) (3) remove the minimum 26% front-end loan to income ratio requirement; and (4) modify the Targeted Homebuyer Incentive Program to remove federal requirements when assistance is provided to homebuyers using nonfederal funds, by Resolution No. 21-1656; and

WHEREAS, City Council must approve any addition to, alteration of, or deletion of a strategy tool, or program in the CHP; and

WHEREAS, the City desires to maintain affordable housing, to provide greater fair housing choices, and to overcome patterns of segregation and concentrations of poverty; and therefore, it is in the best interest of the City to adopt certain amendments to the CHP; and

May 11, 2022

WHEREAS, it is in the best interest of the City of Dallas to authorize **(1)** an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by **(a)** adding additional development bonus options including additional development rights, parking reductions, and financial incentives and **(b)** adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and **(2)** the establishment of the Mixed Income Housing Development Bonus Fund;

Now, Therefore,

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

SECTION 1. That City Council hereby authorizes **(1)** an amendment to the City of Dallas Comprehensive Housing Policy (CHP), attached as **Exhibit A** and previously approved on May 9, 2018 by Resolution No. 18-0704, as amended, to amend the Mixed Income Housing Development Bonus (MIHDB) program by **(a)** adding additional development bonus options including additional development rights, parking reductions, and financial incentives and **(b)** adding a fee in lieu of on-site provision to fulfill the requirements of the bonus; and **(2)** the establishment of the Mixed Income Housing Development Bonus Fund.

SECTION 2. That the amendments to the CHP shall take effect immediately.

SECTION 3. That pursuant to Section 1 of this resolution, the Chief Financial Officer is hereby authorized to establish Fund 0T77, the Mixed Income Housing Development Bonus Fund.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive, accept, and deposit payments from entities to be determined in the future in the Mixed Income Housing Development Bonus Fund, Fund 0T77, Department HOU, Unit 283C, Revenue Code 8492.

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

EXHIBIT A



Comprehensive Housing Policy

City of Dallas
Department of Housing and Neighborhood Revitalization

Adopted by the Dallas City Council
May 9, 2018

Proposed Amendment: May 11, 2022

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BACKGROUND ON DEVELOPMENT OF THE POLICY

Policy Goals

On March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: 1) Create and maintain available and affordable housing throughout Dallas, 2) Promote greater fair housing choices, and 3) Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

Market Value Analysis

In August 2017, the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists.

The analysis considers median price, variation in price, and percent of owner-occupied, new construction, rehabilitation, subsidized units, code violations, vacant homes, and foreclosures. All of these indicators are calculated together to determine the category for each Census Block Group with residential development in the city.

The MVA for mixed-income development spatially extrapolates the original MVA analysis to categorize the entire city, including commercial property.

The MVA and its associated spatial extrapolation allows the City to fine-tune policies and programs. For example, in the Mixed Income Housing Development Bonus (MIHDB), MVA categories are used to encourage housing for lower income bands in the A, B, and C areas and to encourage additional market rate housing in mixed-income communities in G, H, and I areas. Likewise, the MIHDB Fund will be used to support the creation of housing least likely to be provided by the market.

Town Hall Meetings

After briefing the City Council on the results of the MVA on January 17, 2018, eight public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

- How Residential Development Gets Financed,
- How to Reduce Development and Rehabilitation Costs,
- How to Increase Access to Capital and Reduce Cost of Capital, and
- Programs, Tools and Strategies for Increasing Housing Production.

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders, including lenders, foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of 94 individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

The forwardDallas! Plan is Dallas' first citywide comprehensive plan to serve as the policy basis for land development decisions in the City, through reference in the Dallas Development Code. The plan contains eight policy elements: Land Use, Economics, Housing, Transportation, Urban Design, Environment, and Neighborhoods. It provides guidance on important land development considerations related to land use, transportation and economic development. Shaped by extensive community engagement and adopted by City Council in 2006, it envisions a future Dallas built around the core values of:

- Access to good education
- A safe city
- A healthy environment
- Job growth through investment in Southern Dallas
- Convenient transportation through choices in how to get around
- Quality of life through diverse housing, recreational, cultural and educational opportunities

A key initiative of the forwardDallas! Plan was a focus on making high quality housing more accessible. The plan acknowledged that, within the regional context, Dallas has the greatest range of housing needs and problems. It recommended development of a housing strategy aimed at increasing home ownership, diversifying housing stock and providing more opportunities for affordable housing, while sustaining existing neighborhoods.

The forwardDallas! Comprehensive Plan can be found at <http://dallascityhall.com/departments/pnv/strategic-planning/Pages/comprehensive-plan.aspx>.

Neighborhood Plus Plan

Adopted in 2015, the Neighborhood Plus Plan is a citywide neighborhood revitalization plan intended to update the forwardDallas Housing and Neighborhood elements. The Neighborhood Plus plan focused on the six strategic goals of:

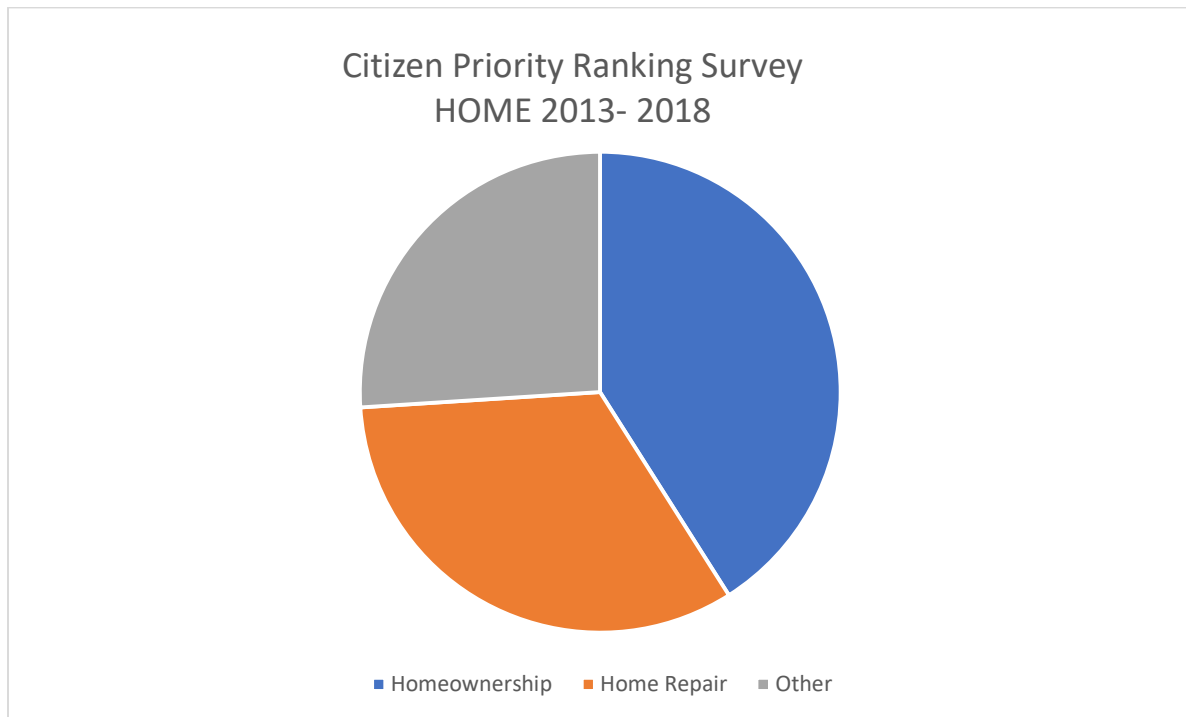
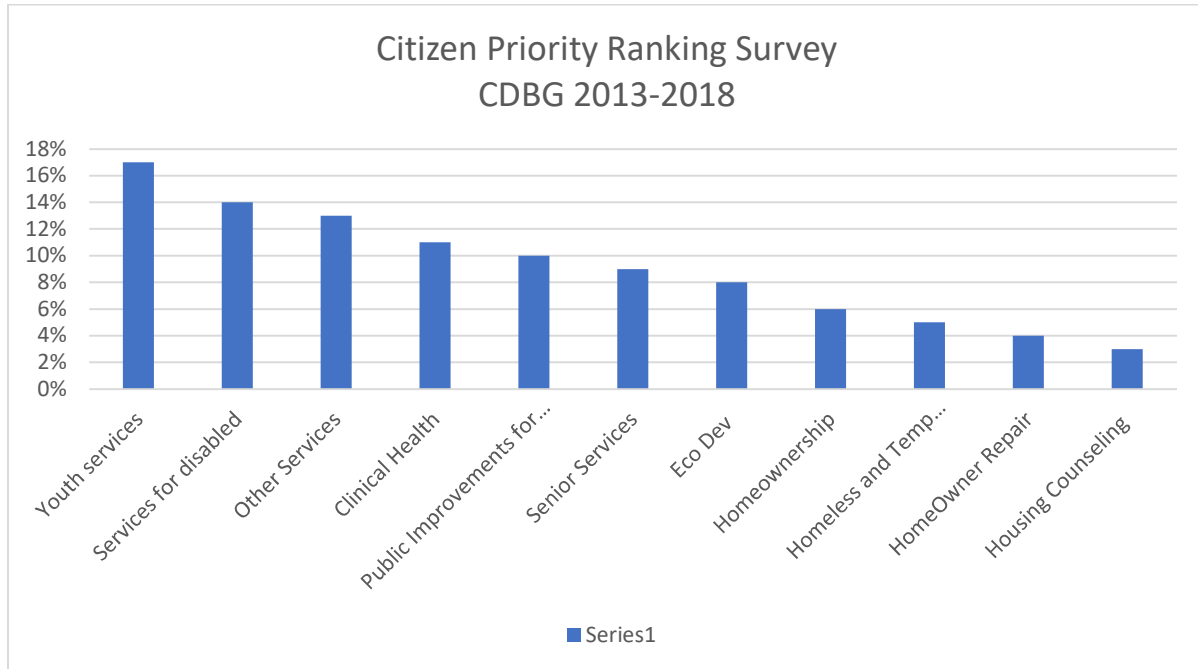
- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

The Neighborhood Plus recommended a holistic approach to neighborhood revitalization and community building that goes beyond production of a limited number of publicly subsidized housing units, to encompass neighborhood quality, safety, mobility and access to education, jobs and health care. The Neighborhood Plus Plan also called for a neighborhood by neighborhood approach to improving quality of life and established the basis for identifying target areas to focus neighborhood revitalization efforts.

The Neighborhood Plus Plan can be found at <http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Adopted%2010-07-2015.pdf>.

Consolidated Plan Strategies

The Consolidated Plan is a five-year planning document required by HUD to carry out affordable housing and community development activities. The City identified its priorities as follows:



REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three market types in need of City investment:

Redevelopment Areas:

A redevelopment area is characterized by a known catalytic project that has submitted a request for funding that shows preliminary viability and will begin within the next 12 months. The project as proposed must contain a housing component and must address the existing market conditions as identified in the MVA and must demonstrate a level of housing production supported through a third-party independent market analysis and show affordability to a mix of income bands.

Redevelopment Areas: Midtown, High Speed Rail, Wynnewood, and Red Bird.

Stabilization Areas:

Stabilization areas are characterized as G, H, and I markets that are surrounded by A-E markets and as such are at risk of displacement based on known market conditions including upcoming redevelopment projects. These areas are also where accessory dwelling units should be focused to allow for increased density.

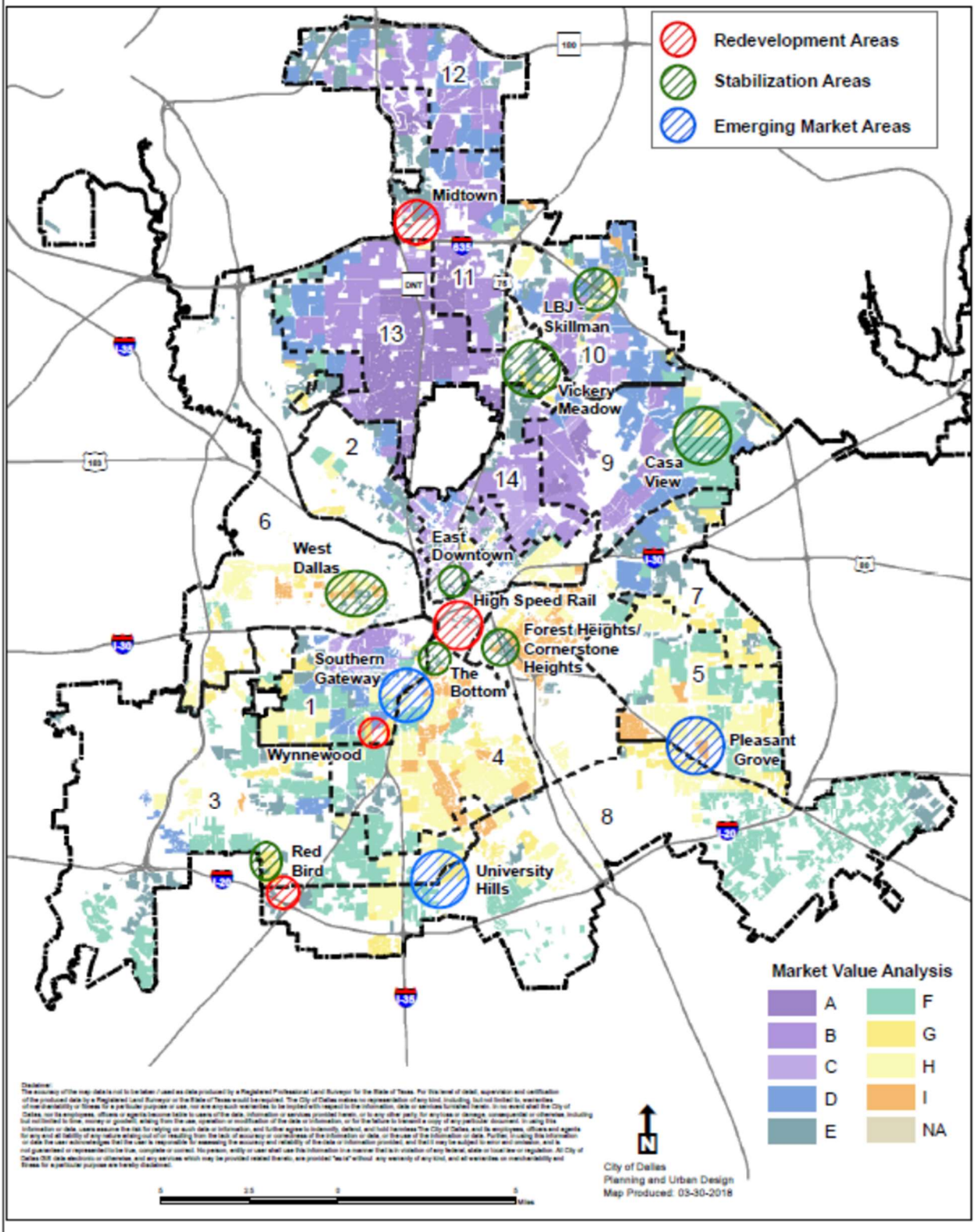
Stabilization Areas: LBJ Skillman, Vickery Midtown, Casa View, Forest District, East Downtown, The Bottom/Tenth Street, West Dallas, and Red Bird North.

Emerging Market Areas:

These markets are characterized as areas in need of intensive environmental enhancements, master planning, and formalized neighborhood organization. In order to facilitate the creation of mixed income developments, the City recommends seeking designation as Neighborhood Revitalization Strategy Areas (NRSA's) through HUD in order to prepare the area for real estate investments in a 3 to 5-year time frame and provide flexibility of use of funds without income qualifications.

Emerging Market Areas: Southern Gateway, Pleasant Grove, and University Hills.

Reinvestment Areas



PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three years following were in the price range below \$249,999. In 2014 the housing market was in transition - the number of home sales priced under \$249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between \$300,000 and \$1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

These market conditions have led to an increase in both rental rates and sales prices in the overall market, and 6 out of 10 families in Dallas are housing cost burdened, meaning they spend more than 30% of their income on housing due in part to wages not keeping pace with housing costs. Undoubtedly, families at lower income bands are more financially strained by these market conditions. Therefore, increasing production over a 3-year period and minimizing the regulatory barriers to overall market production is equally important. Furthermore, because this has made even deteriorated housing stock unaffordable, it makes the need for home repair programs more important than ever. Table 1 below shows annual production goals of 3,733 for homeownership units and 2,933 for rental units while still maintaining the 3-year historic average ratio of homeownership and rental percentages.

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 0% to 120% of the HUD Area Median Income by incentivizing homeownership developments and rental developments that include rent restricted units for families at the full range of 0% to 120% of AMI. These targets are also outlined in Table 1 below.

Table 1

Production Goals					
Percentage of HUD Area Median Income Dallas Metro		Homeownership		Rental	
		Production Goals	%	Production Goals	%
Market Rate	101-120%	933	55%	587	40%
	81-100%	1,120		587	
Extremely Low, Very Low, and Low Income	61-80%	1,307	45%	733	60%
	51-60%	373		440	
	31-50%	TBD*		293	
	0-30%	TBD*		293	
Total		3,733		2,933	

***Households earning less than 60% of the Area Median income will be evaluated based on the CHP Underwriting guidelines.**

HOUSING POLICY TASK FORCE

Added December 11, 2019

Summary

The Housing Policy Task Force (task force) was established with the adoption of the comprehensive housing policy to solicit input from the general public and industry experts on the city's housing priorities and goals. It creates a forum for open dialogue and education on housing issues and progress updates on how the city is addressing the issues. Through task force activities, the comprehensive housing policy will be tested, implemented and changed all in the interest of serving the residents of Dallas.

Structure

The housing policy task force is led by a steering committee with a chairperson, five focus area facilitators with industry expertise, and five focus area City staff representatives.

The task force itself is open to any member of the public who chooses to attend the meetings and/or submit feedback electronically. This open form of membership is a deliberate design component of the task force so that the City continues to build upon the significant public participation that occurred during the initial development of the comprehensive housing policy

Within the direction provided by City Council, the task force and its steering committee contribute stakeholder input and subject-matter expertise in the following focus areas and to further the following purposes:

- **Multifamily development:** Develop and refine policy, programs, strategies, and tools, and recommend amendments to the development code that maximize the production of new mixed-income multifamily and rental units by providing incentives for mixed income development.
- **Single family and ownership development:** Develop and refine policy, programs, strategies, and tools, and recommend amendments to the development code that maximize production of new mixed-income single family and ownership units from 60% to 120% AMI by providing incentives for mixed income development.
- **Affordability preservation:** Develop and refine policy, programs, strategies, and tools, that encourage rehabilitation and preservation of, and improve access to, existing affordable rental and homeownership housing units
- **Neighborhood investment:** Develop programs, strategies, and tools to invest funds and city support in neighborhoods in need of investment in preparation for future market-based investment in Reinvestment Strategy Areas while ensuring sustainable, equitable growth and promoting greater fair housing choices.
- **Support and funding:** Identify and secure new funding sources, maintain and support existing funding sources, minimize regulatory barriers, and review all state and federal policy recommendations related to housing while ensuring transparency and affirmatively furthering fair housing

The steering committee members will regularly communicate with each other, and the task force will engage a broad segment of the public in guiding the implementation of the CHP. See Appendix 1 for the housing policy task force structure and leadership.

HOMEOWNER PROGRAMS

The Housing and Neighborhood Revitalization Department (Housing Department) strengthens families and neighborhoods to cultivate a diverse and economically inclusive City by creating affordable and safe housing and mitigating community member displacement. The City offers several programs to support homeownership: the Home Improvement and Preservation Program (HIPP), the Dallas Homebuyer Assistance Program (DHAP), the DHAP Targeted Homebuyer Incentive Program, and accessory dwelling units.

Home Improvement and Preservation Program

Added/amended June 26, 2019 by Resolution No. 19-1041

Amended August 26, 2020 by Resolution No. 20-1220

Amended September 9, 2021 by Resolution No. 21-1450

The Home Improvement & Preservation Program (HIPP) provides an all-inclusive repair and rehabilitation program for eligible single-family owner-occupied and landlord single-family income qualified rental housing units in the City of Dallas. HIPP is a comprehensive program with four components for the purposes of making needed improvements and preserving affordable housing:

- 1) a Minor Home Rehabilitation Program that provides grant assistance to non-profit organizations to administer the Minor Home Repairs Program to low- and moderate-income homeowners.
- 2) a Major Home Rehabilitation Program that provides loan assistance to low- and moderate-income homeowners needing moderate and substantial rehabilitation to their home.
- 3) a Home Reconstruction Program that provides loan assistance to low- and moderate-income homeowners needing to reconstruct their homes.
- 4) a Rental Rehabilitation Program that provides loan assistance to landlords which lease to low- and moderate-income households needing moderate and substantial rehabilitation to rental properties.

Applicants for HIPP will be prioritized on a first come first served basis for all programs. If an Applicant is within their affordability period from any other program, they are not eligible. If an Applicant is currently being served (not within an affordability period), they are not eligible to receive funding from another program concurrently. If an Applicant has been served in the past, residents that have never been served from the Housing Department will be served first. For the other repair/rehab programs refer to that section on qualifications.

1. Minor Home Rehabilitation Program

The Minor Home Rehabilitation Program provides grant assistance to non-profit organizations to allow much needed emergency health and safety repairs to a home of an eligible homeowner for minor home repairs, as described below. Funding for this program can be provided by both federal and non-federal funding. Funds from partnering non-profits can be provided as long as total funding does not exceed \$4,999.99 per property.

Applicant Eligibility

Homeowners for the Minor Home Rehabilitation Program must meet all of the following requirements to be eligible to participate.

- Applicants must be the owner of the home to be repaired and have occupied the home for at least six months prior to the date of application. Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.
- Property taxes must be current and not delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
- Applicants must have a gross annual household income at or below the applicable low- and moderate-income limits. Applicants must be at or below 80% AMI when CDBG funds are used or at or below 120% of AMI when non-federal funds are used as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application. Applicant household income eligibility is only valid for six months from the date of the last application.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Minor Home Rehabilitation Program are ineligible for assistance under the Program.
- Applicant can only be served once with this program every five (5) years.

Property Eligibility Requirements

- The property must be a detached, single-family dwelling, owner-occupied, and be located within the city limits of Dallas, Texas.
- The property must obtain environmental clearance under 24 CFR Part 58.5 prior to committing repair funds.
- The property must be in need of repairs designated as eligible repairs under the Subrecipient Repair Program.

Eligible Repair Improvements

Eligible improvements under the Minor Home Rehabilitation Program include the following:

- Roofing repair or replacement
- Ceiling and baseboard holes repair
- Exterior entry doors replacement or repair, including handles and locks
- Exterior windows (for broken windows) replacement or repair
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- Water heater replacement or repair
- Heating /cooling central air system repair, or installation of wall heaters
- Plumbing, water and sewer pipes, kitchen and bath fixtures repair/replacement
- Electrical repair/replacement of plugs, breakers, panels, or wiring
- Gas pipe repair/replacement and gas testing
- Floor repair
- Installation of smoke, fire and CO₂ detectors
- Interior and exterior repairs as needed
- Any item determined eligible by the Director

Terms of Assistance

Assistance under the Minor Home Rehabilitation Program is provided in the form of a grant to the non-profit partner, who may provide funding from other sources to assist additional homeowners, and who will directly contract with the applicant for repairs.

Assistance Limits

The maximum assistance amount provided under the Minor Home Rehabilitation Program is \$4,999.99 per property.

Non-profit partner(s) subscribed under the Minor Home Rehabilitation Program must complete the repairs at no cost to the homeowner and must ensure repairs are not subject to any real property liens.

Administration

The administration of the Minor Home Rehabilitation Program shall be performed by non-profit partners that are procured by the City and that have experience providing rehabilitation services and have committed to administering the program citywide, although specific geographies can be considered. The non-profit organization may receive reimbursement of allowable costs as direct delivery for the program in addition to the grants for the applicants, provided the non-profit organization follows the grant requirements as provided by the City. To ensure that the correct program has been selected for the applicant, referrals shall be provided by the City. City administration of the program includes eligibility referrals, application evaluation procedures, ongoing compliance, and other duties as established in the contract, the program guidelines, and the policies and procedures. The City at its sole discretion may inspect that the work was needed and completed, examine cost of repairs for reasonableness, review applicant eligibility and review for compliance with any other program guidelines.

2. Major Home Rehabilitation Program

Changes are effective for applications accepted after September 9, 2021. The Major Home Rehabilitation Program is a forgivable loan program to low- and moderate-income homeowners for the purpose of making needed repairs to preserve affordable housing. Major Home Rehabilitation Program is designed to ensure the longevity of the home and to address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. Major Home Rehabilitation Program will improve suitable living conditions, health, and welfare and will expand economic opportunities that revitalize neighborhoods. Funding for this program is provided by HUD CDBG funds (limited to assistance provided to households at or below 80% of area median family income (AMI); and potentially non-federal funds for households at or below 120% AMI. Not to exceed 27% of the HOME Homeownership Value Limits, as established by HUD.

Applicant Eligibility

- Applicants must be the owner of the home to be repaired and must have occupied the home for at least six months prior to the date of application ("Applicant"). Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be a U.S. citizen or lawful permanent resident, and they must hold a current Texas state-issued identification card or driver's license. Unless allowed by HUD or other applicable law.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.

- Applicants must not have more than one outstanding loan on the property. The City will only accept a first or second lien position. Applicants having a reverse mortgage on the property are not eligible for this program.
- Property taxes must be current and not delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
- Applicants must have a gross annual household income at or below the applicable low- and moderate-income limits. Applicants must be at or below 80% AMI when CDBG funds are used or at or below 120% of AMI when non-federal funds are used as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application. Applicant household income eligibility is only valid for six months from the date of the last application.
- Applicants must correct all code violations not associated with the repairs to the home that currently exist on the property.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the program are ineligible for assistance under the program.
- Priority shall be given to Applicants who have not participated in any City repair, rehabilitation, or reconstruction program previously. If the Applicant is in their affordability period under any other program except the Neighborhood Empowerment Zone Program, then they are not eligible to receive funding under this program.
- Applicants must be willing to voluntarily relocate at the homeowner's expense, if necessary.

Property Eligibility Requirements

- Must be a single-family dwelling, owner-occupied, and must be located within the City of Dallas, Texas city limits.
- Must obtain environmental clearance under 24 CFR Part 58.5, as amended, prior to committing rehabilitation funds.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan balance is repaid in full or forgiven, as described below. The City has the right to decline a homeowner that may be in a floodplain or floodway.
- Applicant must certify that the home is not for sale and is the primary residence of Applicant.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- No liens, except those associated with the first mortgage, shall exist on the property.
- The property must be in need of repairs designated as eligible repairs under the Major Rehab Program. The City has the authority to determine what the necessary repairs will be and when the amount exceeds the limits.

Eligible Repair Improvements

Eligible rehabilitation activities include items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; and will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. Major systems are part of the scope of work and are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt by the City.

Assistance in removing any items from the property that are considered to be dangerous, hazardous, or a violation of local code is an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the home up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (swimming pools, spas, high end fixtures). Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the CDBG regulations. Any other ineligible activity may be considered if deemed necessary by the City to undertake an eligible activity, if allowable under the CDBG regulations, as applicable.

Eligible improvements under the Major Home Rehabilitation Program include the following:

- Cost effective energy conservation measures, including solar heating, cooling, & water systems permanently affixed to dwelling
- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
- Replace/repair roofing
- Replace/repair HVAC systems
- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas test
- Install new smoke, fire, and CO₂ alarms
- Install new insulation
- Replace/repair flooring and carpeting
- Replace/repair water heaters
- Replace/repair electrical system and installation of ground fault circuit interrupters
- Replace/repair windows
- Replace/repair window and/or door screens
- Replace/repair plaster, siding and stucco
- Painting (inside and outside)
- Install new deadbolt locks
- Replace/repair kitchen or bath cabinets and countertops
- Replace/repair garage doors

- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)
- Foundation repairs
- Any items determined eligible by the Director

Terms of Assistance

Major Home Rehabilitation Program assistance is an interest-free, forgivable, self-amortizing loan in an amount subject to the City's assessment of needs, not to exceed 27% of HOME Homeownership Value Limits, as established by HUD. The City loan shall be secured by a first or second lien on the property, signed by Applicant as the owner of the property.

Loan payments are self-amortized over the ten-year loan term and forgiven annually at the rate of one-tenth of the loan amount for every year the borrower occupies the property continuously as his/her primary residence and complies with the terms and conditions of the contract. The deed restrictions and the deed of trust shall be released on the tenth anniversary of the making of the loan so long as the borrower has met the conditions of the loan, as described under these program requirements, for the entire term. Failure of borrower to occupy the property continuously as his/her primary residence or comply with the terms and conditions of the contract for the entire term shall result in repayment of the unamortized balance of the loan.

The affordability period for the Major Home Rehabilitation Program shall be ten (10) years.

Applicant shall be required to provide on-going proof of insurance to the City, with the City as an added insured. Applicant must certify annually that the home is not for sale, is the primary residence of the Applicant, and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven.

In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required for the ten-year term.

Applicant may repay Rehabilitation loans at any time without penalty. All loans are immediately payable upon the earlier of:

- The sale, conveyance, transfer, rental, hypothecation of the security; or
- If the home is vacated during the term of the loan; or
- Failure to adhere to the provisions of the loan agreement; or
- If property insurance, satisfactory to the City, is not maintained on the property.
- If the Applicant falls behind on the mortgage of their home.
- Failure to otherwise adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Major Home Rehabilitation Program loans are not assumable except under the following limited circumstances:

- Transfer of property to a surviving spouse;
- Transfer of property to an heir(s);
- Transfer of property where spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement; or
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program, does not utilize the property as their primary residence, or does not meet any other condition of the loan, then the unamortized balance of the loan amount is due immediately and payable to the City.

Assistance Limits

Under Major Home Rehabilitation Program, the maximum loan assistance amount is not to exceed 27% of HOME Homeownership Value Limits, as established by HUD. Rehabilitation funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, escrow fees are program delivery costs of the City and shall not be included as part of the loan provided to the Applicant.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope as defined by the City (except as provided below). The City Manager or designee may on a case by case basis administratively approve (without City Council approval or Council Committee approval) additional assistance not to exceed ten percent above the maximum limit for any owner-occupied rehabilitation project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

Mortgage and Refinancing

The following are the credit and underwriting standards for Major Home Rehabilitation Program loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if the primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
- Property taxes must be current.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Properties with a reverse mortgage are not eligible for this program.

Applicants can refinance their properties for better terms. However, they shall not be allowed to do a cash out refinance.

Administration

The City of Dallas Department of Housing and Neighborhood Revitalization Staff or their designees ("Staff") shall administer the Major Home Rehabilitation Program. As used herein, the term "Staff" may include either employees or consultants of the department under the direction of the Director (defined below) or his/her designee. The administration of the Major Home Rehabilitation Program includes direct delivery costs, application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of

completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director of Housing and Neighborhood Revitalization (the "Director") shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

3. Home Reconstruction Program.

The Home Reconstruction Program provides loan assistance to eligible homeowners of single-family, detached dwellings for the reconstruction of existing housing. Subject to the requirements stated below, dwellings requiring repairs that exceed 80% of the most recent certified improvement value as determined by the applicable appraisal district qualify for this program assistance. Assistance for this program is provided by HUD through the Home Investment Partnerships Program (HOME), CDBG, and/or non-federal funds. If HOME funds are used, the applicable HOME regulations shall apply, even if such regulations conflict with program requirements detailed below. Not to exceed 75% of HOME Homeownership Value Limits, as established by HUD.

Applicant Eligibility

- Applicants must be referred to the Home Reconstruction Program from the Major Rehab Program.
- Applicants must be the owner of property and must have occupied the home for at least six months prior to the date of application for the Major Rehab Program. Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be a U.S. citizen or lawful permanent resident, and they must hold a current Texas state-issued identification card or driver's license.
- Applicants must not have any outstanding loans on the property because the City will only accept a first lien position. Applicants having a reverse mortgage on the property shall not be eligible for a loan.
- Property taxes must be current and not delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding by the written agreement.
- Where federal funds are provided, Applicant must have a gross annual household income at or below the applicable low- and moderate-income limits (<80% AMI) as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Non-federally funded activities allow applicants to have a gross annual household income at or below 120% of AMI. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Reconstruction Program are ineligible for assistance under the Reconstruction Program.
- When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
- Applicant must correct all code violations not associated with the reconstruction of the home that currently exist on the property.
- After the reconstruction and throughout the course of the affordability period, the Applicant must correct any and all code violations received during that duration.

- Priority shall be given to Applicants who have not participated in any City repair or rehabilitation program previously.
- Applicant must be willing to voluntarily relocate at the Applicant's expense during the course of reconstruction.

Property Eligibility

- Must be a detached single-family dwelling, owner occupied and located within the City of Dallas city limits.
- Must obtain environmental clearance under 24 CFR Part 58.5 prior to committing program funds.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full. The City has the right to decline a homeowner that may be in a floodplain or floodway.
- No liens may exist on the property.
- Applicant must certify that the home is not for sale and is the primary residence of Applicant.
- The property must require repairs that exceed 80% of the most recent certified improvement value as determined by the applicable appraisal district for this program assistance. The City has the authority to determine what the necessary repairs will be and when the amount exceeds the limits of Major Rehab Program.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- If the property has been reconstructed pursuant to any City program, the property is not eligible for reconstruction under this Home Reconstruction Program.

Eligible Repair Improvements

Eligible improvements under the Home Reconstruction Program include the demolition of the existing single-family home and reconstruction in substantially the same manner of similar design a replacement detached single-family home on the same lot. The number of dwelling units on a site may not be increased.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt.

Terms of Assistance

Home Reconstruction Program assistance is provided in the form of a loan. The City loan shall be secured by a first lien on the property, signed by Applicant as the owner of the property. Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property. The maximum loan amount is subject to City established underwriting criteria/requirements.

The affordability period for the Home Reconstruction Program shall be 15 years. In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant may repay the Home Reconstruction Program loan at any time without penalty. All loans are immediately payable upon the earlier of:

- The sale, conveyance, transfer, rental, hypothecation of the security; or
- If the home is vacated during the term of the loan; or
- Failure to adhere to the provisions of the loan agreements; or
- If standard property insurance, satisfactory to the City, is not maintained on the property; or
- Failure to adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Home Reconstruction Program loans are not assumable except under the following limited circumstances:

- Transfer of property to a surviving spouse;
- Transfer of property to an heir(s);
- Transfer of property where a spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program, does not utilize the property as their primary residence, or does not meet any other condition of the loan, then the full loan amount is due immediately and payable, in full, to the City.

Assistance Limits

The maximum amount of assistance provided shall not exceed 75% of HOME Homeownership Value Limits for new construction. The City Manager or designee may on a case by case basis administratively approve (without additional approval of City Council committee or City Council) additional assistance not to exceed 10% above the maximum limit for any owner-occupied reconstruction project under the following circumstances:

- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City codes;
- Unforeseen environmental issues; and
- Addressing issue that threaten life, health, safety and welfare of the public.

Home Reconstruction Program loan funds may be used to complete project-related hard costs such as demolition and construction costs and designated soft costs of architectural and engineering fees. All other project-related soft costs shall not be included as part of the loan provided to the applicant. These costs may be provided by the City as part of its delivery costs.

Credit and Underwriting Standards

The following are the credit and underwriting standards for Home Reconstruction Program Loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Properties may not have any outstanding loans on the property. The City will not accept a lien position lower than a first lien.
- Property taxes must be current.
- Properties with a reverse mortgage are not eligible for Program funding

Relocation

Relocation costs will not be paid by the City.

Administration

Staff shall administer the Home Reconstruction Program. This administration includes, but is not limited to, application evaluation procedures, assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

4. Rental Rehabilitation Program

The Rental Rehabilitation Program is an all-inclusive repair and rehabilitation program for single-family rental units, with up to four units per property. It offers a forgivable loan program to landlords who lease to low- to moderate-income households, with the purpose of making needed improvements and preserving affordable housing. The Rental Rehabilitation Program is designed to finance improvements and address health, safety, accessibility modifications, and structural/deferred maintenance deficiencies.

The Director of Housing and Neighborhood Revitalization (the “Director”) shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

Applicant Eligibility

- Applicant must be the owner of the rental unit(s) to be rehabilitated. Applicant must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership.
- Applicant must provide a copy of the lease agreement with its tenant.
- Applicant and tenants must be U.S. Citizens or lawful permanent residents, and they must hold a current Texas State issued identification card or Driver License.
- The tenants of the unit to be repaired must have a gross annual household income at or below the applicable low- and moderate-income limits ($\leq 80\%$ AMI) as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application or construction completion. Applicant household's income eligibility is only valid for six months from the date of the last application.
- Applicant must be willing to correct all code violations that currently exist on the property.
- The Applicant can apply to repair one or all four units as long as the entire structure is brought up to code.

- City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the Program.
- Applicant must adhere to the Dallas City Code, including but not limited to Section 20A and comply with HUD HOME rent limits and other applicable state, local, and federal requirements.

Property Eligibility

1. The property must be a single-family (1-4 units) renter occupied dwelling located within the City of Dallas, Texas city limits. Properties with over 4 units are not eligible for rehabilitation assistance under this program.
2. If Applicant has a mortgage or other loan then the Applicant(s) must be current in their loan.
3. Must obtain environmental clearance under 24 CFR Part 58.5, as amended prior to committing rehabilitation funds.
4. Property taxes must be current. Property taxes must not be delinquent for any tax year.
5. Applicant must register with the Code Compliance Single Family Rental Division, or successor department, as determined by the City.
6. Applicant must certify that the unit is not for sale and that the unit being applied for is occupied by an income-eligible tenant or will be at the completion of construction
7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full or forgiven, as detailed below.
8. Must not have more than one outstanding loan on the property. City will only accept a first or second lien position. Applicants having a reverse mortgage on the property shall not be eligible for a loan.
9. Repairs must conform with designated as eligible improvements under the program.
10. For rehabilitation, if the Applicant's property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or previous owner, Applicant will not be eligible to receive funding for the same property.
11. No liens, except those associated with the first mortgage, shall exist on the property.
12. Repairs that exceed eighty percent (80%) of its improvement value are not eligible for assistance.

Eligible Repair Improvements

Eligible rehabilitation activities include items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes and will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. Major systems are part of the scope of work and are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt by the City.

Assistance in removing any items from the property that are considered to be dangerous, hazardous, or a violation of local code is an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the unit up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (swimming pools, spas, high end fixtures). Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the applicable regulations. Any other ineligible activity may be considered if deemed necessary by the City to undertake an eligible activity, if allowable under the applicable regulations, as applicable.

Rental Rehabilitation Program funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, or escrow fees shall not be included as part of the loan provided to the Applicant. These costs shall be provided by the City as part of its delivery costs. These costs are program delivery cost of the City, such cost will not be included in the loan amount. Applicant must certify annually that the home is not for sale and is the primary residence of the tenant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property.

Eligible improvements under the Rental Rehabilitation Program include the following:

- Cost effective energy conservation measures, including solar heating, cooling, & water systems permanently affixed to dwelling
- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
- Replace/repair roofing
- Replace/repair HVAC systems
- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas test
- Install new smoke, fire, and CO₂ alarms
- Install new insulation
- Replace/repair flooring and carpeting
- Replace/repair water heaters
- Replace/repair electrical system and installation of ground fault circuit interrupters
- Replace/repair windows
- Replace/repair window and/or door screens
- Replace/repair plaster, siding and stucco
- Painting (inside and outside)
- Install new deadbolt locks
- Replace/repair kitchen or bath cabinets and countertops
- Replace/repair garage doors
- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)
- Foundation repairs
- Any items determined eligible by the Director

Terms of Assistance

The Rental Rehabilitation Program assistance is an interest-free, forgivable, self-amortizing loan in an amount subject to the City's assessment of needs. The City loan shall be secured by a first or second lien on the property, signed by Applicant as the owner of the property. Landlord must rent to an income eligible renter for the duration of the affordability period. Landlord must certify annually that it is in compliance with the terms until the loan is repaid to the City in full or forgiven, as detailed below. Landlord must also correct all code violations that exist on the property. The maximum loan assistance amount not to exceed 27% of HOME Homeownership Value Limits and not to exceed 80% of the Appraisal District Improvement Value, not to exceed 4 units per address.

Loan payments are self-amortized over the ten-year loan term and forgiven annually at the rate of one-tenth of the loan amount for every year the Applicant leases to low-income households, the Applicant remains the owner of the property, and complies with the terms and conditions of the contract. The deed restrictions and the deed of trust may be released on the tenth anniversary of the making of the loan, so long as the Applicant has met the conditions of the loan, as described under these program requirements, for the entire term, as determined by the City. Failure of Applicant to rent the property continuously to income qualified residents or comply with the terms and conditions of the contract for the entire term, shall result in repayment of the unamortized balance of the loan. Short term vacancies between tenants may be allowed, as determined by the City, on a case-by-case basis.

The City shall perform required monitoring during the ten-year period of affordability. Applicant shall also be required to provide on-going proof of insurance to the City, with the City as an added insured. Applicant must certify annually that the home is not for sale, the Applicant is leasing to low-income households, and Applicant remains the owner of the property, and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven.

The affordability period for the Rental Rehabilitation Program shall be ten (10) years. In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant may repay the Rental Rehabilitation Program loan at any time without penalty. All loans are immediately payable upon the earlier of:

- Upon transfer of the property, whether voluntary or involuntary, including but not limited to the sale, conveyance, transfer, or hypothecation of the security; or
- If the home is vacated during the term of the loan, in excess of the short-term vacancies approved by the City, or if it is not rented to an income eligible tenant; or
- Failure to adhere to the provisions of the loan agreements; or
- If standard property insurance, satisfactory to the City, is not maintained on the property; or
- Failure to adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Rental Rehabilitation loans are not assumable except under the following limited circumstances:

- Transfer of property to a surviving spouse;
- Transfer of property to an heir(s);
- Transfer of property where a spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope, as defined by the City, and shall not exceed the maximum allowable funding level of 27% of HOME Homeownership Value Limits per property. The City Manager or designee may on a case by case basis administratively approve (without City Council approval or City Council Committee approval) additional assistance not to exceed 10% above the maximum limit for the Rental Rehabilitation Program under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project.
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- To address issues that threaten life, health, safety and welfare of the public.

Applicant is required to ensure that occupancy for all assisted units is maintained by tenants that are income qualified at 80% of AMI or lower, and at rental rates that are consistent with the current HOME Fair Market Rent.

Mortgage and Refinancing

The following are the credit and underwriting standards for Rental Rehabilitation Program loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
- Property taxes must be current
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Properties with a reverse mortgage are not eligible for Rental Rehabilitation Program funding.

Tenant Relocation During the Affordability Period

If a tenant relocates for any reason during the affordability period, the Applicant shall have the responsibility of obtaining a new tenant that meets all Rental Rehabilitation Program requirements within the timeframe specified by the City.

Temporary Relocation During Rehabilitation

Relocation is not contemplated for rehabilitation activities, however if an unanticipated event occurs which requires temporary relocation, Applicant shall be responsible for the relocation-related expenses and fees. Applicant shall perform such relocation obligations in compliance with

the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Section 104(d) and any other applicable state, federal, or local laws/regulations.

Program Administration

Staff shall administer the Rental Rehabilitation Program. The administration of the Rental Rehabilitation Program includes application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, management of the rehabilitation, inspection, disbursement of program funds and processing of the notice of completion, and other duties as established in the program guidelines as well as the policies and procedures.

Dallas Homebuyer Assistance Program

Added/amended June 26, 2019 by Resolution No. 19-1041

Amended October 13, 2021 by Resolution No. 21-1656

Provides homeownership opportunities to low- and moderate-income homebuyers (defined as “Applicant” for this program) through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility

Applicant must meet the following criteria:

- Property must be located in the city limits of Dallas.
- Household projected annual income must not exceed 80% of Area Median Income, but if the funding source allows, annual income may be increased to an amount not to exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program. Income eligibility shall be determined at the time of the application. Applicant household’s income eligibility is only valid for six months from the date of the last application.
- Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
- Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant’s projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
- Applicant(s) must meet the citizenship and/or immigration status guidelines set forth by the Department of Housing and Urban Development (HUD).
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with this program are ineligible for assistance under this program. This policy extends for a period of 12 months beyond an individual’s disassociation with the City in such a capacity.
- When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
- Property to be purchased must be for the primary residence of Applicant. Applicant must certify that the home is not for sale and will be the primary residence of Applicant.
- Applicant must attend an 8-hour homeownership education class from a HUD-certified counseling agency within 12 months of application for assistance.
- Applicant must make a minimum initial cash investment of \$1,000 toward purchase of home.
- The property must meet federal and local requirements, including but not limited to Minimum Housing Standards, Environmental Review, and international residential code.

Eligible Properties

The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas, Texas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy. All liens must be paid off at or before closing.

The property must contain adequate living and sleeping space for the Applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data.

The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit); or
- Condominium or cooperative unit

An appraisal is required and may be provided by the first mortgage lender or Applicant. The initial purchase price of an assisted property to be acquired for this activity cannot exceed the HOME Value Limit for Dallas. This limit is updated annually. The sale price of an assisted property may not exceed the “Appraised Value”.

Affordability Periods

The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested. The City’s recapture provisions will apply.

Amount of Funds	Required Affordability
Less than \$15,000	5 Years
\$15,000 to \$40,000	10 Years
Over \$40,000	15 Years

Eligible Expenses

Eligible expenses may include principle reduction, down payment and closing cost assistance. If the house is sold before the required affordability period has elapsed, the assistance funds must be recaptured on a pro-rated basis.

Terms of Assistance

- The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, forgivable loan, which shall be forgivable annually based on the affordability period, subject to the terms of the contract.
- In the event of any of the following occurring prior to the completion of the affordability period the balance is payable immediately on a pro-rated basis.
 - (1) The sale, conveyance, transfer, lease, rental, hypothecation of the security, or any part thereof, or any interest therein, or divestment of title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the prior written consent of the City being first had and obtained; or
 - (2) Failure to adhere to the provisions of the contract; or
 - (3) Failure to adhere to the provisions under the City’s deed restrictions, deed of trust and/or the note, or any other lien encumbering the property.
- Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the affordability period ends.
- If there is an underlying development agreement associated with the property, additional requirements may apply. Such determination is made by the City.

Credit and Underwriting Standards

Following are the credit and underwriting standards for Applicant:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.

- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.
- The maximum assistance available for an Applicant in a High Opportunity Area (of the MVA) is \$60,000. In all other areas, the maximum assistance will be \$40,000 per household. Not all Applicants will qualify for the maximum assistance. The assistance available to any given Applicant is based on the City's assessment of the Applicant's need, taking into account the additional criteria outlined below.
- First mortgage amount must have a front-end ratio no higher than 32%
- First mortgage amount must have a back-end ratio no higher than 45%

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence for the remainder of the affordability period. If the heir(s) do not meet the income requirements of the program and the loan or does not utilize the property as their primary residence, and the loan is still within the period of affordability, then the prorated loan amount is due immediately and payable, in full, to the City.

Refinancing

Refinancing for better rate and term is permitted upon prior approval of the City. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.

DHAP Targeted Homebuyer Incentive Program

This program offers financial assistance for those in educational instruction and library occupations; healthcare practitioners and technical occupations; healthcare support occupations; and protective service occupations, including but not limited to fire fighters and police officers, who purchase a property in the City of Dallas. Applicants with an income up to 120% AMI who qualify for this program may receive down payment assistance funds up to \$45,000. Applicants who receive assistance using federal funds are subject to the rules of the "Dallas Homebuyer Assistance Program" (see above).

Eligibility

Applicant must meet the following criteria:

- Property must be located in the city limits of Dallas.
- Household projected annual income must not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
- Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
- Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant's projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
- Applicant(s) must be U.S. Citizens or legal residents.

- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with this program are ineligible for assistance under this program. This policy extends for a period of 12 months beyond an individual's disassociation with the City in such a capacity.
- Property to be purchased must be for the primary residence of Applicant. Applicant must certify that the home is not for sale and will be the primary residence of Applicant.
- Applicant must attend an 8-hour homeownership education class from a HUD-certified counseling agency within 12 months of application for assistance.
- Applicant must make a minimum initial cash investment of \$1,000 toward purchase of home.
- The property must meet federal and local requirements, including but not limited to Minimum Housing Standards and international residential code.

Eligible Properties

The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas, Texas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy. All liens must be paid off at or before closing.

The property must contain adequate living and sleeping space for the Applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data.

The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit); or
- Condominium or cooperative unit

An appraisal is required and may be provided by the first mortgage lender or Applicant. The sale price of an assisted property may not exceed the "Appraised Value".

Affordability Periods

The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested.

Amount of Funds	Required Affordability
\$45,000 or less	5 Years

Eligible Expenses

Eligible expenses may include principle reduction, down payment and closing cost assistance. If the property is sold before the required affordability period has elapsed, the assistance funds must be recaptured on a pro-rated basis.

Terms of Assistance

- The assistance for the DHAP Targeted Homebuyer Incentive Program will be offered in the form of a deferred, forgivable loan, which shall be forgivable annually based on the affordability period, subject to the terms of the contract. In the event of any of the following

occurring prior to the completion of the affordability period the balance is payable immediately on a pro-rated basis.

- The sale, conveyance, transfer, lease, rental, hypothecation of the security, or any part thereof, or any interest therein, or divestment of title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the prior written consent of the City being first had and obtained; or
- Failure to adhere to the provisions of the contract; or
- Failure to adhere to the provisions under the City's deed restrictions, deed of trust and/or the note, or any other lien encumbering the property.
- Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the affordability period ends.
- If there is an underlying development agreement associated with the property, additional requirements may apply. Such determination is made by the City.

Credit Underwriting Standards

Following are the credit and underwriting standards for Applicant:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.
- The maximum assistance available for an Applicant will be \$45,000 per household. Not all Applicants will qualify for the maximum assistance. The assistance available to any given Applicant is based on the City's assessment of the Applicant's need, taking into account the additional criteria outlined below.
- First mortgage amount must have a front-end ratio of up to 32%
- First mortgage amount must have a back-end ratio no higher than 45%

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence for the remainder of the affordability period. If the heir(s) do not meet the income requirements of the program and the loan or does not utilize the property as their primary residence, and the loan is still within the period of affordability, then the prorated loan amount is due immediately and payable, in full, to the City.

Refinancing

Refinancing for better rate and term is permitted upon prior approval of the City. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.

Accessory Dwelling Units

(CHP amended December 11, 2019; Code amended June 27, 2018 by Resolution Nos. 18-0978A and 18-0978B)

Sec. 51A-4.209(b)(6) of the Dallas Development Code provides that for single family uses the Board of Adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In addition, Sec. 51A-4.510 of the Dallas Development Code provides regulations allowing for an accessory dwelling unit overlay district. An accessory dwelling unit overlay district is a compact, contiguous area where residents of a single-family neighborhood may petition City Council to create a zoning overlay that, if approved, allows code-compliant accessory dwelling units by right.

TENANT PROGRAMS

Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to individuals and families experiencing homelessness or who are at risk of homelessness to pay the difference between the cost of rent and the actual affordable amount that the tenant can pay. The program shall be operated on a first come first served basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

Eligible Uses

Eligible costs include: Subsidy is based on the amount of the rent, household income and City rent standard in a form of a grant. Covered expenses include:

- Rent supplemental financial assistance:
- Utility costs
- Security deposits
- Utility deposits
- Maximum assistance of 24 months
- May provide security deposit and utility deposit assistance upon exiting the program for a permanent unit

No payments will be made directly to the tenant household.

Prohibited Uses

City of Dallas HOME TBRA funds may not be used to assist tenants in conjunction with homebuyer programs, including lease purchase programs.

Eligible Units

Eligible tenants may rent any housing that meets the following criteria:

- Located in Dallas City Limits
- Meets Minimum Housing Quality Standards
- Reasonable rents are charged
- Not public housing projects or receiving project based federal assistance

Subsidy Amounts and Tenant Contribution

Maximum Subsidy: Maximum assistance that can be provided is the difference between 30% of the household's adjusted monthly income and the payment standard.

Minimum Tenant Contribution: All tenants are required to pay 30% of their monthly adjusted income, or \$20.00 per month, whichever is greater.

Length of Assistance: Assistance will not be provided for a period of time longer than two years, and minimum of one-year lease.

Other Tenant Requirements

Agencies administering TBRA programs may require tenant participation in a self-sufficiency program as a condition of rental assistance.

A legitimate, legal lease is required for program participants.

Income Recertification

Income of tenants receiving HOME tenant based rental assistance must be re-certified on an annual basis, at a minimum. City staff may require recertification of tenant income at any time, at the City's discretion, if it appears that a tenant's income has changed substantially during the contract term. If the tenant's income exceeds eighty percent (80%) of Area Median Family Income, HOME assistance must be terminated.

Payment Standard

The HOME payment standard will be the Small Area Market Rent, annually established and published by the US Department of Housing and Urban Development.

Termination of Assistance

HOME assistance may be terminated if the following occurs:

- Household's income exceeds eighty percent (80%) of Area Median Income;
- Household is evicted from the approved unit by owner for cause;
- After receipt of two official notices requesting cooperation in the re-certification process, the household is unresponsive and uncooperative.

In all cases above, thirty days' notice of the termination must be provided to the tenant and landlord.

DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program

The purpose of the New Construction and Substantial Rehabilitation Program (Development) is to provide financial assistance to new developments and substantial rehabilitation of existing property, where such assistance is necessary, and to appropriately incentivize private investment for the development of high quality, sustainable housing that is affordable to the residents of the City.

The City shall award funds, when available, through a competitive Notice of Funding Availability (NOFA) or a Request for Applications (RFA) process in accordance with the program's scoring policy. The scoring policy shall be determined by the City's development priorities and clearly outlined in the corresponding NOFA or RFA.

Funds may be used to:

- Build new single-family developments with 5 or more homes
- Build new or substantially rehabilitate multi-family rental housing with 5 or more units

Eligibility

To be eligible for funding under the New Construction and Substantial Rehabilitation Program assistance, the proposed project must meet all of the following basic criteria:

- Project must consist of 5 or more units located within the municipal boundaries of the City of Dallas. Note: Extra Territorial Jurisdictions areas are not eligible for financial assistance.
- Substantial rehabilitation projects must, at a minimum, meet the substantial rehabilitation test.

In addition to fully meeting the City's minimum code requirements, a project must meet one or more of the following Substantial Rehabilitation threshold tests:

- Replacement of two or more major building components (roof; wall or floor structures; foundations; plumbing, central HVAC or electrical system); or
- costs are 15% or more, exclusive of any acquisition and/or acquisition and development soft costs, of the property's replacement cost (fair market value) after completion of all required repairs, replacements and improvements; or
- rehabilitation hard costs are \$10,000 or more per unit.

The after-rehabilitation rents required to effectively support the property, including the additional rehabilitation project debt service, must be:

- Reasonable, and fall within the underwriting standards; and
- Affordable and meet the City's definition of affordability.

Owners must exhibit a cash equity participation of at least 10% in the rental property proposed for rehabilitation. Note: Housing tax credits proceeds are to be treated as equity.

Loan Terms

Financial assistance can be provided in the form of a repayable loan as negotiated on a project by project basis and demonstrated by the financial underwriting. The City loan is fully repayable, and the interest rate varies by the type of Borrower. The City may structure loans for projects including permanent supportive housing units as forgivable loans. The interest rate for a qualified CHDO Borrower or Sponsor shall be zero percent (0%) simple annual interest. The interest rate

for a qualified nonprofit Borrower or Sponsors shall be one percent (1%) simple annual interest. The base interest rate for all other Borrowers shall be three percent (3%). However, the 3% base rate can be reduced through a combination of one or more Borrower concessions:

- A Borrower guarantee to make annual interest payments will reduce base interest rate by 1%;
- Borrower agreement to limit loan maturity to 20 years or less reduces base interest rate by 1%; or
- Borrower guarantee of annual interest and principal payments reduces base interest rate by 2%.

The Borrower can combine a) and b) above to reduce the 3% annual simple interest base interest rate by 2% to the 1% annual simple interest floor rate. However, in no instance can the floor interest rate be less than 1% annual simple interest for a Borrower in this category.

Repayment terms will be negotiated based on project underwriting and after review of all other financing commitments. Repayment of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months. Subject to City review and approval, multi-family projects may have up to 24 months (in addition to the above stated maturity of 300 months) of deferred principal and interest during a construction and lease-up; or,
- An annual surplus cash payment. The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of \$50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as: Surplus cash available for partnership distribution, less any outstanding:

- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Limited partner loans that have been approved by the City
- Deferred developer fees
- Supplemental replacement reserve deposits approved by the City

Note: Incentive management fees have been deliberately omitted from the above list. Payment of incentive management fees shall be subordinate to repayment of the City's loan(s).

[Additional Requirements for New Construction Development](#)

For new construction housing developments funded by the City, the maximum subsidy per unit is 22.5% of the HUD HOME Value Limit.

Funding will be provided to Community Housing Development Organizations, governmental entities, or public facility corporations at 0% simple interest, which will be forgiven upon sale of the property to home buyer.

In addition, funding will be provided to other qualified non-profit organizations at 1% simple interest, which will be forgiven upon sale of the property to home buyer.

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for

repayment to occur up to the end of the current calendar year when HUD financing is involved. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

If the City's multi-family rental subsidy is derived from a Federal funding source, investment may not exceed the corresponding annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit).

Affordability Period Requirements for All Rental Housing Development and Substantial Rehabilitation Loans

The Period of Affordability (income and rent restrictions) applies to both single-family and multi-family rental housing projects. Affordability periods shall be set as follows, in keeping with HUD requirements.

Amount of CDBG or HOME funds Per Unit	Minimum Period of Affordability
Under \$15,000/ unit	5 years
\$15,000 - \$40,000/ unit	10 years
Over \$40,000 or rehabilitation involving refinancing	15 years
New construction of rental housing	20 years

Conditions of All City Loans

- The property must be residential rental property under the existing ownership for the entire loan term. If the property is transferred by any means during the loan term, the remaining unforgiven portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

The City loan will be secured by a lien on the property. The lien position will be no less than a second, except upon approval of the appropriate City Department Director. The City may also require additional security for its loan, including, but not limited to, a first lien position on other investment property of the owner, as well as personal and/or corporate guarantees if it is necessary to secure the loan.

The terms of payment will continue throughout the entire term of the note, provided the Borrower complies with each and every term and condition of the loan documents. If the Borrower does not comply, or if the borrower at any time defaults under the terms of the note, interest on the unpaid principal will thereafter:

- accrue at a rate that is 500 basis points over the Note interest rate, and

- be immediately payable in addition to the entire outstanding principal amount

Financial Structuring

GAP Financing

The City deferred debt (deferred forgivable or surplus cash) only be used for and based upon the financing gap on affordable units. The City loan cannot exceed the financing gap.

Balloon Mortgages

Ballooning senior debt mortgages may require additional mitigating factors depending on overall project sources and uses, projected loan-to-value, and other risk factors. Under no circumstances will the City participate in a transaction where a senior balloon term is less than 15 years.

Surplus Cash Mortgages

The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of \$50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as:

- Surplus cash available for partnership distribution, less
- Any outstanding:
- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Approved limited partner loans
- Deferred developer fees
- Approved supplemental replacement reserve deposits

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved and general HUD distribution guidelines. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing

Prior to funding commitment, the borrower must provide a completed Appraisal Request Form for City-Ordered Appraisals by the date specified in the City's notice of funding award, unless the development is exempt from the appraisal requirement as described below. The establishment of the date will take into account the applicable funding source commitment deadline and the Borrower's project timeline.

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under \$100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.
- Single family homes (1-4 family structures) that are aggregated under one loan

- The Borrower has provided a third-party market study
- The Project is HUD 202 or HUD 811 with a funding reservation

Note: Whenever a project is exempt under one of the above provisions, the City will use assessed value unless the borrower requests an appraisal for determining acquisition cost as defined in these Underwriting Standards.

The cost of appraisals must be borne by the Borrower. All costs incurred for the appraisal, and any revisions, will be the responsibility of the applicant. The City will collect the appraisal costs from its loan proceeds at closing.

Appraisals ordered by the Borrower will not be accepted. All appraisals must be ordered by the City, HUD or a designated HUD MAP lender, Fannie Mae or a designated Fannie Mae Delegated Underwriter Services (DUS) lender or a regulated financial institution.

An Agency-ordered appraisal will be used to support the acquisition costs identified at the time of application. The appraised value will be used by the City and its funding partners in underwriting the acquisition cost.

An As-Is Appraisal:

Land Only for New Construction: Fee simple value of the land. The market value appraisal will consider the real property's zoning as of the effective date of the appraiser's opinion of value. If the real property consists of more than one parcel, the parcels will be combined in one appraisal with one value conclusion.

Acquisition/Rehab:

Fee simple "as-is" value of the existing multi-family property assuming market rate rents. Fee simple, in "as-is" condition, with existing restricted rate rents.

Adaptive Re-Use:

Fee simple market value of the property to be adapted for an alternate use. The valuation will assume the highest and best use permitted by law and economically feasible in the current market.

Prior to Closing – Scheduled Payment Loans:

For scheduled payment loans, an as-completed appraisal is required to establish loan to value. An "as-completed and stabilized" appraisal is required for all amortizing loans.

Two hypothetical values are required:

- As completed and stabilized, subject to restricted rents
- As completed and stabilized, assuming market rate rents

The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with \$15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser to establish the "as completed" value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

Prior to Closing- Deferred Loans:

For non-amortizing loans, the City requires an appraisal prior to closing similar to that required for amortizing loans (above). Borrowers may use another lender's appraisal. Non- Amortizing developments exempt from the prior to closing appraisal requirement include:

- Single family homes (1-4 family) that are aggregated under one loan (the City will use assessed value unless the Borrower requests an appraisal for determining acquisition cost as defined in the Borrower's Underwriting Standards.)

Loan Conditions

As a condition of the City Loan, the Developer must agree:

- To rent these properties in accordance with Affirmative marketing standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- To comply with Chapter 20A of the Dallas City Code.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the rental property to condominiums for the duration of the public note.
- To maintain the property in a safe, sanitary and decent condition, in compliance with the City of Dallas Building Codes throughout the term of the public sector note.
- To provide evidence of having paid annual property taxes unless the property is deemed tax-exempt by the Dallas Central Appraisal District. The City will require owner to provide documentation of property tax payment on an annual basis.
- To secure fire and extended insurance coverage for the property with City named as co-insured on the subject property for the full term of the loan. The City will require owner to provide documentation of insurance coverage on an annual basis.
- Comply with Annual Re-certification of tenant's annual income, which means each year the property owner must document the income of the tenant by reviewing documents such as W-2s, pay stubs, etc. in order to ensure that their income meets the low-income requirements.
- To a property inspection one year after the rehabilitation and every two years thereafter during the period of affordability. The owner must agree to cooperate with and assist in this inspection effort, and to resolve all deficiencies cited within the designated correction period allotted.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built in 1978 and before.
- To the CHDO Proceeds provisions outlined in Appendix 2 (if applicable)

The City will examine the sources and uses for each project and determine whether the costs are eligible and reasonable, the return to the developer is appropriate (not excessive), and the other sources of funds needed for the project are firm commitments. "Reasonableness" of development costs should be based on the following factors:

- Costs of comparable projects in the same geographical area;
- Qualifications of the cost estimators for the various budget line items; and
- Comparable costs published by recognized industry cost index services

Failure to comply with any of the conditions outlined above will constitute a default of the public sector loan, requiring the balance to become immediately due and payable.

If the property is sold or ownership is transferred through any means, the terms and conditions of the loan are binding upon the new owners, successors, and assigns. The loan shall not be assigned and the property shall not be sold without prior written approval from Director.

For HOME projects, a determination of fixed or floating HOME units must be made at the time of Loan commitment. Fixed units must remain the same throughout the period of affordability. Floating units may change in order to maintain conformity so that the total number of units meet the required number of bedrooms to the originally designated HOME-assisted unit.

Loan Closing

The property owner will be required to provide the following items for loan closing:

- For substantial rehabilitation projects, the after-rehabilitation appraisal of the property showing the appropriate value relative to the proposed loan.
- Acceptable Commitment for Title Insurance Policy showing the City's interest in the total amount of the City's Deferred Payment Loan.
- Credit Reports on all Borrowers with a 15% or greater ownership interest.
- List of all real property assets and their value.
- An acceptable bid from an approved contractor. The approved contractor must be licensed, and provide proof of appropriate insurance coverage, covering the total cost of the rehabilitation work and including, but not limited to worker's compensation, general liability, and personal liability.
- Copy of the insurance policy with coverage satisfactory to the City.

Permitted Rehabilitation Program Costs

CDBG or HOME funds will be used to support only the following eligible costs:

- Actual rehabilitation costs necessary to correct substandard conditions to comply with the City of Dallas building Codes, federal environmental conditions standards, and federal lead-based paint abatement requirements.
- Essential improvements including energy conservation-related repairs, and improvements to permit use of the rehabilitated units by persons with disabilities.
- Repairs to major building system in danger of failure.
- Costs, generated by the public sector, for processing and closing the financing for the project, such as: credit reports, fees for title evidence, fees for recordation and filing of legal documents, attorney's fees, permits, and appraisal fees.
- Cost for the relocation of tenants currently residing in the property at the date of initial application, who must be temporarily or permanently displaced as a direct result of the rehabilitation activity.

Involuntary Displacement

The City prohibits involuntary displacement of residents from developments receiving funding. If a development receives federal funds, the Uniform Relocation Act provisions will apply as well as other applicable laws.

Eligible Costs

The following costs may be reimbursed with HOME funds:

Hard Costs	Soft Costs
Land and Structure Acquisition	Financing Fees & credit reports
Site preparation, including Demolition	Affirmative marketing, initial leasing & marketing costs
Construction Materials and Labor	Title binders and insurance
--	Performance bonds and surety fees
--	Recording fees
--	Legal & accounting fees
--	Appraisals
--	Eligible Soft Costs
--	Environmental reviews

CDBG funds may not be used for new building construction, in accordance with HUD regulations. However, CDBG funds may be used for all other reasonable and eligible costs in the above table.

Monitoring

The City is required by HUD to obtain information on rents and occupancy of HOME – assisted units to demonstrate compliance with the affordability rent requirements on an annual basis.

Additional Requirements for ALL Rental Housing Projects

Tenant Selection/Eligibility:

An owner of rental housing assisted with HOME or CDBG funds must adopt written tenant selection policies and criteria that:

- are consistent with the City’s goal of providing housing for very low-income and low-income families;
- are reasonably related to program eligibility and the applicant’s ability to perform the obligations of the lease;
- provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and
- give prompt written notification to any rejected applicant stating the grounds for the rejection

Income Eligibility and Re-certification:

Tenant incomes must be re-certified annually and verified with source documents every six years. If the income of a household in an assisted unit rises above 80% of Area Median Income, the household may continue to rent the unit and the household must pay monthly rent equal to the lesser of:

- The rent permitted by state law; or
- 30% of the family’s adjusted monthly income at annual re-certification.
- If the project was financed with Low Income Housing Tax Credits, the tax credit rent prevails.

Acceptable Rents for HOME Projects Only

The HOME program has established rules in relation to acceptable rents. There are two rent standards: High HOME Rent and Low HOME rent. For properties with five or more HOME assisted units, at least 20% of the units must have rents that meet the “Low HOME” criteria.

High HOME Rent: lesser of the Section 8 Fair Market Rents for existing housing OR 30% of the adjusted income of a family whose annual income equals 65% of the area median income.

Low HOME Rent: 30% of the tenant's monthly adjusted income OR 30% of the annual income of a family whose income equals 50% of the area median income.

Mixed Income Housing Development Bonus

~~Added December 11, 2019, Code amended March 27, 2019 by Resolution No. 19-0429~~

~~The mixed income housing development bonus (MIHDB) and the mixed income housing administrative requirements were approved by Ordinance No. 31152, on March 27, 2019. The MIHDB program was amended by Ordinance No. and by Resolution 22-xxxx on xx, 2022.~~

Background

~~The goal of the MIHDB is to address systemic inequities by providing housing that is affordable to a broad range of income levels in all areas of the city. The program will create affordable housing in strong neighborhoods (Market Value Analysis (MVA) Categories A, B, and C); create mixed income communities and reduce neighborhood displacement in gentrifying and transitioning areas (MVA Categories D, E, and F); and support equitable revitalization¹ in weaker market areas (MVA Categories G, H, and I).² Likewise, the MIHDB Fund will be used to support the creation of housing least likely to be provided by the market.~~

On March 27, 2019, City Council approved amendments to Chapter 51A of the Dallas Development Code to allow by-right development bonuses to incentivize new mixed-income rental development. These by-right bonuses are available in MF – Multifamily Districts and MU – Mixed Use Districts, ~~specifically MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts. Today, these districts represent³ As of 2019, these districts represented~~ approximately 15,000 acres across the city.

~~The by-right bonuses in Chapter 51A provide a framework for new and amended planned development districts (PDs) offering a base plus a negotiated bonus. Regulatory bonuses and the reserved unit requirements are specified in the PD, along with references to the administrative procedures in Division 51A-4.1100 and by reference the procedures in Article 20A-II - Mixed Income Housing,” which outlines requirements for managing mixed income developments approved using the MIHDB.~~

~~On xx, 2022, City Council approved amendments to Dallas City Code Chapters 51A and 20A. Together, these chapters, along with the Comprehensive Housing Policy (CHP), regulate the MIHDB.~~

Administration

~~Multiple departments administer portions of this program. Among other responsibilities and in general:~~

- ~~• The Department of Housing and Neighborhood Revitalization administers Dallas City Code Chapter 20A-II, administers the MIHDB fund, recommends percentages of reserved units and income bands in zoning cases, and monitors developments for compliance~~
- ~~• The Department of Planning and Urban Design administers zoning changes and participation in the bonus from a land use perspective~~
- ~~• The Department of Development Services reviews development applications for building permits and ensures compliance with the Dallas Development Code~~
- ~~• The Office of Equity and Inclusion administers the affirmative fair housing marketing plan.~~

¹ *Equitable revitalization* means embedding equitable principles, practices, and measurements into program decisions to protect against displacement, to prevent further decline, and to create communities where all residents thrive.

² See the Background Section of the CHP for more information on the MVA.

³ These districts include: MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts.

Program Benefits

The MIHDB provides program participants with a menu of incentive options, including additional development rights, parking reductions, and financial incentives in exchange for on-site provision of reserved dwelling units or a fee in lieu of provision of reserved dwelling units.

Regulatory Incentives

The MIHDB regulatory incentives vary depending on the zoning district in which the development is located and the classification of the development as Type One, Two, or Three. Regardless of the district, if compliance with Division 51A-4.1100 is referenced, the development is eligible for participation in the MIHDB. Types One, Two and Three, defined in Division 51A-4.1100, are summarized below:

- Type One developments are located in MF(A) and MU zoning districts.
- Type Two developments are located in PDs that include an expressly-stated development bonus for providing mixed income housing.
- Type Three developments are located in PDs that expressly reference compliance with Ch. 51A-4.1106(j).

Type One - By-Right Development Bonuses in Multifamily and Mixed-Use Districts

In these districts, the development bonus and number of reserved units required to attain that bonus vary by the location of the development under the City's Market Value Analysis (MVA) categories. Properties in A, B, and C stronger market categories are required to serve families/households at lower income levels than, and properties in G, H, and I weaker market categories are required to serve households at higher income levels, with the percent of reserved units related to the amount of the bonus requested and the income ranges depending on the MVA category.

- A, B, C: (stronger markets):
 - (1) 5% of units at 51%-60% Area Median Income (AMI),
 - (2) 5% of units at 51%-60% AMI & 5% at 61-80% AMI, or
 - (3) 5% of units at 51%-60% AMI & 5% at 61-80% AMI & 5% at 81-100% AMI
- D, E, F: (transitioning markets):
 - (1) 5% of units at 61%-80% AMI,
 - (2) 10% of units at 61%-80% AMI, or
 - (3) 10% of units at 61%-80% AMI & 5% at 81-100% AMI
- G, H, I: (weaker markets):
 - (1) 5% of units at 81-100% AMI

The bonuses vary by type of zoning district and by the additional development rights that would be most likely to incentivize development.

- In MF-1(A) and MF-2(A) Multifamily Districts, the percentage of reserved units required increases with height and lot coverage.
- In MF-3(A) Multifamily Districts, the percentage of reserved units required increases with height, lot coverage, and density.
- In MU-1 and MU-2 Mixed Use Districts, the percentage of reserved units increases with increases in density. Base floor area ratios (FAR) apply to non-residential use only.
- In MU-3 Mixed Use Districts the percentage of reserved units increases with an increase in FAR and a small increase in lot coverage.

In all Type One districts:

- Building heights are subject to residential proximity slopes, where applicable, and existing setbacks are maintained.
- ~~For multifamily uses, parking is reduced to 1¼ space per unit (versus one space per bedroom in Chapter 51A) and at least 15 percent must be available for guest parking.~~
- Participation in the MIHDB reduces the minimum parking required.
- Developments with transit proximity may receive an additional parking reduction and additional lot coverage.
- Reserved units must be provided on-site, dispersed throughout the development and the unit mix, and be comparable to the market rate units.

Design standards in Type One districts

Additional design standards can reduce auto dependency, reduce the need for parking, encourage alternative modes of transit, and improve transit accessibility, particularly for transit-dependent residents. Design goals include:

- Minimal surface parking, mostly in the side and rear of the lot
- Ground-floor entrances that open directly to sidewalk or open space
- Wide sidewalks, street trees, and pedestrian lighting
- Parking structures wrapped by other uses
- Only short fences with pedestrian gates are allowed between the front of the building and the street.
- A minimum of 10% of the site provided as open space

Type Two and Type Three - Development Bonuses in Planned Development Districts

Developments in planned development districts (PDs) that reference compliance with Div. 51A-4.1100 may also participate in the MIHDB.

Developments in PDs are divided into two groups:

- Developments in PDs that specify a development bonus for providing mixed income housing (Type Two)
- Developments in PDs that expressly reference compliance with Ch. 51A-4.1106(j), which lays out a menu of regulatory bonuses (Type Three).

Type Two and Type Three districts should respect the design intent of the design standards in Dallas Development Code Sec. 51A-4.1107

Financial Incentives (subject to availability of funding)

All developments in MIHDB (Type 1, 2, and 3) that provide on-site reserved dwelling units may apply for financial incentives, including reimbursement of certain development fees. Participants must apply through the New Construction and Substantial Rehabilitation Program process and are subject to the requirements of the CHP, including Fair Housing review as required by Ch. 51A-4.1100. To the greatest extent possible, federal funds should be maximized prior to using funds from the MIHDB Fund. See the MIHDB program statement for additional information.

Developments that obtained mixed income bonuses by paying the fee-in-lieu are not eligible for financial incentives from the MIHDB fund.

Minimum Requirements

Developments may qualify by providing required reserved units on-site or by paying a fee in lieu of on-site provision. All developments are eligible for the development bonus and administrative

incentives, but only those developments that provide the required reserved dwelling units on site are eligible for the financial incentives.

On-Site Provision

Developments that provide units on-site must comply with all requirements Chapter 51A, Article 20A-II, and the relevant zoning district regulations as applicable.

Fee-in-Lieu

Program participants may pay a fee-in-lieu of on-site provision of the required reserved units as provided in Chapter 20A-23.1

Implementation

The regulatory framework for the mixed income housing development bonus is found in Chapter 20A Art. II of the Dallas City Code.

Procedures

- ~~• Developer meets with the City's Department of Housing and Neighborhood Revitalization to request an MVA category verification. The MVA category determines the bonuses that the development may utilize in return for a specified number of reserved units.~~
- ~~• Developer begins the permit application process.~~
- ~~• Before the issuance of a building permit, developer submits an official copy of the executed and filed restrictive covenant.~~
- ~~• Before beginning leasing, developer begins compliance process, including following the approved affirmative fair housing marketing plan and reserving units according to the restrictive covenant.~~
- ~~• Developer completes construction and submits documentation for a final certificate of occupancy. City reviews for compliance with all aspects of the permit and, if complete, issues final CO.~~
- ~~• Developer (and all subsequent owners) submits compliance paperwork regularly during period of compliance. Requirements stay with the development, not the ownership.~~
- ~~• Ongoing compliance is monitored by the Housing and Neighborhood Revitalization Department and the Office of Equity and Human Rights.~~
- ~~• Developer (and all subsequent owners) may not discriminate on the basis of source of income. This non-discrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable.~~

Program participants must comply with the procedures in the Dallas City Code and MIHDB program manual.

Program Operation and Compliance

- Term of affordability is 20 years
- Property owner must remain in compliance with restrictive ~~covenant~~covenants based on the requirements in Chapter 20A-II and Chapter 51A-4.1100, as amended.
- Each eligible household must be charged an affordable rent, ~~which is as~~ defined as a monthly tenant rental housing payment, less an allowance in the Dallas City Code.
- See the State and Local Funding Sources section of this document for utilities, that does not exceed 30 percent of an eligible household's adjusted income. ~~the MIHDB Fund program statement.~~

Land Transfer Program

Added May 22, 2019 by Resolution No. 19-0824

The purpose of this Land Transfer Program (the “Program”) is to incentivize: (1) the development of quality, sustainable housing that is affordable to the residents of the City and (2) the development of other uses that complement the City’s Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, this Program authorizes the City to sell qualifying city-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

The sale of real property pursuant to the Land Transfer Program will enable the City to facilitate the development of housing units that will be offered for sale, lease or lease-purchase to low- and moderate-income households and, on appropriate parcels of land, enable the City to facilitate the development of commercial uses such as neighborhood retail.

Consistency with City’s Affordable Housing Development Goals

The operation of the Land Transfer Program shall align with the City’s existing affordable housing production goals as outlined in the adopted Comprehensive Housing Policy. The portfolio of real property sold under this Program shall be developed to serve the range of income bands as well as the percentage of each income band identified in the production goals of the Comprehensive Housing Policy.

When seeking City Council approval to sell a parcel or parcels of real property pursuant to this Program, staff must identify the proposed developer, indicate the income band for which the parcel(s) of real property is reserved, and provide the City Council with a map depicting the location of the real property that contains the current Market Value Analysis (MVA) and Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) data layers, if such layers exist. The map must also depict the location of all parcels of real property previously sold to the proposed developer pursuant to this Program or any other City affordable housing program in the past two years and the income bands for which each parcel of real property was reserved.

On an annual basis, the Housing and Neighborhood Revitalization Department, or its successor department, shall brief the appropriate City Council committee regarding the year-to-date production data for the Program.

Consistency with Fair Housing Laws

On an annual basis, the Land Transfer Program will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of parcels of real property sold via the Program and demographic information regarding the eligible households who occupy housing units developed pursuant to the Program.

Application Process for Submitting a Proposal to Purchase Parcels of Real Property

The City will create, and will periodically update, an application that is consistent with this Program and the authorizing state statute or city ordinance to be used by developers who are interested in purchasing real property pursuant to the Land Transfer Program. The City may accept proposals to purchase lots on a rolling basis or may solicit purchase proposals through a competitive solicitation process. Only proposals that meet or exceed the minimum developer and project

eligibility criteria will be referred to the appropriate City Council Committee for approval. City Council must approve all sale of real property through the Land Transfer Program.

Each purchase of real property must clarify which Texas statute it is operating under.

	Type of Property	Type of Developer	Uses term low/mod income	Defines targeted incomes	Type of Development Allowed	Add'l state statutory requirements
DCC 2-26 (aka HB 110)	Tax-foreclosed or seized	Nonprofit	Low-income	80% AMFI or below	Affordable housing	Enabling Statute: TLGC 253.010
TLGC 253.010	Any land acquired by municipality	Non-profit and religious organizations	Low-income	Municipality may determine; Should consider AMFI	Affordable housing or a use approved in a written agreement with City	
TLGC 272.001(g)	Any city-owned land except land acquired by condemnation	No limitation	Low- and Mod-income	No	Low- and moderate income housing	
TPTC 34.051	Tax-foreclosed land	No limitation	Primarily Low- and Mod- income	No	A purpose consistent with City urban redevelopment or affordable housing plan	Interlocal agreement among taxing entities; land must be vacant/distressed & tax-delinquent 6+ years

Developer Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, a developer must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

- Developer may be an individual, or may be organized as a corporation, partnership, joint venture or other legal entity, regardless of whether developer is a for-profit, non-profit, or religious organization.
- Developer must be in good standing with the State of Texas and the City, including that the City has not issued a charge against the developer for violating Chapter 20A of the Dallas City Code or Chapter 46 of the Dallas City Code within the past 5 years, may not be debarred under the federal System for Award Management (SAM), may not have uncured violations of Chapter 27 of the Dallas City Code for which it has received notice, may not be indebted to the City or delinquent in any payment owed to the City under a contract or other legal obligation, and must be current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.
- If developer seeks to purchase two or more parcels of real property for the purpose of constructing housing units, developer must have constructed one or more housing units within the three-year period preceding the submission of the proposal to acquire the parcels of real property via the Program. If developer seeks to purchase one or more parcels of real property for the purpose of developing a multifamily or commercial use, developer must demonstrate that it has developed at least one comparable use within the three-year period preceding the submission of the proposal to acquire the parcel of real property via the Program.
- Developer must submit a development plan for all parcels of real property developer seeks to acquire via the Program.
- Developer must demonstrate that it has the financial capacity and staffing/sub-contractor capacity to develop and complete the sale, lease, or lease-purchase, within a two-year period, of its inventory of parcels of real property acquired through the Program. The City Manager or his/her designee may grant up to one, one-year extension of any deadlines in

the development agreement. Any additional extensions of the development agreement must be approved by City Council.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, developer must comply with the eligibility criteria set forth in the ordinance.

Project Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, the proposed project must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

- Parcels of real property must be developed with: (1) a housing unit or units that are offered for sale, lease or lease-purchase, or (2) a commercial use that will complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy.
- Housing units developed on the parcels of real property may only be sold, leased, or offered as a lease-purchase to households whose incomes are within the income bands prioritized by the adopted Comprehensive Housing Policy.
- Housing units developed on the parcels of real property may be either a single family, duplex, or multi-family housing use.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, the project must comply with the eligibility criteria set forth in the ordinance.

Identification of Eligible Households, Affirmative Fair Housing Marketing and Other Policies

Developers of for-sale housing units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Developers of for-sale housing units may only sell to homebuyers who meet the eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP), or a successor program.

Developers of rental housing or lease-purchase units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Such exemptions will be clearly set forth in the development agreement.

Sales Price of Parcels of Real Property Sold via the Land Transfer Program

City-owned real property: Properties will be initially offered at fair market value ("FMV"), as determined by a comparative market analysis. A discount will be available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer or the viable development of a commercial use. The discount is subject to City Council approval.

Tax-foreclosed real property: A fixed price of \$1,000 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal. If land is sold pursuant to Dallas City Code Section 2-26.4, the sales price set forth in the ordinance applies.

Sales Price of For-Sale Housing Units Developed via the Land Transfer Program

For-sale units produced under the Land Transfer Program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state-licensed appraiser. However, the terms of the development agreement for

each parcel of real property purchased pursuant to the Program will include any seller-discount that must be provided to the eligible purchaser so that the amount paid by the eligible purchaser is affordable based on their income.

Rental Rates for Rental Housing Units Developed via the Land Transfer Program

Rental units produced under the Land Transfer Program must be leased at affordable rental rates in accordance with the approved development agreement and Chapter 20A of the Dallas City Code, as amended. If land is sold pursuant to Dallas City Code Section 2-26.4, the rental rates set forth in the ordinance applies.

Term of Affordability

The term of affordability for for-sale housing units is 5 years from the filing date of the deed transferring the unit from developer to homebuyer.

The term of affordability for rental units and commercial uses is 20 years from the date that the first unit is occupied by an eligible tenant.

The term of affordability for lease-purchase units will be negotiated on a case-by-case basis in accordance with the goals of this Program.

If land is sold pursuant to Dallas City Code Section 2-26.4, the term of affordability set forth in the ordinance applies.

Deed Restrictions and Right of Reverter

The City will impose restrictive covenants on all parcels of real property its sells pursuant to the Land Transfer Program. If land is sold pursuant to Dallas City Code Section 2-26.4, the deed restrictions and right of reverter requirements set forth in the ordinance applies.

The restrictive covenants will require the parcels of real property to be developed and maintained in accordance with the development agreement and all applicable city, state and federal laws. These restrictions will include that housing units developed on the parcels of real property be offered for sale, lease or lease-purchase to low- and moderate-income households and be occupied by low- and/or moderate-income households for the entire term of the affordability period.

Land acquired by a developer pursuant to the Land Transfer Program may revert to the City if the City Manager or his/her designee determines that the developer has:

- failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;
- failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
- incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
- sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager or his/her designee that a condition described above has occurred, the City Manager or his/her designee is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City Manager or his/her designee shall file notice

of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City Manager or his/her designee shall provide a copy of the notice to the developer in person or by mailing the notice to the developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

Release of Non-Tax Liens, Release of Restrictive Covenants and Right of Reverter

Pursuant to this Program and contingent upon City Council approval, and in consideration for developer agreeing to construct affordable housing units or other approved uses on parcel(s) of real property, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing any non-tax City liens that may have been filed by the City during the City's ownership of the parcel(s) of real property.

Additionally, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of reentry and terminating the restrictive covenants on the land upon compliance with all terms and conditions of the development agreement and this Program.

Type of Transfer

The City will transfer all City-owned parcels and resell all tax-foreclosed parcels via a deed without warranty, approved as to form by the City Attorney.

PRESERVING AFFORDABILITY

Title Clearing and Clouded Title Prevention Program

Added September 25, 2019 by Resolution No. 19-1498

The Title Clearing and Clouded Title Prevention Program (Program) is a legal and professional services program administered by a third-party entity or entities that is designed to focus on effectively and efficiently utilizing a universal representation model to assist qualified clients of the third-party entity (hereinafter referred to as “clients”) to clarify the legal ownership of their real property so that homeowners can apply for funding for home repair and other needs and can prevent future heirship issues; and clients with vacant land can sell or build on their land. A secondary focus is to provide associated services, including legal rights information sessions, prevention services, and program evaluation and measurement.

While clarifying ownership (technically, creating a “marketable title”) in preparation for eventual sale of a home is a potential outcome, the focus of the Program is on providing legal services that enhance neighborhood stability and enable homeowners to become eligible for funding to invest in their homes. For this reason, eligible legal services include legal rights information sessions and mitigation.

Additionally, on May 22, 2019, by City Council Resolution No. 19-0804, the City passed a resolution to promote equity and committed to make every effort possible to commit more resources to areas and populations where data demonstrates the needs are greatest. In keeping with this resolution, the Program focuses on specific geographical areas of the City where the Program is likely to jumpstart or support neighborhood stabilization, including neighborhoods with high amounts of vacancy, code violations, and historic properties.

The Program addresses the three broad goals of the comprehensive housing policy: to maintain affordable housing, to provide greater fair housing choices, and to overcome patterns of segregation and concentrations of poverty.

Administration

The Program is administered by the Department of Housing and Neighborhood Revitalization, or a successor department.

Award of Funding

A request for proposals, or a similar competitive application process, will be used to award funding under the Program when such funding is available, and any such award will be subject to City Council approval.

Eligible Clients and Prioritization of Clients

Eligible clients are families and individuals with an assumed or possible ownership interest in real estate in eligible geographic areas and who have a household income that is less than or equal to 120% of the Dallas Area Median Family Income, as published by HUD annually, and who are unrepresented by counsel related to title to real property.

Within the eligible geographic areas as further described below, preference will be given to potential clients who have an assumed ownership interest in:

- a home in MVA categories G, H, and I
- real estate in City of Dallas-designated historic districts

- real estate in designated Reinvestment Areas.

Preference will also be given to those clients within the eligible geographic areas who have been denied City of Dallas Housing and Neighborhood Revitalization (the “Department”) funding for lack of ownership clarity on the title.

Clients with title issues on vacant land, as well as those who are in debt to the City and/or who are involved in a suit against the City, are eligible for this Program, subject to the eligibility requirements detailed herein.

Eligible Geographic Areas

Areas of southern Dallas (south of the Trinity River west of downtown and south of I-30 east of downtown) in Market Value Analysis Categories D, E, F, G, H, and I are eligible for the Program. Uncategorized parcels directly adjacent to a parcel or parcels in one of these categories are also eligible.

Eligible Services and Costs

- Remove ownership clouds on the titles of eligible parcels – Screen clients and successfully clarify ownership (or make title “marketable”) for a significant number of titles in eligible geographic areas. Eligible activities include, but are not limited to, client intake and screening, legal advice, document preparation and filing, title examination and abstract services, and legal representation in court.
- Community legal rights information sessions – Conduct legal rights information sessions, including providing information about potential responsibilities and associated future decisions related to having marketable title, and potential financial impacts of keeping or selling the property.
- Conduct client intake – Screen clients and employ a direct representation model.
- Prevention – Provide legal services to eligible clients to increase the number of families with wills, transfer on death deeds, and/or related documentation necessary to ensure a smooth transition of ownership of the property. As needed, provide guidance on the potential financial impacts to the client of keeping or selling the property.
- Measurement – Maintain applicant and client data and report aggregate, non-identifying data to the Department on a quarterly and final basis as detailed in the contract. Reported data should include quantitative data such as number of informational events, legal screenings conducted, titles with ownership clouds removed, wills or transfer on death documents, cases referred, and estimates on the potential depth and scope of the instance of cloudy title. Reported data should also include a qualitative evaluation of efforts and recommendations for improved performance for a potential future program and shall include any other information requested by the City.

Ineligible Services and Costs

This program is not intended to remove any liens, and payment of liens is not an eligible expense.

Community Land Trust Program

Approved December 11, 2019

This Community Land Trust Program (Program) identifies Community Land Trust (CLT) eligibility and operation criteria under which the City Council may initially designate and revoke the re-designation of a CLT, and under which the City Manager, or their designee, may renew or recommend City Council revocation of the designation of CLTs in the City of Dallas.

A CLT in general is an organization that is created to acquire and hold land for the benefit of developing and preserving long-term affordable housing by separating the cost of land ownership from the cost of home ownership with a 99-year ground lease and home resale formula. The homeowner may build equity at a pre-negotiated maximum rate (resale formula) over the tenure of the ground lease and be eligible for a property tax reduction based on the deed restriction, assuming housing market appreciation. The resale formula is the amount a person may sell their home for at any given point. The application process will establish all applicable guidelines in accordance with those described herein. A CLT accomplishes its purposes by separating the cost of land ownership from the cost of home ownership. Specifically, a CLT retains long-term ownership of land, while either selling or leasing the residential structure built or existing on the CLT-owned land in order to create or maintain affordable housing.

The purpose of a CLT is to:

- provide affordable housing for low-income and moderate-income residents in the community;
- promote resident ownership of housing;
- keep housing affordable for future residents; and
- capture the value of public investment for long-term community benefit.

In addition to the statutory eligibility criteria, a CLT organization seeking to be designated or re-designated by the City of Dallas as a CLT must meet the Eligibility and Operation Criteria set forth in this policy.

Consistency with City's Affordable Housing Goals

The operation of CLTs shall align with the Comprehensive Housing Policy. This CLT Program is designed to work in conjunction with other City programs, and the City's existing affordable housing production goals. On an annual basis, the Department shall report to the City Council the year-to-date production data for the program.

Consistency with Fair Housing Laws

On an annual basis, the Program will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of parcels of real property in CLTs. In addition, the City will collect program evaluation data and demographic information regarding the eligible households who occupy housing units in CLTs.

Application Process

Prior to submitting a written application, the CLT must attend a CLT information session facilitated by the Department and receive information about the Program, designation process, and re-designation process.

The City Manager, or their designee, is authorized to create and periodically update an application.

Eligibility Criteria

In its application to the City of Dallas, a non-profit CLT organization must demonstrate that the organization:

- has been created to acquire and hold land for the benefit of developing and preserving long-term affordable housing in the City of Dallas;
- is organized as one of the following:
 - (1) exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization under Section 501(c)(3) of that code;
 - (2) a limited partnership of which a nonprofit corporation described by paragraph (1) controls 100 percent of the general partner interest; or
 - (3) a limited liability company for which a nonprofit corporation described by Paragraph (1) serves as the only member.
- has adopted articles of incorporation, or a similar governing document, stating that it has the purpose to acquire and hold land for the benefit of developing and preserving long-term affordable housing in the City of Dallas, as required by Chapter 373B, as amended;
- currently owns or intends to own land for the purpose of leasing the land and selling or leasing the housing units located on the land as provided by Chapter 373B, as amended;
- has adopted articles of incorporation, or a similar governing document, stating that on discontinuance of the organization by dissolution or otherwise that the assets related to its CLT activities be transferred to the City of Dallas, the State of Texas, the United States, or an organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986 and designated as a CLT by the City of Dallas; and
- is not controlled by, nor receives direction from, a for-profit entity or corporation.

Operation Criteria

In its application to the City of Dallas, a non-profit CLT organization must demonstrate that the organization:

- defines its geographical boundaries of operation. A CLT may operate citywide or may elect to focus on a specific geographic area or areas.
- maintains at least 1/3 representation on the organization's governing board for low-income community residents and, to the extent practicable, low-income beneficiaries of the CLT properties with regard to decisions on the design, siting, development, and management of affordable housing;
- must use standard documents, including but not limited to a ground lease and deed restrictions;
 - (1) that include a resale formula outlining the amount of equity per year that can be built while ensuring long term affordability;
 - (2) that ensures that the owners of housing units built on CLT land will either be eligible for a property tax discount based on the deed restriction or, where the occupant is a tenant, that the occupant will benefit from any property tax discount;
 - (3) that have terms for sale, lease and inheritance,
- must sell or lease housing units only to eligible households as set forth in Chapter 373B.006, as amended;
- may not discriminate on the basis of source of income with tenants. This non-discrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable;

- will consider the local neighborhood context for architecture that is respectful and within character of existing style and context, so that if a neighborhood plan exists with Design Guidelines, they will be followed by the organization;
- has a business plan that ensures the CLT will have the financial capacity to perform its operations including supporting ongoing maintenance of all property improvement exteriors and grounds;
- has at least two years of experience developing and managing affordable housing or has contracted with an organization that has such experience and that will provide management services or technical expertise until the non-profit independently meets the experience requirements;
- maintains paid staff, or has contracted with an organization that has staff, who have successfully developed and/or maintained affordable housing projects;
- annually has a financial audit or audit review prepared by an independent auditor. The audit must include a detailed written report describing the CLT's sources and uses of funds, including an A-133 analysis of compliance with federal grants, if applicable; an analysis of internal controls; and the auditor's opinion letter to the board of directors and management; and
- complies with any other requirements imposed by the City Manager, or their designee that are in accordance with the Program and the City's Comprehensive Housing Policy.

Re-Designation

To maintain designation as a CLT in subsequent years after initial designation, a CLT must submit a yearly re-designation application to the Department. The City Manager, or their designee may re-designate the CLT or recommend to the City Council to remove the CLT designation. The CLT must:

- meet the Eligibility and Operation Criteria set forth in this policy;
- certify that the information in the CLT's initial application is still true and correct and that the CLT continues to comply with all local, state and federal regulations OR acknowledge that information in the CLT's initial application has changed and attach updated information;
- submit its annual audit or audit review;
- submit all required evaluation and reporting metrics; and
- submit additional information as required by the Department.

Program Evaluation

During initial application and upon re-application, each CLT must submit the following information that will assist the Department in evaluating the impact of all CLTs operating in the City of Dallas:

- Origin statement (how was this CLT organized/formed and why)
- For re-designation – add any changes to format or structure of the organization;
- Definition of "Community" in the Community Land Trust;
- If geographically based within an area, the geographic boundaries;
- Number of units placed in CLT annually since inception;
- Number of units anticipated to be placed in the CLT annually over the next three years;
- Number of families served since inception;
- AMI of families in homes on CLT-owned land at time of sale or transfer;
- Demographic data on family, household size, race/ethnicity, etc.;
- Total acreage of property in CLT designated by land use type (single family, commercial, multi family, etc.);

- Market Value Assessment (MVA) category or other document that shows market realities and how ground lease responds to market conditions; and
- List of services provided to families through CLT such as: maintenance program, legal services, financial education, emergency home repair, etc.
- Upon request, City Staff are eligible to assist in assessing fiscal impact by annually, after the certified tax roll is released, report for each owned CLT property three items: 1) the taxable value and the municipal real property tax amount due during the year the CLT purchased the property, 2) the taxable value for the land and improvements and the real property municipal tax revenue due for the current tax year, and 3) an estimate of the market value of the land and improvements but for the CLT and a corresponding estimate of the municipal real property tax that would have been due based on current appraised values of similarly situated comparable properties.

Targeted Rehabilitation Program

Approved August 26, 2020 by Resolution No. 20-1220

The Targeted Rehabilitation Program (TRP) is intended to preserve and improve residential properties that meet qualifying criteria focused on issues unique to the place, property condition, owner, or other targeted element.

The TRP is designed to be a common framework for the creation by Council of multiple TRP sub-program modules ("Sub-Program Module"). Each Sub-Program Module includes additional criteria based on funding constraints, program design or other factors deemed necessary to that module's implementation and success. In addition, all rehabilitation work on housing units through a Sub-Program Module must meet all applicable City of Dallas Building Codes and standards.

Each Sub-Program Module may address the following common framework:

- Need or targeted issue
- Outreach
- Funding source
- Eligibility requirements
- Eligible repairs
- Assistance terms
- Goals

The TRP is intended to serve all households eligible for support in the CHP. Each Sub-Program Module will identify qualifying factors based on the targeted issue. Additional factors, such as whether financial assistance is a grant or forgivable loan, affordability period terms, deed restriction and/or deed of trust requirements will vary. These additional factors are determined based on the public purpose for the Sub-Program Module and any funding requirements, community feedback, or laws or policies that govern the use of funds.

Need or Targeted Issue

Each Sub-Program Module will establish a clear statement that reflects the targeted issue or need addressed and that guides all module design, including eligibility requirements and funding sources. Sub-Program Modules will be designed to address needs left unmet by other housing programs. All Sub-Program Modules must be approved by City Council.

Outreach

The TRP focuses on specific issues residents face. Therefore, the process for new Sub-Program Module development includes robust resident outreach and community and stakeholder engagement. When applicable, housing staff should work with other departments also conducting community outreach in an area or on a particular issue. Each Sub-Program Module will require a unique method to address this component of the TRP, including focus groups, community meetings, public presentations or inter-departmental communication. Module design must respond to the needs it intends to address.

Funding Source

Funding for TRP originates from multiple sources with varying criteria and must be an integral part of module design. Each Sub-Program Module will clearly state the funding source and established City procedure for use of those funds.

Eligibility Requirements

Eligibility requirements cover both the Applicant and Property and are developed by need and funding as well as established City of Dallas procedure or policy. As a baseline, each new Sub-Program Module aims to meet the following Applicant and Property eligibility depending on applicable law and relevant City policy. Each Sub-Program Module may add criteria(s) not listed above, as needed.

Applicant Eligibility

- For homeowner-occupied-based Sub-Program Modules, Applicant must be one of the owners of the property that lives in the property as their primary residence.
 - a. All household members will need to certify income jointly.
 - b. All property owners must agree to the assistance.
 - c. If the Sub-Program Module requires deed restrictions and/or a deed of trust, the homeowner(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All fee-simple owners of the property must sign all grant documents.
- For Sub-Program Modules focused on property owners who lease the property, applicant must rent to income-eligible residents and agree to tenant protections established in the Sub-Program Module.
 - a. If the Sub-Program Module requires deed restrictions and/or a deed of trust, the homeowner(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.
- Applicant(s) must be a U.S. Citizen or lawful Permanent Resident, and they must hold a current Texas state-issued identification card or driver's license.
- Applicant(s) or Applicant's tenant must meet the established AMI criteria per Sub-Program Module when applying. Income may be verified using but not limited to the following:
 - a. Social security letter
 - b. Pensions
 - c. Tax returns
 - d. Bank stubs
 - e. Notarized letters from financial institution; or
 - f. Hardship letters
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Priority shall be given to Applicants who have not previously participated in any City repair, rehabilitation, or reconstruction program.
- Applicants must be willing to voluntarily relocate at their expense, if necessary.
- Applicants for property owners who lease the property must assist their tenants with temporary relocation expenses.
- Applicants must move any items that prohibit the rehabilitation work from being performed, if necessary.
- City Council members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City is subject to the requirements of the City of Dallas Code of Ethics, and further, those who exercise any policy or program decision-making function in connection with the program are ineligible for assistance under the program, even if it is not a violation of the Code of Ethics.

Property Eligibility

- Must meet the dwelling type, property owner status, location or other Sub-Program Module criteria.
- Property taxes must be current. Property taxes must not be delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding by the written agreement.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid or forgiven, as specified in each Sub-Program Module.
- Applicant must certify that the home is not for sale.
- Applicant for a homeowner based Sub-Program Module must have occupied the home for at least six months prior to application unless length of occupancy is modified in Sub-Program Module.
- Applicant for a lease based Sub-Program Module must have owned the home for at least six months prior to application.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- Requested repairs must conform with the designated eligible improvements listed in each Sub-Program Module. The City has the authority to influence and determine in some cases what the necessary repairs will be.

Eligible Repairs

Eligible rehabilitation activities differ for each Sub-Program Module based on funding source, targeted issue, targeted need, or focus and generally includes only items necessary to bring the structure into compliance with the City's Chapter 27 Minimum Property Standards and applicable local residential codes. Eligible activity also includes items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The rehabilitation item addressed should have a useful life of a minimum of 5 years at project completion.

Improvements to, or demolition of, an accessory structure such as detached garage, work shed, or small residential structure may be made on a case by case basis depending on the eligible repairs listed in each Sub-Program Module, available budget, grant requirements, planning requirements, current building codes, health and safety concerns, and minimum occupancy requirements of property residents.

Assistance in removing any items from the property that are dangerous, hazardous, or a violation of local code may be an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property. Homeowner must move any material that is a hindrance to performing the approved repairs.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the home up to local code or property standards.

The details of each Sub-Program Module are found in the appendix and include a full list of eligible and ineligible repair items.

Assistance Terms

Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform the repair work.

The terms of assistance for the TRP may be in the form of a loan or forgivable grant to the Applicant. The terms may require an affordability period. The loan or forgivable grant amount shall be subject to the City's established loan or grant underwriting criteria/requirements as determined by the applicable Sub-Program Module. The loan or forgivable grant shall be prorated for repayment. Each module will dictate the terms of the repayment based upon factors that may determine this, i.e. funding source.

The loan or forgivable grant may be enforced by a deed restriction and/or secured by a deed of trust. Each Sub-Program Module outlines when these legal agreements will be applied. The terms shall be defined in each Sub-Program Module based upon loan or forgivable grant amount and duration of affordability period in the instance the applicant can no longer meet the terms.

There are no grant repayments unless one of the following happen within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property; or
- If the home is vacated during the affordability period; or
- Failure to adhere to the provisions of the contract.

During the period of affordability, monitoring shall be performed on an annual basis. Applicant must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the Applicant (unless it is a module that allows for rentals), and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven, as specified in each Sub-Program Module.

Goals

Goals for each Sub-Program Module, set at Sub-Program Module creation, will align with other sub-program requirements and may be based on funding limits and alignment with other initiatives. Goals may be reviewed yearly and amended as needed.

Administration

The TRP is designed to work in conjunction with other Housing & Neighborhood Revitalization (Housing) Programs, other City initiatives, and philanthropic efforts to permanently address these issues and preserve affordable housing. Activities under the TRP program include income eligibility referrals, application evaluation procedures, repair assessments, ongoing compliance and other duties as established in the contract, the program guidelines, and the policies and procedures.

Housing will create, and will periodically update, an application that is consistent with the TRP and the authorizing statute, as amended, to be used by Applicants who are interested in a Sub-Program Module. The City may accept applications on a rolling basis or may solicit applications through a competitive application process based on Sub-Program Module specifications. Only applications that meet or exceed the minimum criteria of the Sub-Program Module are eligible to be provided assistance.

The Director of Housing & Neighborhood Revitalization (Director) shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

Consistency with City's Affordable Housing Goals

Sub-Program Modules shall align with the Comprehensive Housing Policy. This TRP sets forth the requirements that are designed to work in conjunction with other City programs and the City's existing affordable housing production goals. On an annual basis, the Department shall report to the City Council the year-to-date production data for the program.

Consistency with Fair Housing Laws

On an annual basis, the TRP will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of properties that receive assistance.

NEIGHBORHOOD INVESTMENT

Neighborhood Empowerment Zones

Approved January 22, 2020 by Resolution No 20-0188

The City's Residential Neighborhood Empowerment Zone Program (Program) outlines the guidelines and criteria for tax abatements and economic development grants in amounts equal to development fees and certain development-related costs to be provided for certain housing projects to be developed within designated Neighborhood Empowerment Zones in the City. Eligible projects may include: (1) development of new affordable housing units on previously vacant land, (2) repair of certain owner-occupied housing units, and (3) repair and rehabilitation of single family and duplex rental units, all in accordance with the Program.

The Program promotes economic development by incentivizing developers to build housing for a wide variety of incomes and to develop high-quality housing near stabilization areas as defined in the City's Comprehensive Housing Policy. Existing homes in these proposed NEZ districts are affected by the negative economic impacts of deteriorating structures while also being vulnerable to new high-income development and experiencing escalating taxable values. Concern about increased taxable value can deter a property owner from investing in a property and can create affordability issues for families.

The proposed tax abatement provides needed relief for these vulnerable families while encouraging additional investment. The Program further addresses the three broad goals of the comprehensive housing policy: (1) to create and maintain affordable housing units throughout Dallas, (2) to promote greater fair housing choices and (3) to overcome patterns of segregation and concentrations of poverty through incentives and requirements.

The Program is created pursuant to the Neighborhood Empowerment Zone (NEZ) provisions in Chapter 378 of the Texas Local Government Code (Chapter 378). Chapter 378 allows cities to create NEZs to promote the creation and rehabilitation of affordable housing; an increase in economic development; and an increase of the quality of social services, education, or public safety provided to residents of the NEZ. In addition to the creation requirements in Chapter 378, proposed NEZs must meet certain distress criteria for designation of a reinvestment zone pursuant to Section 312.202 of the Tax Code, including findings that the NEZ retards the provision of housing accommodations in its present condition and use because of a substantial number of substandard, deteriorated, or deteriorating structures; and the predominance of defective or inadequate sidewalks or streets. Once the NEZ is created, the City may enter into agreements to abate municipal property taxes.

In addition, this program provides additional incentives in the form of development grants pursuant to Chapter 380 of the Texas Local Government Code equal to development fees and certain development-related costs.

Definitions

- **Affordable Rent** means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's Adjusted Income divided by 12, or (ii) the voucher payment standard.
- **Affordable Sales Price** means the fair market value of the home, as determined by an "as-is" or "subject-to-completion" appraisal completed by an independent state-licensed appraiser. However, the terms of the development agreement for the for-sale housing unit

will include any seller discount that must be provided to the eligible household so that the amount paid by the eligible household is affordable based on their income, meaning that their monthly housing payment, including mortgage principal, interest, taxes and insurance, does not exceed 30 percent of the Family's Adjusted Income, divided by 12.

- **Eligible Household** means, at the time of rental or purchase, 1) for rental, a Family with a gross annual household income at or below 60% of AMFI; 2) for home ownership or purchase, a Family with a gross annual household income at or below 120% AMFI at the time of purchase; 3) for buyers of Land Bank program homes, a Family who also meets all of the homebuyer eligibility criteria for the Land Bank program; or 4) for home ownership or purchase, those in educational instruction and library occupations; healthcare practitioners and healthcare support occupations; and protective service occupations, including fire fighters and police officers, with a gross household income under 140% AMFI.
- **Income** means income as defined by 24 CFR §5.609.
- **Reserved Dwelling Unit** means the rental or owner-occupied units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates, or for-sale units sold to an eligible household at an affordable sales price.

All other capitalized terms in this Definitions section have the meaning assigned in Chapter 20A-24 of the Dallas City Code.

Administration

Under Resolution No. 20-0188 authorized on January 22, 2020, the City Manager is authorized to grant tax abatements to developers developing housing in accordance with the Program's tax abatement guidelines. Additionally, the City Manager may authorize development grants in amounts equal to development fees and certain development-related costs up to \$50,000. The Program is administered by the Department of Housing and Neighborhood Revitalization (Department), or a successor department.

Funding for development grants in amounts equal to development fees and certain development-related costs will be provided as authorized by City Council, including the provision of funding from the Dallas Housing Trust Fund.

Application Process

The Department will create, and will periodically update, an application that is consistent with the Program and the authorizing statute, as amended, to be used by Applicants who are interested in accessing the incentives provided by this Program. The City may accept applications on a rolling basis or may solicit applications through a competitive application process. Only applications that meet or exceed the minimum criteria of the Program are eligible to be provided an incentive. Creation of these tax abatement guidelines does not create any property, contract, or other legal right in any person to be granted a specific application or request for tax abatement or grants herein.

Eligible Geographic Areas

When the City Council adopted the Comprehensive Housing Policy on May 9, 2018 by Resolution No. 18-0704, Council approved the designation of certain geographic areas in Dallas as Reinvestment Strategy Areas (RSAs) where the City would implement specific programs, tools and strategies to address three different real estate market types in need of investment.

The City Council prioritized the creation of NEZs in RSAs that were categorized as Stabilization Areas. Stabilization areas are characterized as areas with Market Value Analysis (MVA) categories G, H, and I that are surrounded by MVA categories A-E and, as such, are areas where residents are at risk of displacement based on known market conditions. Because of this risk, creating NEZs in stabilization areas helps the City preserve affordability and deconcentrate racially and ethnically concentrated areas of poverty (RECAPs).

Only lots within Council-authorized Residential Neighborhood Empowerment Zones are eligible for the Residential NEZ program.

Eligible Activities and Affordability Requirements

Development of New Affordable Housing Units on Previously Vacant Land: New construction of single family or duplex housing units that are sold or rented to eligible households, or new construction of multifamily dwelling units that are sold to eligible households. The Program is limited to new construction that occurs 1) on vacant lots that have not had a residential use (as defined by Sec. 51A-4.209 of the Dallas Development Code, as amended) for at least five years, 2) on lots that are subject to an order of demolition issued under Chapter 27 of the Dallas City Code at the time of application, or 3) lots purchased through the City's Land Bank or Land Transfer programs. The new home shall remain affordable for the period of abatement.

- **Investment in Repairs to Owner-Occupied Housing Units:** Investment of at least \$5,000 in repairs to a home owned by an eligible household. The minimum investment of at least \$5,000 must be focused first on water/weather proofing, and then on essential systems such as roofing, electrical, HVAC and plumbing.
- **Investment in Repairs to Single Family and Duplex Rental Housing Units:** Investment in all repairs necessary to bring a single family rental housing unit into full compliance with the Minimum Housing Standards codified in Chapter 27 of the Dallas City Code, as amended, including repairs that make the housing unit water/weather-tight. After completion of repairs, major systems such as roofing, electrical, HVAC and plumbing must have a useful life of at least 5-10 years, depending on the system. For the development grant, the home must be rented to an eligible household for a minimum of 5 years. For the abatement, the home must be occupied by an Eligible Household during the period of the abatement. Minimum investment amount: \$10,000.

Eligible Properties

- The property must be a single-family home, duplex, or owner-occupied multifamily unit located within the city limits of Dallas, Texas.
- Property taxes for the property must be current. Property taxes must not be delinquent for any tax year unless the applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding by the written agreement. Legal, current deferrals for over 65 or disabled are not, on their own, disqualifying.

Eligible Applicants

- An Applicant who will be developing a new housing unit or repairing an existing housing unit must be the owner of the property and must submit a deed, or similar documentation acceptable to the City, in its sole discretion, that proves that the Applicant owns the property in fee simple.
- An eligible household who will be investing in repairs to his/her/their owner-occupied housing unit does not have to have marketable title, but must submit documentation

acceptable to the City, in its sole discretion, that proves the eligible household has an ownership interest in the property.

- An Applicant who will be developing a new housing unit or repairing a rental housing unit must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.
- Applicants for owner-occupied homes must certify that the home is not for sale and is the primary residence of Applicant.
- City Council members, Department of Housing and Neighborhood Revitalization employees, and any employee, official, or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the program.
- Applicants must execute agreements as required by the program.

Eligible Repairs

Eligible repairs for owner-occupied housing units and single-family or duplex rental housing units are listed in the appendix. Applicants must document that the repairs have been completed and paid for, and all applications are subject to City inspection to ensure completion. Applicant must submit proof, acceptable to the City, in its sole discretion, that Applicant made the minimum investment in the housing unit. Applicant must provide cut sheets and warranty information for all mechanical, electrical, and plumbing installed.

Program Benefits

- **Development grants in amounts equal to eligible development fees and certain development-related costs:** At the *completion* of construction/repairs and *after compliance with all Program requirements and submission of required paperwork*, including filing the restrictive covenant, Applicant will receive a grant equal to the eligible fees paid in association with the development and construction of, or repair to, housing units associated with the Program as well as certain development-related costs as detailed in the appendix and below. Developments consisting of more than one housing unit will be eligible for reimbursement of a pro rata share of the eligible development fees and development-related costs based on the percentage of units reserved for eligible households.
- **Ten Year Tax Abatement:** Upon the completion of construction/repairs and after compliance with all Program requirements and submission of required paperwork, including signing all tax abatement agreements and filing the restrictive covenant, the property may receive a 100% municipal tax abatement each year on the value for that year that exceeds the value for the year in which the agreement is executed for a period not to exceed 10 years. To continue to be eligible, the Applicant or Eligible Household must apply to renew the tax abatement each year during the tax abatement period and must document that the property is in compliance with the Program, as determined by the City, in its sole discretion. Tax abatements from other jurisdictions, such as Dallas County, are subject to separate action by the governing body of the relevant jurisdiction.

Affordability Period Related to Development Grants

The housing unit must be occupied by an eligible household for five years from the date the grant payment is made. Failure to maintain the affordability period will be considered default of the agreement, and an amount equal to the development agreement amount and the taxes abated during the required five-year affordability period will be due upon sale of the property.

Affordability Period Related to Property Tax Abatement

A rental housing unit must be occupied by an eligible household during each year that a tax abatement is requested. An owner-occupied housing unit may be sold subject to the home being purchased by a new eligible household.

Additional Requirements

- While participating in the Program, an Applicant who will be developing a new housing unit or repairing a single-family or duplex rental housing unit shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.
- Applicants constructing new housing units to be sold to eligible households must submit proof that information about the availability of Housing and Urban Development-approved homebuyer education courses was provided to the homebuyer at the time of loan application.
- If an Applicant who will be repairing a single family or duplex rental housing unit is leasing to an eligible household at the time of applying for the Program, the Applicant may not evict or decline to renew the lease of the eligible household for at least one year, so long as the eligible household is in compliance with the lease. Further, the Applicant must schedule repair work to minimize disruption to the eligible household.
- Applicants shall document development fees associated with the investment and follow processes as published by the Department.
- The city will draft the required agreements and restrictive covenant. To receive the abatement, the applicant must sign the agreement and execute and file the restrictive covenant on the deed records of the county.
- The abatement requires an annual application and compliance review process and may be denied for any year in which the reserved dwelling is not occupied by a qualified household.
- The Department may impose additional eligibility and compliance criteria that are consistent with the Program and state statute.
- After the initial period of abatement, and subject to program renewal, property owners may apply for an additional period of abatement, subject to all additional investment and program requirements in place at that time.
- All grants and tax abatements are subject to full compliance with city regulations for development. In particular, unauthorized tree removal and construction initiation without required authorizations may, at the Director's discretion, trigger default proceedings.

Termination and amendments

- City Council may amend program details and NEZ boundaries or may terminate NEZ districts. Executed development agreements and tax abatements survive NEZ amendments or termination.
- Tax abatement and development agreements may be terminated two years after execution if work has not begun, as evidenced by a building permit issuance, foundation poured, or other evidence of work acceptable to the City, unless otherwise specified in the agreement.

Program Integration

The Program is designed to work in conjunction with other City programs. Applicants who obtain funding for home repairs through the Home Improvement and Preservation Program (HIPP) or receive mortgage assistance through the Dallas Homebuyer Assistance Program (DHAP) may also participate in this NEZ Program, provided that they meet all requirements of this Program, and subject to Federal limitations. In addition, developers who receive gap financing from the City

or who purchase land through a City program may participate in this Program, provided that they meet all requirements of this Program, and subject to Federal limitations. Additional program integration may also be eligible at the discretion of the Director.

Section 311.0125 of the Texas Tax Code (Chapter 311) requires that tax abatements within TIF districts be approved by the board of directors of the TIF district and the governing body of each participating taxing jurisdiction. Parcels located in a Residential NEZ and in a tax increment finance district may be eligible for a tax abatement provided 1) the board of the relevant TIF district has approved tax abatements pursuant to this Program, along with any applicable amendment to the TIF increment allocation policy, 2) the TIF district's unallocated increment has capacity to support the abatement, and 3) any other participating jurisdictions have approved such abatements. The City Council has approved such abatements as part of the creation of this Program.

FUNDING AND SUPPORTING ACTIONS

Federal Funding Sources

The City receives financial support from the U.S. Department of Housing and Urban Development (HUD) to assist low and moderate-income families in obtaining affordable housing. The City receives several Entitlement (HUD) grants, which it can use to support its housing initiatives. HUD outlines certain regulations that apply when using grant funds. This policy document uses the HUD regulations as a basis and incorporates the City's own policies as adopted by City Council.

Community Development Block Grant (CDBG)

The Community Development Block Grant has been in existence since 1974. The primary objective of the CDBG program is to improve communities by providing decent housing, providing a suitable living environment, and expanding economic opportunities. The primary beneficiary of CDBG funds must benefit low to moderate-income persons; aid in the prevention or elimination of slums or blight; or meet an urgent need.

HOME Investment Partnership Program (HOME)

The HOME Investment Partnership Program has been in existence since 1990. The goals of the HOME program are to provide decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private sector participation. HOME funds may be utilized for rental activities, homebuyer activities, and homeowner rehabilitation activities. All HOME funds must benefit persons of low and moderate income.

HOME Match Requirement

All housing development projects must meet a twenty-five (25%) HOME matching requirement of contributions made from non-federal resources and may be in the form of one or more of the following:

- Cash contributions from nonfederal sources
- Forbearance of fees
- Donated real property
- Cost, not paid with federal resources, of on-site and off-site infrastructure that the participating jurisdiction documents are directly required for HOME-assisted projects
- Proceeds from multifamily affordable housing project bond financing
- Reasonable value of donated site-preparation and construction materials, not acquired with federal resources
- Reasonable rental value of the donated use of site preparation or construction equipment
- Value of donated or voluntary labor or professional services in connection with the provision of affordable housing

Neighborhood Stabilization Program (NSP)

The Neighborhood Stabilization Program was authorized under Division B, Title III of the Housing and Economic Recovery Act of 2008 (HERA) to help communities recover from the effects of foreclosures, abandoned properties, and declining property values. The City collects program income from this source and appropriates it on an annual basis.

State and Local Funding Sources

General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately \$55 million for the next five years.

Tax Exempt Bond Financing (City of Dallas Housing Finance Corporation)

The City of Dallas Housing Finance Corporation (DHFC) was organized in 1984 in accordance with Chapter 394 of the Texas Local Government Code (Code). Under the Code, the purpose of the DHFC is to assist persons of low and moderate income to acquire and own decent, safe, sanitary, and affordable housing. To fulfill this purpose, the DHFC can be an issuer of tax-exempt bonds. The DHFC may issue bonds to finance, in whole or in part, the development costs of a residential development or redevelopment; the costs of purchasing or funding the making of home mortgages; and any other costs associated with the provision of decent, safe, and sanitary housing and non-housing facilities that are an integral part of or are functionally related to an affordable housing development.

Affordable Housing Partnerships: The DHFC can also partner with affordable housing developers for the production of multifamily housing. The DHFC can acquire an ownership stake in the development by becoming the General Partner (GP) of an ownership entity, right of refusal to purchase the improvements, and owning and controlling the land. DHFC is the sole member of the GP. Fifty-one percent of the units must be set aside for affordable housing. If all of the aforementioned criteria are met; then the development can benefit from a tax exemption. Additionally, the DHFC can be the General Contractor to allow for sales tax exemption on construction materials.

MIHDB Fund (as of 4/18/2022)

Approved _____, 2022 by Resolution No 22-xxxx
Effective March 1, 2023

The City's MIHDB Fund was established on _____, xx, 2022. The fund is designed to use effectively the revenue generated from fee-in-lieu payments in the MIHDB program to affirmatively further fair housing.

The goal of the MIHDB Fund is to help address systemic inequities by providing housing that is affordable to a broad range of income levels in all areas of the city. The fund will be used to create affordable housing in strong neighborhoods (Market Value Analysis (MVA) Categories A, B, and C); to create mixed income communities and reduce displacement in gentrifying and transitioning areas (MVA Categories D, E, and F); and to support equitable revitalization⁴ in weaker market areas (MVA Categories G, H, and I).⁵ Priority will be given to development in categories D through I that advances racial equity.

Eligible Activities available for funding from the MIHDB Fund

- Funding for programs authorized by the Comprehensive Housing Policy that affirmatively

⁴ Equitable revitalization means embedding equitable principles, practices, and measurements into MIHDB Fund investment decisions to protect against displacement, to prevent further decline, and to create communities where all residents thrive.

⁵ See the Background Section of the CHP for more information on the MVA.

further fair housing

- Administration, including

- Funding for data and analysis, including real estate market data, in support of housing programs authorized by the Comprehensive Housing Policy that affirmatively further fair housing
- Expenses related to the program such as updates to the Market Value Analysis
- Staffing for management and administration of the MIHDB Program and the MIHDB Fund.

Administration

The MIHDB Fund is administered by the Department of Housing & Neighborhood Revitalization or a successor department ("Housing").

Administration costs will be capped at ten percent of deposits each **prior** fiscal year or \$300,000, whichever is greater.

With City Council approval, the MIHDB Fund may be used to supplement – but not supplant – funding levels for any activity in the CHP in the event current funding or sources of funding for that activity are insufficient.

Award of Funding

Developers may apply for MIHDB funding through the New Construction and Substantial Rehabilitation Program's processes in accordance with the program's scoring policies, with the following exception: each project will be underwritten individually and gap funding will be awarded according to the needs of the development. Funding may be in the form of a grant or a repayable loan depending on the results of the underwriting process.

Eligibility

To be eligible for funding with MIHDB funds, projects must be eligible through the New Construction and Substantial Rehabilitation Program, reserved units must be provided on site or in an approved phasing of a project, and funding from other sources must be allocated first. To the extent possible, federal funds should be maximized prior to using MIHDB funds. All funding is subject to Fair Housing review.

Tax credit projects are not eligible for MIHDB funding except as needed to support on-site market-rate housing units.

Developments paying the fee in lieu are not eligible for financial incentives from the MIHDB Fund.

City of Dallas Policy for Supporting Housing Developments Seeking Housing Tax Credits

(Amended June 12, 2019)

The City of Dallas (“City”) has developed the following policy to outline its approach regarding requests from developers of projects seeking Housing Tax Credits (“HTC”) from the Texas Department of Housing and Community Affairs (“TDHCA”) for Resolutions of No Objection (sometimes referred to as “No Objection”) or Resolutions of Support (sometimes referred to as “Support”) from the City.

Background on Housing Tax Credits in Texas

In 1986, Congress, through the Tax Reform Act, enacted Section 42 of the Internal Revenue Code (“Section 42”). Section 42 created Low Income Housing Tax Credits that may be awarded to owners of multi-family rental housing that meet certain income and rent restrictions and other program requirements. At the Federal level, the HTC program has very few requirements but does require that states designate an agency to administer the HTC program and develop a Qualified Allocation Plan (“QAP”) outlining how HTC will be allocated and administered. For Texas, the Texas Department of Housing and Community Affairs has been designated as that agency, and the QAP is updated annually.

There are two forms of the HTC: 9% HTC and 4% HTC.

9% HTC are considered to be “competitive.” The State receives a per capita allocation of HTC to award each year, and applications are scored and are awarded by TDHCA only once per year. 4% HTC, on the other hand, are “automatically” awarded to projects using eligible tax-exempt debt. As a result, 4% HTC are considered to be “non-competitive” since applications are not competitively scored and are awarded by TDHCA multiple times throughout the year.

Under the 9% HTC, a Proposer may receive points for local government support. To receive points, the application must include a Resolution of Support or No Objection from the governing body of the municipality in which the proposed development site is to be located.

Although 4% HTC applications are not competitively scored, the Proposer must obtain a Resolution of No Objection from the governing body of the municipality in which the proposed development site is to be located. This is a threshold requirement for 4% credit awards. Applications that do not include a Resolution of No Objection cannot proceed.

Overview

This HTC policy seeks support the broad goals of the Comprehensive Housing Policy to do the following:

- Create and maintain affordable housing throughout Dallas,
- Promote greater fair housing choices, and
- Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

The decision to provide a Resolution of No Objection or Support must be aligned with these goals. Unlike other City programs that directly invest in specific projects or provide direct incentives, such as fee waivers or tax abatements, the resolutions are an indirect way for the City to support the proposed development. Because of the points allocation for a Resolution of No Objection or Support for 9% HTC and the threshold requirement of a Resolution of No Objection for 4% HTC,

the City's position regarding a proposed development can greatly affect whether the proposed development is awarded HTC by TDHCA.

Given the substantial need for affordable housing across the City and that TDHCA administers the process for awarding HTC, the City has an interest in broadly supporting quality and responsible HTC proposals across the City. As such, the City will be supportive of maximizing production using HTC.

Definitions:

- **Affordability Period** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Development** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Development Site** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Historically Underutilized Business** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Market Analysis** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Market Rate Housing Units** means units for which the rent may be adjusted by the Owner, as defined in the Qualified Allocation Plan, as amended, subject only to the terms of the lease. Housing units are not considered Market Rate Housing Units if the rent that may be charged and/or the tenant(s) who may occupy the units are limited by a: (1) a Land Use Restrictive Agreement (LURA) or other restrictive covenants, or (2) any other contractual agreement.
- **Plan and Cost Review** means an analysis, usually conducted by a third-party consultant on behalf of a lender prior to approval of a construction loan or of construction-related information and documents that is intended to evaluate whether costs are appropriate, the construction plan is well-designed and there are appropriate allowances for contingencies.
- **Proposer** means the Proposer, Developer, Development Owner, Development Team, and Owner as those terms are defined in the Qualified Allocation Plan, as amended.
- **Qualified Non-Profit Organization** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Registered Neighborhood Organizations** means an organization that has registered with and provided its boundaries to the City of Dallas Department of Planning and Urban Design.

Calendar

Proposers may submit a proposal in response to this policy regarding HTC at any time during the year. However, City staff will only review applications and schedule proposals for City Council consideration four times per year. This calendar will be updated and published annually to align with the TDHCA timeline by the City Manager or his/her designee.

Review & Recommendation Process

- City staff will review all applications. For both 4% and 9% HTC applications, City staff will recommend a Resolution of No Objection to City Council if City staff has determined, in its sole discretion, that the threshold requirements, as outlined below, have been met.
- For 9% HTC applications that have met the threshold requirements, as outlined below, and address Priority Housing Needs Developments, as described below, City staff may designate these applications as "Priority Housing Needs Developments" and will

recommend a Resolution of Support and a \$500.00 funding commitment to City Council if City staff has determined, in its sole discretion, that the threshold requirements and Priority Housing Needs Developments criteria have been met.

- For 9% HTC applications that have met the threshold requirements, as outlined below, and obtain a minimum score of 50 points under the Scoring Factors for Other 9% HTC Applications section, and do not qualify as a “Priority Housing Needs Development”, City staff will recommend a Resolution of Support and a \$500.00 funding commitment to City Council if City staff determines, in its sole discretion, that the threshold requirements have been met and that the application has scored at least 50 points.

4% and 9% HTC Applications Threshold Requirements

Applicable to All Applications

- Submission of a complete application to the City
- The Proposer must have site control (e.g. purchase option)
- If not currently zoned for the intended use, the Proposer must have completed a formal consultation with City Planning staff outlining the process and requirements for rezoning the site
- The Development must meet TDHCA minimum site and development requirements. If undesirable site features exist, the Proposer must submit a mitigation plan that sufficiently mitigates undesirable site features and supports site eligibility pursuant to TDHCA standards
- The Development must meet TDHCA underwriting standards
- The Development must contribute to the City’s obligations to affirmatively further fair housing
- The Proposer must notify existing tenants living at the Development Site at least 45 days prior to submitting the proposal
- For any Development that is occupied by existing tenants that is not otherwise subject to the Uniform Relocation Act (URA), the development proposal must include a City-approved relocation plan that:
 - (1) Minimizes permanent displacement from the Development. In the event of permanent displacement, Proposers will be required to provide compensation to affected tenants that is otherwise in alignment with URA requirements;
 - (2) Must provide reasonable notice to affected tenants prior to any temporary relocation and covers all reasonable out of pocket costs incurred by tenants as a result of moving from one unit to another within the Development or temporarily vacating their units to allow rehabilitation work to proceed; and
 - (3) Proposer must meet all applicable state, federal, or local laws relating to displacement of tenants.
- For any Development involving rehabilitation or adaptive reuse (i.e., conversion of space originally designed and built for other than residential purposes), the Proposer must submit a Plan and Cost Review for the Development including all supporting documentation that formed the basis of the review
- For any Development located in a census tract with a poverty rate of 40% or higher, the Development must achieve a minimum score under Resident Services element of the scoring factors below of:
 - (1) 17 points for elderly developments;
 - (2) 23 points for family developments; or
 - (3) 22 points for permanent supportive housing developments; and
- The Proposer must be eligible pursuant to TDHCA standards and City standards:

- (1) A proposer is not eligible for any resolution if the Proposer i) is in debt to the City or delinquent in any payment owed to the City, in accordance with Dallas City Code Section 2-36, as amended; ii) is currently in litigation with the City, either as a defendant or plaintiff; or iii) within the last 10 years has been found liable of violating Chapter 20A (Fair Housing) or Chapter 46 (Human Rights and Sexual Orientation) of the Dallas City Code.

Developments Involving Rehabilitation of Existing Housing

- The proposed scope of work must be informed by a capital needs assessment (CNA), prepared by a qualified third-party professional that is independent from the Development's architect or engineer, builder/general contractor, or other member of the Development Team. The City will review the CNA and conduct a site visit. The CNA must demonstrate to the City's satisfaction that the initial scope of work is sufficient to address all City code violations (whether formally cited or not). Further, the scope of work, combined with planned replacement reserve funding, must be determined sufficient to address all projected repairs or replacements of the following items through the entire term of the Development's affordability period:
 - (1) All major systems including roof, foundation, electrical, HVAC, and plumbing;
 - (2) Interior and exterior windows and doors;
 - (3) The interiors of all units including the kitchen and bathroom and all major appliances;
 - (4) The exterior of the development, including balconies, walkways, railings, and stairs;
 - (5) Communal facilities such as community rooms, fitness centers, business centers, etc.; and
 - (6) Security features including gates and security cameras.
 - (7) Accessibility

Priority Housing Needs Developments (applicable to only 9% HTC Applications)

A 9% HTC application that meets any of the following criteria may be designated by City staff as a "Priority Housing Needs Development" and recommended for a Resolution of Support and \$500.00 funding commitment to City Council, if City staff has determined, in its sole discretion, that the threshold requirements and Priority Housing Needs Developments criteria have been met:

- The development proposal has been selected within the past three years to receive City funding (including federal funds such as HOME, CDBG, etc. or local funding such as General Obligation Bond funding) under a competitive application process administered by the Department of Housing and Neighborhood Revitalization and otherwise remains in compliance with all funding requirements;
- The proposal includes participation by the Dallas Housing Finance Corporation or City of Dallas Public Facilities Corporation applicable to housing (if created). Such participation must include ownership of the underlying development site by the entity and/or stake in the ownership structure of the development;
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE VI, or other similar HUD programs that may be created;
- The development proposal is located in a census tract with a poverty rate below 20%;
- The development proposal is within any area designated as a Redevelopment Reinvestment Strategy Area (RSA) or a Stabilization RSA in this Comprehensive Housing Policy; or

- Developments with at least 50 units for which the Owner must enter into an MOU with the lead entity of the Continuum of Care by which the project will prioritize at least 20% of units for tenants referred from the Continuum of Care Housing Priority List.

Scoring Factors for Other 9% HTC Applications

For 9% HTC Applications that do not qualify as a Priority Housing Needs Development, the application must achieve a minimum score of 50 within this section, **Scoring Factors for Other 9% HTC Applications**, to be recommended by City staff for a Resolution of Support and \$500.00 funding commitment to City Council, if City staff has determined, in its sole discretion, that the threshold requirements have been met and the application scores a minimum of 50 points under this section.

Mixed-Income Projects (Maximum of 20 points)

Proposals including market rate units (i.e. those without income/rent restrictions) as follows:

Percentage of Market-Rate Units	Points
At least 5% but less than 10% market rate units	5
At least 10% but less than 15% market rate units	10
At least 15% but less than 20% market rate units	15
At least 20% market rate units	20

Qualified Nonprofit or Historically Underutilized Business on Development Team (5 points)

To receive these points, the development team must include a Qualified Nonprofit Organization or Historically Underutilized Business ("HUB") that has a controlling interest in the development. If ownership is a limited partnership, the Qualified Nonprofit Organization/HUB must be the Managing General Partner with greater than 50% ownership in the General Partner. If ownership is a limited liability company, the Qualified Nonprofit Organization/HUB must be the controlling Managing Member with greater than 50% ownership in the Managing member. Additionally, the Qualified Nonprofit Organization/HUB or its affiliate or subsidiary must be the developer or a codeveloper of the Development.

Proximity of Amenities to Development Site (Maximum of 25 points)

The following matrix shall be used in scoring the Development under this category:

Amenity	1/4 mile or less	>1/4 mile and < 1/2 Mile	1/2 mile and up to 1 mile
High Frequency Transit	5	3	1
Public Park	5	3	1
Full Scale Grocery Store	5	3	1
Community/Senior Center or Library	5	3	1
Licensed Day Care	5	3	1
Amenity	1/2 mile or less	>1/2 mile and < 1 mile	1 mile and up to 2 miles
Qualifying Medical Clinic or Hospital	5	2	1
Amenity	20 minutes or less	>20 min. and < 40 min.	More than 40 min.
Transit time to Major Employment Center	5	2	0

Resident Services (Maximum of 25 points)

Note: The list of potential resident services is derived from, but not identical to, the QAP, as amended. The services outlined in the table below are shorthand descriptions, but the City will use the same definitions and requirements for each service as outlined in the QAP, as amended. For purposes of this section, however, the City will use its own scoring criteria to award points. In some cases, the points available may vary from those awarded under the QAP, as amended. Additionally, the total points available are not capped in the City's scoring rubric in the same manner as they are for the QAP, as amended. City Manager or designee may amend the service descriptions categories and point allocations on an annual basis based on the annually updated QAP. The maximum points allocated to Resident Services will remain the same (25 points).

Transportation Services		
Min. 3x/week shuttle to grocery/pharmacy or big-box retail; OR daily shuttle during school year to nearby schools not served by school bus system	(A)(i)	3.5
Monthly transportation to community/social events	(A)(ii)	1
Children Services		
High quality PreK program with dedicated space on-site	(B)(i)	4
Min. 12 hours/week organized on-site K-12 programming (e.g. tutoring, after school and summer care, etc.)	(B)(ii)	3.5
Adult Services		
Min. 4 hours/week organized onsite classes for adults (e.g. GED, ESL, financial literacy, etc.)	(C)(i)	3.5
Annual income tax preparation	(C)(ii)	1
Contracted career training and placement partnerships with local employers	(C)(iii)	2
Weekly substance abuse meetings at project site	(C)(iv)	1
Health Services		
Food pantry accessible to residents (on site or via on-request transportation)	(D)(i)	2
Annual health fair	(D)(ii)	1
Weekly exercise classes	(D)(iii)	2
Contracted on-site occupational or physical therapy for elderly or disabled tenants	(D)(iv)	2
Community Services		
Partnership with local law enforcement to provide quarterly activities with tenants	(E)(i)	2
Notary services for tenants	(E)(ii)	1
Min 2x/month arts, crafts, or other recreational activities (e.g. book club)	(E)(iii)	1
Min 2x/month on-site social events (e.g. potlucks, holiday celebrations, etc.)	(E)(iv)	1
Case management for elderly, disabled, or special needs tenants	(E)(v)	3
Weekly home chore and quarterly preventative maintenance for elderly or disabled tenants	(E)(vi)	2
Social Security Act Title IV-A programming	(E)(vii)	1
Part-time resident services coordinator (min. 15 hours/week) or contract for same through local provider	(E)(viii)	2
Education/tuition savings match or scholarship program for residents	(E)(ix)	2

Community Housing Development Organizations (CHDOs)

A CHDO is defined under 24 Code of Federal Regulations (CFR) Part 92.2 as a nonprofit organization (501©3 or 4) organized under state law; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither controlled by nor under the direction of individuals seeking to derive profit or gain from the organization. While a CHDO may be sponsored or created by a for-profit entity whose primary purpose is not the development or management of housing, such as a builder, developer or real estate management firm, the for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body and the board members appointed by the for-profit entity may not appoint the remaining board members. A CHDO does not include a public body although a locally chartered organization may qualify under certain conditions.

The CHDO must be free to contract for goods and services from vendors of its own choosing. The CHDO must comply with certain financial accountability standards as described in the 24 CFR 84.21 Standards for Financial Management Systems. Among the primary purposes of the CHDO's organization, as outlined in their organizational charter, articles of incorporation, resolutions or bylaws must be the provision of decent housing that is affordable to low-to-moderate income persons. A CHDO must remain accountable to the low-income community residents by: **1)** maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of a low-income neighborhood organization; **2)** providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, site selection, development and management of affordable housing.

A service area in urban areas such as Dallas, "community" may be defined as a neighborhood, or neighborhoods, city, county or metropolitan area. Additionally, CHDOs are subject to the affirmatively furthering fair housing rules which state that housing should not be located in areas of minority concentration or with high poverty rates. Historically, Dallas CHDOs have elected to work in areas where disinvestment has occurred, and where high concentrations of poverty exist. CHDOs should grow and develop the capacity to partner with for-profit developers to produce market rate housing in areas of disinvestment. Furthermore, CHDOs should work in areas with low poverty rates, have access to a quality education, transportation, and jobs. These high opportunity areas lack quality affordable housing options.

A CHDO must demonstrate the capacity to carry out the activities assisted with HOME Investment Partnership Program (HOME) funds within **12 months** of the project commitment. CHDO's may satisfy the HOME requirement by hiring experienced key staff members who have successfully completed similar projects or a consultant with the same type of qualified experience and a plan to train appropriate key staff member of the organizations. CHDO's must demonstrate a minimum of one-year experience in serving the community in which the assisted housing will be located before funds can be reserved for the organization. This requirement can be satisfied by a parent organization in some cases if a CHDO is formed by a group of local churches or local service organizations. CHDOs must be certified by the City of Dallas to be awarded CHDO set-aside funds for the development of housing and operating assistance.

Set Aside

HUD requires that 15% of the HOME allocation each year be made available to Community Housing Development Organizations (CHDOs) for the development of affordable homebuyer or rental housing.

Operating

In addition, the City can allocate up to 5% of the HOME allocation each year operating expenses for CHDOs. These funds provide operating funds to Community Housing Development Organizations based on financial need and the expectation that the organization is utilizing or will utilize the City's HOME CHDO set aside funding within 24 months of the award.

HOME funding provided for CHDO operating expenses may not exceed \$50,000 or 50% of the organization's total annual operating expenses for that fiscal year, whichever is greater. CHDO operating expense funds may not supplant CHDO set-aside funds for project costs.

Certification

To be eligible to receive HOME CHDO set-aside funding and Operating Assistance Grants, a CHDO must be certified by the City of Dallas. CHDO certification must be done prior to the commitment of funds for a set-aside development, and there cannot be a general CHDO certification. The City can work in advance to determine if a CHDO will likely meet the requirements for certification prior to funding considerations. A CHDO must continue to be certified throughout the development of a project and during the affordability period. the City has developed the "Community Housing Development Organization (CHDO) Policy, Procedure, and Standards" document to outline the process and requirements for CHDO certification. This can be found in Appendix 5.

Strategies, Tools, and Programs that Will Require Additional Action

Housing Trust Fund

The City has established a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans or grants to support the production goals of the Housing Policy. On December 12, 2018, Council approved a one-time transfer of \$7 million in unencumbered fund balances from high-performing tax increment financing districts (TIFs), as well as \$7 million from Dallas Water Utility funding set aside to support development. On January 22, 2020, Council approved \$1 million to be used to support residential investment in neighborhood empowerment zones.

Staff will further research potential dedicated revenue sources and additional uses for the DHTF to ensure that the fund supports the broad goals of the CHP.

Tax Increment Financing

Creation of a non-contiguous Tax Increment Finance District for areas not already located in an existing TIF District will leverage TIF on projects that propose to meet the unit production goals with affordability requirements.

Sublease Program

Furthermore, staff will pursue council approval to create a Sublease Program which incentivizes a landlord/developer to facilitate the rental of units to voucher holders. This program is administered through the Dallas Housing Finance Corporation.

APPENDICES

APPENDIX 1

Housing Policy Task Force Structure and Leadership

Focus areas

Each focus area should be led by an expert or two in the field and supported by a member of staff from the Housing & Neighborhood Revitalization Department. The focus area should include input from a broad range of key stakeholders who are representatives from private and public sector entities whose activities have significant impact on the creation and preservation of affordable housing and City departments. Each representative should have enough experience and responsibility within the relevant organization to fully contribute to the committee.

- **Multifamily development**
 - External facilitator: real estate and/or finance expert in multifamily housing
 - At least one key stakeholder from each of the following groups: Sustainable Development and Construction staff, Department of Housing and Neighborhood Revitalization staff, Planning & Urban Design staff, associations of builders and contractors, organizations of real estate professionals, and at least one developer and/or builder.
- **Single family and ownership development**
 - External facilitator: real estate and/or finance expert in owner-occupied housing
 - At least one key stakeholder from each of the following groups: Sustainable Development and Construction staff, Office of Economic Development staff, Department of Housing and Neighborhood Revitalization staff, Planning & Urban Design staff, associations of builders and contractors, organizations of real estate professionals, associations of Realtors/Realtists, at least one developer and/or builder, and one Community Housing Development Organization executive.
- **Affordability preservation**
 - External facilitator: housing advocate
 - At least one key stakeholder from each of the following groups: the Office of Fair Housing and Human Rights staff, the Office of Welcoming Communities and Immigrant Affairs staff, the Office of Equity staff, the Office of Community Care staff, the Department of Code Compliance Services staff, the Office of Homeless Solutions staff, Dallas Housing Authority staff, associations of Realtors/Realtists, and at least two community leaders/advocates as recommended by the director of the Department of Housing and Neighborhood Revitalization.
- **Neighborhood investment**
 - External facilitator: community development professional
 - At least one key stakeholder from each of the following groups: Department of Housing and Neighborhood Revitalization staff, Department of Public Works staff, Dallas Water Utilities staff, Park and Recreation Department staff, representatives from at least one utility service provider, Texas Department of Transportation staff, Dallas Area Rapid Transit staff, real estate and civil engineering professionals, community planners, a certified Community Housing Development Organization, and at least one developer and/or builder.

- **Support and funding**

- External facilitators: one philanthropist and one capital markets/banking expert
- At least one key stakeholder from each of the following groups: Housing and Neighborhood Revitalization staff, Office of Economic Development staff, Office of Strategic Partnerships and Government Affairs staff, Dallas Housing Finance Corporation, Community Development Commission, Dallas Development Fund, Community Reinvestment Act lenders, associations of Realtors/Realtists, Community Development Finance Institution representative, Dallas Housing Authority, at least one philanthropic organization, several certified Community Housing Development Organizations, and legal aid groups.

Communication and meetings

In order to encourage committee participation from a broad and diverse segment of the public, staff from the Department of Housing & Neighborhood Revitalization and task force facilitators engage in the following marketing efforts:

- staff will post a calendar of scheduled meetings and meeting agendas at <http://www.dallashousingpolicy.com>
- staff will schedule meetings at facilities that offer free parking and accessible meeting space
- staff will send out meeting notices and informational updates to a large list of individuals who have asked to be notified of housing task force meetings and other housing-related news
- the chairpersons of each committee will conduct outreach within their broad networks.

Meetings will be held as needed and the housing policy task force will report to the city council committee designated by the city manager.

This task force will be successful when it has stakeholder engagement that creates programs, strategies, and tools that catalyze equitable development, preserve affordability, and grow community investment.

The task force will:

- continue to increase the number of people who attend meetings
- broaden the variety and diversity of voices, organizations, and community members heard
- listen to stakeholders, elevate ideas, and communicate back to City leadership unmet needs as well as program, strategy, and tool ideas for improvement
- develop programs, strategies, and tools that respond to community needs and concerns on the ground, policies as listed in CHP, and future program ideas that come to light.

Modifications

The City Manager may modify Housing Policy Task Force structure and leadership focus areas, communication and meetings provisions in this Appendix 1 to increase its effectiveness and will notify by memorandum the City Council, the Housing Policy Task Force steering committee, and the city secretary of any changes.

APPENDIX 2

Single Family Development Requirements/Underwriting

A. Eligible Developer Applicants

The City of Dallas will fund developers of affordable single-family homebuyer units, including for-profit developers, non-profit developers, and City of Dallas-designated CHDOs, with City of Dallas HOME single-family development program funds. Developers must demonstrate the capacity and previous experience developing projects of the type presented in their proposals. Prior to committing funds, the City of Dallas will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff and financial capacity to carry out the project.

Project Location

Projects must be located within the city limits of Dallas.

Project Types

Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 square ft, at least 3 bedrooms, and at least 1.5 bathrooms. RFPs issued by the City of Dallas may further specify or provide priority for eligible project types.

Parameters of HOME Investment

Applications must include an investment of \$1,000 in HOME funds per HOME unit. In no case will the City of Dallas investment exceed the maximum HOME investment allowed under 24 CFR 92.250.

Additionally, for projects involving both City of Dallas other HOME funds, the combined HOME funding investment shall not exceed the total maximum HOME investment allowed under 24 CFR 92.250.

Typically, the City of Dallas will also establish a maximum cap on its investment in a single home. Such a limit will be based on the availability of funding and other City of Dallas priorities and will be addressed in any NOFA or Request for Applications (RFA) process issued by the City of Dallas.

B. Eligible Costs

Costs funded with the City of Dallas HOME funds must be eligible according to HOME Final Rule 24 CFR 92.206. The following additional limitations also apply:

- HOME funds shall not be used for luxury improvements according to 24 CFR 92.205.
- Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for HOME funding reimbursement.
- HOME funds shall not be used for non-residential accessory structures such as free-standing garages, carports, or storage structures. Applicants must delineate project costs in a manner that allows free-standing structures to be clearly paid for using other project funds.

City of Dallas Eligible Project Soft Costs

The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to a HOME project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and overseeing the award of funds to the project. Projects must provide budget allowances for “City of Dallas-Lender Due Diligence & Legal Costs” in the project’s sources and uses.

Cost Reasonableness

Per the requirements of 92.250(b) and 2 CFR 200 Subpart E (formerly known as OMB Circular A-87), all project costs must be reasonable, whether paid directly with HOME funds or not. The City of Dallas will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs.

Identity of Interest

Developers must disclose any identity of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project. City of Dallas staff must be allowed the opportunity to conduct a cost analysis to determine costs reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable.

C. Property Standards

To meet both HOME regulations and City of Dallas goals, all HOME-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

Construction must meet all local codes. The City of Dallas regularly adopts and enforces various codes from the International Code Council, as amended. Applicants are responsible for maintaining familiarity with the City’s adopted building codes available here:

https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/Pages/construction_codes.aspx

All HOME projects must meet applicable Section 504/UFAS requirements. Pursuant to 24 CFR 8.29, single-family housing developed with Federal funds must be made accessible upon the request of the prospective buyer if the nature of the prospective occupant’s disability so requires. Developers must ensure that projects are designed in a way that can accommodate such a request. Should a prospective buyer request a modification to make a unit accessible, Developer must work with the homebuyer to provide the specific features that meet the need(s) of the prospective homebuyer or occupant. If the design features that are needed for the buyer are design features that are covered in UFAS, those features must comply with the UFAS standard. Developers shall be permitted to depart from the standard in order to have the homebuyer/occupant’s needs met.

Site shall be served by public sewer, public water, and public road. Sites should have ready access to recreational opportunities such as parks, playgrounds, etc., nearby shopping and services including transportation, grocery, banking, and medical facilities, and otherwise be located in neighborhoods that provide amenities that support residential development. The City of Dallas also generally prefers that sites have safe, walkable connections—including sidewalks—to the surrounding neighborhood.

Site shall be in a designated Fire District or served by a Fire Department.

Units must be equipped with the following appliances: Refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.

D. Sales Price

The sales/purchase prices for homes developed under this program cannot exceed the HOME Homeownership Value Limits published by HUD in effect at the time of project commitment. The City of Dallas will identify the applicable limits in any NOFA or Request for Applications (RFA) process issued.

Units produced under the City of Dallas' single-family development program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state licensed appraiser. Developers shall submit such an appraisal prior to project commitment, and the City of Dallas may require an updated appraisal prior to construction completion if the appraisal is more than 9 months old at that point. Any reductions in list or sales price below the City of Dallas-approved appraised value must be approved in writing by the City of Dallas and will generally require updated market information.

E. Eligible Homebuyers

Homebuyers for units produced under the City of Dallas single-family development program must meet the income eligibility guidelines associated with the funding for the development.

F. Environmental Review Requirements

Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal funds is submitted, a development proposal is now subject to the environmental review requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction.

This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

G. Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

Uniform Relocation Act (URA)

All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

Davis Bacon

Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

Excluded Parties

The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

H. Ongoing Project Requirements

Deadlines

Construction Start- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

Completion Deadline- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

Sales Deadline- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

Reporting and Record Keeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional

reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally, the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase. During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
 - During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
 - The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
 - At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public Account.
 - Developers shall allow City of Dallas, HUD, State of Texas, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property.
- Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided. Developers shall maintain compliance with all HUD conflict of interest provisions as stated in 92.356(f).

Developers with officers, employees, family members, consultants, or agents that are otherwise eligible to purchase HOME-funded units must receive waiver/approval from City of Dallas staff before entering into a sales agreement with HOME eligible employees. 92.356(f) provisions apply to all HOME projects.

I. Structure of Transaction

Loan Types and Terms

The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and Funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, The HOME loan will:

- Have a maximum term of 2 years;
- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.; and

- Be secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Clerk and generally may be subordinate only to an approved amortizing first mortgage.
- Allow for a percentage of proceeds to be retained by the CHDO as CHDO proceeds (as outlined in 24 CFR 92.300 (a) (2)). On a project-by-project basis, CHDO may request to retain proceeds from a HOME-funded project for eligible activities provided the CHDO remains in good standing as a certified CHDO and complies with all contractual obligations as determined in the sole discretion of the City. All proceeds retained by a CHDO that are not used in accordance with the contract within two years after being generated must be returned to the City.

Guarantees

Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

HOME Agreement

In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

J. Underwriting & Subsidy Layering Reviews

Market Demand

Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average “months of supply” currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

Project Underwriting

All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.

Applicant must provide the amounts and terms for any other financing being provided to the project.

Proforma Requirements

The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc.
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. The City of Dallas will notify Developers of the amounts to include in their Development Sources and Uses for City of Dallas-Lender Due Diligence & Legal Costs.
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the proposed buyer's ability to qualify for a mortgage meeting City of Dallas requirements, the anticipated need to provide direct HOME assistance (e.g. down payment and closing cost assistance) to the buyer, projected sales costs (e.g. realtor's commissions), and the distribution of sales proceeds (including toward repayment of private construction financing)

Cost Limitations

All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller's closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas. All project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

Other Funding Sources

Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

K. Construction Process

City of Dallas Construction Inspections

The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

Davis Bacon

When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

Drawing City of Dallas HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

Project Closeout

Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

APPENDIX 3

Rental Development Underwriting

In reviewing applications for HOME assistance, as required by §92.250(b) and prudent business practices, the City's underwriting framework includes evaluations of:

- **Regulatory requirements applicable to the project**, including compliance (or ability to become compliant) with HOME's affordability restrictions, property standards, and cross-cutting federal requirements;
- **Market risk**, including whether or not sufficient demand exists for the project, the anticipated lease-up period, and whether general economic conditions and other competition supports ongoing viability;
- **Developer risk**, focusing on whether the owner/developer (including but not limited to the underlying owners of special purpose entities) have the technical capacity to develop and operate the property and the financial capacity to safeguard public funds and backstop the project if the event of poor financial performance; and
- **Project risk (or "financial underwriting")**, testing the economic and financial projections for the transaction including both sources and uses as well as ongoing operating assumptions. This includes confirmation that all sources of project financing are available, commercially reasonable, and have been appropriately maximized prior to awarding HOME funds.

Market Assessment

All HOME project applications must include a third-party market study prepared in a manner consistent with TDHCA's market analysis requirements. Unless otherwise approved by the City, market studies shall be prepared by providers included on the list of TDHCA Approved Market Analysts. Owner's may generally submit the market study used in conjunction with the Owner's LIHTC application, if applicable. Market studies must be less than one year old at the time of commitment of HOME funds. For market studies that are more than one year old, the City will typically require an update from the original analyst or a new market study from another analyst. Proposed rent levels must be supported by the applicant's market study and be within HOME regulatory limits.

Additionally, the market study should demonstrate the following:

- All units, including any "market rate" units as well as any units with income/rent restriction imposed by other programs such as LIHTC, must demonstrate viability within the primary market area taking into account any known rent concessions being offered by competing properties;
- Income and rent restricted units must have "discounts" of at least 15% relative to comparable un-restricted units;
- Achievable occupancy rates, based on a comparison of comparable properties in the primary market area, must be at or above 95% (physical occupancy);
- Capture rate for the development as a whole is no more than 10%, and no capture rate for specific unit sizes (e.g. 3-bedroom units) exceeds 25%; and
- Absorption can be expected to result in underwritten occupancy levels within six (6) months of units being ready for occupancy.

For projects not meeting these standards the City, in its sole discretion, may also consider the following:

- For project targeting special needs populations (e.g. homeless households, domestic violence victims, veterans, or other specific subpopulations), the City may accept higher capture rates if data from the local Continuum of Care and/or service providers specializing in the targeted populations (e.g. VA service centers) suggest an adequate pipeline of eligible renters exists and will be consistently referred to the development.
- For existing projects being rehabilitated, the City will consider the recent operating history of the project in terms of actual rents charged/received, eligibility of in-place tenants, and the like for evidence that the development's projections are supported by actual performance.

The City may also consider offsetting the risk of relatively “weaker” market study findings by offering HOME assistance as permanent debt only, to be disbursed following actual lease-up of the development at proforma levels and achievement of stabilized occupancy.

Developer and Development Team

In most cases, projects considered by the City will be owned by single-purpose, single-asset entities created to hold title the development. For various purposes, including structuring necessary to comply with industry norms and take advantage of other funding sources such as LIHTC, the “owner” and “developer” of a project are often legally distinct entities, even if ultimately owned and controlled by the same underlying parties.

Developer Technical/Professional Capacity

In evaluating the capacity of the developer, the City will use the term more loosely to refer collectively to the underlying corporate entities and individuals that will own and control the single-purpose entity (excluding the investor member/limited partner). Additionally, the City requires various guarantees and indemnities from all of the underlying corporate and individual owners of the various limited partnership or limited liability corporation entities involved in the ownership and development of the project.

Developers should demonstrate:

- Recent, ongoing, and successful experience with the development of similar regulated affordable housing; and
- The presence of adequate staff, with specific experience appropriate to their role in the project, to successfully implement and oversee the project. This includes the assembly and oversight of the development team.

The City requires applicants to provide lists of real estate owned (including partnership/membership interests) by the developer as well as all projects underway. The City will review the performance of those projects, including financial factors like net occupancy, actual DCR, cash flow received, outstanding loan balances, and net equity of individual projects and the developer's overall portfolio.

Applicants are also required to provide descriptions of the role played by specific staff members relative to the proposed project along with resumes or other similar information demonstrating experience appropriate to the assigned staff member's role.

Financial Capacity

Developers must also demonstrate the financial capacity to support the proposed project both during construction and lease-up as well during ongoing operations. This includes not just that

the applicant has sufficient financial resources but that it has adequate financial systems in place to appropriately manage project funding, accurately account for all project costs, and provide reliable reporting to the City and other project funders.

At minimum, the City will review audited financial statements, interim financial statements, and individual personal financial statements to ensure that:

- The “primary” development entity’s most recent audit must demonstrate compliance with Generally Accepted Accounting Principles (GAAP) and must not express material weaknesses in the entity’s system of internal controls or financial management systems;
- The developer’s net worth (including the un-duplicated net worth of other guarantors) is equal to at least 10% of the total development cost of all projects underway (i.e. those that have received funding commitments from HOME or LIHTC but have not yet been completed and converted to permanent financing); and
- The developer has net liquid assets (current assets less current liabilities) equal to at least 3% of the total development cost of all projects underway.

Development Team

The City will also review the capacity of the development team including but not limited to the general contractor, architect, engineer, market analyst, management company, accountant, attorney, and any other specialized professionals or consultants.

As a whole, the development team should have the skills and expertise necessary to successfully complete and operate the development. Inasmuch as possible, on balance the development teams should have worked successfully on other projects in the past. That is, while a developer may identify new development team members from project to project, an “entirely new” team may present added risk.

Additionally, when using development team members from outside of the region, the City will consider whether assigned team members have recent local experience or have been supplemented with local professionals. This may be particularly important for design professionals and legal counsel.

In no case, may any owner/developer/applicant or any member of the development team be a suspended, debarred, or otherwise excluded party.

Identify of Interest Relationships & Costs

Applicants must disclose all identity of interest relationships/contracts and/or costs involved in a transaction, including during the development period and following completion of the project. The City reserves the right to review any such costs further to ensure they are reasonable and consistent with the costs expected from arms-length relationships.

An “Identity of Interest” (whether or not such term is capitalized) is any relationship based on family ties or financial interests between or among two or more entities involved in a project-related transaction which reasonably could give rise to a presumption that the entities may not operate at arms-length. The City will take a broad approach to defining identities of interest and expects all applicants to err on the side of disclosure. That is, if there is any question about whether an identity of interest may exist, the relationship should be disclosed and explained to the City.

Beyond this general definition, an identity of interest relationship will be deemed to exist if:

- An entity, or any owner of any direct or indirect ownership interest in such entity, or any family member of any such owner is also an owner, through a direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager, or member of the counterparty; or
- Any officer, director, stockholder, partner, trustee, manager, member, principal staff, contract employee or consultant of an entity, or any family member of thereof, is an owner, through any direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager or member of the counterparty.

For purposes of this definition, “family member” means the spouse, parents or stepparents, children or stepchildren, grandparents or step-grandparents, grandchildren or step-grandchildren, aunts, uncles, parents-in-law, and siblings-in-law (or their children or stepchildren). It also includes any other similar relationship established by operation of law, including but limited to guardianship, adoption, foster parents, and the like.

Financial Analysis

As noted in the introduction, the City views underwriting as more than just the financial review of a project. However, a review of the underlying financial assumptions is still a critical and core part of underwriting. In reviewing projects, as a public funder the City must balance two somewhat competing perspectives.

Projects must be viable, that is they must have sufficient allowances for all costs to maximize the chances the project can meet or exceed its financial projections and thereby succeed in the marketplace. In other words, the project must represent a “safe” investment. However, taken to an extreme, “safe” or overly conservative projections can also result in a project that is over-subsidized and risks providing excessive returns to the owner/developer.

As a steward of very limited public funding for affordable housing, the City also needs to ensure that costs are reasonable, that they represent a “good deal” to the public, and that returns to the owner/developer are fair but not excessive. In seeking to balance these perspectives, the City has established the following review factors and principals.

Development Costs

In general, the City will review the entire project budget to all costs are reasonable yet that the budget is sufficient to complete and sustain the project. All line items, whether or not paid directly with HOME funds, must be necessary and reasonable.

The City will consider the cost of both specific line items as well as the total development cost on a per unit and per square foot basis, comparing costs to other projects from the City’s portfolio, similar projects in the region (such as those funded by TDHCA), City-data from the Building Department, and/or third-party indices such as RS Means.

Selected Development Cost Items

Acquisition – Acquisition costs must be supported by an independent third-party appraisal prepared by a state-licensed appraiser. The purchase price must be at or below the as-is market value of the property. In the event an applicant has previously purchased land prior to applying to the City, the project budget may only reflect the lesser of the actual purchase price or the current market value. Standard closing costs from the acquisition may be included.

Applicants who purchased property prior to applying to the City, or following environmental releases under NEPA but prior to closing, may not charge or include financing costs associated with interim financing, whether from third-party or related lenders.

Architectural Fees – Architectural fees cannot exceed the following:

Design services: 6% of total construction costs

Supervision/Administration: 2% of total construction costs

City Soft Costs – The development budget for each project must include an allowance for the City's internal project-related soft costs as specified in periodic RFPs issued by the City. Similar to lender due diligence or lender legal costs, the inclusion of soft costs allows the City to recoup its direct costs of underwriting, processing, closing, and monitoring the project prior to project completion. These costs will be included in the HOME loan but may be drawn directly from HUD by the City rather than via payment requests from the project owner.

Construction Interest – Any budgeted line item for construction interest must be supported by developer period cash flow projections, modeling the actual expenditure of development costs and the anticipated pay-in of equity, HOME funds, and other construction period sources. For presentation purposes, only interest from the date of initial closing through the end of the month in which the building(s) are placed in service (i.e. approved for occupancy) may be included as construction interest. Additional interest following that date and prior to the conversion to (or closing on) permanent debt must be separately itemized and modeled. In most cases, this should be included in the "lease up reserve" noted below.

Contingencies – Applicants should include a contingency (inclusive of hard and soft costs) within the minimum and maximum amounts noted below. The contingency will be measured as a percentage of hard costs (including the construction contract plus any separate contracts for off-site work but excluding contractor fees).

- New construction projects should include a contingency of least 3% and no more than 7% of hard costs;
- Acquisition/rehabilitation projects, including adaptive reuse projects, should include a contingency of at least 5% and no more than 10% of hard costs.
- The City may consider higher contingencies based on identified risk factors such as the known need for environmental remediation or poor subsurface soils.

Contractor Fees – Contractor fees are limited as a percentage of net construction costs as further identified below. Net construction costs exclude the contractor fees, any budgeted contingency, and (even if otherwise included in the construction contract) permits and builder's risk insurance.

- Contractor Profit: 6% of net construction costs
- General Requirements/General Conditions: 6% of net construction costs. General requirements include on-site supervision, temporary or construction signs, field office expenses, temporary sheds and toilets, temporary utilities, equipment rental, clean-up costs, rubbish removal, watchmen's wages, material inspection and tests, all of the builder's insurance (except builder's risk), temporary walkways, temporary fences, and other similar expenses.
- Contractor Overhead: 2% of net construction costs.

With prior approval of the City, contractor fees may vary from the limits above provided the gross contractor fees do not exceed 14% of net construction costs.

Developer Fees – Developer fees are intended to compensate a developer for the time and effort of assembling a project, overseeing the development team, and carrying a project to fruition. Developer fees are also intended to compensate for the risk inherent in the development process, including that not every potential project proves viable and that developers must necessarily advance funds for their own operating costs and various third-party predevelopment costs prior to closing (or in some cases for projects that never proceed). The City, therefore, allows the inclusion of developer fees as follows:

- Developer Fee: 15% of total development costs less a) the developer fee itself; b) organizational expenses and/or syndication fees/cost (including investor due diligence fees); and c) reserves, escrows, and capitalized start-up/operating expenses (such as working capital, marketing, etc.).
- There is no maximum monetary limit, but at all times the Developer fee must be reasonable. Combined Contractor & Developer Fees: When an identity of interest exists between the owner/developer and the general contractor, the combined total of contractor fees and developer fees cannot exceed 20% of total development cost less a) the developer fee and b) other cost elements excluded from the calculation of the developer fee itself (see above).

In some cases, developers may delegate some of its responsibilities to third-party professionals or consultants. This may include contracting specific tasks – such as construction oversight of the builder or specialized consulting related to applying for or structuring various financial incentives like LIHTC. The costs of engaging such professionals, whether they are third parties or identity of interest relationships, must be paid from (and if separately itemized will be counted against) the allowable developer fee.

Reserves – Capitalized reserves to facilitate the initial start-up and to protect the ongoing viability of the project will include the following:

- Deficit Reserve: The City anticipates that in most cases, developments with predicted deficits during the affordability period would not be funded. However, in the event a development's long-term operating proforma projects actual cash deficits during the affordability period, an operating deficit reserve must be included in the development budget in an amount sufficient, taking into account any interest on reserve balances, to fully fund all predicted deficits through the affordability period.
- Lease-Up Reserve: A lease-up reserve intended to cover initial operating deficits following the completion of construction but prior to breakeven operations may be included. Any such reserve must be based on lease-up projections/cash-flow modeling and the lease-up (or absorption) period identified in the project's market study. In evaluating the appropriateness of any lease-up reserve, the City will consider whether the development budget includes specific line items for other start-up expenses that otherwise are typically part of the ongoing operating budget for a development. This may include budgets for marketing, working capital, etc.
- Operating Reserve: An operating reserve equal to three months of underwritten operating expenses, reserve deposits, and amortizing debt service must be included in the development budget. The operating reserve is intended as an "unexpected rainy day" fund and will only be accessible after a project has achieved stabilized occupancy.
- Replacement Reserve: For acquisition-rehabilitation projects, a capitalized replacement reserve must be included in the development budget. The capitalized replacement reserve

should be funded at the greater of i) \$1,000 per unit; or ii) the amount determined by a capital needs assessment approved by the City.

- Other: The City may consider other specialized reserves as appropriate based on unique features of the project and/or requirements of other funding sources. These may include special security reserves, supportive service reserves, or transition reserves for projects with expiring project-based rental assistance contracts, etc.

Operating Revenues

The City will review an applicant's projection of operating revenues to ensure they are reasonable and achievable both initially and through the affordability period. In evaluating operating revenues, the City will take into account the i) project-specific market study; ii) actual operating performance from other comparable projects including those from the applicant's existing portfolio of real-estate owned; iii) data available from comparable projects in the City's portfolio; and/or iv) information available from actual performance within TDHCA's portfolio.

For purposes of the long-term operating proforma, operating revenue projections cannot be increased by more than 2% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of lower inflationary increases, such as modeling the impact of only 1% rent increases for the first three to five years of a project's affordability period.

Rents

All rents should be supported by the market study. Including the utility allowance, the gross rent for any income/rent restricted unit should demonstrate at least a 15% "discount" compared to comparable "market rate" units.

Additionally, to hedge against flat or declining rents to the owner in the event that income limits (and therefore rents) do not increase in a given year (particularly between commitment and lease-up), gross rents should demonstrate at least a 2.5% discount from the regulatory limit imposed on any income/rent restricted units by HOME, LIHTC, or other similar sources. As an alternative to setting rents below the applicable regulatory limit, the City will consider increasing the allowance for vacancy by 2.5%.

Non-Rental Revenue

Non-rental revenue must be fully explained and conservatively estimates. In general, no more than \$60-\$240 per-unit, per-year may be budgeted in "other revenue" including that from tenant's fees (such as fees for late payment of rent, nonsufficient funds, garage/carport upgrades, pet fees, etc. or interest on operating account balances). Exceptions may be considered by the City based on the operating history of an acquisition/rehabilitation project or normalized operations are other comparable properties in the same market area.

Vacancy

Total economic vacancy includes physical vacancy (a unit is unrented), bed debt (a unit is occupied but the tenant is not paying rent), concessions (a unit has been leased for less than the budgeted rent), and "loss to lease" (an pre-existing lease is less than the most recently approved annual rent but will be adjusted upward at renewal).

In all cases, based on the market study or other data available to the City, the City reserves the right to require higher vacancy projections. This may include higher vacancy rates for small developments (e.g. less than 20 unit) where standard percentage assumptions about vacancy may not be appropriate. Minimum allowances for vacancy must include:

- 5% for projects where all units are supported by a project-based rental assistance contract with a term equal to or in excess of the affordability period (e.g. project-based Section 8); or
- 7% for all other projects.

As noted above, the minimum vacancy rate will be increased by 2.5% if budgeted gross rents are at the applicable regulatory maximums.

Operating Costs

The City will review an applicant's projection of operating expenses to ensure they are reasonable and adequate to sustain ongoing operations of the project through the affordability period. In evaluating a proposed operating budget, the City will compare projects costs to i) actual operating expenses of comparable projects in the applicant's existing portfolio of real-estate owned (insomuch as possible, comparable projects will be in the same vicinity and operated by the same management company); ii) actual operating expenses of other comparable projects in the City's portfolio; iii) data available on the operating costs of affordable housing in the TDHCA portfolio; and/or iv) minimum per-unit, per-year allowances established by the City through periodic RFPs for rental housing.

For purposes of the long-term operating proforma, operating expenses, including reserve deposits, will be inflated at no less than 3% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of higher operating cost factors, such as modeling the impact of higher inflation rates in general or for specific items of cost (for example, assessing the impact of high rates of increase for insurance or development paid utility costs).

Selected Items of Operating Cost

City HOME Monitoring Fee – Pursuant to 24 CFR 92.214(b)(1)(i), the City assesses an annual HOME monitoring fee. The operating budget for each project must include an allowance for the City's annual HOME Monitoring Fee as specified in periodic RFPs issued by the City.

Property Management Fees – An allowance of 5% of effective gross income (i.e. gross rent potential plus other revenues minus actual vacancy, bad debt, concessions, etc.) should be included. In the event a lower management fee is proposed, the City will consider using a fee as low as 3% provided the proposed management company is acceptable to the City and has agreed in writing to the lower fee.

Property Taxes – Applicants must provide detailed explanations of property tax projections and, as applicable, provide documentation that any anticipated partial or full exemptions or payments in lieu of taxes (PILOT) have been approved by the appropriate tax assessor. In the absence of a tax exemption or PILOT, the operating budget must provide for a tax rate equal to 1.25% of the market value of the property or the City, at its option, may require confirmation from the tax assessor of the applicant's projection.

Replacement Reserve Deposits – The operating budget must include minimum replacement reserve deposits of:

- New Construction Family: \$300 per-unit, per-year
- New Construction Senior: \$250 per-unit, per-year
- Rehabilitation: The greater of i) \$300 per-unit, per-year; or ii) a higher amount established by a Capital Needs Assessment (CNA) approved by the City.

Note: The City will reserve the right within a project's transactional documents to require periodic CNAs for all projects and to adjust ongoing replacement reserve deposits base on the results of the CNA to ensure that the replacement reserve is sufficient to address all anticipated needs for the project's affordability period of the term of the City's loan, whichever is longer.

Items Payable only from Surplus Cash

Certain costs, sometimes identified by project owners as "operating costs," cannot be included in the operating budget and will only be payable from surplus cash (aka cash flow). These include:

- Incentive Management Fees payable in addition to the allowable management fees noted above, whether paid to related party or independent third-party management fees.
- Asset Management Fees payable to any investor, general or limited partner, or member of the ownership entity.
- Deferred Developer Fees
- Operating Deficit Loan Payments made to any related party including any investor, general or limited partner, or members of the ownership entity.
- Other payments to investors, general or limited partners, or members of the ownership entity, however characterized, including but not limited to negative adjustors, yield maintenance fees, etc.

Ongoing Economic Viability

The City will review the ongoing economic viability of all projects, taking into account long-term projections of revenue and expenses. Projects must demonstrate they can be expected to remain viable for at least the affordability period, taking into account trending assumptions noted above, as well as other any other changes in operating revenues or expenses that can reasonably be anticipated based on other information available to the City or other project funders. In particular, the City will review the debt coverage ratio and operating margin as outlined below.

Debt Coverage Ratio

Projects must demonstrate a minimum debt coverage ratio (DCR) of 1.25 (Net Operating Income divided by amortizing debt service) throughout the affordability period. In some cases, for projects with relatively small levels of mortgage debt, this may require a higher initial DCR to ensure that the DCR in later years remains at or above the appropriate level.

Operating Margin

In addition to considering the DCR, the City will review the operating margin (surplus cash divided by total operating expenses and amortizing debt service). The operating margin must remain at or above 5% for the period of affordability.

Other Funding Sources

Prior to committing funds, all other funding sources necessary for a project must be identified, committed in writing, and consistent with the both the City's underwriting requirements and the affordability restrictions of the HOME program. In general, developers must make all reasonable efforts to maximize the availability of other funding sources, including conventional mortgage debt and tax credit equity (as applicable), within commercially available and reasonable terms.

Additionally, restrictions or limitations imposed by other funding sources cannot conflict with any applicable HOME requirements and cannot, in the discretion of the City, create undue risk to the City.

Senior Mortgage Debt

Any amortizing mortgage debt that will be senior to the City's HOME loan must:

- Provide fixed-rate financing;
- Have a term equal to or in excess of the HOME affordability period. The affordability period will generally be 15 years beyond the date of project completion as defined in 24 CFR 92.2 for acquisition/rehabilitation projects and 20 years for new construction projects. In practice, the date of project completion will not be the same as placed in service date for tax purposes but for most projects will occur prior to permanent loan conversion following property stabilization. Insomuch as possible, the first mortgage should have the longest amortization period available but cannot balloon prior to the expiration of the affordability period; and
- Allow the City's HOME covenant running with the land (i.e. the deed restrictions imposing the HOME affordability requirements) to be recorded senior to all other financing documents such that the HOME covenant is not extinguished in the case of foreclosure by a senior lender. Note the City HOME loan itself will be junior to conventional amortizing loans; only the deed restrictions must be senior.

Tax Credit Equity

Projections of tax credit equity must be documented by letters of intent or other similar offers to participate in the transaction by the proposed tax credit investor. Prior to committing funds, the applicant must provide evidence it has received a tax credit reservation from TDHCA and provide the proposed limited partnership agreement or operating agreement, as applicable, documenting the terms of the equity investment.

The City will review proposed equity pricing against information from other projects in the region to assess whether the pricing and terms are reasonable.

Deferred Developer Fee

It is common for projects to include deferred developer fees as a financing source. The City will generally require:

- That projections of surplus cash available (after any cash-flow contingent payment due the City) be sufficient to repay the deferred fee within 15 years (notwithstanding other waterfall provisions in the partnership or operating agreement, the City will assume that all surplus cash distributions will be credited against the developer fee);
- That following the initial application to the City, the level of deferred developer fee will remain fixed (in nominal dollar terms) in the event City underwriting identifies cost reductions, increases in other funding sources, or other changes that result in a net reduction of the "gap" to be filled with HOME funds; and
- That any net savings (or increased funding sources including but not limited to upward adjusters for tax credit equity) at project completion and cost certification will be used in equal parts to reduce the deferred developer fee and the City's permanent HOME loan. In the event savings are sufficient to eliminate the deferred fee in this manner, any remaining net savings will be used to further reduce the City's HOME loan, or in the sole discretion of the City, to increase the operating reserve.

Exceptions and Interpretation

The City has developed these guidelines for several reasons. Not only are they required by HUD as part of the City's role as a HOME participating jurisdiction, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the rules of the road. However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible loophole whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.

For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City's. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City's program.

Inasmuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

APPENDIX 4

DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects, to the extent allowed by law.

In order to ensure the sustainability of the projects supported by CDBG and HOME funds, the City has established guidelines in relation to Universal Design. In addition, the City wants to ensure that newly constructed units are compatible with existing neighborhoods.

Universal Design

This comprehensive housing policy creates a Universal Design construction requirement for all new single-family homes, duplexes, and triplexes using financial assistance from the City.

The goal of "Universal Design" is to ensure that housing can accommodate the needs of people with a wide range of abilities, including children, aging populations and persons with disabilities. Consequently, all new construction housing projects using City of Dallas CDBG and/or HOME funds will meet all the following criteria:

- At least one entrance shall have a 36-inch door and be on an accessible route.
- All interior doors shall be no less than 32 inches wide except for a door that provides access to a closet of fewer than 15 square feet in area. Each hallway shall have a width of at least 36 inches and shall be level and ramped or use beveled changes at each door threshold.
- All bathrooms shall have the walls reinforced around the toilet, bathtub, and shower for future installation of grab bars.
- Each electrical panel, light switch or thermostat shall be mounted no higher than 48 inches above the floor. Each electrical plug or other receptacle shall be at least 15 inches from the finished floor.
- An electrical panel located outside the dwelling unit must be between 18 inches and 42 inches above the ground and served by an accessible route.
- All hardware installed to open/close doors and operate plumbing fixtures shall be lever handles.

Universal Design Waiver or Exterior Accessibility Requirements

The Director or designee may only grant modifications or an exemption to the requirements regarding full compliance with the exterior path of travel on an individual case-by-case basis. The criteria for granting a modification or exemption are as follows:

- The lots rise or falls so steeply from the street that a maximum 1:12 slope cannot be achieved without extensive grading or
- The site lacks vehicular access via an alley

Universal Design Implementation

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly identify universal design elements
- Certify that the plans comply with these requirements
- Plan checking, construction inspections and enforcement shall be accomplished in accordance with existing procedures.

Design Guidelines

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older neighborhoods may include roof pitches, porches, materials, and window types. Developers must comply with any standards established by an existing neighborhood conservation district and/or approved neighborhood plan. Additionally, all projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

APPENDIX 5

City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the "Section 8 Low-Income Limit". To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose income to count
- Types of income to count
- Treatment of assets
- Income inclusions and exclusions
- Verifying income
- Comparing annual income to published income limits
- Determining household size
- Source documentation
- Timing of income certifications

The annual income limits are published by HUD each year at the webpage below.
<http://www.huduser.gov/portal/datasets/il/il15/index.html>

APPENDIX 6

Community Housing Development Organization Policy, Procedure, and Standards

WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?

A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?

HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION

The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

1. **Organized Under State/Local Law.** A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
2. **Nonprofit Status.** The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
3. **Purpose of Organization.** Among its primary purposes, the organization must have the provision of decent housing that is affordable to low- and moderate-income people. This must be evidenced by a statement in the organization's Articles of Incorporation and/or Bylaws.
4. **Board Structure.** The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
5. **No For-Profit Control.** The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
6. **No Individual Benefit.** No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
7. **Clearly Defined Service Area.** The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
8. **Low-Income Advisory Process.** A formal process must be developed and implemented for low- income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.

9. **Capacity/Experience.** The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
10. **Community Service.** A minimum of one year of relative experience serving the community(ies) where it intends to develop affordable housing must be demonstrated.
11. **Financial Accountability Standards.** The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

CITY REQUIREMENTS FOR CHDO CERTIFICATION

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

1. Maintain a record of good standing with the Texas Secretary of State's office.
2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during customary business hours.
3. Have established a minimum **3**-year strategic business plan, which must include CHDO-related production and community involvement goals.
4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:
 - The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.
 - or**
 - The person is a low-income (below **80%** area median income) resident of the community.

or

- The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

2. **Public Sector Limitations.** No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public official, any employees of a local government or public school system, or employees of City or the State of Texas. If a person qualifies as a low-income representative **and** a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.
3. **Low-Income Advisory Process.** Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
4. **For-Profit Limitations.** If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

Experience & Capacity: A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which it is being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity. CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least 1-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

CHDO SERVICE AREA

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required to provide updates on how it is ensuring that it is active and visible in the communities included in its service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

CHDO RECERTIFICATION

To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated **3-year** business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

CHDO SET-ASIDE

The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the

15% percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

FINANCIAL ACCOUNTABILITY

CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, “Standards for Financial and Program Management.” This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;
- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

INELIGIBLE CHDO ACTIVITIES

Using the **15%** set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

ELIGIBLE ACTIVITIES – SUBRECIPIENTS

CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOME-eligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

OPTIONAL OPERATING EXPENSES

From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds

to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15%** CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

- The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
- The anticipated completion date and size of your current CHDO set-aside project(s); and
- The CHDO's past performance as a CHDO developer.
- The CHDO's capacity to complete the project in a timely manner.
- The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

CHDO PROCUREMENT

As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

EFFECTIVE PERIOD OF CHDO CERTIFICATION

To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

HOW TO APPLY FOR CHDO CERTIFICATION

Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

APPENDIX 7

Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

Definitions

Affordability Period: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

HOME Affordability Periods	
HOME subsidy/unit	Minimum Period of Affordability in Years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Direct Homebuyer Subsidy: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

Development subsidy: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a \$50,000 construction loan to a developer. The appraised value after construction will be \$45,000 because of neighborhood and the market conditions. The \$5,000 difference between the \$45,000 sale price and \$50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

Summary of Provisions for the City of Dallas by Subsidy Type:		
Direct Homebuyer Subsidy (DHS)	DHS + Development Subsidy	Development Subsidy
Recapture provisions shall apply	Recapture provisions shall apply	Resale provisions shall apply

Net Proceeds: The sales price minus loan repayment (other than HOME funds) and closing costs.

Recapture Requirements

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than \$15,000 in direct assistance), ten (10) years (\$15,000 or more but less than \$40,000 in direct assistance), or fifteen (15) years (\$40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

- Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
- Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a Development Subsidy is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who do not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

Fair Return on Investment (As it relates to the Resale Provision only): A Homeowner can sell the home during the affordability period according to the following chart:

Fair Return on Investment (as it relates to Resale Provision only)		
Years	Lower Range	Max Limit
Year 1-5 of Affordability Period	A Homeowner can sell the home during the affordability period for no more than 15% over DCAD's most recent appraisal value	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy
Year 6-15 of Affordability Period	No Cap on appreciation rate	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

APPENDIX 8

City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi-family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative marketing approaches as part of the overall marketing strategy. To market affirmatively means that a good faith effort is made to attract to a project those minority or majority groups who are least likely to apply or are underrepresented in a neighborhood or community. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Affirmative marketing requirements apply to all housing programs, including, but not limited to Tenant- Based Rental Assistance and Down Payment Assistance Programs.

The City of Dallas is committed to affirmatively market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single-family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

Regulations

HOME: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

CDBG: The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

- Examine and attempt to alleviate housing discrimination with their jurisdiction;
- Promote fair housing choice for all persons;
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
- Promote housing that is accessible to and usable by persons with disabilities;
- And comply with non-discrimination requirements of the Fair Housing Act.

Policy on Nondiscrimination and Accessibility

The recipient/managing agent shall not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status, sexual orientation, gender identity or expression or source of income (disability, child support, spousal support or veteran's income or voucher). Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

Training

- The recipient/managing agent shall provide property management staff with all relevant

regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that property management staff requires fair housing technical assistance, staff is to call the **City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247)**.

- Regular training programs shall include marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and the recipient/managing agent's Affirmative Marketing Plan.

Marketing and Outreach

- All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:



- Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
 - African Americans
 - Native Americans
 - Hispanics
 - Asians and Pacific Islanders
 - Disabled Persons
- Marketing shall include the use of newspapers of general circulation in Dallas. The recipient/managing agent will place notices in newspapers, specialized publications, and newsletters to reach potential residents. Applications, notices and all publications will include a Fair Housing and Equal Opportunity Logo, and the Accessibility Logo.
- The recipients/managing agent will contact local civic and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the development. Groups representing disabled and elderly individuals will be contacted. Where necessary, recipient/managing agent will publish its marketing materials in multiple languages and alternate formats as requested in order to better reach potential recipients and sub-recipients in the area with language limitations.

Race and Ethnic Data Collection and Reporting

An applicant shall be given an application package containing the following: Application, Income Requirements and form HUD-27061-H "Race and Ethnic Data Reporting Form." The recipient/managing agent is required to offer each household member the opportunity to complete the form. Parents or guardians are to complete the form for children under the age of 18. Completed documents for the entire household shall be stapled together and placed in the household's file.

Compliance Assessment

- The recipient/managing agent will review the Affirmative Marketing Plan every year and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.
- The recipient/managing agent will annually assess the success of affirmative marketing actions for the project. If the demographic data of the residents vary significantly from the jurisdiction's population data, advertising efforts and outreach will be targeted to underrepresented groups in an attempt to balance the residents with the demographics of the jurisdiction. The recipient/managing agent shall submit any changes to the plan to the Fair Housing Office.

Record Keeping

- The assigned recipient/managing agent shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers, and other public information documents to demonstrate that the appropriate logo and language have been used. Additionally, staff shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.
- Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.
- The recipient/managing agent shall provide City staff access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

APPENDIX 9

Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are “lower- income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

- A description of the proposed assisted project;
- The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;
- A time schedule for the commencement and completion of the demolition or conversions;
- To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).
- The source of funding and a time schedule for the provision of the replacement dwelling units;
- The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

Replacement not required Based on Unit Available

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Responsible Entity

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

APPENDIX 10

Other Federal Requirements

Other Federal Requirements	Apply to Owner Occupied Rehabilitation?	Apply to Homebuyer Programs?	Applies to Rental Housing Programs?
<i>Non-Discrimination and Equal Access Rules</i>			
Fair Housing and Equal Opportunity	Yes. Must affirmatively further Fair Housing	Yes	Yes.
Affirmative Marketing	Yes.	Yes, for all projects of five or more HOME-assisted units.	Yes; for projects containing five or more Home-assisted units.
Accessibility for Disabled Persons	Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.)	Yes.	Yes.
<i>Employment and Contracting Rules</i>			
Equal Opportunity Employment	Yes.	Yes.	Yes.
Section 3 Economic Opportunity		Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.	Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.
Minority/Women Business Enterprises	No.	Yes.	Yes.
Davis-Bacon & other Labor	No.	Yes, if construction contract includes 12 or more units that are HOME-assisted	Yes, if construction contract includes 12 or more units that are HOME-assisted
Conflict of interest	Yes.	Yes.	Yes.
Excluded Parties (e.g., Debarred Contractors)	Yes.	Yes	Yes.
<i>Other Federal Requirements</i>			
Environmental Reviews	Yes.	Yes	Yes.
Flood Insurance	Yes for PJs that are cities/counties. No for State programs.	Yes if city or county. No if state program	Yes for PJs that are cities/counties. No for State PJs.

Site and Neighborhood Standards	No.	No.	Yes; for rental new construction only
Lead-Based Paint	Yes for pre-1978 units	Yes for pre-1978 units.	Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed.
Relocation	Yes.	Yes	Yes.

APPENDIX 11

Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead-based paint will be in the form of a GRANT to the homeowner to developer.

Down-payment Assistance Programs:

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
 - At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer may opt for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the lead is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to \$5,000 will be spent on the rehabilitation: *Testing:* Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

Lead Hazard Reduction: Surfaces, which are disturbed during rehabilitation, must be repaired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where \$5,001 to \$25,000 will be spent on the rehabilitation: *Testing:* Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: abatement of hazards is the required approach. Abatement involves permanently removing lead-based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safe work practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

Calculating the level of rehabilitation assistance:

When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

Lead-Based Paint Requirements

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to \$5,000 spent on the rehabilitation:

Projects where the level of rehabilitation assistance is less than or equal to \$5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where \$5,001 to \$25,000 spent on the rehabilitation:

A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than \$25,000 will be spent on the rehabilitation:

A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

- Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

- Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

	<\$5,000	\$5,000 to \$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation)

APPENDIX 12

Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

APPENDIX 13

SECTION 3

All projects receiving an award of HOME funds must comply with HUD's Section 3 requirements. The purpose of Section 3 is to ensure that employment, training, contracting, and other economic opportunities generated by financial assistance from HUD shall, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons. Recipients of an award of HOME funds will be required to complete Section 3 compliance forms prior to execution of a loan agreement. Applicants requesting HOME funds must provide a written strategy demonstrating understanding of the Section 3 requirements and detailing how they will ensure that, when employment or contracting opportunities are generated because the project or activity necessitates the employment of additional persons or the award of contracts for work, preference shall be given to low- and very low-income persons or business concerns in the neighborhood. Neighborhood is defined in the HOME regulations (24 CFR Part 92, Subpart A) as "a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government."

Developers must obtain the City's approval of the Section 3 plan prior to the construction start of the project.

APPENDIX 14

Minority/Women Business Enterprise

Developers must maintain an M/WBE plan that demonstrates marketing and solicitation of M/WBE businesses and contractors for the construction of the project.

APPENDIX 15

Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by contacting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

The regulations for CDBG are located at 24 CFR Part 570: Part 570 – Community Development Block Grants

Subpart A – General Provisions

Section	Title
<u>570.1</u>	Purpose and Primary Objective
<u>570.2</u>	Removed
<u>570.3</u>	Definitions
<u>570.4</u>	Allocations of Funds
<u>570.5</u>	Waivers

Subpart C – Eligible Activities

Section	Title
<u>570.200</u>	General Policies
<u>570.201</u>	Basic eligible activities
<u>570.202</u>	Eligible rehabilitation and preservation activities
<u>570.203</u>	Special economic development activities
<u>570.204</u>	Special activities by Community-Based Development Organizations (CBDO's)
<u>570.205</u>	Eligible planning, urban environmental design and policy-planning-management- capacity building activities
<u>570.206</u>	Program administration costs
<u>570.207</u>	Ineligible activities
<u>570.208</u>	Criteria for national objectives
<u>570.209</u>	Guidelines for evaluating and selecting economic development projects

The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program

Section	Title SUBPART A - GENERAL
92.1	Overview
92.2	Definitions
92.4	Waivers and Suspensions of Requirements for Disaster Areas

SUBPART B – ALLOCATIONS FORMULA

92.50	Formula Allocations
92.60	Allocation Amounts for Insular Areas
92.61	Program Description
92.62	Review of Program Description and Certifications
92.63	Amendments to Program Description
92.64	Applicability of Requirements to Insular Areas
92.65	Funding Sanctions
92.66	Reallocations

SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION

92.101	Consortia
92.102	Participation Threshold Amount
92.103	Notification of Intent to Participate
92.104	Submission of a Consolidated Plan
92.105	Designation as a Participating Jurisdiction
92.106	Continuous Designation as a Participating Jurisdiction
92.107	Revocation of Designation as a Participating Jurisdiction

SUBPART D – SUBMISSION REQUIREMENTS

92.150	Submission Requirements
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SUBPART E – PROGRAM REQUIREMENTS

92.200	Private-Public Partnership
92.201	Distribution of Assistance
92.202	Site and Neighborhood Standards
92.203	Income Determinations
92.204	Applicability of Requirements to Entities that Receive a Reallocation of HOME Funds, other than Participating Jurisdictions
92.205	Eligible Activities: General
92.206	Eligible Project Costs
92.207	Eligible Administrative and Planning Costs
92.208	Eligible Community Housing Development Organization (CHDO) Operating Expense and Capacity Building Costs
92.209	Tenant-Based Rental Assistance: Eligible Costs and Requirements

Lead Based Paint Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585, 761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005
Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.

AGENCY: Office of the Secretary – Office of Lead Hazard Control, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

DATES: Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410-0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

Subpart A – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

Subpart B – General Lead-Based Paint Requirements and Definitions for All Programs

- a. Definitions
- b. Exemptions
- c. Options
- d. Notice of Evaluation and Hazard Reduction Activities

- e. Lead Hazard Information Pamphlet
- f. Use of Paint Containing Lead
- g. Prohibited Methods of Paint Removal
- h. Compliance with Other, State, Tribal, and Local Laws
- i. Minimum Requirements
- j. Waivers
- k. Prior Evaluation or Hazard Reduction
- l. Enforcement
- m. Records

Subpart C – Disposition of Residential Property Owned by Federal Agency Other Than HUD

Subpart D – Project-Based Assistance Provided by a Federal Agency Other than HUD

Subpart E - Reserved

Subpart F – HUD-Owned Single-Family Property

Subpart G – Multifamily Mortgage Insurance

Subpart H – Project – Based Rental Assistance

Subpart I – HUD – Owned and Mortgagee-in-Possession Multifamily Property

Subpart J – Rehabilitation

Subpart K – Acquisition, Leasing, Support Services, or Operation

Subpart L - Public Housing Programs

Subpart M – Tenant-Based Assistance

Subpart N-Q – Reserved

Subpart R – Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

- a. Standards
- b. Adequacy of Dust-Lead Standards
- c. Summary Notice Formats
- d. Interim Controls
- e. Standard Treatments
- f. Clearance
- g. Occupant Protection and Worksite Preparation
- h. Safe Work Practices
- i. Ongoing Lead-Based Paint Maintenance and Reevaluation

APPENDIX 16

Community Land Trust Designation Implementation Guidelines

This Community Land Trust Program (Program) identifies Community Land Trust (CLT) eligibility and operation criteria under which the City Council may initially designate and revoke the redesignation of a CLT, and under which the City Manager, or their designee may renew or recommend City Council revocation of the designation of CLTs in the City of Dallas.

The designation and re-designation process are subject to the approved CHP Program and the following general terms and City Manager, or their designee discretion. The elements below will be reviewed by Staff in the Housing and Neighborhood Revitalization Department ("Housing Staff") for accuracy and completeness. Housing staff will then prepare a document to be reviewed by the City Council for its initial designation. Housing staff will review and approve or suggest City Council revoke yearly re-designation of CLTs.

Housing staff is available to discuss the CLT application process and will schedule regular information sessions. In addition, select staff may be available to discuss community engagement and general CLT governance questions.

Applications are subject to verification and follow-up.

General Application Process

- Attend a CLT application info session;
- Request a meeting with Housing Staff to discuss community engagement, outreach and general guidelines;
- Complete an application with all required attachments;
- Amend Application, submit additional details as requested or work with City Staff to meet all Operations and Eligibility Criteria
- Attend the City Council meeting when the CLTs application will be under consideration for designation; and
- Re-certify yearly.

General Application Checklist

- 501(C)(3) tax exemption letter;
- Organization, charter, bylaws or other regulatory document adopted to govern its affairs which includes the following provisions:
 - adopted articles of incorporation, or a similar governing document, stating that it has the purpose to acquire and hold land for the benefit of developing and preserving long-term affordable housing in the City of Dallas, as required by Chapter 373B, as amended; to
 - discontinuance of the organization by dissolution or otherwise that the assets related to its CLT activities be transferred to the City of Dallas, the State of Texas, the United States, or a similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986 and designated as a CLT by the City of Dallas;
- list of key employees or contractors including, name, title, years of affordable housing experience, area of expertise, date of hire;
- most recent independently conducted audit or audit review (if organization has been in operation for more than 1 year);
- ground lease and deed restrictions documents, approved for use by the City;

- that include a resale formula outlining the amount of equity per year that can be built while ensuring long term affordability;
- that ensures that the owners of housing units built on CLT land will either be eligible for a property tax discount based on the deed restriction or, where the occupant is a tenant, that the occupant will benefit from any property tax discount;
- that have terms for sale, lease and inheritance,
- list of board members, position, title, outreach and recruitment methodology and the CLT board bylaws that indicate the CLT commitment to community ownership and governance and the percent or number of seats of low-income residents or owners of CLT properties on the board of directors and what specific expertise of board members the CLT seek out to govern the CLT;
- list enumerating the parcel(s) to be acquired (with date of purchase) to be included in the CLT, current appraised value, and estimation of taxes;
- business plan that demonstrates the ability to financially cover expenses with 3-year projection;
- list of community engagement activities that may include, number of community meetings, location, time, and number of attendees, outreach methodology, and challenges that the CLT faces with engagement and general outcome of engagement activities within the last year;
- list or explanation of any activities related to how this CLT will be used as a mechanism for anti-displacement, recruiting and retaining people with a historic legacy in the community or other community building methods;
- letters of support (not more than 10) from entities like: neighborhood residents, neighborhood stakeholders, non-profit and community-based organizations and for-profit business; and
- If requesting to operate in the same general geography as an existing CLT, a letter discussing the merits and the need, how and why another CLT should be designated in the same or similar area including how the applicant is different than the existing CLT and any records of outreach to the existing CLT for partnership or collaboration.

Re-Designation Application

To maintain designation as a CLT in subsequent years after initial designation, a CLT must submit a yearly re-designation application to the Department. The City Manager, or their designee may re-designate the CLT or recommend to the City Council to remove the CLT designation. The CLT must:

- Write a letter certifying that the information in the CLT's initial application is still true and correct and that the CLT continues to comply with all local, state and federal regulations OR acknowledge that information in the CLT's initial application has changed and attach updated information;
- submit its annual audit or audit review;
- submit all required evaluation and reporting metrics; and
- submit additional information as required by the Department.

Income Eligibility

A CLT must sell or lease housing units only to eligible households as set forth in Chapter 373B.006, as amended:

- (a) A CLT may sell housing units only to families with a yearly income at the time of sale at or below 80 percent of the area median family income, adjusted for family size;
- (b) Notwithstanding Subsection (a), for housing units located on one or more tracts of land owned by the CLT that constitute a contiguous geographic area or are located in the same

platted subdivision, the CLT may sell not more than 20 percent of the housing units to families with a yearly income at the time of sale that exceeds the amount provided by Subsection (a) but does not exceed 120 percent of the area median family income, adjusted for family size;

(c) At least 25 percent of the housing units sold by the CLT must be sold to families with a yearly income at the time of sale at or below 60 percent of the area median family income, adjusted for family size;

(d) The CLT may lease housing units only to families with a yearly income at the time of lease at or below 60 percent of the area median family income, adjusted for family size;

(e) Notwithstanding Subsection (d), for housing units located on one or more tracts of land owned by the CLT that constitute a contiguous geographic area or are located in the same platted subdivision, the CLT may lease not more than 20 percent of the housing units to families with a yearly income at the time of lease that exceeds the amount provided by Subsection (d) but does not exceed 80 percent of the area median family income, adjusted for family size;

Disqualifying Criteria

The intent of the CLT program is to ensure long term affordability and good stewardship of communities through the unique nature of CLT operations throughout the City of Dallas. If CLT is not operating to ensure this then the CLT may not be eligible for initial designation and may lose its designation. Examples of this may include, but are not limited to, ground leases that do not reflect long term affordability protections, mortgage products that may be predatory in nature, the City receiving community complaints about this CLT management practices, not allowing housing choice vouchers, or not meeting the requirements of income eligibility of clients.

APPENDIX 17

Residential Neighborhood Empowerment Zone Implementation Guidelines

Approved January 22, 2020

Development-Related Costs

Development fees and development-related costs eligible for grants up to \$15,000 per reserved dwelling unit under a Chapter 380 agreement include:

- Fees found in Section 52.300 of the Dallas City Code. However, the following fees are specifically excluded:
 - 303.5.1.4.1 and 303.5.1.4.2 – resubmittal fees
 - 303.5.6 sidewalk waivers
 - 303.5.7 reinspection fees
 - 303.5.13 returned check fees
 - 303.5.16 reinstatement of permit privileges
 - 303.5.18 appeals to boards
 - 303.5.19 unauthorized concealment
 - 303.7 beginning work without a permit
- Zoning and platting fees found in Chapter 51A-1.105 of the Dallas Development Code
- Dallas Water Utility fees related to water and sewer service required for the development
- Costs associated with completing a tree survey as required in Chapter 51A-10 of the Dallas Development Code
- Additional professional services related to tree preservation at the discretion of the Director.

For the purposes of Sec. 51A-4.1002(c) of the Dallas Development Code, the Residential Neighborhood Empowerment Zone program is a program administered by the housing and neighborhood revitalization department and authorized by the city council that furthers the public purposes of the city's housing policy, and applicants are therefore eligible to have some or all of the parkland dedication requirements waived subject to compliance with the program.

Grants may be increased to an additional \$5,000 per reserved dwelling unit at the discretion of the Director. Additional grant amounts are allowable subject to Council approval.

Reference:

- Development fees:
https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/DCH%20documents/pdf/BI_Chapter%2052_Amendments_03-01-2017.pdf
- Zoning and platting fees:
[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeofordinance/articleigeneralprovisions11?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_51A-1.105](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeofordinance/articleigeneralprovisions11?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_51A-1.105)
- Dallas Water Utility fees:
[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter49waterandwastewater?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_Ch.49](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter49waterandwastewater?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_Ch.49)
- Tree mitigation standards:
https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/DCH%20documents/pdf/BI_Tree%20Mitigation%20Standards.pdf

Reimbursement calculation

Developments consisting of more than one housing unit will be eligible for reimbursement of a pro rata share of the eligible development fees and development-related costs based on the percentage of units occupied by eligible households. For example:

- A developer builds a new 200-unit single family for-sale development and reserves 20 of the units for eligible households under 100% of AMI and 20 of the units for eligible households between 101% and 120% of AMFI. The developer incurs \$100,000 in eligible development-related expenses. The calculation would be:

$$\begin{array}{rcl} \text{(reserved units/total units)} & * & \text{eligible expenses} = \text{development fee reimbursement} \\ (40/200) & * & \$100,000 = \mathbf{\$20,000} \end{array}$$

- A developer builds 5 new single family for-sale homes and reserves all of them for households between 80% and 100% of AMI. In this case development-related expenses are high and the developer incurs \$100,000 in eligible development-related expenses. The calculation is below. Because it is above \$50,000, the development agreement would require additional Council approval for the portion above \$50,000:

$$\begin{array}{rcl} \text{(reserved units/total units)} & * & \text{eligible expenses} = \text{reimbursement} \\ (5/5) & * & \$100,000 = \mathbf{\$100,000} \text{ (with additional Council approval)} \end{array}$$

Design review/compliance with Council-adopted area plans

New construction under this Program should respect the architectural character of the surrounding neighborhood and should comply with all Council-adopted area plans. In addition:

- The main pedestrian entrance to the single family or duplex dwelling unit must be closer to the street than the distance of the garage entrance to the street. So called “snout houses,” where the garage is more prominent than the front door or front porch, are not eligible for funding under this program.
- All street-fronting facades must have at least one window that provides occupants visibility to the street and at least one pedestrian entrance facing the street at street level. The entrance must access the street with an improved pedestrian path connecting to the sidewalk. The driveway is not considered a pedestrian path.

Eligible Repairs

Eligible repairs for owner-occupied housing units and single-family rental housing units include the following items when associated with weather proofing and water proofing:

- Roofing repair
- Repair/replacement of exterior material, such as siding or brick repointing
- Exterior entry door repair or replacement
- Exterior window repair or replacement
- Exterior caulking, sealant application, and paint
- Plumbing repair/replacement to remediate leaks
- Removal and replacement of water-damaged material
- Mold remediation
- Gutters and downspouts as needed
- Porch repair to protect doorways and windows from water intrusion
- Foundation repair

- Additional items as recommended by the assigned inspector and approved by the Director

Additional eligible repairs (once initial weather proofing and water proofing work is complete):

- Additional work related to the weather proofing and water proofing work in the list above
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- Water heater repair or replacement
- Heating systems/cooling systems repair or replacement
- Plumbing repair or replacement, including water lines, sewer lines, toilet repairs, etc.
- Electrical repair or replacement, including repair of breakers, panels, wiring, or outlets
- Gas lines repair or replacement
- Floor repair or replacement
- Interior and exterior repairs as recommended by the assigned inspector
- Any item determined eligible by the Director

Termination, clawback, and default terms will be specified in the development and abatement agreements.

Process

Outline of proposed process:

- Application submission/review
- Pre-work inspection
- Application approval
- Tax abatement agreement drafted/signed
- Construction/renovation started/completed
- Paperwork submitted
- Post-work inspections complete
- Abatement recorded on deed (to remain on property during compliance period)
- Development grant paid after all program elements completed

Annual review

- Eligible property owners must annually
 - apply to the appraisal district for the abatement
 - submit to the city, on a form approved by the director, proof of ongoing compliance with the program
- Subject to receipt of proof of ongoing compliance, the director shall provide verification to the appraisal district on an annual basis for the duration of the tax abatement.

Modifications

The City Manager may modify this Appendix 17 to increase its effectiveness and will notify by memorandum the City Council, the Housing Policy Task Force steering committee, and the city secretary of any changes.

APPENDIX 18

Targeted Rehabilitation Program - West Dallas Sub-Program Module

Need or targeted Issue

Property values are rising quickly as new development spreads throughout West Dallas. The increased cost of taxes often competes with the cost of needed home repair or maintenance. This TRP, the West Dallas Sub-Program Module ("West Dallas TRP"), is directed to aid homeowners who occupy their homes in West Dallas who have home improvement needs but are financially unable to address them. The funding will prioritize exterior improvements. West Dallas TRP geography is defined by the following census tracts: 43, 101.01, 101.02, 105, 106.01, 106.02, 205

Outreach

The West Dallas TRP design was informed by resident feedback. Resident-only focus groups were held to gather information on targeted beneficiaries and needed improvements. The TRP was then developed by staff and details of the program solidified.

The Housing Policy Task Force (HPTF) reviewed the TRP on February 21, 2020 and February 28, 2020 and made recommendations and comments on the overall policy. That feedback was also included in the general policy.

Funding Source

Equity Revitalization Capital Fund

The total amount available is \$2,000,000 and each grant will be an amount not to exceed \$10,000 per property. It will be awarded based upon applicants meeting all criteria as listed herein.

Eligibility Requirements

Applicant Eligibility

Applicants (sometimes referred to as homeowner) must meet all of the applicant criteria in the TRP and must also own the home and live in it to be repaired. Applicant income must be at or below 80% AMI. Applicant(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.

Property Eligibility

Properties must meet the eligibility criteria of the West Dallas TRP and must also be single-family or duplex, homeowner occupied, and be located in one of the following Census tracts: 43, 101.01, 101.02, 105, 106.01, 106.02, 205.

Eligible Repairs

Applicants seeking service will be prioritized based upon the priority tier improvements listed below ("Priority Tier"), and all applicants will be served in the order in which they complete their applications. If funds are available after all priority tier repairs have been completed, repairs from the secondary tier will be vetted in the order in which Applicants complete applications. Applicants that start but do not finish an application will not be considered for assistance.

Eligible improvements under this West Dallas TRP is intended for the primary structure, prioritizing exterior elements of the house and land that include the following, but are not limited to:

- Priority Tier
 - Correction of exterior code violations and elimination of specific conditions detrimental to public health & safety identified by the City

- Roofing repair / replacement / soffit
- Exterior material repair / replacement (siding, repointing, painting)
- HVAC repair / replacement
- Plumbing (exterior gas, sewer, water lines)
- Foundation repair / leveling
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- Any item determined eligible by the Director, that aligns with the overall TRP policy;
- Secondary Tier (all exterior)
 - Entry doors
 - Windows
 - Gutters and Downspouts
 - Garage doors
 - Water heater
 - Flooring repair
 - Stairs
 - Flatwork
 - Electrical
 - Any item determined eligible by the Director, that aligns with the overall TRP policy

Ineligible Repairs

Ineligible repairs include but are not limited to:

- Luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures)
- Tree trimming
- Fences
- Landscaping
- Demolition
- Repair expenses incurred prior to the execution of the contract with the City

Assistance Terms

The West Dallas TRP is a grant program with assistance of an amount not to exceed \$10,000 per property. Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform the repair work. Repairs in excess of the program limits or outside the scope of the repair contract are the responsibility of the homeowner.

The grant will be enforced by a deed restriction. The deed restriction will have an affordability period of five (5) years from the date of signing the contract between the city and homeowner. Repayment terms will be prorated equally based upon the grant amount, except when bond funds are utilized.

There are no grant repayments unless one of the following occurs within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property; or
- If the home is vacated during the affordability period; or
- Failure to otherwise adhere to the provisions of the loan or grant.

During the period of affordability, monitoring shall be performed on an annual basis. Homeowner must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the

homeowner, and any other certifications required by the City in the contract, until the five (5) year affordability period has lapsed.

Goals

The West Dallas TRP aims to serve at least 200 homeowners within an 18-month period.

The City's Request for Proposals for a contractor to provide the repairs in the West Dallas TRP will include local subcontractor hiring.

APPENDIX 19

Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module

Need or targeted Issue

Historic properties can be costly to maintain. Many residents in the Tenth Street Historic District TRP ("Tenth Street TRP") face pressure on how to complete needed repairs without violating the requirements as set forth in the Historic District Ordinance (Ordinance #22852). This TRP is directed to aid homeowners who live in their homes in Tenth Street who have home improvement needs but are financially unable to address them. The funding will have a priority on structural elements and then general routine maintenance items. All work must comply and receive a Certificate of Appropriateness and/or Landmark Commission approval before work can be authorized, and must otherwise comply with all applicable state, federal and local laws.

Outreach

The Tenth Street TRP design was informed by resident feedback. Resident-only focus groups were held to gather information on targeted beneficiaries and needed improvements. The TRP was then developed by staff and details of the program solidified.

The Housing Policy Task Force (HPTF) reviewed the TRP on February 21, 2020 and February 28, 2020 and made recommendations and comments on the overall policy. That feedback was also included in the general policy.

Funding Source

Equity Revitalization Capital Fund

The total amount available is \$750,000 and each grant will be in an amount not to exceed \$50,000 per property. It will be awarded based upon applicants meeting all criteria as listed herein.

Eligibility Requirements

Applicant Eligibility

Applicants (sometimes referred to as homeowner) must meet all of the applicant criteria in the Targeted Rehabilitation Program and must also own and live in the home to be repaired. If Applicant, intends to rehabilitate the property to be their primary residence, they may also be eligible to apply, given they occupy the dwelling within 6 months of grant award. Applicant income must be at or below 120% AMI. Applicant(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.

Property Eligibility

Properties must meet the eligibility criteria in the Targeted Rehabilitation Program and must also be:

- Single-family or duplex
- Homeowner occupied
- Contributing or non-contributing structure provided homeowner agrees to work with Landmark Commission to rehab home so that it becomes a contributing structure; and
- Be located within the established Tenth Street Historic District as defined by Ordinance #22852.

Eligible Repairs

Applicants seeking service will be prioritized based upon having a contributing structure with structural needs, major electrical or plumbing issues, or code violations. All applicants will be served in the order in which they complete their applications. If funds are available after all Applicants with contributing structures have been served, Applicants with general routine maintenance will be vetted in the order in which they apply. Applicants that start but do not finish an application will not be considered for assistance.

Eligible improvements under this Tenth Street TRP are intended for the primary structure prioritizing exterior elements of the house that include the following but may not be limited to:

- Structural
 - Correction of exterior code violations and elimination of specific conditions detrimental to public health & safety identified by the City
 - Foundation repair / leveling
 - Roofing repair / replacement / soffit
 - Major Electrical or Plumbing
 - Any item determined eligible by the Director that aligns with the overall TRP policy
- Routine Maintenance (all exterior)
 - Accessibility repairs and installation such as ramps, handrails or repairing walkways
 - Exterior material repair / replacement (siding, repointing, painting)
 - HVAC repair / replacement
 - Plumbing (exterior gas, sewer, water lines)
 - Entry doors
 - Windows
 - Gutters and Downspouts
 - Garage doors
 - Water heater
 - Flooring repair
 - Stairs
 - Flatwork
 - Electrical
 - Any item determined eligible by the Director, that align with the overall TRP policy

Ineligible Repairs

Ineligible repairs include but are not limited to:

- Luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures)
- Tree trimming
- Fences
- Landscaping
- Demolition
- Repair expenses incurred prior to the execution of the contract with the City

Assistance Terms

The Tenth Street TRP is a grant program with assistance in an amount not to exceed \$20,000 per property. Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform

the repair work. Repairs in excess of the program limits or outside the scope of the repair contract are the responsibility of the homeowner.

The grant will be enforced by a deed restriction. The deed restriction will have an affordability period of five (5) years from the date of signing the contract between the city and homeowner, and repayment terms will be prorated equally based upon the grant amount, except when bond funds are utilized.

There are no grant repayments unless one of the following occurs within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property
- If the home is vacated during the affordability period
- If the Applicant who does not currently occupy the dwelling does not move into the dwelling within 6 months of grant award
- Failure to adhere to the provisions of the loan or grant.

During the period of affordability, monitoring shall be performed on an annual basis. Homeowner must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the homeowner, and any other certifications required by the City in the contract, until the five (5) year affordability period has lapsed.

Goals

The Tenth Street TRP aims to serve at least 35 homeowners within an 18-month period.

The City Request for Proposals for a contractor to provide the repairs in the Tenth Street TRP will include local subcontractor hiring and experience working on historic properties.

APPENDIX 20

Interventions by Strategy Area

IMPLEMENTATION REQUIREMENTS					
	Requires an ordinance change	Authorized by Resolution	Policy Decision	Available through NEZ	Non-City Action
Accessory Dwelling Units	X				
Building Code Fee Waivers	X			X	
Community Court			X		
Code Lien Foreclosures			X		
Community Land Trust	X				
Contractor Training Program		X	X		
Development Code Fee Waivers	X				
Employer-Assisted Housing Program					X
Envision Centers					X
Expedited Processing			X		
Home Improvement Preservation Program		X	X		
Homestead Preservation Districts			X		
Housing Trust Fund		X			
Incentive Zoning/Density Bonuses	X				
Lien Releases	X				
Multi-Family Rehab Program		X			
Neighborhood Empowerment Zones		X			
Opportunity Zones					
Park Land Dedication Fees					
Property Tax Abatement		X		X	
Rental/Homeowner Maintenance Education Program	X				
Tax Increment Financing (TIF)		X			
Voucher Sublease Program		X	X		

	Proposed Types of Activities	Redevelop- ment Areas	Stabiliza- tion Areas	Emerging Markets	Citywide	Council
1	Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation	P	P	N	Y	MF: 2/20/2019
2	Preservation of owner-occupied housing: Home Improvement and Preservation Program <i>Enhanced 9/25/2019 with title clearing program</i>	P	P	Y	Y	11/28/2018 & 6/26/2019
3	Preservation of single-family rental housing: Home Improvement and Preservation Program <i>Enhanced 9/25/2019 with title clearing program and enhanced 12/11/2019 with NEZ</i>	P	P	Y	Y	
4	Preservation of multifamily rental housing: Home Improvement and Preservation Program	P	P	Y	Y	
5	Landbanking	N	P	P	N	N/A
6	Code lien foreclosures	N	P	P	N	
7	Neighborhood Empowerment Zones	N	Y	N	N	1/22/2020
8	City's second mortgage assistance program (DHAP)	Y	Y	Y	Y	11/28/2018
9	Neighborhood Revitalization Strategy Area Designation	P	P	P	N	in process
10	Dallas Tomorrow Fund (Department of Code Compliance home repair fund through fee assessment)	Y	Y	Y	Y	In process
11	Code academy	Y	Y	P	Y	
12	Tax increment reinvestment zone designation	Y	Y	Y	N	
13	Create neighborhood association	Y	Y	P	Y	
14	Neighborhood sweep - 2-week intensive sweep: minor street repair, code inspections, signage, beautification projects, neighborhood plan	Y	Y	P	N	
15	Neighborhood beautification projects	Y	Y	P	Y	
16	Low Income Housing Tax Credit City support - with scoring criteria	N	Y	N	Y	6/12/2019
17	Voucher sublease agreements	Y	Y	Y	Y	
18	Accessory dwelling units	See Citywide	Y	See Citywide	Y-Opt-in	6/27/2018
19	Incentive zoning	P	P	N	Y	3/27/2019
20	Homestead preservation district designation	N	P	N	N	
21	Community land trust	Y	Y	Y	Y	12/11/2019
22	Tenant based rental assistance program (HILI)	-	-	-	Y	
23	Express plan review	P	P	N	N	
24	Targeted Rehab Program	Y	Y	Y	Y	8/26/2020
Key:P= Priority Y=Yes N=No						



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1093

Item #: 43.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Consideration of a resolution supporting Dallas Area Rapid Transit ("DART") free fare program to provide cost-free rides on DART's bus and rail transit system to kindergarten through twelfth grade students - Financing: No cost consideration to the City

BACKGROUND

DART is in the early stages of researching and studying the feasibility of a Student Transit Program, including considerations of financial, operational, legal, and security factors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 18, 2022, the Transportation and Infrastructure Committee supported forwarding this item to City Council for consideration.

FISCAL INFORMATION

No cost consideration to the City.

May 11, 2022

WHEREAS, Dallas Area Rapid Transit (“DART”) is exploring the implementation of a free fare program to provide cost-free rides on DART’s bus and rail transit system to kindergarten through twelfth grade students (“Student Transit Program”); and

WHEREAS, the City of Dallas recognizes that DART is in the early stages of researching and studying a Student Transit Program and its feasibility, including consideration of financial, operational, legal, and security factors; and

WHEREAS, the City of Dallas is supportive of DART implementing a Student Transit Program because it would provide a valuable free service to school-age children in the City of Dallas by helping them get to and from school, extracurricular activities, and work.

Now, Therefore,

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

SECTION 1. That the City of Dallas supports the development and implementation of a Student Transit Program for kindergarten through twelfth grade students on DART’s bus and rail transit system.

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



Agenda Information Sheet

File #: 22-996

Item #: 44.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code by amending Sections 101.2, 101.4, 102.3, 104.1.1, 104.6, 104.13, 201.1, 301.1.4, 301.1.5, 301.2.1, 301.4.1, 301.4.3, 301.4.7.6, 301.4.7.7, 302.2.4, 303.2.2, 303.5.1.2, 303.5.1.4.1, 304, 304.5, 305, 306.7, and 505; **(1)** providing an amended scope, amended referenced codes and standards, definitions, requirements for giving the building official notice of certain repairs, preliminary meeting requirements, alternative requirements, clarifying who may obtain and do work under a permit, a defense to prosecution for certain reroofing projects, requirements for applying for a permit; **(2)** requirements for a design professional in responsible charge, requirements for a nonregistered professional in responsible charge, phased approval requirements, master permit requirements, fire sprinkler plan requirements, required building inspections, authority for the building official to accept reports from approved inspection agencies, qualification requirements for special inspectors, information that must be contained on a certificate of occupancy, and revised fees for mechanical contractors; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** adding a new Section 301.4.6.3, "Reroofing Permits"; **(5)** adding a new Section 301.4.7.8, "Contractor Agent In Responsible Charge"; **(6)** adding a new Section 301.4.7.9, "Alternative Provisions"; **(7)** adding a new Section 301.4.7.10, "Green Building Standard Documentation"; **(8)** providing a new Section [A]302.2.5, "Deferred Submittals"; **(9)** adding a new Section [A]302.2.6, "Amended Construction Documents"; **(10)** adding a new Section 304.1.5, "Inspection During Declared Disaster"; **(11)** adding a new Section 304.4.1, "Preliminary Inspection"; **(12)** adding a new Section 304.13, "Flood Hazard Documentation"; **(13)** adding a new Section 304.14, "Tiny House Inspections"; **(14)** providing a saving clause; **(15)** providing a severability clause; and **(16)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

The changes to Chapter 52, "Administrative Procedures for the Construction Codes," involve an amended scope, recognizing the new swimming pool and spa code, amended referenced codes and standards, amended definitions, clarifying who may obtain and do work under a permit; requirements for a nonregistered professional in responsible charge, authority for the building official to accept reports from approved inspection agencies, deleted the requirement for registration fees for mechanical contractors registered with state; adding a new Section 301.4.7.8, "Contractor Agent In Responsible Charge"; adding a new Section 304.1.5, "Inspection During Declared Disaster"; and adding a new Section 304.14, "Tiny House Inspections." The remaining changes are editorial changes and changes to be consistent with the adoption of the Mass Timber provisions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of these changes to our current Codes.

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code by amending Sections 101.2, 101.4, 102.3, 104.1.1, 104.6, 104.13, 201.1, 301.1.4, 301.1.5, 301.2.1, 301.4.1, 301.4.3, 301.4.7.6, 301.4.7.7, 302.2.4, 303.2.2, 303.5.1.2, 303.5.1.4.1, 304, 304.5, 305, 306.7, and 505; providing an amended scope, amended referenced codes and standards, definitions, requirements for giving the building official notice of certain repairs, preliminary meeting requirements, alternative requirements, clarifying who may obtain and do work under a permit, a defence to prosecution for certain reroofing projects, requirements for applying for a permit; requirements for a design professional in responsible charge, requirements for a nonregistered professional in responsible charge, phased approval requirements, master permit requirements, fire sprinkler plan requirements, required building inspections, authority for the building official to accept reports from approved inspection agencies, qualification requirements for special inspectors, information that must be contained on a certificate of occupancy, and revised fees for mechanical contractors; providing a penalty not to exceed \$2,000; adding a new Section 301.4.6.3, “Reroofing Permits”; adding a new Section 301.4.7.8, “Contractor Agent In Responsible Charge”; adding a new Section 301.4.7.9, “Alternative Provisions”; adding a new Section 301.4.7.10, “Green Building Standard Documentation”; providing a new Section [A]302.2.5, “Deferred Submittals”; adding a new Section [A]302.2.6, “Amended Construction Documents”; adding a new Section 304.1.5, “Inspection During Declared Disaster”; adding a new Section 304.4.1, “Preliminary Inspection”; adding a new Section 304.13, “Flood Hazard Documentation”; adding a new Section 304.14, “Tiny House Inspections”; 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 Subsection 101.2, “Scope,” of Section 101, “Title; Scope,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“101.2 Scope. The provisions of the chapter apply to the following:

1. The *Dallas Building Code*, Chapter 53 of the *Dallas City Code*.
2. The *Dallas Plumbing Code*, Chapter 54 of the *Dallas City Code*.
3. The *Dallas Mechanical Code*, Chapter 55 of the *Dallas City Code*.
4. The *Dallas Electrical Code*, Chapter 56 of the *Dallas City Code*.
5. The *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the *Dallas City Code*.
6. The *Dallas Existing Building Code*, Chapter 58 of the *Dallas City Code*.
7. The *Dallas Energy Conservation Code*, Chapter 59 of the *Dallas City Code*.
8. The *Dallas Fuel Gas Code*, Chapter 60 of the *Dallas City Code*.
9. The *Dallas Green Construction Code*, Chapter 61 of the *Dallas City Code*.
10. The *Dallas Swimming Pool and Spa Code*, Chapter 62 of the *Dallas City Code*.
11. The *Dallas Fire Code*, Chapter 16 of the *Dallas City Code*, but only to the extent it is being applied to the construction of a building or structure.”

SECTION 2. That Subsection 101.4, “Referenced Codes and Standards,” of Section 101, “Title; Scope,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“101.4 Referenced codes and standards. The codes and standards referenced in this chapter are considered part of the requirements of this chapter to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the City of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to the codes and standards is considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code means the *Dallas Electrical Code*, as amended. References made to the *International Building Code*, *International Mechanical Code*, the *International Plumbing Code*, the *International Fire Code*, the *International Energy Conservation Code*, the *International Fuel Gas Code*, the *International Existing Building Code*, the *International Residential Code*, ~~and~~ the *International Green Construction Code* and the *International Swimming Pool and Spa Code* respectively mean the *Dallas Building Code*, the *Dallas Mechanical Code*, the *Dallas Plumbing Code*, the *Dallas Fire Code*, the *Dallas Energy Conservation Code*, the *Dallas Fuel Gas Code*, the *Dallas Existing Building Code*, the *Dallas One- and Two-Family*

Dwelling Code, ~~[and]~~ the *Dallas Green Construction Code* and the *Dallas Swimming Pool and Spa Code*, as amended. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter apply.

101.4.1 Similar provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter or the International Codes listed in Section 101.4, as applicable, the provisions of this chapter or the International Codes listed in Section 101.4 take precedence over the provisions in the referenced code or standard.”

SECTION 3. That Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding or amending the following definitions in alphabetical order to read as follows:

“**APPLICANT** means the person, firm or corporation expected to perform the work in accordance with Section 301 of this chapter. In addition, the applicant is the recognized owner of the permit application for the purposes of the codes and the primary contact for questions and other additional information needed for the purposes of the codes.

CHANGE OF OCCUPANCY means a change as defined in Section 202 of the *Dallas Existing Building Code* ~~[from one occupancy classification to another occupancy classification in a building or tenancy or portion thereof].~~

CONTRACTOR AGENT IN RESPONSIBLE CHARGE means a contractor engaged by the owner or the owner’s authorized agent to construct or install, review and coordinate certain aspects of the construction and installation, as determined by the building official, for compatibility with the city approved documents of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents. The contractor agent in responsible charge is responsible for reviewing the completed work prior to the request for applicable inspections.

EXISTING BUILDING means an existing building as defined in Section 202 of the *Dallas Existing Building Code* and a building previously occupied as described in Section 101.4 of the *Dallas Existing Building Code*.

MEANS OF SUBMITTAL means an ideal processing path involving the submission of any of the minimum documents from the first form of an application for a permit to construct or occupy a building or structure to the end user’s occupancy or use of the building or structure. The *means of submittal* consists of seven separate and distinct parts: the intake, the prescreen, the code review, the code approval, the permit issuance, inspections, and the certificate of occupancy issuance. The minimum actions, plans and document needed to satisfy each of the seven parts are often not necessarily be the same.

NONREGISTERED PROFESSIONAL IN CHARGE means a nonregistered professional engaged by the owner or the owner's authorized agent to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal of documents prepared by others, deferred submittal documents and phased submittal documents. These responsibilities include the review of the means of submittal for compliance with the codes prior to each submission to the building official.

[A] REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE means a registered design professional engaged by the owner or the owner's agent to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.

ROOFING SQUARE means an area equivalent to 100 square feet of roofing material.

SWIMMING POOL AND SPA CODE means Chapter 62 of the *Dallas City Code* based on the *International Swimming Pool and Spa Code* as adopted by this jurisdiction.

TEMPORARY STRUCTURE means any new structure erected for 30 [31] days or less."

SECTION 4. That Paragraph 104.1.1, "Structures Other Than One- and Two-Family Dwellings," of Subsection 104.1, "Scope," of Section 104, "Application of the Codes to Existing Structures and Building Service Equipment," of Subchapter 1, "Title and Scope," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

"104.1.1 Structures other than one- and two-family dwellings. Except as provided in Section 104.1.2, the *Dallas Existing Building Code* shall apply to the repair, renovation, alteration, reconstruction, change of occupancy, addition, and relocation of existing structures. ~~[A structure or portion of a structure that has not been previously occupied or used for its intended purpose shall comply with the *Dallas Building Code* for new construction.]~~ Repairs, renovations, alterations, reconstruction, change of occupancy, existing structures to which additions are made, historic structures, and relocated structures complying with the provisions of the *Dallas Building Code*, the *Dallas Plumbing Code*, the *Dallas Mechanical Code*, the *Dallas Electrical Code*, the *Dallas Fuel Gas Code*, and the *Dallas Energy Conservation Code*, as applicable, shall be considered in compliance with the provisions of the *Dallas Existing Building Code*."

SECTION 5. That Subsection 104.6, “Maintenance,” of Section 104, “Application of the Codes to Existing Structures and Building Service Equipment,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“104.6 Maintenance. Structures and parts of structures shall be maintained in a safe and sanitary condition. The provisions of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the *Dallas City Code* shall apply to the maintenance of existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. All existing devices or safeguards shall be maintained in all existing buildings. The owner or the owner’s designated agent shall be responsible for the maintenance of the structure. To determine compliance with this subsection, the building official or other authorized code official shall have the authority to require a building to be reinspected. Except where specifically permitted by this code, the code shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

104.6.1 Repairs. Application or notice to the building official is not required for repairs to structures as listed in Section 301.2 of this chapter, provided that such repairs do not include any of the following:

1. The cutting away of any wall, partition, or portion thereof.
2. The removal of any structural beam or load-bearing support.
3. The removal of any required means of egress or rearrangement of parts of a structure affecting the egress requirements.
4. Any addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage leader, gas, soil, waste, vent, or simple piping, or electrical wiring.
5. Mechanical or other work affecting public health or general safety.

104.6.2 Repair permits. A general repair permit does not authorize any work listed in Section 104.6.1 or any similar work.”

SECTION 6. That Subsection 104.13, “Preliminary Meeting,” of Section 104, “Application of the Codes to Existing Structures and Building Service Equipment,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“104.13 Preliminary meeting for classification of work. A permit applicant is strongly encouraged to meet with the building official to discuss plans for proposed work on, or a proposed change of occupancy to, an existing structure prior to the application for a construction permit in order to establish the specific applicability of the provisions of the *Dallas Existing Building Code* or other applicable codes.

Exception: Repairs~~[-renovations, and alterations]~~.”

SECTION 7. That Subsection 201.1, “General,” of Section 201, “Building Official,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“201.1 General. The building official, who shall be appointed by the city manager, shall be in administrative and operational charge of the division of building inspection. The building official must be an architect or engineer legally registered under the laws of this state or have a degree in an associated field of study including public administration, business administration, or law or meet alternative requirements approved by the director. The building official must also have at least 10 years’ experience as an architect, engineer, building inspector, building inspection administrator or building contractor, five years of which shall have been in directing the work of others. Preference will be given to candidates certified as a building official by the International Code Council. A candidate who does not possess certification as a building official shall obtain certification within six months after appointment as building official.”

SECTION 8. That Paragraph 301.1.4, “Permit Issued to Another Person, Firm, or Corporation,” of Subsection 301.1, “Permits Required,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.1.4 Permit issued to another person, firm, or corporation. An applicant [~~person, firm, or corporation~~] shall not do work by authority of a permit issued to another person, firm, or corporation, except under direct supervision of the person, firm, or corporation to whom the permit was issued.”

SECTION 9. That Paragraph 301.1.5, “Obtaining a Permit For Another Person, Firm, or Corporation,” of Subsection 301.1, “Permits Required,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.1.5 Obtaining a permit for another person, firm, or corporation. An applicant ~~[person, firm, or corporation]~~ shall not obtain a permit for use by another person, firm, or corporation.”

SECTION 10. That Paragraph 301.2.1, “Building,” of Subsection 301.2, “Defenses,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.2.1 Building.

1. Painting, papering, paneling, floor coverings, cabinets, moldings, countertops, and similar finish work.
2. Erection of one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, that are located on property that contains a single family or duplex premises and that do not exceed 200 square feet (18.58 m²) in floor area.
3. Erection of one-story detached patio covers with an area less than 200 square feet (18.58 m²) on single-family or duplex premises.
4. Addition of storm windows, screens, shutters, rain gutters, or insulation to a building.
5. Addition of trim or siding to single-family or duplex premises.
6. Erection of fences not serving as a pool enclosure not over four feet high in a front yard, nor over six feet high elsewhere.
7. Reroofing if the ~~[value of]~~ work does not exceed the equivalent of two roofing squares or less ~~[\$500]~~.
8. Interior remodeling of nonload bearing components of single-family or duplex premises that does not add floor area.
9. Erection of movable cases, containers, and partitions not over 69 inches (1,752.6 mm) high.
10. Attaching window awnings to exterior walls of single-family homes or single-family garages where the awnings project not more than 54 inches (1,374.6 mm) from any wall.

11. Erection of structures, boots, sets, and scenery used for motion pictures, conventions, television shows, theater shows, and similar temporary uses.
12. Erection of retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless the walls are supporting a surcharge or impounding Class I, II, or IIIA liquids.
13. Construction of platforms and decks on property that contains a single-family or duplex premises that do not exceed 200 square feet (18.58 m²) in area, are not more than 30 inches (762 mm) in height above grade at any point, are not attached to a dwelling, are not be located in violation of the clearance of overhead service drop conductors, and do not serve the exit door required by Section R311.4 of the *Dallas One- and Two-Family Dwelling Code*.
14. Book exchange structures as defined by Chapter 51A of the *Dallas City Code*.
15. Paving or grading on a property that is less than two acres in size and that that is classified as a single-family or duplex premises.
16. Erection of freestanding detached carports of 200 square feet (18.58 m²) or less that are accessory to a single-family or duplex premises.
17. Excavations less than four feet (1,219 mm) in depth below existing grade.
18. Replacement of exterior or interior doors, hinges, hardware, and decorative trim, provided the following conditions are met:
 - 18.1. The replacement door is of the same size and required type.
 - 18.2. The replacement door does not require any modification to existing wall framing.
 - 18.3. The existing door is not a component of a fire-resistive rated construction element.
19. Replacement of exterior or interior windows, provided the following conditions are met:
 - 19.1. The replacement window is of the same size, required type, and thickness.
 - 19.2. The replacement window does not require any modification to the existing wall frame or window frames.
 - 19.3. The existing glazing is not a component of a fire-resistive rated construction element.

19.4. The existing glazing is not required to be safety glazed.

Exception: 19.4 is omitted for single-family and duplex premises.

20. Erection or installation of shade cloth structures that are constructed for non-commercial nursery or agricultural purposes and that do not include building service equipment or systems.
21. Erection or installation of swings and other playground equipment accessory to single-family or duplex premises.
22. New construction or renovation work on county owned buildings or facilities if the work is done by county personnel or by county personnel acting as the general contractor. Documentation approved by the building official is required to use this defense. The construction work must comply with the codes and must be inspected by a registered professional engineer or architect licensed in the State of Texas. The population of Dallas County must equal or exceed 3.3 million as listed by the U.S. Census Bureau data for the application of this provision.
23. Work involving a structure, the title of which is vested in the United States or the State of Texas and that is devoted exclusively to governmental use.
24. Storage racks eight feet (2,438 mm) or less in height.
25. Freestanding satellite dishes not exceeding one meter in diameter that do not exceed 12 feet (3,657 mm) in height.
26. Installation of prefabricated swimming pools accessory to single-family or duplex premises in which the pool wall is completely above adjacent grade, the pool capacity does not exceed 5,000 gallons (18,927 L), and the pool depth is less than 24 inches (610 mm).
27. Erection of temporary structures in conjunction with a special events permit issued under Chapter 42A of the *Dallas City Code* that meets all of the following criteria:
 - 27.1. The temporary structures must cover an area of 120 square feet or less, including connecting areas and spaces with a common means of egress or entrance that are used or are intended to be used for a gathering of 10 persons or less.
 - 27.2. The temporary structures must not exceed 12 feet (3,657 mm) in height.

- 27.3. The temporary structures, including stages, platforms, reviewing/observation stands or towers, must not be more than 30 inches (762 mm) above grade or over any basement or story, and cannot be part of an accessible route.
- 28. Conveyances or stages, platforms, or reviewing or observation stands or towers that are part of conveyance mounted equipment.
- 29. Temporary structures that could be considered equipment such as:
 - 29.1. Scaffolding for sound, lighting, or timers.
 - 29.2. Prefabricated platforms.
 - 29.3. Prefabricated bleachers provided that all of the following are met:
 - 29.3.1. Must be less than 6 feet in height.
 - 29.3.2. The bleachers are unroofed.
 - 29.3.3. There are no enclosed spaces under or attached to the bleacher seating.
 - 29.3.4. An approved fire safety plan includes approval of evacuation of the bleacher seating.
 - 29.4. Amusement rides.
- 30. Flagpoles that support an appurtenance weighing less than 150 pounds (68 kg), provided it is not more than 75 feet (22,680 mm) tall if mounted on the ground or not more than 25 feet (7620 mm) taller than the building if mounted on a building.
- 31. A tower under 75 feet (22,860 mm) in height that meets the following conditions:
 - 31.1. Tower structures used primarily for the support of amateur and citizen's band radio or private television antennae.
 - 31.2. Tower structures on real property owned, leased, held or used, or dedicated for use by a public utility for rendering its service, such as tower structures used primarily for the transmission of electrical power by a public utility or the conveyance of communications over a telephone wire-line system operated by a public utility.

- 31.3. High mast tower structures or antennae built on land on, along, or adjacent to streets, roads, highways, and bridges maintained by the state or a political subdivision of the state.
 - 31.4. Tower structures constructed or placed on land or other structures owned, leased, held, or dedicated for use by the state or federal government or any political subdivision thereof, which land or other structures are used by the governmental entity primarily for rendering fire, police, or other public protection services or utility services whether or not the tower structure is used jointly by the governmental entity and another public or private person or entity for other and additional public or private purposes.
- 32. A work of art.
 - 33. Installation of storm shelters accessory to single-family or duplex premises when less than 200 square feet in area with no utilities; not attached to any other structures; and not funded by the local, state or federal government.
 - 34. Erection of structures used as tool and storage sheds that do not exceed 200 square feet, raised planting beds, bed covers, and similar structures that are located on property with an urban garden use as defined in the *Dallas Development Code*.”

SECTION 11. That Paragraph 301.4.1, “General,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.4.1 General. To obtain a permit, an applicant shall first file an application in writing on a form furnished for that purpose by the building inspection division. An application must contain the following information:

- 1. Identification and description of the work to be covered by the permit.
- 2. Description of the land on which the proposed work is to be done, by street address or similar description that will readily identify and definitely locate the proposed structure or work.
- 3. Indication of the use or occupancy for which any proposed structure is intended.

4. Signature of the applicant or an authorized agent, who may be required to submit evidence to indicate such authority, together with a verification of the truth and correctness of the information in the application.
5. Attachment of plans, diagrams, computations, specifications, and other data as required.
6. The name, address, and telephone number of the industrialized builder, if applicable.
7. Documentation showing proof of a current home repair license in accordance with Article X, Chapter 50, "Consumer Affairs," of the Dallas City Code, if applicable.
8. Other information required by the building official necessary for issuance of the permit.

301.4.1.1 Information on braced wall design. For buildings and structures utilizing braced wall design, and where required by the building official, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location, and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

301.4.1.2 Information on site design. Where required by the building official, site drainage details shall be identified on the construction documents. Sufficient information shall be provided to meet the minimum requirements of Section R401.3 and R403.1.7.3 of the *Dallas One- and Two-Family Dwelling Code* and Section 1804.4 and 1808.7.4 of the *Dallas Building Code* in addition to how rain water will be conveyed off the site and discharged in a proper and legal manner.

[A]301.4.1.3 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the *Dallas Building Code* or the *Dallas One- and Two-Family Dwelling Code*, as applicable. The construction documents shall provide details on the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive barrier and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[A]301.4.1.4 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces have *weathered exposed surfaces*, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

[A]301.4.1.5 Type IV buildings. Unless noted otherwise by the building official, for buildings more than four stories in height, an engineering report must be submitted to document and demonstrate that the adequate water supplies, water flows and pressures exist for each specific site. A preliminary report must be provided with the permit submission. The final report must be provided as directed by the building official."

SECTION 12. That Paragraph 301.4.3, "Excavation Work," of Subsection 301.4, "Application for Permits," of Section 301, "Permits and Inspections," of Subchapter 3, "Permits and Inspections," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

"301.4.3 Excavation work. In addition to the requirements of Section 301.4.1, an application for a permit to perform excavation work must be accompanied by the following information:

1. Plans showing the extent of the excavation.
2. Specifications of access routes to and from the work site.
3. Specifications of dump sites for the excavation material.
4. Plans and specifications, bearing the seal of an engineer qualified and registered under state law, of retention systems used for the protection of all surrounding public and private property.
5. Signed agreements by the owner of the premises and the person performing the excavation work to:
 - 5.1. Allow city representatives to enter the premises and take whatever action is necessary to make safe an excavation in violation of Section 203.6 of this chapter, with the costs of the city's action to be paid by the owner of the premises or the person performing the excavation work; and

- 5.2. Indemnify the city and its officers and employees against all claims for injury or damage to persons or property arising from an excavation or maintenance of an excavation in violation of Section 203.6 of this chapter.

6. Building permit application in all cases where applicable.”

SECTION 13. That Subparagraph 301.4.6.3, “Reroofing Permits,” of Paragraph 301.4.6, “Other Types of Work,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Item 301.4.6.3.1, “Reroofing Inspections,” to read as follows:

“301.4.6.3 Reroofing permits. The building official may require special inspections in accordance with Section 1705.1.1, Item 4 of the *Dallas Building Code* to satisfy the construction inspection requirements of this section.”

SECTION 14. That Subparagraph 301.4.7.6, “Alternative Provisions,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.4.7.6 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner’s authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If circumstances require, the owner or the owner’s authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner’s authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. ~~[Alternative provisions. When~~

authorized by the building official, plans and specifications are not required for any of the following:

- ~~1. A one-story structure of Type V conventional wood stud construction with an area not exceeding 600 square feet.~~
- ~~2. A Group U Occupancy of Type V conventional wood stud construction.~~
- ~~3. Maintenance repairs, minor nonstructural alterations, and minor additional to an existing structure.]”~~

SECTION 15. That Subparagraph 301.4.7.7, “Green Building Standard Documentation,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.4.7.7 Nonregistered professional in responsible charge. Where the documents are not prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the owner’s authorized agent to engage and designate on the building *permit* application a *nonregistered professional* who shall act as the *nonregistered professional in responsible charge*. If the circumstances require, the *owner* or the owner’s authorized agent shall designate a substitute *nonregistered professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the owner’s authorized agent if the *nonregistered professional in responsible charge* is changed or is unable to continue to perform the duties. The *nonregistered professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by themselves or others, including phased and deferred submittal items, for compatibility with the design of the building. These responsibilities include the review of the means of the submittal for code compliance prior to each submission to the *building official*. **[Green building standard documentation.** For construction activity subject to Subchapter 10, an applicant must submit documentation that:

- ~~1. demonstrates the construction activity will comply with the requirements of Subchapter 10, and~~
- ~~2. includes any other documentation the building official deems necessary.~~

~~**301.4.7.7.1 — Acceptable standards.** The building official may accept documentation from the most recent versions of any LEED NC (new construction), LEED CS (core and shell), LEED CI (commercial interiors), LEED for schools, LEED for healthcare, LEED for retail, LEED for homes, Green Built Texas, or another approved equivalent.]”~~

SECTION 16. That Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subparagraph 301.4.7.8, “Contractor Agent In Responsible Charge,” to read as follows:

“301.4.7.8 Contractor agent in responsible charge. The *building official* shall be authorized to require the *owner* or the owner’s authorized agent to engage and designate on the master *permit* application a *contractor* who shall act as the *contractor agent in responsible charge*. If the circumstances require, the *owner* or the owner’s authorized agent shall designate a substitute *contractor agent in responsible charge* who shall perform the duties required of the original *contractor agent in responsible charge*. The *building official* shall be notified in writing by the *owner* or the owner’s authorized agent if the *contractor agent in responsible charge* is changed or is unable to continue to perform the duties. The *contractor agent in responsible charge* shall be responsible for reviewing the completed work prior to the request of the applicable inspections.”

SECTION 17. That Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subparagraph 301.4.7.9, “Alternative Provisions,” to read as follows:

“301.4.7.9 Alternative provisions. When authorized by the building official, plans and specifications are not required for any of the following:

1. A one-story structure of Type V conventional wood-stud construction with an area of less than 400 square feet.
2. A Group U Occupancy of Type V conventional wood-stud construction.

3. Maintenance repairs, minor nonstructural alterations, and minor additional to an existing structure.”

SECTION 18. That Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits and Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subparagraph 301.4.7.10, “Green Building Standard Documentation,” to read as follows:

“301.4.7.10 Green building standard documentation. For construction activity subject to Subchapter 10, an applicant must submit documentation that:

1. demonstrates the construction activity will comply with the requirements of Subchapter 10, and
2. includes any other documentation the building official deems necessary.

301.4.7.10.1 Acceptable standards. The building official may accept documentation from the most recent versions of any LEED NC (new construction), LEED CS (core and shell), LEED CI (commercial interiors), LEED for schools, LEED for healthcare, LEED for retail, LEED for homes, Green Built Texas, or another approved equivalent.”

SECTION 19. That Paragraph 302.2.4, “Permit For Construction of Part of a Structure,” of Subsection 302.2, “Issuance,” of Section 302, “Application For and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“302.2.4 Phased approval [~~Permit for construction of part of a structure~~]. The *building official* is authorized to [~~may~~] issue a *permit* for the construction of foundations or any other part of a ~~building~~ or structure before the entire plans and specifications for the whole building or structure have been submitted or approved if adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter and the codes. The holder of such a *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a [~~the~~] *permit* for the entire structure will be granted.”

SECTION 20. That Subsection 302.2, “Issuance,” of Section 302, “Application For and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Paragraph [A]302.2.5, “Deferred Submittals,” to read as follows:

“[A]302.2.5 Deferred submittals. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the *deferred submittals* on the *construction documents* for review by the *building official*. Documents for *deferred submittal* items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the *deferred submittal* documents have been reviewed and found to be in general conformance to the design of the building. The *deferred submittal* items shall not be installed until the *deferred submittal* documents have been *approved* by the *building official*.”

SECTION 21. That Subsection 302.2, “Issuance,” of Section 302, “Application For and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Paragraph [A]302.2.6, “Amended Construction Documents,” to read as follows:

“[A]302.2.6 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.”

SECTION 22. That Paragraph 303.2.2, “Master Permit,” of Subsection 303.2, “Permit Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is to read as follows:

“303.2.2 Master permit. The master permit shall be issued for all work to be performed on a project, including but not limited to, building, electrical, mechanical, plumbing, fire sprinkler, fire alarm, landscaping, ~~[fence, tent,]~~ mechanical refrigeration, ~~[flammable liquid, liquid petroleum,]~~ septic tank, ~~[swimming pool, lawn sprinkler, security system,]~~ paving, grading, health ~~[barricade, excavation, demolition, moving, sign demolition,]~~ and zoning ~~[new sign]~~ work. Any work for which fees are not separately specified in Section 303.5 shall be included in the total valuation of the work, if applicable.

303.2.2.1 Separate trade permit. A separate trade permit shall be issued for the following work to be performed on a project, including but not limited to, barricade, demolition, egress control system, excavation, fence, flammable liquid, lawn sprinkler, liquid petroleum, moving, septic tank, sidewalk waiver, sign demolition, solar systems, swimming pool, and tents. Any work for which fees are not separately specified in Section 303.5 shall be included in the total valuation of the work, if applicable.

303.2.2.2 Permissible separate trade permit. In the absence of a master permit or an active master permit, a single trade permit may be issued for work to be performed on a project, including but not limited to, building, electrical, electric vehicle supply equipment, mechanical, plumbing, fire sprinkler, fire alarm, landscaping, mechanical refrigeration, septic tank, solar photovoltaic, paving, grading, health, and new sign work. Any work for which fees are not separately specified in Section 303.5 shall be included in the total valuation of the work, if applicable.”

SECTION 23. That Subparagraph 303.5.1.2, “Fire Sprinkler Plans,” of Paragraph 303.5.1, “Plan Reviews,” of Subsection 303.5, “Other Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“303.5.1.2 Fire sprinkler plans. In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.3, 303.5.1.4, 303.5.1.5, 303.5.1.6, or 303.5.1.7, a nonrefundable fire or sprinkler plan review fee of \$0.008 for each square foot of sprinklered building area or \$150.00, whichever is greater, shall be paid upon application for any permit for which the building inspection division performs a review of fire sprinkler plans that involve the installation of a new fire sprinkler system, the addition of 20 or more sprinkler heads to an existing fire sprinkler system, or the removal or relocation of 100 or more sprinkler heads in an existing fire sprinkler system.

303.5.1.2.1 Resubmittal fees involving approved fire sprinkler plans. Any resubmittal of approved plans must pay a new plan review fee based on the total number of new or changed elements or devices per building. The cause for resubmittal may be due to, but not limited to, architectural, field, construction, or contractor changes.

303.5.1.2.2 Resubmittal fees involving denied fire sprinkler plans. If the city denies a fire sprinkler permit, the first resubmittal of the denied plans is free. Each subsequent resubmittal of denied plans must pay half of the original plan review submittal fee.

303.5.1.2.3 Plan review resubmittal fees for fire sprinkler systems. In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.3, 303.5.1.5, 303.5.1.6, or 303.5.1.7, plans for fire sprinkler systems shall be accompanied by a nonrefundable resubmittal review fee based on the following:

1. \$75 for each fire sprinkler system, per building, with 10 or fewer sprinkler initiating devices or actuation devices.
2. \$100 for each fire sprinkler system, per building, with 11 to 25 sprinkler initiating devices or actuation devices.
3. \$150 for each fire sprinkler system, per building, with 26 to 150 sprinkler initiating devices or actuation devices.
4. \$300 for each fire sprinkler system, per building, with more than 150 sprinkler initiating devices or actuation devices.”

SECTION 24. That Item 303.5.1.4.1, “Resubmittal Fees Involving Approved Fire Alarm Plans,” of Subparagraph 303.5.1.4, “Plan Review Fees for Fire Alarm Systems,” of Paragraph 303.5.1, “Plan Reviews,” of Subsection 303.5, “Other Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“303.5.1.4.1 Resubmittal fees involving approved fire alarm plans. Any resubmittal of approved plans must pay a new plan review fee based on the total number of new or changed alarm initiating or signaling devices per building. The cause for resubmittal may be due to, but not limited to, architectural, field, construction, or contractor changes.”

SECTION 25. That Section 304, “Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is retitled as Section 304, “Jurisdictional Inspections.”

SECTION 26. That Subsection 304.1, “General,” of Section 304, “Jurisdictional Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Paragraph 304.1.5, “Inspection During Declared Disaster,” to read as follows:

“304.1.5 Inspection during declared disaster. In an area of the city that is subject to a declaration of disaster by the governor under Chapter 418 of the *Texas Government Code*, or a declaration of local disaster under Chapter 14B of the *Dallas City Code*, a building inspection may, while the declaration is in effect, be performed by a person:

1. other than:
 - 1.1. the owner of the building; or
 - 1.2. a person whose work is the subject o the inspection; and
2. who is:
 - 2.1.certified to inspect buildings by the International Code Council;
 - 2.2.employed as a building inspector by the municipality in which the building is located;
 - 2.3.employed as a building inspector by any political subdivision, if the city has approved the person to perform inspections during a disaster; or
 - 2.4.an engineer licensed under Chapter 1001 of the *Texas Occupations Code*.

304.1.5.1 Requirements. A person who performs an inspection under this section must:

1. comply with the codes and any regulations and policies adopted by the division of building inspection; and
2. not later than the 30th day after the date of the inspection, provide the building official with notice of the inspection.

SECTION 27. That Subsection 304.4, “Approval Required,” of Section 304, “Jurisdictional Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Paragraph 304.4.1, “Preliminary Inspection,” to read as follows:

“304.4.1 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and *sites* for which an application has been filed.”

SECTION 28. That Subsection 304.5, “Required Building Inspections,” of Section 304, “Jurisdictional Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“304.5 Required building inspections.

304.5.1 Footing and f[F]oundation inspection. Footing and foundation inspections shall [To] be made after excavations [trenches are excavated and forms erected and when all materials] for footings [the foundation] are complete and any required reinforcing steel [installed on the job. Where concrete from a central mixing plant (commonly termed “transit mixed”)] is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete [to be used, materials] need not be on the job.

Exception: Where *special exceptions* are provided in accordance with Section 1705.1.1, Item 4 of the *Dallas Building Code*.

304.5.1.1 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

304.5.1.2 Lowest floor elevation. In *floor hazard areas*, upon placement of the *lowest floor*, including the *basement*, and prior to further vertical construction, the elevation certification required in Section 1612.4 of the *Dallas Building Code* or the *Dallas One- and Two-Family Dwelling Code*, as applicable, shall be submitted to the *building official* or to the official designated by the *building official*.

304.5.2 Rough frame inspection. To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, sprinkler risers, chimneys, and vents are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved. Reinforcing steel or structural framework of any part of any structure shall not be covered or concealed without first obtaining the approval of the building official.

304.5.3 Finish frame inspection. To be made after the rough inspections required by this section for building, electrical, plumbing, and mechanical work are completed and the sprinkler branch piping is installed.

304.5.3.1 Types IV-A, IV-B, and IV-C connection protection inspection. In buildings of Types IV-A, IV-B, and IV-C construction, where connection fire resistance ratings are provided by wood cover calculated to meet the requirements of Section 2304.1.1.1 of the Dallas Building Code, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 4 of the Dallas Building Code.

304.5.3.2 Lath, gypsum board, and gypsum panel product inspection. Lath, gypsum board, and gypsum panel product inspections shall be made after lathing, gypsum board, and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exceptions:

1. Gypsum board and gypsum panel products that are not part of a fire-resistance rated assembly or a shear assembly.
2. Where special inspections are provided in accordance with Section 1705.1.1, Item 4 of the Dallas Building Code.

304.5.3.3 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 4 of the Dallas Building Code.

304.5.3.4 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers*, and *smoke partitions* shall not be concealed from view until inspected and *approved*.

Exception: Where *special inspections* are provided in accordance with Section 1705.1.1, Item 4 of the *Dallas Building Code*.

304.5.4 Energy efficiency [~~Insulation~~] inspections. Inspections shall [~~be~~] be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for:

1. envelope insulation *R*- and *U*-values;
2. *fenestration U*-value;
3. duct system *R*-value; and
4. HVAC and water-heating equipment efficiency [~~after insulation is installed~~].

Exception: Where *special inspections* are provided in accordance with Section 1705.1.1, Item 4 of the *Dallas Building Code*.

304.5.5 Final inspection. To be made after the ceilings are completed with sprinkler heads, if any, and the structure is completed.”

SECTION 29. That Section 304, “Jurisdictional Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 304.13, “Flood Hazard Documentation,” to read as follows:

“304.13 Flood hazard documentation. If located in a *flood hazard area*, documentation of the elevation of the *lowest floor* as required in Section 1612.4 of the *Dallas Building Code* shall be submitted to the *building official* prior to the final inspection.”

SECTION 30. That Section 304, “Jurisdictional Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 304.14, “Tiny House Inspections,” to read as follows:

“304.14 Tiny house inspections. Where the work proceeds continuously or offsite, the *building official* shall schedule periodic inspections at an approved location.

Exception: Where *special inspections* are provided in accordance with Section 1705.1.1, Item 4 of the *Dallas Building Code*. Plumbing work must be done and inspected in accordance with Subchapter 4 of this chapter and Chapter 1301 of the *Texas Occupations Code*, as amended.”

SECTION 31. That Section 305, “Special Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“SECTION 305 SPECIAL INSPECTIONS

305.1 General. Refer to Section 1704 of the *Dallas Building Code*, as amended.

305.2 Inspection agencies. The *building official* is authorized to accept reports of *approved inspection agencies*, provided that such agencies satisfy the requirements as to qualifications and reliability.

305.3 Special inspectors. Special inspectors must be approved by the *building official* prior to performing any duties. Special inspectors must submit their qualifications and are subject to personal interviews for prequalification. Approved identification, as stipulated by the *building official* must be presented when performing the function of a special inspector. Special inspectors may have no financial interest in projects for which they provide special inspections.

305.3.1 Prequalification. The prequalification of special inspectors consists of two phases.

305.3.1.1 Phase one. The phase one prequalification of special inspectors involves those required for mass timber construction. Phase one begins on April 13, 2022.

305.3.1.2 Phase two. The phase two prequalification of special inspectors involves all other required special inspections. Phase two begins with the effective date of adoption of the 2021 edition of the *International Building Code*, as amended.”

SECTION 32. That Subsection 306.7, “Certificate of Occupancy,” of Section 306, “Certificate of Occupancy,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“306.7 Certificate of occupancy. A certificate of occupancy must contain the following information:

1. The address of the structure or land.
2. The name and address of the owner of the structure and land.
3. The name and address of the operator of the use or occupancy.
4. The use and occupancy, in accordance with the provisions of the Dallas Building Code or the Dallas Existing Building Code, whichever applies, and the Dallas Development Code.
5. The certificate of occupancy number.
6. The zoning district where the structure of land is located.
7. Identification of any required city, county, state, or federal license, permit, or registration to operate the use or occupancy.
8. The *permit* number.
9. A description of that portion of the structure for which the certificate is issued.
10. The name of the *building official*.
11. The edition of the code under which the *permit* was issued.
12. Any special stipulations and conditions of the building *permit*.”

SECTION 33. That Section 505, “Fees,” of Subchapter 5, “Registration of Mechanical Contractors,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“SECTION 505 FEES

505.1 General. No registration fee is required for a mechanical contractor registered under the Texas Air Conditioning and Refrigeration Contractor Licensing Law.

505.2 Revision to a certificate of registration. ~~[The following nonrefundable fees shall be charged for each certificate of registration issued under the provisions of this subchapter:~~

- ~~1. The registration fee is \$120.00.~~

2.] The fee for each revision to a certificate of registration is \$30.”

SECTION 34. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 35. That Chapter 52 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 36. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 37. 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 38. That this ordinance shall take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1002

Item #: 45.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance adding Chapter 62, "Dallas Swimming Pool and Spa Code," to the Dallas City Code, as amended; **(1)** adopting with certain changes the 2021 Edition of the International Swimming Pool and Spa Code of the International Code Council, Inc.; **(2)** regulating and governing the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic facilities, pools, and spas; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

Effective September 1, 2020, House Bill 2858-86 (R) adopted to be used throughout the state, the International Swimming Pool and Spa Code, 2018 Edition as it existed on May 1, 2019, as published by the International Code Council, Inc. This includes any successive editions.

The 2021 Recommended Regional Amendments were approved for distribution by the North Central Texas Council of Governments Executive Board at their July 22, 2021 and October 28, 2021 meetings. The Amendments included the International Swimming Pools and Spa Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of the 2021 International Swimming Pool and Spa Code.

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance adding Chapter 62, “Dallas Swimming Pool and Spa Code,” to the Dallas City Code, as amended; adopting with certain changes the 2021 Edition of the International Swimming Pool and Spa Code of the International Code Council, Inc.; regulating and governing the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic facilities, pools, and spas; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 87th Texas Legislature met in regular session between January 12, 2021 and May 31, 2021; and

WHEREAS, H.B. 2205 was filed on February 24, 2021; and

WHEREAS, H.B. 2205 adopted the International Swimming Pool and Spa Code as it existed on May 1, 2019 as the municipal swimming pool and spa code in the State of Texas; and

WHEREAS, H.B.2205 allows a municipality to adopt a more recent version of the International Swimming Pool and Spa Code; and

WHEREAS, H.B. 2205 was approved by both chambers of the Texas Legislature; and

WHEREAS, H.B. 2205 was filed without the governor’s signature on June 18, 2021 and took effect on September 1, 2021; Now, Therefore,

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

SECTION 1. That Chapter 62, “Dallas Swimming Pool and Spa Code,” of the Dallas City Code, as amended, is created by adopting the 2021 Edition of the International Swimming Pool and Spa Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Subsection [A]101.1, “Title,” of Section 101, “General,” of Part 1, “Scope and Application,” of Chapter 1, “Scope and Administration,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“[A] **101.1 Title.** These regulations shall be known as the Dallas Swimming Pool and Spa Code [of [NAME OF JURISDICTION]], hereinafter referred to as “this code.” Except as otherwise specified in this chapter, all provisions of Chapter 52, ‘Administrative Procedures for the Construction Codes,’ of the *Dallas City Code* apply to this code.

101.1.1 General. The provisions of this code and the provisions of Chapter 43A, “Swimming Pools,” of the *Dallas City Code* shall control the design and construction of swimming pools, spas and hot tubs. To the extent of any conflict between Chapter 62, “*Dallas Swimming Pool and Spa Code*,” of the *Dallas City Code*, hereafter referred to as “this code”; and other city ordinances, this code shall prevail.

101.1.2 Location of pool adjacent to structural footings. The provisions of Section 1808.7 of Chapter 53, “*Dallas Building Code*,” of the *Dallas City Code*, and Section R403.1.7 of Chapter 57, “*Dallas One- and Two-Family Dwelling Code*,” of the *Dallas City Code*, shall control the location of pools adjacent to buildings and other structural footings.”

2. Subsection [A]102.5, “Historic Buildings,” of Section 102, “Applicability,” of Part 1, “Scope and Application,” of Chapter 1, “Scope and Administration,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“[A] **102.5 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of pools, spas, or systems shall not be mandatory for existing pools, spas or systems identified and classified by federal, [the] state or local jurisdictions as part of a historic structure where such pools, spas or systems are judged by the *code official* to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of such pool or spa.”

3. Subsection [A]102.9, “Other Laws,” of Section 102, “Applicability,” of Part 1, “Scope and Application,” of Chapter 1, “Scope and Administration,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

[A]**102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, including, but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhomes).
2. Texas Department of Licensing and Regulation (TDLR); *Texas Accessibility Standards (TAS)*, provides the scoping and technical requirements for accessibility for swimming pools, wading pools and spas and shall comply with the current edition of *TAS*, Section 242. (TAS rules do not apply to pools serving one- and two-family dwellings or townhomes).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this chapter.”

4. Part 2, “Administration and Enforcement,” of Chapter 1, “Scope and Administration,” of the 2021 International Swimming Pool and Spa Code is deleted.

5. Subsection 201.3, “Terms Defined in Other Codes,” of Section 201, “General,” of Chapter 2, “Definitions,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Dallas [~~International~~] Building Code, Dallas [~~International~~] Energy Conservation Code, Dallas [~~International~~] Fire Code, Dallas [~~International~~] Fuel Gas Code, Dallas [~~International~~] Mechanical Code, Dallas [~~International~~] Plumbing Code, Dallas Electrical Code, Dallas Existing Building Code, Dallas Green Construction Code, [~~or~~] Dallas One-and Two-Family Dwelling [~~International Residential~~] Code, or the Administrative Procedures for the Construction Codes, such terms shall have the meanings ascribed to them as in those codes.”

6. Section 202, “Definitions,” of Chapter 2, “Definitions,” of the 2021 International Swimming Pool and Spa Code is amended by amending or adding the following defined terms in alphabetical order to read as follows:

“DALLAS HEALTH DEPARTMENT. Regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in state law.

FRENCH DOORS. Double doors, sometimes called double-hinged patio doors, that provide access from a *dwelling* interior to the exterior in which each of the two doors are hinged and closable so that the edge of one door closes immediately adjacent to the edge of the other door with no partition between the doors. A French door is either one of the two doors.

KEYED DEAD BOLT. A door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a 1-inch throw if installed after September 1, 1993, and that is operated from the exterior by a key, card or combination and operated from the interior by a knob or lever without a key, card or combination. The term includes a doorknob lock that contains a bolt with at least a 1-inch throw.

KEYLESS DEAD BOLT. A door lock not in the doorknob that locks:

1. with a bolt with a 1 inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;
2. by a drop bolt system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three case-hardened screws at least 3 inches in length. One half of the central plate must overlap the interior surface of the door and the other half of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off the doorjamb restraint by a person who is on the interior side of the door; or
3. by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least 3 inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door. The term does not include a chain latch, flip latch, surface-mounted slide bolt, mortise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring-loaded night latch, foot bolt or other lock or latch.

PUBLIC SWIMMING POOL (Public Pool). Any man made permanently installed or non-portable structure, basin, chamber or tank containing an artificial body of water that is used for swimming, diving, aquatic sports or other aquatic activity, ~~[A pool]~~ other than a *residential* pool, that is intended to be used for swimming or bathing and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be publicly or privately owned. Public pools shall be further classified and defined as follows:

Class A competition pool. A pool intended for use for accredited competitive aquatic events such as Federation Internationale De Natation (FINA), USA Swimming, USA Diving, USA Synchronized Swimming, USA Water Polo, National Collegiate Athletic Association (NCAA), or the National Federation of State High School Associations (NFHS). A class A pool may also be used for recreation.

Class B public pool. A pool intended for public recreational use that is not identified in the other classifications of public pools.

Class C semi-public pool. Any [A] pool operated [~~solely~~] for and in conjunction with:

1. lodgings such as hotels, motels, apartments, [~~or~~] condominiums, or mobile home parks;[:]
2. property owners associations, private organizations or clubs; or
3. a school, college, or university while being operated for academic or continuing education classes.

The use of such a pool would be open to occupants, members or students and their guests, but not open to the general public. The term does not include a spa or a decorative fountain that is not used as a pool or pools with depths of 18 inches or less.

Class D pool. A wading pool with a maximum water depth of 24 inches at any point.

Class D-1 wave action pool. A pool designed to simulate breaking or cyclic waves for purposes of general play or surfing.

Class D-2 activity pool. A pool designed for casual water play ranging from simple splashing activity to the use of attractions placed in the pool for recreation.

Class D-3 catch pool. A body of water located at the termination of a manufactured waterslide attraction. The body of water is provided for the purpose of terminating the slide action and providing a means for exit to a deck or walkway area.

Class D-4 leisure river. A manufactured stream of water of near-constant depth in which the water is moved by pumps or other means of propulsion to provide a river-like flow that transports bathers over a defined path that may include water features and play devices.

Class D-5 vortex pool. A circular pool equipped with a method of transporting water in the pool for the purpose of propelling riders at speeds dictated by the velocity of the moving stream of water.

Class D-6 interactive play attraction. A manufactured water play device or a combination of water-based play devices in which water flow volumes, pressures or patterns can be varied by the bather without negatively influencing the hydraulic conditions for other connected devices. These attractions incorporate devices or activities such as slides, climbing and crawling structures, visual effects, user-actuated mechanical devices and other elements of bather-driven and bather-controlled play.

Class E. Pools used for instruction, play or therapy and with temperatures above 86°F (30°C).

Class F. Class F pools are wading pools and are covered within the scope of this code as set forth in Section 405.

Public pools are either a diving or nondiving type. Diving types of public pools are classified into types as an indication of the suitability of a pool for use with diving equipment.

Type O. A nondiving public pool.

Types VI–IX. Public pools suitable for the installation of diving equipment by type.

POOL YARD OR SPA YARD. An area that has a *pool or spa yard enclosure* and that contains a *pool or spa*.

POOL YARD OR SPA YARD ENCLOSURE. A fence, wall or combination of fences, *walls*, gates, windows or doors that completely surround a pool or spa.

POOLS, STATE LAW. Refers to *25 Texas Administrative Code*, Chapter 265, Subchapter L, “Standards for Swimming Pools and Spas,” which went into effect on September 1, 2004 (except Section 265.190, “Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas,” which had an effective date of January 1, 2005).

PREMISES. A lot or unplatted tract of land that is reflected in the plat books of the building inspection division of the city or other source approved by the building official. Refer to Section 51-4.601 or Section 51A-4.601 of the *Dallas Development Code*.

RESIDENTIAL. For purposes of this code, *residential* applies to detached one- and two-family dwellings and townhomes [~~townhouses~~] not more than three stories in height.

RESIDENTIAL SWIMMING POOL (Residential Pool). A pool that is located on private property under the control of the property owner or the owner’s tenant and that is intended for use by not more than two resident families or their guests. It includes a *pool* serving only a single-family home or a duplex [~~intended for use that is accessory to a residential setting and available only to the household and its guests~~]. Other pools shall be considered to be public pools for purposes of this code.

Type O. A nondiving *residential* pool.

Types I–V. *Residential* pools suitable for the installation of diving equipment by type.

SPA. A product intended for the immersion of persons in temperature-controlled water circulated in a closed system, and not intended to be drained and refilled after [~~filled with~~] each use. A spa usually includes a filter, an electric, solar or gas heater, a pump or pumps, and a control, and can include other equipment, such as lights, blowers, and water-sanitizing equipment. A spa is constructed as a permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses. It may include, but is not limited to, hydro jet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. A spa as referred to in this code is not a business establishment such as a day spa or health spa.

Industry terminology for a spa includes, but is not limited to, “hydrotherapy pool,” “whirlpool,” “hot spa,” hot tub,” etc.

Nonself-contained spa. A factory-built *spa* in which the water heating and circulating equipment is not an integral part of the product. Nonself-contained spas may employ separate components such as an individual filter, pump, heater and controls, or they can employ assembled combinations of various components.

Permanent residential spa. A spa, that is located on private property under the control of the property owner or the owner’s tenant and that is intended for use by not more than two resident families or their guests ~~[intended for use that is accessory to a *residential* setting and available to the household and its guests]~~ and where the water heating and water-circulating equipment is not an integral part of the product. The spa is intended as a permanent plumbing fixture and not intended to be moved. It includes a *spa* serving only a single-family home or a duplex.

Portable residential spa. A spa that is located on private property under the control of the property owner or the owner’s tenant and that is intended for use by not more than two resident families or their guests ~~[intended for use that is accessory to a *residential* setting and available to the household and its guests]~~ and where it is either self-contained or nonself-contained. It includes a *spa* serving only a single-family home or a duplex.

Public spa. A spa other than a permanent *residential* spa or portable *residential* spa that is intended to be used for bathing and is operated by an owner, licensee or concessionaire, regardless of whether a fee is charged for use.

Self-contained spa. A factory-built spa in which all control, water heating and water-circulating equipment is an integral part of the product. Self-contained spas may be permanently wired or cord connected.”

7. Subsection 305.1, “General,” of Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In one- and two-family dwellings and townhomes, ~~w[*W*]~~here spas or hot tubs are equipped with a lockable *safety cover* complying with ASTM F1346 and swimming pools are equipped with a powered *safety cover* that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.”

8. Subsection 305.2, “Outdoor Swimming Pools and Spas,” of Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“305.2 [~~Outdoor~~] S[s]wimming pools and spas. Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.9 and in accordance with the Texas Administrative Code and Chapter 757 of the Texas Health and Safety Code for public pools [305.7].

305.2.1 Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

305.2.2 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

305.2.3 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

305.2.4 Mesh fence as a barrier. Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer’s instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.

3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and solid surface shall not be greater than 4 inches (102 mm) from grade or decking.
4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices shall include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section 305.3.
6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.
7. Mesh fences shall not be installed on top of onground *residential* pools.

305.2.4.1 Setback for mesh fences. The inside of a mesh fence shall not be closer than 20 inches (508 mm) to the nearest edge of the water of a pool or spa.

305.2.5 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches (44 mm) in width.

305.2.6 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1¾ inches (44 mm).

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1¾ inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1¾ inches (44 mm).

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

305.2.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall not be greater than 1¾ inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

305.2.9 Clear zone. Where equipment, including pool equipment such as pumps, filters and heaters, is on the same lot as a pool or spa and such equipment is located outside of the barrier protecting the pool or spa, such equipment shall be located not less than 36 inches (914 mm) from the outside of the barrier.”

9. Subsection 305.4, “Structure Wall As A Barrier,” of Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“305.4 Structure wall as a barrier in one- and two-family dwellings, townhomes, and similar developments. Where a wall of a dwelling or structure serves as part of the barrier and where doors, gates or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor, doors and gates shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be *listed* and labeled as a water hazard entrance alarm in accordance with UL 2017.
2. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor.
3. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
4. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1220 mm) above the finished floor.
5. A *safety cover* that is *listed* and *labeled* in accordance with ASTM F1346 is installed for the pools and spas.
6. An *approved* means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

305.4.1 Structure wall as a barrier in apartments, property owner associations and similar residential developments. The wall of a building with openings for emergency escape and rescue shall be as provided in Section 305.9.2 of this code. Other windows that are part of a pool yard enclosure shall be permanently closed and unable to be opened for public pools.”

10. Subsection 305.6, “Natural Barriers,” of Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“305.6 Natural barriers used in one- and two-family dwellings, townhomes, and similar developments. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water’s edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.”

11. Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended by adding a new Subsection 305.9, “Additional Requirements for Swimming Pools and Spas,” to read as follows:

“305.9 Additional requirements for swimming pools and spas. Swimming pools and spas shall comply with the requirements of Sections 305.9 through 305.10.4 and other applicable sections of this code. This section does not preempt state law. Compliance with this section is not a safe harbor for compliance with state law. Refer to Chapter 43A, Swimming Pools, of the Dallas CityCode for additional provisions on pools as enforced by the Dallas Health Department.

305.9.1 Fence required. Every owner, purchaser under contract, lessee, tenant, licensee or other person in possession of a tract, lot or premises on which a swimming pool or spa is situated shall at all times maintain a fence, wall or barrier that completely surrounds the swimming pool or spa.

305.9.2 Swimming pool and spa filling. A swimming pool or spa must be provided with a barrier that must be installed, inspected and *approved* prior to plastering or filling the swimming pool or spa with water.”

12. Section 305, “Barrier Requirements,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code,” is amended by adding a new Subsection 305.10, “Enclosures for Public Swimming Pools and Spas,” to read as follows:

“305.10 Enclosures for public swimming pools and spas. Public swimming pools and spas shall be completely enclosed in accordance with Sections 305.10.1 through 305.10.4.

305.10.1 Enclosures for Class A and B pools and spas. Class A and B pools and spas shall be enclosed by a barrier consisting of the following, or its equivalent: a fence, portion of a building, wall or other durable enclosure.

1. A building that serves as part of the enclosure shall have doors or gates that open into the pool yard only if:
 - 1.1. any doors or gates between the building and the pool yard are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;
 - 1.2. the room does not have any door or gate openings to the outside of the pool yard enclosure; and
 - 1.3. the room does not contain any gas chlorine containers.
2. The enclosure, including doors and gates, shall:
 - 2.1. have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the fence;
 - 2.2. have no opening in the enclosure through or under which a 4-inch diameter sphere can pass;
 - 2.3. be designed and constructed so that it cannot be readily climbed; and
 - 2.4. have all doors, gates and windows in the enclosure directly and continuously supervised by staff at the pool during hours of operation, or locked to prevent unauthorized entry.

305.10.2 Enclosures for Class C pools and spas and Class D pools at a Class C facility (such as apartment, property owner associations and similar residential developments). *Pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must have an enclosure that meets the following requirements in addition to the requirements of Sections 305.2 through 305.8:

1. The height of the *pool yard* enclosure must be at least 48 inches measured from the ground on the side away from the pool.
2. Openings under the *pool yard* enclosure may not allow a sphere of 4 inches in diameter to pass under the *pool yard* enclosure.
3. If the *pool yard* enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere 4 inches in diameter to pass through the enclosure.
4. If the *pool yard* enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1¾ inches in diameter to pass through the enclosure.

5. The use of chain link fencing materials is prohibited entirely for a new *pool yard* enclosure that is constructed after January 1, 1994. The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new *pool yard* enclosure that is constructed after January 1, 1994.
6. Decorative designs or cutouts on or in the *pool yard* enclosure may not contain any openings greater than 1¾ inches in any direction.
7. Indentations or protrusions in a solid *pool yard* enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.
8. Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the *pool yard* enclosure.
9. The wall of a building may be part of the *pool yard* enclosure only if the doors and windows of the wall comply with Section 305.10.2.3 and 305.10.2.4.

305.10.2.1 Gates for Class C pools and spas and Class D pools at a Class C facility. Gates of the enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. Except as provided in Section 305.10.2.2, a gate in a fence or wall enclosing a *pool yard* as required by Section 305.10.2 must:
 - 1.1. have a self-closing and self-latching device;
 - 1.2. have hardware enabling it to be locked at the option of whoever controls the gate by a padlock or a built-in lock operated by key, card or combination; and
 - 1.3. open outward away from the *pool yard*.
2. Except as provided in Item 3 and Section 305.10.2.2, a gate latch must be installed so that it is at least 60 inches above the ground, except that it may be installed lower if:
 - 2.1. the latch is installed on the *pool yard* side of the gate only and is at least 3 inches below the top of the gate; and
 - 2.2. the gate or enclosure has no opening greater than ½ inch in any direction within 18 inches from the latch, including the space between the gate and the gate post to which the gate latches.
3. A gate latch may be located 42 inches or higher above the ground if the gate cannot be opened by key, card or combination on both sides of the gate.

305.10.2.2 Existing pool yard enclosures. Existing enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. If a *pool yard* enclosure is constructed or modified before January 1, 1994, and no municipal ordinance containing standards for *pool yard* enclosures were applicable at the time of construction or modification, the enclosure must comply with the requirements of Sections 305.9.2 and 305.9.2.1, except that:
 - 1.1. if the enclosure is constructed with chain link metal fencing material, the openings in the enclosure may not allow a sphere 2¼ inches in diameter to pass through the enclosure; or
 - 1.2. if the enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 36 inches, the openings in the enclosure may not allow a sphere 4 inches in diameter to pass through the enclosure.
2. If a *pool yard* enclosure is constructed or modified before January 1, 1994, and if the enclosure is in compliance with applicable municipal ordinances existing on January 1, 1994, and containing standards for *pool yard* enclosures, Sections 305.10.2, 305.10.2.1(1) and 305.10.2.1(2) do not apply to the enclosure.

305.10.2.3 Doors for Class C pools and spas and Class D pools at a Class C facility. Doors of the enclosure into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. A door, sliding glass door or *French door* may not open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994.
2. A door, sliding glass door or *French door* may open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is before January 1, 1994 and the *pool yard* enclosure complies with Items 3, 4 or 5, as applicable.
3. If a door of a building, other than a sliding glass door or screen door opens into a *pool yard*, the door must have a:
 - 3.1. latch that automatically engages when the door is closed;
 - 3.2. spring-loaded door-hinge pin, automatic door closer or similar device to cause the door to close automatically; and

- 3.3. keyless bolting device that is installed not less than 36 inches or more than 48 inches above the interior floor.
4. If *French doors* of a building open to the *pool yard*, one of the *French doors* must comply with Item 3.1 above and the other door must have:
 - 4.1. a *keyed dead bolt* or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or
 - 4.2. a bolt with at least a $\frac{3}{4}$ -inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a $\frac{3}{4}$ -inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.
5. If a sliding glass door of a building opens into the *pool yard*, the sliding glass door must have:
 - 5.1. a sliding door handle latch or sliding door security bar that is installed no more than 48 inches above the interior floor; and
 - 5.2. a sliding door pin lock that is installed not more than 48 inches above the interior floor.
6. A door, sliding glass door or *French door* that opens into a *pool yard* from an area of a building that is not used by residents and that has no access to an area outside the *pool yard* is not required to have a lock, latch, dead bolt or keyless bolting device.
7. A *keyed dead bolt*, keyless bolting device, sliding door pin lock or sliding door security bar installed before September 1, 1993 may be installed not more than 54 inches from the floor.
8. A *keyed dead bolt* or *keyless dead bolt*, as described by Section 202, installed in a dwelling on or after September 1, 1993, must have a bolt with a throw of not less than 1 inch.

305.10.2.4 Windows and window screens for Class C pools and spas and Class D pools at a Class C facility. Windows and window screens into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. A wall of a building constructed before January 1, 1994 may not be used as part of a *pool yard* enclosure unless each window in the wall has a latch and unless each window screen on a window in the wall is affixed by a window screen latch, screws or similar means. This does not require the installation of window screens.

2. A wall of a building constructed on or after January 1, 1994 may not be used as part of a *pool yard* enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

305.10.2.5 Building located in pool yard for Class C pools and spas and Class D pools at a Class C facility. Each door, sliding glass door, window and window screen of each dwelling unit in a residential building located in the enclosed *pool yard* must comply with Sections 305.10.2.3 and 305.10.2.4.

305.10.3 Enclosures for all other Class C pools and spas and Class D pools at Class C facilities (such as hotels, motels, RV parks, etc.). A Class C pool or spa or a Class D pool at a Class C facility that is not subject to Section 305.9.2 must have a *pool yard* or *spa yard* enclosure in compliance with this section.

1. The *pool yard* or *spa yard* enclosure for a pool or spa subject to this section must consist of one or a combination of a fence, portion of a building, wall or other durable enclosure. The enclosure must comply with the following:
 - 1.1. The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the fence.
 - 1.2. Openings in or under the enclosure must not allow the passage of a 4-inch diameter sphere.
 - 1.3. Planters or other structures that might allow small children to climb over the enclosure are not permitted within 36 inches, measured horizontally, from the outside of the enclosure.
 - 1.4. Chain link fencing may be used for the enclosure of a pool or spa installed on or before October 1, 1999 if the chain link fencing was installed on or before September 1, 2004. Chain link fencing cannot be used for an enclosure of a pool or spa installed after September 1, 2004.
 - 1.5. Doors, gates or windows that open into a building are allowed as part of the enclosure of a pool or spa installed on or before October 1, 1999. Windows that are capable of being opened are not allowed as part of an enclosure for a pool or spa erected after October 1, 1999. Doors or gates of a building that are capable of being opened are not allowed as part of an enclosure for a pool or spa installed after October 1, 1999 unless:
 - 1.5.1. the doors or gates between the building and the *pool yard* or *spa yard* are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;
 - 1.5.2. the room does not have any door or gate openings to the outside of the *pool yard* or *spa yard* enclosure; and

1.5.3. the room does not contain any gas chlorine containers.

2. Gates and doors for *pool yard* or *spa yard* enclosures for pools and spas subject to this section must:

- 2.1. be equipped with self-closing and self-latching devices and be latched when the pool or spa is not in use; the self-closing device must be designed to keep the gate or door securely closed and the self-latching device must latch when the gate is allowed to close within its range of operation, which is from its fully open position to 6 inches from the fully closed position;
- 2.2. open outward away from the pool or spa except for gates constructed before October 1, 1999 in compliance with applicable city ordinances;
- 2.3. have hand activated door or gate opening hardware located at least 3½ feet above the deck or hallway;
- 2.4. be capable of being locked;
- 2.5. be locked if it is for entry into a Class A or B pool or a spa and the pool or spa is not open for use; and
- 2.6. be locked if it is for entry into a Class C pool or a spa or a Class D pool at a Class C facility and the pool or spa needs to be closed because of repairs, hazards or other conditions.

3. *Pool yard* and *spa yard* enclosures for pools and spas installed after October 1, 1999 must be constructed so that all persons are required to pass through an enclosure gate or door in order to gain access to the pool or spa. All gates and doors exiting a *pool yard* or *spa yard* of a pool installed after October 1, 1999 or a spa must open into a public area or walkway accessible to all users of the pool or spa.

305.10.4 Propping open gates prohibited. The owner of a pool or spa, or the employee or agent of the owner of a pool or spa shall not knowingly allow a gate in a *pool yard* or *spa yard* enclosure to be propped open or remain propped open. A person shall not prop open a gate to a *pool yard* or *spa yard* unless an agent, employee or contractor of the owner is present and doing construction, maintenance or repair work in the *pool yard* or *spa yard* or on its enclosure that reasonably requires the gate to be propped open.”

13. Paragraph 307.1.4, “Accessibility,” of Subsection 307.1, “General Design Requirements,” of Section 307, “General Design,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“307.1.4 Accessibility. An accessible route to public pools and spas shall be provided in accordance with the Dallas [International] Building Code. Accessibility within public pools and spas shall be provided as required by the accessible recreational facilities provisions of the Dallas [International] Building Code. Pool and spa lifts providing an accessible means of entry into the water shall be *listed* and labeled in accordance with UL 60335-2-1000 and be installed in accordance with ICC A117.1 and NFPA 70.

Exception: Components of projects regulated by and registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.”

14. Subsection 310.1, “General,” of Section 310, “Suction Entrapment Avoidance,” of Chapter 3, “General Compliance,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“310.1 General. Suction entrapment avoidance for residential pools and spas shall be provided in accordance with APSP 7 or for public swimming pools in accordance with Section 265.190 of the Texas Administrative Code.

Exceptions:

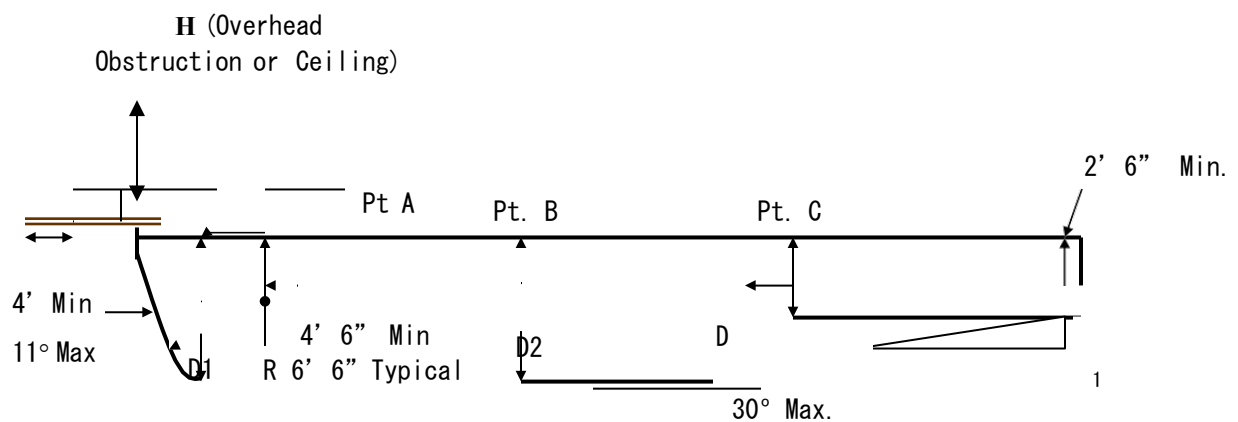
1. Portable spas and portable exercise spas *listed* and *labeled* in accordance with UL 1563 or CSA C22.2 No. 218.1.
2. Suction entrapment avoidance for wading pools shall be provided in accordance with Section 405.”

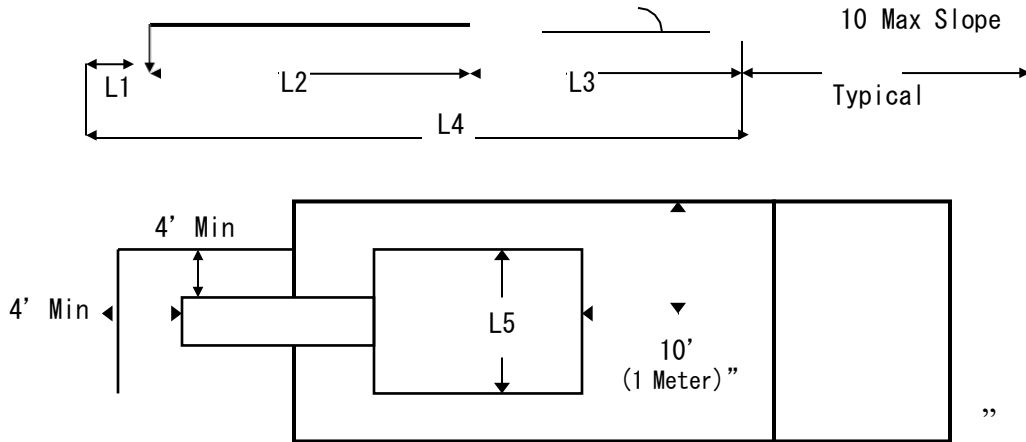
15. Subsection 402.12, “Water Envelopes,” of Section 402, “Diving,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Section 256.186(c) and Figure 265.186(e)(6) of the Texas Administrative Code [Table 402.12].

Figure: 25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.





16. Table 402.12, “Minimum Diving Water Envelopes,” of Section 402, “Diving,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is deleted.

17. Figure 402.12, “(Minimum Diving Water Envelopes) Construction Dimensions for Water Envelopes for Class B and Class C Pools,” of Section 402, “Diving,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is deleted.

18. Subsection 402.13, “Ladders for Diving Equipment,” of Section 402, “Diving,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“402.13 Ladders for diving equipment. Ladders shall be provided with two grab rails or two handrails. There shall be a uniform distance between ladder treads, with a 7-inch (178 mm) minimum distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread.

~~[Exception: The distance between treads for the top and bottom riser can vary but shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm).]~~”

19. Paragraph 411.2.1, “Tread Dimensions and Area,” of Subsection 411.2, “Pool Stairs,” of Section 411, “Special Features,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“411.2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches [~~not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (0.154 m²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the centerline.~~”

20. Paragraph 411.2.2, “Risers,” of Subsection 411.2, “Pool Stairs,” of Section 411, “Special Features,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero [~~except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the centerline. The bottom riser height is allowed to vary to the floor.~~”

21. Subsection 411.5, “Underwater Seats, Benches, and Swimouts,” of Section 411, “Special Features,” of Chapter 4, “Public Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“411.5 Underwater seats, benches, and swimouts. The design and construction of underwater seats, benches, and swimouts shall comply with Sections 411.5.1 and 411.5.2.

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508 mm) below the waterline.
2. An unobstructed surface shall be provided that is equal to or greater than that required for the top tread of the pool stairs in accordance with Section 411.2.
3. Where used as an entry and exit access, swimouts shall be provided with steps that comply with the pool stair requirements of Section 411.2.
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least one inch wide on the top surface along the front leading edge of each step. This strip shall be plainly visible to persons on the pool deck. The strip shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508 mm) below the waterline.
2. An unobstructed surface shall be provided that is not less than 10 inches (254 mm) in depth and not less than 24 inches (607 mm) in width.
3. Underwater seats and benches shall not be used as the required entry and exit access.
4. Where underwater seats are located in the deep area of the pool where manufactured or constructed diving equipment is installed, such seats shall be located outside of the minimum diving water envelope for diving equipment.
5. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least one inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. The horizontal surface shall be at or below the waterline.
7. A tanning ledge or sun shelf used as the required entry and exit access shall be located not greater than 12 inches (305 mm) below the waterline.”

22. Subsection 603.2, “Class D-2 Pools,” of Section 603, “Markings and Indicators,”

of Chapter 6, “Aquatic Recreation Facilities,” of the 2021 International Swimming Pool and Spa

Code is amended by adding a new Paragraph 603.2.1, “Class A and B Pools,” to read as follows:

“603.2.1 Class A and B pools. Class A and B pools over five feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a four-inch minimum width row of floor tile, a painted line or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between one foot and two feet on the shallow side of the five-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than seven-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the

exercise of ordinary care that a rope or float is missing, broken or defective, the problem shall be promptly remedied.”

23. Paragraph 610.5.1, “Uniform Height of 9 Inches,” of Subsection 610.5, “Pool Steps,” of Section 610, “Special Features,” of Chapter 6, “Aquatic Recreation Facilities,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“610.5.1 Uniform height of ~~10~~ [9] inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 [9] inches (254 [~~229~~]mm). The bottom riser height shall be permitted to vary from the other risers.”

24. Subsection 804.1, “General,” of Section 804, “Diving Water Envelopes,” of Chapter 8, “Permanent Inground Residential Swimming Pools,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“804.1 General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer’s specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.”

25. The use note to Chapter 11, “Referenced Standards,” of the 2021 International Swimming Pool and Spa Code is amended to read as follows:

“User note:

About this chapter: This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 11 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 101.4 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code [~~402.7~~].

The referenced standards are applicable only with the associated edition of the International Codes referenced herein as amended.

The referenced edition of the 2015 International Codes are applicable until superceded by the adoption of the 2021 edition of the International Codes.”

26. The ICC Standards in Chapter 11, “Referenced Standards,” of the 2021

International Swimming Pool and Spa Code are amended to read as follows:

“ICC

International Code Council, Inc.
500 New Jersey Avenue, NW 6th Floor
Washington, DC 20001

IBC—15: International Building Code®

IBC—21: International Building Code®

201.3, 304.2, 306.1, 307.2, 410.1

ICC 901/SRCC 100—2020: Solar Thermal Collector Standard

316.6.2

ICC 902/APSP/SRCC 400—2020: Solar Pool and Spa Heating System Standard

Table 3016.2(2)

ICC A117.1—2017: Accessible and Usable Buildings and Facilities

307.1.4

IECC—15: International Energy Conservation Code®

IECC—21: International Energy Conservation Code®

201.3, 316.4

IFC—15: International Fire Code®

IFC—21: International Fire Code®

201.3

IFGC—15: International Fuel Gas Code®

IFGC—21: International Fuel Gas Code®

201.3, 316.4

IMC—15: International Mechanical Code®

IMC—21: International Mechanical Code®

201.3, 316.4

IPC—15: International Plumbing Code®

IPC—21: International Plumbing Code®

201.3, 302.2, 302.5, 302.6, 306.8, 318.2, 410.1

IRC—15: International Residential Code®

IRC—21: International Residential Code®

102.7.1, 201.3, 302.1, 302.5, 302.6, 304.2, 306.1, 306.3, 306.8, 307.2, 316.4, 318.2, 321.2.1, 321.4, 703.1, 802.1, 802.2”

27. Appendix A of the 2021 International Swimming Pool and Spa Code is not adopted.

28. All chapters of the 2021 International Swimming Pool and Spa Code adopted by this ordinance are subchapters of Chapter 62 of the Dallas City Code, as amended.

29. All references in the 2021 International Swimming Pool and Spa Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, existing building code, energy conservation code, fuel gas code, and green construction code, refer, respectively, to Chapters 16, 53, 54, 55, 56, 57, 58, 59, 60, and 61 of the Dallas City Code.

SECTION 2. Any errata corrections of the 2021 International Swimming Pool and Spa Code published by the International Code Council are considered as part of this code.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM

CHRISTOPHER J. CASO, City Attorney

BY _____
Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 22-997

Item #: 46.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 53, "Dallas Building Code," of the Dallas City Code by amending Sections 202, [F] 403.3.2, 406.5.2, 504.3, 504.4, 506.2.1, 506.2.3, 506.2.4, 507.3, 507.14, 508.4.4.1, 511.1.2, 602.1, 602.4, 718.2.1, 803.3, 803.13.3, [F] 903.2.8, 903.2.13, 1007.1.1, [BG] 1510.2.5, 1705.1.1, 2304.11; 2306.4, [P] 2902.1, 3103.1.2, 3109, 3313, 4005.2, 4005.3, and 4201.1; amending Tables 602, 903.2.13; **(1)** providing definitions, water supply to required fire pump requirements, requirements for screens on openings of motor-vehicle-related occupancies, updated cross references, sprinkler requirements for certain one-story buildings, area requirements, mass timber and heavy timber construction requirements, limitations on the fire areas of nonsprinklered buildings, fire-resistance rating requirements for exterior walls based on fire separation distance, an exception to the automatic sprinkler requirement for Group R-4 care facilities with five or fewer persons that are within a single-family dwelling, an exception to the fire wall requirement for membrane structures when authorized by the building official, nonsprinklered building fire area limits for Type IV construction, exit access doorway requirements, special inspection requirements, water closet and drinking fountain requirements, requiring permits for temporary structures, water safety for fire protection requirements, amended APA and ASTM standards, amended requirements for when the building official is required to call a meeting of the demolition review committee and amended unity agreement requirements; **(2)** adding a new Table 503, "Type IV A, B, & C Construction Allowable Heights, Stories and Areas"; **(3)** providing a new Section 509.4.1.1, "Type IV B and IV C Construction"; **(4)** providing a new Table 301.1, "Fire-Resistance Rating Requirements for Building Elements (Hours)"; **(5)** providing a new Section 703.8, "Determination of Noncombustible Protection Time Contribution"; **(6)** providing a new Section 703.9, "Sealing of Adjacent Mass Timber Elements"; **(7)** adding a new Section 722.7, "Fire-Resistance Rating of Mass Timber"; **(8)** adding a new Section 1007.1.2.1, "Interlocking Stairs When Allowed As Separate Exits With Three or More Exits or Exit Access Doorways"; **(9)** adding a new Section 1604.11, "Seismic Systems of Types IV A, B, C and HT"; **(10)** adding a new Section 1705.5.3, "Mass Timber Construction"; **(11)** adding a new Table 1705.5.5.3, "Required Special Inspections of Mass Timber Construction"; **(12)** adding a new Section 1705.19, "Sealing of Mass Timber"; **(13)** adding a new Section 2303.1.14, "Structural Glued Cross-Laminated Timber"; **(14)** adding a new Section 2304.10.8, "Connection Fire-Resistance Rating"; **(15)** adding a new Table 2304.11, "Minimum Dimensions of Heavy Timber Structural Members"; **(16)**

adding a new Section 3314, "Fire Watch During Construction"; **(17)** adding a new Section 3315, "Noncombustible Construction for Exposure Protection"; **(18)** adding a new Section 3316, "Fire-Resistance-Rated Construction Inventory"; **(19)** providing a penalty not to exceed \$2,000.00; **(20)** providing a saving clause; **(21)** providing a severability clause; and **(22)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

The 2021 Recommended Regional Amendments were approved for distribution by the North Central Texas Council of Governments Executive Board at their July 22, 2021 and October 28, 2021 meetings. The Mass Timber Buildings provisions were included in this process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of the 2021 International Existing Building Code.

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 53, “Dallas Building Code,” of the Dallas City Code by amending Sections 202, [F] 403.3.2, 406.5.2, 504.3, 504.4, 506.2.1, 506.2.3, 506.2.4, 507.3, 507.14, 508.4.4.1, 511.1.2, 602.1, 602.4, 718.2.1, 803.3, 803.13.3, [F] 903.2.8, 903.2.13, 1007.1.1, [BG] 1510.2.5, 1705.1.1, 2304.11; 2306.4, [P] 2902.1, 3103.1.2, 3109, 3313, 4005.2, 4005.3, and 4201.1; amending Tables 602, 903.2.13; providing definitions, water supply to required fire pump requirements, requirements for screens on openings of motor-vehicle-related occupancies, updated cross references, sprinkler requirements for certain one-story buildings, area requirements, mass timber and heavy timber construction requirements, limitations on the fire areas of nonsprinklered buildings, fire-resistance rating requirements for exterior walls based on fire separation distance, an exception to the automatic sprinkler requirement for Group R-4 care facilities with five or fewer persons that are within a single-family dwelling, an exception to the fire wall requirement for membrane structures when authorized by the building official, nonsprinklered building fire area limits for Type IV construction, exit access doorway requirements, special inspection requirements, water closet and drinking fountain requirements, requiring permits for temporary structures, water safety for fire protection requirements, amended APA and ASTM standards, amended requirements for when the building official is required to call a meeting of the demolition review committee and amended unity agreement requirements; adding a new Table 503, “Type IV A, B, & C Construction Allowable Heights, Stories and Areas”; providing a new Section 509.4.1.1, “Type IV B and IV C Construction”; providing a new Table 301.1, “Fire-Resistance Rating Requirements for Building Elements (Hours)”; providing a new Section 703.8, “Determination of Noncombustible Protection Time Contribution”; providing a new Section 703.9, “Sealing of Adjacent Mass Timber Elements”; adding a new Section 722.7, “Fire-Resistance Rating of Mass Timber”; adding a new Section 1007.1.2.1, “Interlocking Stairs When Allowed As Separate Exits

With Three or More Exits or Exit Access Doorways”; adding a new Section 1604.11, “Seismic Systems of Types IV A, B, C and HT”; adding a new Section 1705.5.3, “Mass Timber Construction”; adding a new Table 1705.5.5.3, “Required Special Inspections of Mass Timber Construction”; adding a new Section 1705.19, “Sealing of Mass Timber”; adding a new Section 2303.1.14, “Structural Glued Cross-Laminated Timber”; adding a new Section 2304.10.8, “Connection Fire-Resistance Rating”; adding a new Table 2304.11, “Minimum Dimensions of Heavy Timber Structural Members”; adding a new Section 3314, “Fire Watch During Construction”; adding a new Section 3315, “Noncombustible Construction for Exposure Protection”; adding a new Section 3316, “Fire-Resistance-Rated Construction Inventory”; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 202, “Definitions,” of Subchapter 2, “Definitions,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by alphabetically adding, amending, or deleting the following definitions to read as follows:

“BUILDING SITE. A site created in one of the ways as required by Section 51A-4.601 of the *Dallas Development Code*.

EXISTING BUILDING. An existing building as defined in the *Dallas Existing Building Code* and buildings previously occupied as described in Section 101.4 of the *Dallas Existing Building Code*.

EXISTING STRUCTURE. ~~An existing structure as defined in the *Dallas Existing Building Code* [A structure erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued. For application of provisions in flood hazard areas, an existing structure is any building or structure for which the start of construction commenced before the effective date of the community’s first flood plain management code, ordinance or standard].~~

FIRE AREA, NONSPRINKLERED BUILDING. The aggregate floor area of all stories enclosed and bounded by fire walls or exterior walls of a building excluding area increases for the automatic fire sprinkler system. Areas of the building not provided with surrounding walls must be included in the fire area if such areas are included within the horizontal projecting of the roof or floor next above.

~~[KEYED DEAD BOLT. A door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a 1 inch throw if installed after September 1, 1993, and that is operated from the exterior by a key, card or combination. The term includes a doorknob lock that contains a bolt with at least a 1 inch throw.~~

~~KEYLESS DEAD BOLT. A door lock not in the doorknob that locks:~~

- ~~1. with a bolt with a 1 inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;~~
- ~~2. by a drop system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three case-hardened screws at least 3 inches in length. One half of the central plate must overlap the interior surface of the door and the other half of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off the doorjamb restraint by a person who is on the interior side of the door; or~~
- ~~3. by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy duty metal screw hooks. The screw hooks must be at least 3 inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door. The term does not include a chain latch, flip latch, surface-mounted slide bolt, motise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring loaded night latch, foot bolt or other lock or latch.]~~

[BG] MASS TIMBER. Structural elements of Type IV construction primarily of solid, built-up, panelized or engineered wood products that meet minimum cross-section dimensions of Type IV construction.

NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER). Noncombustible material, in accordance with Section 703.5, designed to increase the *fire-resistance rating* and delay the combustion of *mass timber*.

~~[POOL. Any man made permanently installed or non-portable structure, basin, chamber or tank containing an artificial body of water that is used for swimming, diving, aquatic sports or other aquatic activity other than a *residential pool* and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool or pools with depths of 18 inches or less. References within the standard to various types of pools are defined by the following categories:~~

- ~~1. Class A pool—Any pool used with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA) or National Federation of State High School Associations (NFSHSA) events. A class A pool may also be used for recreation.~~
- ~~2. Class B pool—Any pool used for public recreation and open to the general public with or without a fee.~~
- ~~3. Class C pool—Any pool operated for and in conjunction with:
 - ~~1.1.—Lodging such as hotels, motels, apartments, condominiums or mobile home parks;~~
 - ~~1.2.—Property owners’ associations, private organizations or clubs; or~~
 - ~~1.3.—A school, college or university while being operated for academic or continuing education classes.~~~~

~~The use of such a pool would be open to occupants, members or students and their guests, but not open to the general public.~~

- ~~2. Class D pool—A wading pool with a maximum water depth of 24 inches at any point.~~

~~**POOL YARD OR SPA YARD.** An area that has a *pool or spa yard enclosure* and that contains a *pool or spa*.~~

~~**POOL YARD OR SPA YARD ENCLOSURE.** A fence, wall or combination of fences, *walls*, gates, windows or doors that completely surround a pool or spa.~~

~~**POOLS, STATE LAW.** Refers to *25 Texas Administrative Code*, Chapter 265, Subchapter L, “Standards for Swimming Pools and Spas,” which went into effect on September 1, 2004 (except Section 265.190, “Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas,” which had an effective date of January 1, 2005).~~

~~**PREMISES.** A lot or unplatted tract of land that is reflected in the plat books of the building inspection division of the city. Refer to Section 51-4.601 or Section 51A-4.601 of the *Dallas Development Code*.~~

~~PUBLIC POOL OR SPA.~~ See the definition of Pool.

~~RESIDENTIAL POOL OR SPA.~~ A *pool* or *spa* that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two resident families or their guests. It includes a *pool* or *spa* serving only a single family home or a duplex.

~~SPA.~~ A constructed permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. A spa as referred to in this code is not a business establishment such as a day spa or health spa. Industry terminology for a spa includes, but is not limited to, "hydrotherapy pool," "whirlpool," "hot spa," "hot tub," etc. A spa does not include a residential spa.]

[BS] WALL, LOAD-BEARING. Any wall meeting either of the following classifications:

1. Any metal or wood stud wall that supports more than 100 pounds per linear foot (1459 N/m) of vertical load in addition to its own weight.
2. Any *masonry*, [or] concrete or mass timber wall that supports more than 200 pounds per linear foot (2919 N/m) of vertical load in addition to its own weight."

SECTION 2. That Paragraph [F] 403.3.2, "Water Supply to Required Fire Pumps," of Subsection [F] 403.3, "Automatic Sprinkler System," of Section 403, "High-Rise Buildings," of Subchapter 4, "Special Detailed Requirements Based on Use and Occupancy," of Chapter 53, "Dallas Building Code," of the Dallas City Code is amended to read as follows:

"[F] 403.3.2 Water supply to required fire pumps. In all buildings that are more than 420 feet (128 m) in *building height*, and buildings of Type IV A and IV B construction that are more than 120 feet (36.5 m) in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without the interruption through no fewer than one of the connections."

SECTION 3. That Paragraph 406.5.2, “Openings,” of Subsection 406.5, “Open Parking Garages,” of Section 406, “Motor-Vehicle-Related Occupancies,” of Subchapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“406.5.2 Openings. For natural *ventilation* purposes, the exterior side of the structure shall have uniformly distributed openings on two or more sides. The area of such openings in *exterior walls* on a tier shall not be less than 20 percent of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural *ventilation* shall not be less than 40 percent of the perimeter of the tier. Interior walls shall not be less than 20 percent open with uniformly distributed openings. Use of screens are permissible if calculations are provided that demonstrate no loss in minimum area of openings.

Exception: Openings are not to be distributed over 40 percent of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.

406.5.2.1 Openings below grade. Where openings below grade provide required natural *ventilation*, the outside horizontal clear space shall be one and one-half times the depth of the opening. The width of the horizontal clear space shall be maintained from grade down to the bottom of the lowest required opening.”

SECTION 4. That Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Table 503, “Type IV A, B & C Construction Allowable Heights, Stories and Areas,” to read as follows:

**“TABLE 503
TYPE IV A, B & C CONSTRUCTION ALLOWABLE HEIGHTS, STORIES AND
AREAS^{a,b,c}**

OCCUPANCY CLASSIFICATION	TYPE IV					
	A		B		C	
A-1	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	9 stories	S	6 stories	S	4 stories	S
	45,000 sq. ft.	NS	30,000 sq. ft.	NS	18,750 sq. ft.	NS
	180,000 sq. ft.	S	120,000 sq. ft.	S	75,000 sq. ft.	S
	135,000 sq. ft.	SM	90,000 sq. ft.	SM	56,250 sq. ft.	SM
A-2	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	18 stories	S	12 stories	S	6 stories	S
	45,000 sq. ft.	NS	30,000 sq. ft.	NS	18,750 sq. ft.	NS
	180,000 sq. ft.	S	120,000 sq. ft.	S	75,000 sq. ft.	S
	135,000 sq. ft.	SM	90,000 sq. ft.	SM	56,250 sq. ft.	SM

OCCUPANCY CLASSIFICATION	TYPE IV					
	A		B		C	
A-3	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	18 stories	S	12 stories	S	6 stories	S
	45,000 sq. ft.	NS	30,000 sq. ft.	NS	18,750 sq. ft.	NS
	180,000 sq. ft.	S	120,000 sq. ft.	S	75,000 sq. ft.	S
	135,000 sq. ft.	SM	90,000 sq. ft.	SM	56,250 sq. ft.	SM
A-4	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	18 stories	S	12 stories	S	6 stories	S
	45,000 sq. ft.	NS	30,000 sq. ft.	NS	18,750 sq. ft.	NS
	180,000 sq. ft.	S	120,000 sq. ft.	S	75,000 sq. ft.	S
	135,000 sq. ft.	SM	90,000 sq. ft.	SM	56,250 sq. ft.	SM
A-5	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	1 story	NS	1 story	NS	1 story	NS
	UL stories	S	UL stories	S	UL stories	S
	UL Area sq. ft.		UL Area sq. ft.		UL Area sq. ft.	
B	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	5 stories	NS	5 stories	NS	5 stories	NS
	18 stories	S	12 stories	S	9 stories	S
	108,000 sq. ft.	NS	72,000 sq. ft.	NS	45,000 sq. ft.	NS
	432,000 sq. ft.	S	288,000 sq. ft.	S	180,000 sq. ft.	S
	324,000 sq. ft.	SM	216,000 sq. ft.	SM	135,000 sq. ft.	SM
E	65'	NS	65'	NS	65'	NS
	270'	S	120'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	9 stories	S	6 stories	S	4 stories	S
	76,500 sq. ft.	NS	51,000 sq. ft.	NS	31,875 sq. ft.	NS
	306,000 sq. ft.	S	204,000 sq. ft.	S	127,500 sq. ft.	S
	229,500 sq. ft.	SM	153,000 sq. ft.	SM	95,625 sq. ft.	SM
F-1	65'	NS	65'	NS	65'	NS
	270'	S	120'	S	85'	S
	3 stories	NS	3 stories	NS	3 stories	NS
	10 stories	S	7 stories	S	5 stories	S
	100,500 sq. ft.	NS	67,000 sq. ft.	NS	41,875 sq. ft.	NS
	402,000 sq. ft.	S	268,000 sq. ft.	S	167,500 sq. ft.	S
	301,500 sq. ft.	SM	201,000 sq. ft.	SM	125,625 sq. ft.	SM
F-2	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	5 stories	NS	5 stories	NS	5 stories	NS
	12 stories	S	8 stories	S	6 stories	S
	151,000 sq. ft.	NS	101,000 sq. ft.	NS	63,125 sq. ft.	NS
	606,000 sq. ft.	S	404,000 sq. ft.	S	252,500 sq. ft.	S
	454,500 sq. ft.	SM	303,000 sq. ft.	SM	189,375 sq. ft.	SM
H-1	120'	S	90'	S	65'	S
	1 story	S	1 story	S	1 story	S
	10,500 sq. ft.	S	10,500 sq. ft.	S	10,500 sq. ft.	S
H-2	120'	S	90'	S	65'	S
	2 stories	S	2 stories	S	2 stories	S
	10,500 sq. ft.	S	10,500 sq. ft.	S	10,500 sq. ft.	S
H-3	120'	S	90'	S	65'	S
	4 stories	S	4 stories	S	4 stories	S
	25,500 sq. ft.	S	25,500 sq. ft.	S	25,500 sq. ft.	S
H-4	140'	S	100'	S	85'	S
	8 stories	S	7 stories	S	6 stories	S
	288,000 sq. ft.	S	216,000 sq. ft.	S	162,000 sq. ft.	S
	216,000 sq. ft.	SM	162,000 sq. ft.	SM	121,500 sq. ft.	SM

H-5	120' S 3 stories S 288,000 sq. ft. S 216,000 sq. ft. SM	90' S 3 stories S 216,000 sq. ft. S 162,000 sq. ft. SM	65' S 3 stories S 162,000 sq. ft. S 121,500 sq. ft. SM
OCCUPANCY CLASSIFICATION	TYPE IV		
	A	B	C
I-1 Condition 1	65' (13R) 180' S 4 stories (13R) 10 stories S 54,000 sq. ft. (13R) 216,000 sq. ft. S 162,000 sq. ft. SM	65' (13R) 120' S 4 stories (13R) 7 stories S 36,000 sq. ft. (13R) 144,000 sq. ft. S 108,000 sq. ft. SM	65' (13R) 85' S 4 stories (13R) 5 stories S 18,000 sq. ft. (13R) 72,000 sq. ft. S 54,000 sq. ft. SM
I-1 Condition 2	65' S 10 stories S 216,000 sq. ft. S 162,000 sq. ft. SM	65' S 6 stories S 144,000 sq. ft. S 108,000 sq. ft. SM	65' S 4 stories S 72,000 sq. ft. S 54,000 sq. ft. SM
I-2	65' S 7 stories S 144,000 sq. ft. S 108,000 sq. ft. SM	65' S 5 stories S 96,000 sq. ft. S 72,000 sq. ft. SM	65' S 1 story S 48,000 sq. ft. S 36,000 sq. ft. SM
I-3	180' S 7 stories S 144,000 sq. ft. S 108,000 sq. ft. SM	120' S 5 stories S 96,000 sq. ft. S 72,000 sq. ft. SM	85' S 3 stories S 48,000 sq. ft. S 36,000 sq. ft. SM
I-4	65' NS 180' S 3 stories NS 9 stories S 76,500 sq. ft. NS 306,000 sq. ft. S 229,500 sq. ft. SM	65' NS 120' S 3 stories NS 6 stories S 51,000 sq. ft. NS 204,000 sq. ft. S 153,000 sq. ft. SM	65' NS 85' S 3 stories NS 4 stories S 25,500 sq. ft. NS 102,000 sq. ft. S 76,500 sq. ft. SM
M	65' NS 270' S 4 stories NS 12 stories S 61,500 sq. ft. NS 246,000 sq. ft. S 184,500 sq. ft. SM	65' NS 180' S 4 stories NS 8 stories S 41,000 sq. ft. NS 164,000 sq. ft. S 123,000 sq. ft. SM	65' NS 85' S 4 stories NS 6 stories S 25,625 sq. ft. NS 102,500 sq. ft. S 76,875 sq. ft. SM
R-1, R-2, R-4	65' (13R) 270' S 4 stories (13R) 18 stories S 61,500 sq. ft. (13R) 246,000 sq. ft. S 184,500 sq. ft. SM	65' (13R) 180' S 4 stories (13R) 12 stories S 41,000 sq. ft. (13R) 164,000 sq. ft. S 123,000 sq. ft. SM	65' (13R) 85' S 4 stories (13R) 8 stories S (R-4 = 5 stories) S 25,625 sq. ft. (13R) 102,500 sq. ft. S 76,875 sq. ft. SM
R-3	65' (13D) 270' S 4 stories (13D) 18 stories S UL Area sq. ft. (13D)	65' (13D) 180' S 4 stories (13D) 12 stories S UL Area sq. ft. (13D)	65' (13D) 85' S 4 stories (13D) 5 stories S UL Area sq. ft. (13D)
S-1	65' NS 270' S 4 stories NS 10 stories S 76,500 sq. ft. NS 306,000 sq. ft. S 229,500 sq. ft. SM	65' NS 180' S 4 stories NS 7 stories S 51,000 sq. ft. NS 204,000 sq. ft. S 153,000 sq. ft. SM	65' NS 85' S 4 stories NS 5 stories S 31,875 sq. ft. NS 127,500 sq. ft. S 95,625 sq. ft. SM
	65' NS 270' S 4 stories NS	65' NS 180' S 4 stories NS	65' NS 85' S 4 stories NS

S-2, S-3	12 stories	S	8 stories	S	5 stories	S
	115,500 sq. ft.	NS	77,000 sq. ft.	NS	48,125 sq. ft.	NS
	462,000 sq. ft.	S	308,000 sq. ft.	S	192,500 sq. ft.	S
	346,500 sq. ft.	SM	231,000 sq. ft.	SM	144,375 sq. ft.	SM
U	65'	NS	65'	NS	65'	NS
	270'	S	180'	S	85'	S
	4 stories	NS	4 stories	NS	4 stories	NS
	9 stories	S	6 stories	S	5 stories	S
	54,000 sq. ft.	NS	36,000 sq. ft.	NS	22,500 sq. ft.	NS
	216,000 sq. ft.	S	144,000 sq. ft.	S	90,000 sq. ft.	S
	162,000 sq. ft.	SM	108,000 sq. ft.	SM	67,500 sq. ft.	SM

Note: UL = Unlimited; NP = Not Permitted; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; SM= Buildings two or more stories above grade plane equipped with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- The NS value is only for use in evaluation of existing building height in accordance with the *Dallas Existing Building Code*.
- New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies, Condition 1, see Exception 1 of Section 903.2.6.
- New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *Dallas Fire Code*.
- For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- For Group E occupancies and rooms normally occupied by pre-kindergarten, kindergarten, or first grade students.
- For Group E child day care facilities see Section 308.6.1. All other child day care facilities must comply with the I-4 provisions of this code."

SECTION 5. That Subsection 504.3, "Height In Feet," of Section 504, "Building Height and Number of Stories," of Subchapter 5, "General Building Heights and Areas," of Chapter 53, "Dallas Building Code," of the Dallas City Code is amended to read as follows:

"504.3 Height in feet. The maximum height, in feet, of a building shall not exceed the limits specified in Tables 503 and 504.3.

Exception: Towers, spires, steeples and other roof structures shall be constructed of materials consistent with the required type of construction of the building except where other construction is permitted by Section 1510.2.5. Such structures shall not be used for habitation or storage. The structures shall be unlimited in height were of noncombustible materials and shall not extend more than 20 feet (6096 mm) above the allowable building height where of combustible materials (see Chapter 15 for additional requirements)."

SECTION 6. That Subsection 504.4, “Number of Stories,” of Section 504, “Building Height and Number of Stories,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“504.4 Number of stories. The maximum number of stories of a building shall not exceed the limits specified in Tables 503 and 504.4.”

SECTION 7. That Paragraph 506.2.1, “Single-Occupancy, One-Story Buildings,” of Subsection 506.2, “Allowable Area Determinations,” of Section 506, “Building Area,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“506.2.1 Single-occupancy, one-story buildings. The allowable area of a single-occupancy building with no more than one story above grade plane shall be determined in accordance with Equation 5-1:

$$A_a = A_t + (NS \times I_f) \quad \text{(Equation 5-1)}$$

where:

A_a = Allowable area (square feet).

A_t = Tabular allowable area factor (NS, S1, or S13R value, as applicable) in accordance with Tables 503 and 506.2.

NS = Tabular allowable area factor in accordance with Tables 503 and b 506.2 for nonsprinklered building (regardless of whether the building is sprinklered).

I_f = Area factor increase due to frontage (percent) as calculated in accordance with Section 506.3.”

SECTION 8. That Paragraph 506.2.3, “Single-Occupancy, Multistory Buildings,” of Subsection 506.2, “Allowable Area Determinations,” of Section 506, “Building Area,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“506.2.3 Single-occupancy, multistory buildings. The allowable area of a single-occupancy building with more than one story above grade plane shall be determined in accordance with Equation 5-2:

$$A_a = [A_t + (NS \times I_f)] \times S_a \quad \text{(Equation 5-2)}$$

where:

A_a = Allowable area (square feet).

A_t = Tabular allowable area factor (NS, S13R or SM value, as applicable) in accordance with Tables 503 and 506.2.

NS = Tabular allowable area factor in accordance with Tables 503 and 506.2 for a nonsprinklered building (regardless of whether the building is sprinklered).

I_f = Area factor increase due to frontage (percent) as calculated in accordance with Section 506.3.

S_a = Actual number of building stories above grade plane, not to exceed three. For buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2, use the actual number of building stories above grade plane, not to exceed four.

No individual story shall exceed the allowable area (A_a) as determined by Equation 5-2 using the value of $S_a = 1$."

SECTION 9. That Paragraph 506.2.4, "Mixed-Occupancy, Multistory Buildings," of Subsection 506.2, "Allowable Area Determinations," of Section 506, "Building Area," of Subchapter 5, "General Building Heights and Areas," of Chapter 53, "Dallas Building Code," of the Dallas City Code is amended to read as follows:

"506.2.4 Mixed-occupancy, multistory buildings. Each story of a mixed-occupancy building with more than one story above grade plane shall individually comply with the applicable requirements of Section 508.1. For buildings with more than three stories above grade plane, the total building area shall be such that the aggregate sum of the ratios of the actual area of each story divided by the allowable area of such stories, determined in accordance with Equation 5-3 based on the applicable provisions of Section 508.1, shall not exceed three.

$$A_a = [A_t + (NS \times I_f)] \quad \text{(Equation 5-3)}$$

where:

A_a = allowable area (square feet).

A_t = Tabular allowable area factor (NS, S13R or SM value, as applicable) in accordance with Tables 503 and 506.2.

NS = Tabular allowable area factor in accordance with Tables 503 and 506.2 for a nonsprinklered building (regardless of whether the building is sprinklered).

I_f = Area factor increase due to frontage (percent) as calculated in accordance with Section 506.3.

Exception: For buildings designed a separated occupancies under Section 508.4 and equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.2, the total building area shall be such that the aggregate sum of the ratios of the actual area of each story divided by the allowable area of such stories as determined in accordance with Equation 5-3 based on the applicable provisions of Section 508.1, shall not exceed four.

506.2.4.1 Group H-2 or H-3 mixed occupancies. For a building containing Group H-2 or H-3 occupancies, the allowable area shall be determined in accordance with Section 508.4.2, with the sprinkler system increase applicable only to the portions of the building not classified as Group H-2 or H-3.”

SECTION 10. That Subsection 507.3, “Nonsprinklered, One-Story Buildings,” of Section 507, “Unlimited Area Buildings,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“507.3 [~~Nonsprinklered,~~] Q[~~o~~]ne-story buildings. The area of a Group F-2 or S-2 building no more than one story in height shall not be limited where the building is surrounded and adjoined by *public ways* or *yards* not less than 60 feet (18 288 mm) in width. Sprinklers shall be provided as per this code.”

SECTION 11. That Subsection 507.14, “Unlimited Area Based On Types of Construction,” of Section 507, “Unlimited Area Buildings,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“507.14 Unlimited area based on types of construction. The area of any five-story or less Type IIA, three-story or less Type II-B, or three-story or less Type IV building, except one housing Group H[~~Division 1, 2 or 3~~] occupancies, is unlimited if the building is provided with an *approved automatic sprinkler system* throughout as specified in Chapter 9. These provisions do not apply to *covered and open mall buildings, anchor buildings, or motion picture theaters.*

Exception: Unlimited area buildings may house Group H occupancies [~~Division 2 and 3~~] as specified in Section 507.8.”

SECTION 12. That Subparagraph 508.4.4.1, “Construction,” of Paragraph 508.4.4, “Separation,” of Subsection 508.4, “Separated Occupancies,” of Section 508, “Mixed Use and Occupancy,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“508.4.4.1 Construction. Required separations shall be *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both, so as to completely separate occupancies. *Mass timber elements serving as fire barriers or horizontal assemblies to separate occupancies in Type IV B or IV C construction shall be separated from the interior of the building with an approved thermal barrier consisting of a minimum of ½ inch (12.7 mm) gypsum board or a material that is tested in accordance with and meets the acceptance criteria of both the temperature transmission fire test and the integrity fire test of NFPA 275.*”

SECTION 13. That Paragraph 509.4.1, “Separation,” of Subsection 509.4, “Separation and Protection,” of Section 509, “Incidental Uses,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subparagraph 509.4.1.1, “Type IV B and IV C Construction,” to read as follows:

“509.4.1.1 Type IV B and IV C construction. Where Table 509 specifies a fire-resistance-rated separation, *mass timber* elements serving as *fire barriers* or a *horizontal assembly* in Type IV B or IV C construction shall be separated from the interior of the incidental use with an approved thermal barrier consisting of a minimum of ½ inch (12.7 mm) gypsum board or a material that is tested in accordance with and meets the acceptance criteria of both the temperature transmission fire test and the integrity fire test of NFPA 275.”

SECTION 14. That Paragraph 511.1.2, “Building Fire Areas,” of Subsection 511.1, “Area Limits,” of Section 511, “Area Limits,” of Subchapter 5, “General Building Heights and Areas,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“511.1.2 Nonsprinklered b[B]uilding fire areas. Nonsprinklered b[B]uilding fire areas must be limited in accordance with Section 903.2.13.”

SECTION 15. That Subchapter 6, “Types of Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Table 601.1, “Fire-Resistance Rating Requirements for Building Elements (Hours),” to read as follows:

**“TABLE 601.1
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS
(HOURS)”**

BUILDING ELEMENT	TYPE IV			
	A	B	C	HT
Primary structural frame ^g	3 ^a	2 ^a	2 ^a	HT
Bearing walls				
Exterior ^{f,g}	3	2	2	2
Interior	3	2	2	1/HT
Nonbearing walls and partitions	See Table 602			
Exterior				
Nonbearing walls and partitions	0	0	0	See Section 2304.11.2
Interior ^e				
Floor construction and associated secondary members (see Section 202)	2	2	2	HT
Floor construction and associated secondary members (see Section 202)	1.5	1	1	HT

For SI: 1 foot = 304.8 mm.

- a. Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.
- b. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.
- c. In all occupancies, heavy timber shall be allowed where a 1-hour or less fire-resistance rating is required.
- d. Not less than the fire-resistance rating required by other sections of this code.
- e. Not less than the fire-resistance rating based on fire separation distance (see Table 602).
- f. Not less than the fire-resistance rating as referenced in Section 704.10.
- g. In all occupancies, when the building is protected throughout by an approved automatic sprinkler system in accordance with Section 903.3.1.1, roof construction and the structural frame supporting the roof only may be of unprotected noncombustible materials or heavy-timber construction complying with Section 602.4. This provision may be used for roof construction, nonbearing partitions and nonbearing exterior walls in lieu of fire-retardant treated wood in a building meeting the requirements of Section 603.1, Item 1.”

SECTION 16. That Subsection 602.1, “General,” of Section 602, “Construction Classification,” of Subchapter 6, “Types of Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a *fire-resistance rating* not less than that specified in Tables 601 and 601.1 and exterior walls shall have a *fire-resistance rating* not less than that specified in Table 602. Where required to have a *fire-resistance rating* by Table 601, building elements shall comply with the applicable provisions of Section 703.2. The protection of openings, ducts and air transfer openings in building elements shall not be required unless required by other provisions of this code.

602.1.1 Minimum requirements. A building or portion thereof shall not be required to conform to the details of a type of construction higher than that type which meets the minimum requirements based on occupancy even though certain features of such a building actually conform to a higher type of construction.”

SECTION 17. That Table 602, “Fire-Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance,” of Section 602, “Construction Classification,” of Subchapter 6, “Types of Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

**“TABLE 602
FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON
FIRE SEPARATION DISTANCE^{a, d, g, j}**

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H ^c	OCCUPANCY GROUP F-1, M, S-1 ^f	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2 ^g , U ^{h, i}
X < 5 ^b	All	3	2	1
5 ≤ X < 10	I A, IV A Others	3 2	2 1	1 1
10 ≤ X < 30	I A, I B, IV A, IV B II B, V B Others	2 1 1	1 0 1	1 ^{d[e]} 0 1 ^{d[e]}
X ≥ 30	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. See Section 706.1.1 for party walls.
- c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- e. For special requirements for Group H occupancies, see Section 415.6.
- f. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- h. For special requirements on Group R-2, R-3 and Group U carports, see Section 406.3.5.1.
- i. Exterior walls of carports open on all sides and constructed entirely of noncombustible materials are not required to have a fire-resistance rating. Distance between individual carports and imaginary property lines must be a minimum of 3 feet. All carport projections must comply with Section 705.2.
- j. In buildings provided throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, Table 602 3-hour exterior wall protection may be reduced to 2-hour protection, Table 602 2-hour protection may be reduced to 1-hour protection. Table 602 1-hour protection cannot be reduced.”

SECTION 18. That Subsection 602.4, “Type IV,” of Section 602, “Construction Classification,” of Subchapter 6, “Types of Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“602.4 Type IV. Type IV construction [~~(Heavy Timber, HT)~~] is that type of construction in which the [~~exterior walls are noncombustible materials and the interior~~] building elements are *mass timber* [~~of solid~~] or *noncombustible materials* and have *fire-resistance ratings* in accordance with Table 601. *Mass timber* elements shall meet the *fire-resistance rating* requirements of this section based on either the *fire-resistance rating* of the *noncombustible protection*, the *mass timber*, or a combination of both and shall be determined in accordance with Section 703.2 or 703.3. The minimum dimensions and permitted materials for building elements shall comply with the provisions of this section and Section 2304.10. *Mass timber* elements of Type IV A, IV B and IV C construction shall be protected with *noncombustible protection* applied directly to the *mass timber* in accordance [~~laminated wood without concealed spaces. The details for Type IV construction shall comply with the provisions of this section and Section 2304.11. Exterior walls complying~~] with Section 602.4.1 through 602.4.3 The time assigned to the *noncombustible protection* [~~or 602.4.2~~] shall be determined in accordance with Section 703.8 and comply with Section 722.7 [~~permitted. Minimum solid sawn nominal dimensions are required for structures built using Type IV construction (HT). For glued laminated members and structural composite lumber (SCL) members, the equivalent net finished width and depths corresponding to the minimum nominal width and depths of solid sawn lumber are required as specified in Table 602.4].~~]

Cross-laminated timber shall be labelled as conforming to PRG 320-18 as referenced in Section 2303.1.12.

Exterior load-bearing walls and *nonload-bearing walls* shall be *mass timber* construction, or shall be of *noncombustible construction* [~~(CLT) dimensions used in this section are actual dimensions~~].

Exception: *Exterior load bearing walls and nonload-bearing walls* of Type IV HT construction in accordance with Section 602.4.4.

The interior building elements, including *nonload-bearing walls* and partitions, shall be of *mass timber* construction or of *noncombustible construction*.

Exception: Interior building elements and *nonload-bearing walls* and partitions of Type IV HT construction in accordance with Section 602.4.4.

Combustible concealed spaces are not permitted except as otherwise indicated in Sections 602.4.1 through 602.4.4. Combustible stud spaces within light frame walls of Type IV HT construction shall not be considered concealed spaces, but shall comply with Section 718.

In buildings of Type IV A, B, and C, construction with an occupied floor located more than 75 feet above the lowest level of fire department access, up to and including 12 stories or 180 feet above grade plane, *mass timber* interior exit and elevator hoistway enclosures shall be protected in accordance with Section 602.4.1.2. In buildings greater than 12 stories or 180 feet above grade plane, interior exit and elevator hoistway enclosures shall be constructed of non-combustible materials.

602.4.1 Type IV A [~~Fire-retardant-treated wood in exterior walls~~]. Building elements in Type IV A construction shall be protected in accordance with Sections 602.4.1.1 through 602.4.1.6. The required *fire-resistance rating* of noncombustible elements and protected *mass timber* elements shall be determined in accordance [~~Fire-retardant-treated wood framing complying~~] with Section 703.2 or Section 703.3 [~~2303.2 shall be permitted within exterior wall assemblies with a 2-hour rating or less~~].

602.4.1.1 Exterior protection. The outside of exterior walls of *mass timber* construction shall be protected with *noncombustible protection* with a minimum assigned time of 40 minutes as determined in Section 722.7.1(1). All components of the exterior wall covering shall be of noncombustible material except water resistive barriers having a peak heat release rate of less than 150 kW/m², a total heat release of less than 20 MJ/m² and an effective heat of combustion of less than 18 MJ/kg as determined in accordance with ASTM E 1354 and having a flame spread index of 25 or less and a smoke-developed index of 450 or less as determined in accordance with ASTM E 84 or UL 723. The ASTM E 1354 test shall be conducted on specimens at the thickness intended for use, in the horizontal orientation and at an incident radiant heat flux of 50 kW/m².

602.4.1.2 Interior protection. Interior faces of all *mass timber* elements, including the inside faces of exterior *mass timber* walls and mass timber roofs, shall be protected with materials complying with Section 703.5.

602.4.1.2.1 Protection time. *Noncombustible protection* shall contribute a time equal to or greater than times assigned in Table 722.7.1(1), but not less than 80 minutes. The use of materials and their respective protection contributions listed in Table 722.7.1(2) shall be permitted to be used for compliance with Section 722.7.1.

602.4.1.3 Floors. The floor assembly shall contain a noncombustible material not less than one inch in thickness above the *mass timber*. Floor finishes in accordance with Section 804 shall be permitted on top of the noncombustible material. The underside of floor assemblies shall be protected in accordance with 602.4.1.2.

602.4.1.4 Roofs. The interior surfaces of roof assemblies shall be protected in accordance with Section 602.4.1.2. Roof coverings in accordance with Chapter 15 shall be permitted on the outside surface of the roof assembly.

602.4.1.5 Concealed spaces. Concealed spaces shall not contain combustibles other than electrical, mechanical, fire protection, or plumbing materials and equipment permitted in plenums in accordance with Section 602 of the *Dallas Mechanical Code*, and shall comply with all applicable provisions of Section 718. Combustible construction forming concealed spaces shall be protected in accordance with Sections 602.4.1.2.

602.4.1.6 Shafts. Shafts shall be permitted in accordance with Sections 713 and Section 718. Both the shaft side and room side of *mass timber* elements shall be protected in accordance with Section 602.4.1.2.

602.4.2 Type IV B ~~[Cross-laminated timber in exterior walls]~~. Building elements in Type IV B construction ~~[Cross-laminated timber complying with Section 2303.1.4]~~ shall be protected in accordance with Sections 602.4.2.1 through 602.4.2.6. The required *fire-resistance rating* of noncombustible elements or *mass timber* elements shall be determined in accordance with Section 703.2 or 703.3. ~~[permitted within exterior wall assemblies with a 2-hour rating or less, provided the exterior surface of the cross-laminated timber is protected by one of the following:~~

- ~~1. Fire-retardant treated wood sheathing complying with Section 2303.2 and not less than 15/32 inch (12 mm) thick;~~
- ~~2. Gypsum board not less than ½ inch (12.7 mm) thick; or~~
- ~~3. A noncombustible material.]~~

602.4.2.1 Exterior protection. The outside face of exterior walls of *mass timber* construction shall be protected with *noncombustible protection* with a minimum assigned time of 40 minutes as determined in Section 722.7.1(1). All components of the *exterior wall* covering shall be of noncombustible material except water-resistive barriers having a peak heat release rate of less than 150 kW/m², a total heat release of less than 20 MJ/m² and an effective heat of combustion of less than 18 MJ/kg as determined in accordance with ASTM E 1354, and having a flame spread index of 25 or less and a smoke-developed index of 450 or less as determined in accordance with ASTM E 84 or UL 723. The ASTM E 1354 test shall be conducted on specimens at the thickness intended for use, in the horizontal orientation and at an incident radiant heat flux of 50 kW/m².

602.4.2.2 Interior protection. Interior faces of all *mass timber* elements, including the inside face of exterior *mass timber* walls and *mass timber* roofs, shall be protected, as required by this section, with materials complying with Section 703.5.

602.4.2.2.1 Protection time. *Noncombustible protection* shall contribute a time equal to or greater than times assigned in Table 722.7.1(1), but not less than 80 minutes. The use of materials and their respective protection contributions listed in Table 722.7.1(2) shall be permitted to be used for compliance with Section 722.7.1.

602.4.2.2.2 Protected area. All interior faces of all *mass timber* elements shall be protected in accordance with Section 602.4.2.2.1, including the inside face of exterior *mass timber* walls and *mass timber* roofs.

Exceptions: Unprotected portions of *mass timber* ceilings and walls complying with Section 602.4.2.2.4 and the following:

1. Unprotected portions of *mass timber* ceilings, including attached beams, shall be permitted and shall be limited to an area less than or equal to 100 percent of the floor area in any dwelling unit or fire area; or
2. Unprotected portions of *mass timber* walls, including attached columns, shall be permitted and shall be limited to an area less than or equal to 40 percent of the floor area in any dwelling unit or fire area; or
3. Unprotected portions of both walls and ceilings of *mass timber*, including attached columns and beams, in any dwelling unit or fire area shall be permitted in accordance with Section 602.4.2.2.3.
4. *Mass timber* columns and beams which are not an integral portion of walls or ceilings, respectively, shall be permitted to be unprotected without restriction of either aggregate area or separation from one another.

602.4.2.2.3 Mixed unprotected areas. In each *dwelling unit* or fire area, where both portions of ceilings and portions of walls are unprotected, the total allowable unprotected area shall be determined in accordance with Equation 6-1.

$$(U_{tc}/U_{ac}) + (U_{tw}/U_{aw}) \leq 1 \quad \text{(Equation 6-1)}$$

where:

U_{tc} = Total unprotected mass timber ceiling areas.

U_{ac} = Allowable unprotected mass timber ceiling area conforming to Section 602.4.2.2.2, Exception 1

U_{tw} = Total unprotected mass timber wall areas.

U_{aw} = Allowable unprotected mass timber wall area conforming to Section 602.4.2.2.2, Exception 2.

602.4.2.2.4 Separation distance between unprotected mass timber elements. In each dwelling unit or fire area, unprotected portions of *mass timber* walls shall be not less than 15 feet from unprotected portions of other walls measured horizontally along the floor.

602.4.2.3 Floors. The floor assembly shall contain a noncombustible material not less than one inch in thickness above the *mass timber*. Floor finishes in accordance with Section 804 shall be permitted on top of the noncombustible material. The underside of floor assemblies shall be protected in accordance with Section 602.4.1.2.

602.4.2.4 Roofs. The interior surfaces of roof assemblies shall be protected in accordance with 602.4.2.2 except, in nonoccupiable spaces, they shall be treated as a concealed space with no portion left unprotected. Roof coverings in accordance with Chapter 15 shall be permitted on the outside surface of the roof assembly.

602.4.2.5 Concealed spaces. Concealed spaces shall not contain combustibles other than electrical, mechanical, fire protection, or plumbing materials and equipment permitted in plenums in accordance with Section 602 of the *Dallas Mechanical Code*, and shall comply with all applicable provisions of Section 718. Combustible construction forming concealed spaces shall be protected in accordance with Section 602.4.1.2.

602.4.2.6 Shafts. Shafts shall be permitted in accordance with Section 713 and Section 718. Both the shaft side and room side of *mass timber* elements shall be protected in accordance with Section 602.4.1.2.

602.4.3 Type IV C [Columns]. Building elements in Type IV C construction shall be protected in accordance with Section 602.4.3.1 through 602.4.3.6. The required *fire-resistance rating* of building elements shall be determined in accordance with Section 703.2 or Section 703.3 [~~Wood columns shall be sawn or glued laminated and shall not be less than 8 inches (203 mm), nominal, in any dimension where supporting floor loads and not less than 6 inches (152 mm) nominal in width and not less than 8 inches (203 mm) nominal in depth where supporting roof and ceiling loads only. Columns shall be continuous or superimposed and connected in an approved manner].~~]

602.4.3.1 Exterior protection. The exterior side of walls of combustible construction shall be protected with *noncombustible protection* with a minimum assigned time of 40 minutes as determined in Section 722.7.1(1). All components of the exterior wall covering, shall be of noncombustible material except water resistive barriers having a peak heat release rate of less than 150 kW/m², a total heat release of less than 20 MJ/m² and an effective heat of combustion of less than 18 MJ/kg as determined in accordance with ASTM E 1354 and having a flame spread index of 25 or less and a smoke-developed index of 450 or less as determined in accordance with ASTM E 84 or UL 723. The ASTM E 1354 test shall be conducted on specimens at the thickness intended for use, in the horizontal orientation and at an incident radiant heat flux of 50 kW/m².

602.4.3.2 Interior protection. Mass timber elements are permitted to be unprotected.

602.4.3.3 Floors. Floor finishes in accordance with Section 804 shall be permitted on top of the floor construction.

602.4.3.4 Roofs. Roof coverings in accordance with Chapter 15 shall be permitted on the outside surface of the roof assembly.

602.4.3.5 Concealed spaces. Concealed spaces shall not contain combustibles other than electrical, mechanical, fire protection, or plumbing materials and equipment permitted in plenums in accordance with Section 602 of the *Dallas Mechanical Code*, and shall comply with all applicable provisions of Section 718. Combustible construction forming concealed spaces shall be protected with *noncombustible protection* with a minimum assigned time of 40 minutes as determined in Section 722.7.1(1).

602.4.3.6 Shafts. Shafts shall be permitted in accordance with Section 713 and Section 718. Shafts, elevator hoistways and *interior exit stairway* enclosures shall be protected with *noncombustible protection* with a minimum assigned time of 40 minutes as determined in Section 722.7.1(1), on both the inside of the shaft and the outside of the shaft.

602.4.4 Type IV-HT [~~Floor framing~~]. Type IV-HT (Heavy Timber) construction is that type of construction in which the *exterior walls* are of noncombustible materials and the interior *building elements* are of solid wood, laminated heavy timber or *structural composite lumber* (SCL), without concealed spaces or with concealed spaces complying with Section 602.4.4.3. The minimum dimensions for permitted materials including solid timber, glued-laminated timber, SCL and *cross-laminated timber* (CLT) and the details of Type IV construction shall comply with the provisions of this section and Section 2304.11. *Exterior walls* complying with Section 602.4.4.1 or 602.4.4.2 shall be permitted. Interior walls and partitions not less than 1-hour fire-resistance-rated or heavy timber conforming with Section 2304.11.2.2 shall be permitted. [~~Wood beams and girders shall be of sawn or glued-laminated timber and shall not be less than 6 inches (152 mm) nominal in width and~~]

not less than 10 inches (254 mm) nominal in depth. Framed sawn or glued-laminated timber arches, which spring from the floor line and support floor loads, shall be not less than 8 inches (203 mm) nominal in any dimension. Framed timber trusses supporting floor loads shall have members of not less than 8 inches (203 mm) nominal in any dimension.]

602.4.4.1 Fire-retardant-treated wood in exterior walls. *Fire-retardant treated wood* framing and sheathing complying with Section 2303.2 shall be permitted within *exterior wall* assemblies with a 2-hour rating or less.

602.4.4.2 Cross-laminated timber in exterior walls. *Cross-laminated timber* (CLT) not less than 4 inches (102 mm) in thickness complying with Section 2303.1.4 shall be permitted within *exterior wall* assemblies with a 2-hour rating or less. Heavy timber structural members appurtenant to the *CLT exterior wall* shall meet the requirements of Table 2304.11 and be fire-resistance rated as required for the *exterior wall*. The exterior surface of the cross-laminated timber and heavy timber elements shall be protected by one of the following:

1. *Fire-retardant-treated wood* sheathing complying with Section 2303.2 and not less than 15/32 inch (12 mm) thick.
2. *Gypsum board* not less than ½ inch (12.7 mm) thick.
3. A noncombustible material.

602.4.4.3 Concealed spaces. Concealed spaces shall not contain combustible materials other than *building elements* and electrical, mechanical, fire protection, or plumbing materials and equipment permitted in plenums in accordance with Section 602 of the *Dallas Mechanical Code*. Concealed spaces shall comply with applicable provisions of Section 718. Concealed spaces shall be protected in accordance with one or more of the following:

1. The building shall be sprinklered throughout in accordance with Section 903.3.1.1 and automatic sprinklers shall also be provided in the concealed space.
2. The concealed space shall be completely filled with noncombustible insulation.
3. Surfaces within the concealed space shall be fully sheathed with not less than 5/8-inch Type X *gypsum board*.

Exception: Concealed spaces within interior walls and partitions with a 1-hour or greater *fire-resistance rating* complying with Section 2304.11.2.2 shall not require additional protection.

602.4.4.4 Exterior structural members. Where a horizontal separation of 20 feet (6096 mm) or more is improved, wood columns and arches conforming to heavy timber sizes complying with Section 2304.11 shall be permitted to be used externally.

~~[602.4.5 Roof framing. Wood frame or glued laminated arches for roof construction, which spring from the floor line or from grade and do not support floor loads, shall have members not less than 6 inches (152 mm) nominal in width and have not less than 8 inches (203 mm) nominal in depth for the lower half of the height and not less than 6 inches (152 mm) nominal in depth for the upper half. Framed or glued laminated arches for roof construction that spring from the top of walls or wall abutments, framed timber trusses and other roof framing, which do not support floor loads, shall have members not less than 4 inches (102 mm) nominal in width and not less than 6 inches (152 mm) nominal in depth. Spaced members shall be permitted to be composed of two or more pieces not less than 3 inches (76 mm) nominal in thickness where blocked solidly throughout their intervening spaces or where spaces are tightly closed by a continuous wood cover plate or not less than 2 inches (51 mm) nominal in thickness secured to the underside of the members. Splice plates shall not be less than 3 inches (76 mm) nominal in thickness. Where protected by approved automatic sprinklers under the roof deck, framing members shall be not less than 3 inches (76 mm) nominal in width.]~~

602.4.6 Floors. Floors shall be without concealed spaces. Wood floors shall be constructed in accordance with Section 602.4.6.1 or 602.4.6.2.

602.4.6.1 Sawn or glued laminated plank floors. Sawn or glued laminated plank floors shall be one of the following:

- ~~1. Sawn or glued laminated planks, splined or tongue and groove, of not less than 3 inches (76 mm) nominal in thickness covered with 1 inch (25 mm) nominal dimension tongue and groove flooring, laid crosswise or diagonally, 15/32 inch (12 mm) wood structural panel or ½ inch (12.7 mm) particleboard.~~
- ~~2. Planks not less than 4 inches (102 mm) nominal in width set on edge close together and well spiked and covered with 1 inch (25 mm) nominal dimension flooring or 15/32 inch (12 mm) wood structural panel or ½ inch (12.7 mm) particleboard.~~

~~The lumber shall be laid so that no continuous line of joints will occur except at points of support. Floors shall not extend closer than ½ inch (12.7 mm) to walls. Such ½ inch (12.7 mm) space shall be covered by a molding fastened to the wall and so arranged that it will not obstruct the swelling or shrinkage movements of the floor. Corbelling of masonry walls under the floor shall be permitted to used in place of molding.~~

602.4.6.2 Cross-laminated timber floors. ~~Cross-laminated timber shall be not less than 4 inches (102 mm) in thickness. Cross-laminated timber shall be continuous from support to support and mechanically fastened to one another. Cross-laminated timber shall be permitted to be connected to walls without a shrinkage gap providing swelling or shrinking is considered in the design. Corbelling of masonry walls under the floor shall be permitted to be used.~~

602.4.7 Roofs. ~~Roofs shall be without concealed spaces and wood roof decks shall be sawn or glued laminated, splined or tongue and groove plank, not less than 2 inches (51 mm) nominal in thickness; 1 1/8-inch-thick (32 mm) wood structural panel (exterior glue); planks not less than 3 inches (76 mm) nominal in width, set on edge close together and laid as required for floors; or of cross-laminated timber. Other types of decking shall be permitted to be used if providing equivalent fire resistance and structural properties.~~

~~Cross-laminated timber roofs shall be not less than 3 inches (76 mm) nominal in thickness and shall be continuous from support to support and mechanically fastened to one another.~~

602.4.8 Partitions and walls. ~~Partitions and walls shall comply with Section 602.4.8.1 or 602.4.8.2.~~

602.4.8.1 Interior walls and partitions. ~~Interior walls and partitions shall be of solid wood construction formed by not less than two layers of 1 inch (25 mm) matched boards or laminated construction 4 inches (102 mm) thick, or of 1-hour fire resistance-rated construction.~~

602.4.8.2 Exterior walls. ~~Exterior walls shall be of one of the following:~~

- ~~1. Noncombustible materials.~~
- ~~2. Not less than 6 inches (152 mm) in thickness and constructed of one of the following:~~
 - ~~2.1. Fire-retardant treated wood in accordance with Section 2303.2 and complying with Section 602.4.1.~~
 - ~~2.2. Cross-laminated timber complying with Section 602.4.2.~~

602.4.9 Exterior structural members. ~~Where a horizontal separation of 20 feet (6096 mm) or more is provided, wood columns and arches conforming to heavy timber sizes shall be permitted to be used externally.]”~~

SECTION 19. That Section 703, “Fire-Resistance Ratings and Fire Tests,” of Subchapter 7, “Fire and Smoke Protection Features,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subsection 703.8, “Determination of Noncombustible Protection Time Contribution,” to read as follows:

“703.8 Determination of noncombustible protection time contribution. The time, in minutes, contributed to the *fire-resistance rating* by the *noncombustible protection* of *mass timber* building elements, components, or assemblies, shall be established through a comparison of assemblies tested using procedures set forth in ASTM E119 or UL 263. The test assemblies shall be identical in construction, loading, and materials, other than the *noncombustible protection*. The two test assemblies shall be tested to the same criteria of structural failure.

1. Test Assembly 1 shall be without protection.
2. Test Assembly 2 shall include the representative *noncombustible protection*. The protection shall be fully defined in terms of configuration details, attachment details, joint sealing details, accessories and all other relevant details.

The *noncombustible protection* time contribution shall be determined by subtracting the fire resistance time, in minutes, of Test Assembly 1 from the fire resistance time, in minutes, of Test Assembly 2.”

SECTION 20. That Section 703, “Fire-Resistance Ratings and Fire Tests,” of Subchapter 7, “Fire and Smoke Protection Features,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subsection 703.9, “Sealing of Adjacent Mass Timber Elements,” to read as follows:

“703.9 Sealing of adjacent mass timber elements. In buildings of Type IV A, IV B, and IV C construction, sealant or adhesive shall be provided to resist the passage of air in the following locations:

1. At abutting edges and intersections of *mass timber* building elements required to be fire-resistance- rated.
2. At abutting intersections of *mass timber* building elements and building elements of other materials where both are required to be fire resistance-rated.

Sealants shall meet the requirements of ASTM C920. Adhesives shall meet the requirements of ASTM D3498.

Exception: Where sealant or adhesive is not a required component of a fire resistance-rated assembly.”

SECTION 21. That Paragraph 718.2.1, “Fireblocking Materials,” of Subsection 718.2, “Fireblocking,” of Section 718, “Concealed Spaces,” of Subchapter 7, “Fire and Smoke Protection Features,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“718.2.1 Fireblocking materials. Fireblocking shall consist of the following materials:

1. Two-inch (51 mm) nominal lumber.
2. Two thicknesses of 1-inch (25 mm) nominal lumber with broken lap joints.
3. One thickness of 0.719-inch (18.3 mm) wood structural panels with joints backed by 0.719-inch(18.3 mm) wood structural panels.
4. One thickness of 0.75-inch (19.1 mm) particleboard with joints backed by 0.75-inch (19 mm)particleboard.
5. One-half-inch (12.7 mm) gypsum board.
6. One-fourth-inch (6.4 mm) cement-based millboard.
7. Batts or blankets of mineral wool, mineral fiber or other approved materials installed in such amanner as to be securely retained in place.
8. Cellulose insulation installed as tested for the specific application.
9. Mass timber complying with Section 2304.10.”

SECTION 22. That Section 722, “Calculated Fire Resistance,” of Subchapter 7, “Fire and Smoke Protection Features,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subsection 722.7, “Fire-Resistance Rating of Mass Timber,” to read as follows:

“722.7 Fire-resistance rating of mass timber. The required fire resistance of *mass timber* elements in Section 602.4 shall be determined in accordance with Section 703.2 or Section 703.3. The *fire-resistance rating* of building elements shall be as required in Tables 601 and 602 and as specified elsewhere in this code. The *fire-resistance rating* of the *mass timber* elements shall consist of the fire resistance of the unprotected element added to the protection time of the *noncombustible protection*.

722.7.1 Minimum required protection. Where required by Sections 602.4.1 through 602.4.3, noncombustible protection shall be provided for *mass timber* building elements in accordance with Table 722.7.1(1). The rating, in minutes, contributed by the *noncombustible protection* of *mass timber* building elements, components, or assemblies, shall be established in accordance with Section 703.8. The protection contributions indicated in Table 722.7.1(2) shall be deemed to comply with this requirement when installed and fastened in accordance with Section 722.7.2.

722.7.2 Installation of gypsum board noncombustible protection. Gypsum board complying with Table 722.7.1(2) shall be installed in accordance with this section.

722.7.2.1 Interior surfaces. Layers of Type X gypsum board serving as *noncombustible protection* for interior surfaces of wall and ceiling assemblies determined in accordance with Table 722.7.1(1) shall be installed in accordance with the following:

1. Each layer shall be attached with Type S drywall screws of sufficient length to penetrate the mass timber at least 1 inch when driven flush with the paper surface of the gypsum board.

Exception: The third layer, where determined necessary by Section 722.7, shall be permitted to be attached with 1-inch #6 Type S drywall screws to furring channels in accordance with ASTM C645.

2. Screws for attaching the base layer shall be 12 inches on center in both directions.
3. Screws for each layer after the base layer shall be 12 inches on center in both directions and offset from the screws of the previous layers by 4 inches in both directions.
4. All panel edges of any layer shall be offset 18 inches from those of the previous layer.
5. All panel edges shall be attached with screws sized and offset as in items 1 through 4 above and placed at least 1-inch but not more than 2 inches from the panel edge.

6. All panels installed at wall-to-ceiling intersections shall be installed such that ceiling panels are installed first and the wall panels are installed after the ceiling panel has been installed and is fitted tight to the ceiling panel. Where multiple layers are required, each layer shall repeat this process.
7. All panels installed at a wall-to-wall intersection shall be installed such that the panels covering an exterior wall or a wall with a greater fire resistance rating shall be installed first and the panels covering the other wall shall be fitted tight to the panel covering the first wall. Where multiple layers are required, each layer shall repeat this process.
8. Panel edges of the face layer shall be taped and finished with joint compound. Fastener heads shall be covered with joint compound.
9. Panel edges protecting *mass timber* elements adjacent to unprotected *mass timber* elements in accordance with Section 602.4.2.2 shall be covered with 1¼ inch metal corner bead and finished with joint compound.

722.7.2.2 Exterior surfaces. Layers of Type X gypsum board serving as *noncombustible protection* for the outside of the exterior heavy timber walls determined in accordance with Table 722.7.1(1) shall be fastened 12 inches on center each way and 6 inches on center at all joints or ends. All panel edges shall be attached with fasteners located at least 1-inch but not more than 2 inches from the panel edge. Fasteners shall comply with one of the following:

1. Galvanized nails of minimum 12 gage with a 7/16-inch head of sufficient length to penetrate the *mass timber* a minimum of 1 inch.
2. Screws which comply with ASTM C 1002 (Type S, Type W, or Type G) of sufficient length to penetrate the *mass timber* a minimum of 1 inch.

TABLE 722.7.1 (1)
PROTECTION REQUIRED FROM NONCOMBUSTIBLE COVERING MATERIAL

REQUIRED FIRE-RESISTANCE RATING OF BUILDING ELEMENT PER TABLES 601 AND 602 (hours)	MINIMUM PROTECTION REQUIRED FROM NONCOMBUSTIBLE PROTECTION (minutes)
1	40
2	80
3 or more	120

TABLE 722.7.1 (2)
PROTECTION REQUIRED FROM NONCOMBUSTIBLE COVERING MATERIAL

NONCOMBUSTIBLE PROTECTION	PROTECTION CONTRIBUTION (minutes)
1/2-inch Type X Gypsum Board	25
5/8-inch Type X Gypsum Board	40

“

SECTION 23. That Subsection 803.3, “Heavy Timber Exemption,” of Section 803, “Wall and Ceiling Finishes,” of Subchapter 8, “Interior Finishes,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

“803.3 Heavy timber exemption. Exposed portions of building elements complying with the requirements for buildings of heavy timber [~~Type IV~~] construction in Section 602.4 or Section 2304.10 shall not be subject to *interior finish* requirements except in interior exit stairways, interior exit ramps, and exit passageways.”

SECTION 24. That Paragraph 803.13.3, “Heavy Timber Construction,” of Subsection 803.13, “Application of Interior Finish Materials to Fire-Resistance-Rated or Noncombustible Building Elements,” of Section 803, “Wall and Ceiling Finishes,” of Subchapter 8, “Interior Finishes,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

“803.13.3 Heavy timber construction. Wall and ceiling finishes of all classes as permitted in this chapter that are installed directly against the wood decking or planking of heavy timber [~~Type IV~~] construction in Section 602.4 or 2304.10 or to wood furring strips applied directly to the wood decking or planking shall be fireblocked as specified in Section 803.11.1.1.”

SECTION 25. That Paragraph [F] 903.2.8, “Group R,” of Subsection [F] 903.2, “Where Required,” of Section 903, “Automatic Sprinkler Systems,” of Subchapter 9, “Fire Protection Systems,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

“[F] 903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

Exception: A *dwelling, townhome, townhouse*, Group R-4 care facility with five or fewer persons that are within a single-family dwelling, or lodging house which complies with Section 903.2.13.

[F] 903.2.8.1 Group R-3. An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.

[F] 903.2.8.2 Group R-4 Condition 1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-4 Condition 1 occupancies.

[F] 903.2.8.3 Group R-4 Condition 2. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 2 occupancies. Attics shall be protected in accordance with Section 903.2.8.3.1 or 903.2.8.3.2.

[F] 903.2.8.3.1 Attics used for living purposes, storage or fuel-fired equipment. Attics used for living purposes, storage or fuel-fired equipment shall be protected throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.2.

[F] 903.2.8.3.2 Attics not used for living purposes, storage or fuel-fired equipment. Attics not used for living purposes, storage or fuel-fired equipment shall be protected in accordance with one of the following:

1. Attics protected throughout by a heat detector system arranged to activate the building fire alarm system in accordance with Section 907.2.10.
2. Attics constructed of noncombustible materials.
3. Attics constructed of fire-retardant-treated wood framing complying with Section 2303.2.
4. The *automatic sprinkler system* shall be extended to provide protection throughout the attic space.”

SECTION 26. That Paragraph 903.2.13, “Building Fire Areas,” of Subsection [F] 903.2, “Where Required,” of Section 903, “Automatic Sprinkler Systems,” of Subchapter 9, “Fire Protection Systems,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

“903.2.13 Nonsprinklered b[B]uilding fire areas. Any qualified building area must provide a minimum number of fire walls throughout the building such that no building fire area exceeds the limits of the number listed in Table 903.2.13. Qualified building area is the total allowable area which has been determined first by the methods of increase as given in Section 506 without using the increases for sprinklers.

Exception: Fire walls are not required in accordance with this section in any of the following cases:

1. Buildings that have an *approved automatic sprinkler system* installed throughout in accordance with Sections 903.3.1.1 and 903.3.1.2.
2. Open air portions of Group A, Division 5 occupancies.
3. Open parking garages complying with Section 406.5.
4. Buildings of Type I or Type II construction used exclusively for noncombustible contents or the storage of noncombustible material not packed or crated in combustible material.
5. The floor area of existing nonsprinklered buildings housing other than Group H occupancies may be increased by not more than 5 percent. The floor area increase must not exceed 2,500 square feet (232.25 m²). Not more than one increase in floor area is permitted under this exception.
6. Membrane structures when authorized by the building official.

SECTION 27. That Table 903.2.13, “Building Fire Area Limits (Sq. Ft.),” of Subsection [F] 903.2, “Where Required,” of Section 903, “Automatic Sprinkler Systems,” of Subchapter 9, “Fire Protection Systems,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

**“TABLE 903.2.13
NONSPRINKLERED BUILDING FIRE AREA LIMITS (SQ. FT.)**

GROUP	TYPE OF CONSTRUCTION									
	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE IV	TYPE V	
	A	B	A	B	A	B	A-C	HT	A	B
A ¹	25,000	25,000	15,000	8,500	14,000	8,500	NP	15,000	11,500	5,500
A ^{2, 3}	25,000	25,000	15,000	8,500	15,000	8,500	NP	15,000	15,000	5,500
A ⁴ , F, M, S-1, S-2 ⁵	25,000	25,000	15,000	10,000	15,000	10,000	NP	15,000	15,000	7,500
A-4 ⁶	@	@	@	@	@	@	NP	@	@	@
A-5 ⁷ , B ⁸ , E	35,000	35,000	20,000	15,000	20,000	15,000	NP	20,000	15,000	7,500
B ⁹	25,000	25,000	15,000	10,000	15,000	10,000	NP	15,000	15,000	7,500
H, I-1, I-3, I-4	0	0	0	0	0	0	NP	0	0	0
I-2	0	0	0	0	0	NP	NP	0	0	NP
R	7,500	7,500	7,500	7,500	7,500	7,500	NP	7,500	7,500	7,500
U ¹⁰	@	@	@	@	@	@	NP	@	@	@
U ^{11, 12}	N/A	N/A	N/A	N/A	N/A	N/A	NP	N/A	N/A	N/A

For SI: 1 foot = 305 mm, 1 square foot = 0.0929 m².

NP: Not Permitted

NA: Not Applicable

1. Assembly with a stage and occupant load of 1,000 or more.
2. Assembly with a stage and occupant load of less than 1,000.
3. Assembly without a stage with occupant load of 300 or more.
4. Assembly without a stage with occupant load of less than 300.
5. Open parking garages. See Sections 406.5, 403.1, and 903.2.13, Exception 3.
6. Indoor sports, see Footnote 1, 2, 3 or 4, as appropriate.
7. Stadiums, reviewing stands, amusement park structures not with other A occupancy. See Sections 903.2.13 and 403.1.
8. Office buildings, police and fire stations, buildings with rooms used for education beyond 12th grade with less than 50 persons.
9. All other B occupancies.

10. Private garages and carports. See Section 406.3.
11. Fences over 6 feet high, tanks, sheds and agricultural buildings not classifiable in other occupancies.
12. Towers, See Section 412.”

SECTION 28. That Paragraph 1007.1.1, “Two Exits or Exit Access Doorways,” of Subsection 1007.1, “General,” of Section 1007, “Exit or Exit Access Doorway Configuration,” of Subchapter 10, “Means of Egress,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by to read as follows:

“1007.1.1 Two exits or exit access doorways. Where two exits, exit access doorways, exit access stairways or ramps, or any combination thereof, are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or scissor stairways shall be counted as one exit stairway.

Exceptions:

1. Where interior exit stairways or ramps are interconnected by a 1-hour fire-resistance-rated corridor conforming to the requirements of Section 1020, the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance shall be not less than one-third ($\frac{1}{3}$) of the length of the maximum overall diagonal dimension of the area served.
3. Interlocking *stairs* are permitted to be counted as two *exits* if all of the following conditions are met:
 - 3.1. The building is not a *high-rise*;
 - 3.2. The distance between exit doors complies with Section 1007.1;
 - 3.3. The building is equipped throughout with an *automatic sprinkler system* in accordance with the Section 903.3.1.1.
 - 3.4. Each *stairway* is separated from each other and from the remainder of the building by construction having a fire-resistance rating of not less than 2 hours with no openings or penetrations between the *stairways* other than those for standpipes and *automatic sprinkler systems*. The separation between the *stairways* is permitted to be constructed as a single wall; and

- 3.5. Each *exit* meets all of the requirements including the smokeproof enclosure provisions in Section 1023 including the smokeproof enclosure provisions of Section 909.20 [~~except as otherwise noted in this exception~~].

1007.1.1.1 Measurement point. The separation distance required in Section 1007.1.1 shall be measured in accordance with the following:

1. The separation distance to exit or exit access doorways shall be measured to any point along the width of the doorway.
2. The separation distance to exit access stairways shall be measured to the closest riser.
3. The separation distance to exit access ramps shall be measured to the start of the ramp run.”

SECTION 29. That Paragraph 1007.1.2, “Three or More Exits or Exit Access Doorways,” of Subsection 1007.1, “General,” of Section 1007, “Exit or Exit Access Doorway Configuration,” of Subchapter 10, “Means of Egress,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subparagraph 1007.1.2.1, “Interlocking Stairs When Allowed As Separate Exits With Three or More Exits or Exit Access Doorways,” to read as follows:

“1007.1.2.1 Interlocking stairs when allowed as separate exits with three or more exits or exit access doorways. Where access to three or more *exits* is required, not less than two *exit* or *exit access doorways* shall be arranged in accordance with the provisions of Section 1007.1.1. Additional required *exit* or *exit access doorways* shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available. In addition, the interlocking stairs *exit doorways* terminating at the exit discharge shall be arranged a reasonable distance apart equivalent to the exit separation required in Section 1007.1.1.”

SECTION 30. That Paragraph [BG] 1510.2.5, “Type of Construction,” of Subsection [BG] 1510.2, “Penthouses,” of Section 1510, “Rooftop Structures,” of Subchapter 15, “Roof Assemblies and Rooftop Structures,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“[BG] 1510.2.5 Type of construction. Penthouses shall be constructed with walls, floors and roofs as required for the type of construction of the building on which such penthouses are built. All structures must be designed by an engineer registered in the State of Texas.

Exceptions:

1. On buildings of Type I construction, the exterior walls and roofs of penthouses with a *fire separation distance* greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating. The exterior walls and roofs of penthouses with a fire separation distance of 20 feet (6096 mm) or greater shall not be required to have a fire-resistance rating.
2. On buildings of Type I construction two stories or less in height above grade plane or of Type II construction, the exterior walls and roofs of penthouses with a *fire separation distance* greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating as required by Table 602 and be constructed of fire-retardant-treated wood. The exterior walls and roofs of penthouses with a *fire separation distance* of 20 feet (6096 mm) or greater shall be permitted to be constructed of fire-retardant-treated wood and shall not be required to have a fire-resistance rating. Interior framing and walls shall be permitted to be constructed of fire-retardant-treated wood.
3. On buildings of Type III, IV or V construction, the exterior walls of penthouses with a fire separation distance greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating or a lesser fire-resistance rating as required by Table 602. On buildings of Type III, IV or VA construction, the exterior walls of penthouses with a fire separation distance of 20 feet (6096 mm) or greater shall be permitted to be of Type IV heavy timber construction complying with Sections 602.4 and 2304.10 or noncombustible construction or fire-retardant-treated wood and shall not be required to have a fire-resistance rating.”

SECTION 31. That Section 1604, “General Design Requirements,” of Subchapter 16, “Structural Design,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subsection 1604.11, “Seismic Types IV A, B, C and HT,” to read as follows:

“1604.11 Seismic systems of Types IV A, B, C and HT. The vertical elements of the seismic force-resisting system for structures of Types IV A, IV B, and IV C shall conform to one of the types indicated in ASCE 7-10 Table 12.2-1 or a combination of systems as permitted in ASCE 7-10 Sections 12.2.2, 12.2.3, and 12.2.4. Use of seismic force-resisting systems not contained in ASCE 7-10 Table 12.2-1 shall be permitted contingent on submittal to and approval by the *building official* and independent structural design review of an accompanying set of design criteria and substantiating analytical and test data as outlined in ASCE 7-10 Section 12.2.1.

Structures of Type IV HT may be designed in accordance with Alternative Means and Methods as approved by the building official.”

SECTION 32. That Paragraph 1705.1.1, “Special Cases,” of Subsection 1705.1, “General,” of Section 1705, “Required Special Inspections and Tests,” of Subchapter 17, “Special Inspections and Tests,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“1705.1.1 Special cases. *Special inspections* and tests shall be required for proposed work that is, in the opinion of the *building official*, unusual in its nature or to satisfactorily administer other provisions of the codes, such as, but not limited to, the following examples:

1. Construction materials and systems that are alternatives to materials and systems prescribed by this code.
2. Unusual design applications of materials described in this code.
3. Materials and systems required to be installed in accordance with additional manufacturer’s instructions that prescribe requirements not contained in this code or in standards referenced by this code.
4. Work designated for special inspections as specified in Section 304 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.”

SECTION 33. That Subsection 1705.5, “Wood Construction,” of Section 1705, “Required Special Inspections and Tests,” of Subchapter 17, “Special Inspections and Tests,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Paragraph 1705.5.3, “Mass Timber Construction,” to read as follows:

“1705.5.3 Mass timber construction. *Special inspections of mass timber* elements in Types IV-A, IV-B and IV-C construction shall be in accordance with Table 1705.5.3.”

SECTION 34. That Subsection 1705.5, “Wood Construction,” of Section 1705, “Required Special Inspections and Tests,” of Subchapter 17, “Special Inspections and Tests,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Table 1705.5.3, “Required Special Inspections of Mass Timber Construction,” to read as follows:

**“TABLE 1705.5.3
REQUIRED SPECIAL INSPECTIONS OF MASS TIMBER CONSTRUCTION**

TYPE		CONTINUOUS SPECIAL INSPECTION	PERIODIC SPECIAL INSPECTION	
1.	Inspection of anchorage and connections of mass timber construction to timber deep foundation systems.	—	X	
2.	Inspect erection of mass timber construction.	----	X	
3.	Inspection of connections where installation methods are required to meet design loads.			
	Threaded fasteners	Verify use of proper installation equipment.	----	X
		Verify use of pre-drilled holes where required.	----	X
		Inspect screws, including diameter, length, head type, spacing, installation angle and depth.	----	X
	Adhesive anchors installed in horizontal or upwardly inclined orientation to resist sustained tension loads.		X	----
	Adhesive anchors not defined in preceding cells.		----	X
	Bolted connections.		----	X
	Concealed connections.		----	X

“

SECTION 35. That Section 1705, “Required Special Inspections and Tests,” of Subchapter 17, “Special Inspections and Tests,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Subsection 1705.19, “Sealing of Mass Timber,” to read as follows:

“1705.19 Sealing of mass timber. Periodic special inspections of sealants or adhesives shall be conducted where sealant or adhesive required by Section 703.9 is applied to *mass timber* building elements as designated in the *approved* construction documents.”

SECTION 36. That Subsection 2303.1, “General,” of Section 2303, “Minimum Standards and Quality,” of Subchapter 23, “Wood,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Paragraph 2303.1.14, “Structural Glued Cross-Laminated Timber,” to read as follows:

“2303.1.14 Structural glued cross-laminated timber. *Cross-laminated timber* shall be manufactured and identified in accordance with ANSI/APA PRG 320.”

SECTION 37. That Subsection 2304.10, “Connectors and Fasteners,” of Section 2304, “General Construction Requirements,” of Subchapter 23, “Wood,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Paragraph 2304.10.8, “Connection Fire-Resistance Rating,” to read as follows:

“2304.10.8 Connection fire-resistance rating. *Fire-resistance* ratings for connections in Type IV-A, IV-B or IV-C construction shall be determined by one of the following:

1. Testing in accordance with Section 703.2 where the connection is part of the *fire-resistance* test.
2. Engineering analysis that demonstrates that the temperature rise at any portion of the connection is limited to an average temperature rise of 250°F (139°C), and a maximum temperature rise of 325°F (181°C), for a time corresponding to the required *fire-resistance* rating of the structural element being connected. For the purposes of this analysis, the connection includes connectors, fasteners and portions of wood members included in the structural design of the connection.”

SECTION 38. That Subsection 2304.11, “Heavy Timber Construction,” of Section 2304, “General Construction Requirements,” of Subchapter 23, “Wood,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“2304.11 Heavy timber construction. Where a structure, ~~[or]~~ portion thereof or individual structural elements are [is] required ~~[to be of Type IV construction]~~ by the ~~[other]~~ provisions of this code to be of heavy timber, the building elements therein shall comply with the applicable provisions of Sections 2304.10.1 [2304.11.1] through 2304.10.4 [2304.11.5]. Minimum dimensions of heavy timber shall comply with the applicable requirements in Table 2304.10 based on roofs or floors supported and the configuration of each structural elements, or in Sections 2304.10.2 through 2304.10.4. Lumber decking shall be in accordance with Section 2304.8.

2304.11.1 Details of heavy timber structural members. Heavy timber structural members shall be detailed and constructed in accordance with Sections 2304.11.1.1 through 2304.11.1.3. ~~[Columns. Columns shall be continuous or superimposed throughout all stories by means of reinforced concrete or metal caps with brackets, or shall be connected by properly designed steel or iron caps, with pintles and base plates, or by timber splice plates affixed to the columns by metal connectors housed within the contact faces, or by other approved methods.]~~

2304.11.1.1 Columns ~~[connections]~~. Minimum dimensions of columns shall be in accordance with Table 2304.11. Columns shall be continuous or superimposed throughout all stories and connected in an approved manner. Girders and beams at column connections shall be closely fitted around columns and adjoining ends shall be cross tied to each other, or intertied by caps or ties, to transfer horizontal loads across joints. Wood bolsters shall not be placed on tops of columns unless the columns support roof loads only. Where traditional heavy timber detailing is used, connections shall be by means of reinforced concrete or metal caps with brackets, by properly designed steel or iron caps, with pintles and base plates, by timber splice plates affixed to the columns by metal connectors housed within the contact faces, or by other approved methods.

2304.11.1.2 Floor framing. Minimum dimensions of floor framing shall be in accordance with Table 2304.11. *Approved* wall plate boxes or hangers shall be provided where wood beams, girders or trusses rest on masonry or concrete walls. Where intermediate beams are used to support a floor, they shall rest on top of girders, or shall be supported by ~~[ledgers or blocks securely fastened to the sides of the girders, or they shall be supported by]~~ an *approved* metal hanger into which the ends of the beams shall be closely fitted. Where traditional heavy timber detailing is used, these connections shall be permitted to be supported by ledgers or blocks securely fastened to the sides of the girders.

2304.11.1.3 Roof framing. Minimum dimensions of roof framing shall be in accordance with Table 2304.11. Every roof girder and not less than ~~[at least]~~ every alternate roof beam shall be anchored to its supporting member to resist forces as required in Chapter 16~~[- and every monitor and every sawtooth construction shall be anchored to the main roof construction. Such anchors shall consist of steel or iron bolts of sufficient strength to resist vertical uplift of the roof].~~

2304.11.2 Partitions and walls. Partitions and walls shall comply with Section 2304.11.2.1 or 2304.11.2.2.

2304.11.2.1 Exterior walls. Exterior walls shall be permitted to be *cross-laminated timber* meeting the requirements of Section 2303.1.12.

2304.11.2.2 Interior walls and partitions. Interior walls and partitions shall be of solid wood construction formed by not less than two layers of 1-inch (25 mm) matched boards or laminated construction 4 inches (102 mm) thick, or of 1-hour fire-resistance-rated construction.

2304.11.3 Floors. Floors shall be without concealed spaces or with concealed spaces complying with Section 602.4.4.3. Wood floors shall be constructed in accordance with Section 2304.11.3.1 or 2304.11.3.2.

2304.11.3.1 Cross-laminated timber floors. *Cross-laminated timber* shall be not less than 4 inches (102 mm) in actual thickness. *Cross-laminated timber* shall be continuous from support to support and mechanically fastened to one another. *Cross-laminated timber* shall be permitted to be connected to walls without a shrinkage gap providing swelling or shrinking is considered in the design. Corbeling of masonry walls under the floor shall be permitted to be used.

2304.11.3.2 Sawn or glued-laminated plank floors. Sawn or glued-laminated plank floors shall be one of the following:

1. Sawn or glued-laminated planks, splined or tongue-and-groove, of not less than 3 inches (76 mm) nominal in thickness covered with 1-inch (25 mm) nominal dimension tongue-and-groove flooring, laid crosswise or diagonally, 15/32-inch (12 mm) wood structural panel or ½-inch (12.7 mm) particleboard.
2. Planks not less than 4 inches (102 mm) nominal in width set on edge close together and well spiked and covered with 1-inch (25 mm) nominal dimension flooring and 15/32-inch (12 mm) wood structural panel or ½-inch (12.7 mm) particleboard.

The lumber shall be laid so that continuous lines of joints will occur only at points of support. Floors shall not extend closer than ½-inch (12.7mm) to walls. Such ½-inch (12.7 mm) space shall be covered by a molding fastened to the wall and so arranged that it will not obstruct the swelling or shrinkage movements of the floor. Corbelling of masonry walls under the floor shall be permitted to be used in place of molding.

2304.11.4 Roof [Floor] decks. Roofs shall be without concealed spaces or with concealed spaces complying with Section 602.4.4.3. Roof [Floor] decks [and covering shall not extend closer than ½ inch (12.7 mm) to walls. Such ½-inch (12.7 mm) spaces] shall be constructed in accordance Section 2304.11.4.1 or 2304.11.4.2. Other types of decking shall be an alternative that provides equivalent fire resistance and structural properties. Where supported by a wall, roof decks shall be anchored to walls to resist forces determined in accordance with Chapter 16. Such anchors shall consist of steel bolts, lags, screws or approved hardware of sufficient strength to resist prescribed forces [covered by a molding fastened to the wall either above or below the floor and arranged such that the molding will not obstruct the expansion or contraction movements of the floor. Corbeling of masonry walls under floors is permitted in place of such molding].

2304.11.4.1 Cross-laminated timber roofs. *Cross-laminated timber* roofs shall be not less than 3 inches (76 mm) nominal in thickness and shall be continuous from support to support and mechanically fastened to one another.

2304.11.4.2 Sawn, wood structural panel, or glued-laminated plank roofs. Sawn, wood structural panel, or glued-laminated plank roofs shall be one of the following:

1. Sawn or glued laminated, splined or tongue-and-groove plank, not less than 2 inches (51 mm) nominal in thickness.
2. 1/8-inch thick (32 mm) wood structural panel (exterior glue).
3. Planks not less than 3 inches (76 mm) nominal in width, set on edge close together and laid as required for floors.

~~[2304.11.5 Roof decks. Where supported by a wall, roof decks shall be anchored to walls to resist uplift forces determined in accordance with Chapter 16. Such anchors shall consist of steel or iron bolts of sufficient strength to resist vertical uplift of the roof.]”~~

SECTION 39. That Section 2304, “General Construction Requirements,” of Subchapter 23, “Wood,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Table 2304.11, “Minimum Dimensions of Heavy Timber Structural Members,” to read as follows:

**“TABLE 2304.11
MINIMUM DIMENSIONS OF HEAVY TIMBER STRUCTURAL MEMBERS**

SUPPORTING	HEAVY TIMBER STRUCTURAL ELEMENTS	MINIMUM NOMINAL SOLID SAWN SIZE		MINIMUM GLUED- LAMINATED NET SIZE		MINIMUM STRUCTURAL COMPOSITE LUMBER NET SIZE	
		Width, inch	Depth, inch	Width, inch	Depth, inch	Width, inch	Depth, inch
Floor loads only or combined floor and roof loads	Columns; Framed sawn or glued-laminated timber arches that spring from the floor line; Framed timber trusses	8	8	6 ¾	8 ¼	7	7 ½
	Wood beams and girders	6	10	5	10 ½	5 ¼	9 ½
Roof loads only	Columns (roof and ceiling loads); Lower half of: wood-frame or glued-laminated arches that spring from the floor line or from grade	6	8	5	8 ¼	5 ¼	7 ½
	Upper half of: wood-frame or glued-laminated arches that spring from the floor line or from grade	6	6	5	6	5 ¼	5 ½
	Framed timber trusses and other roof framings; ^a Framed or glued-laminated arches that spring from the top of walls or wall abutments	4 ^b	6	3 ^b	6 7/8	3 ½ ^b	5 ½

For SI: 1 inch = 25.4 mm.

- a. Spaced members shall be permitted to be composed of two or more pieces not less than 3 inches nominal in thickness where blocked solidly throughout their intervening spaces or where spaces are tightly closed by a continuous wood cover plate of not less than 2 inches nominal in thickness secured to the underside of the members. Splice plates shall be not less than 3 inches nominal in thickness.
- b. Where protected by approved automatic sprinklers under the roof deck, framing members shall be not less than 3 inches nominal in width.”

SECTION 40. That Subsection 2603.4, “Thermal Barrier,” of Section 2603, “Foam Plastic Insulation,” of Subchapter 26, “Plastic,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“2603.4 Thermal barrier. Except as provided for in Sections 2603.4.1 and 2603.10, foam plastic shall be separated from the interior of a building by an approved thermal barrier of ½-inch (12.7 mm) gypsum wallboard, heavy timber in accordance with Section 602.4 or a material that is tested in accordance with and meets the acceptance criteria of both the Temperature Transmission Fire Test and the Integrity Fire Test of NFPA 275. Combustible concealed spaces shall comply with Section 718.

2603.4.1 Thermal barrier not required. The thermal barrier specified in Section 2603.4 is not required under the conditions set forth in Sections 2603.4.1.1 through 2603.4.1.14.

2603.4.1.1 Masonry or concrete construction. A thermal barrier is not required for foam plastic installed in a masonry or concrete wall, floor or roof system where the foam plastic insulation is covered on each face by not less than 1-inch (25 mm) thickness of masonry or concrete.

2603.4.1.2 Cooler and freezer walls. Foam plastic installed in a maximum thickness of 10 inches (254 mm) in cooler and freezer walls shall:

1. Have a flame spread index of 25 or less and a smoke-developed index of not more than 450, where tested in a minimum 4-inch (102 mm) thickness.
2. Have flash ignition and self-ignition temperatures of not less than 600° F and 800° F (316° C and 427° C), respectively.
3. Have a covering of not less than 0.032-inch (0.81 mm) aluminum or corrosion-resistant steel having a base metal thickness not less than 0.0160 inch (0.4 mm) at any point.
4. Be protected by an *automatic sprinkler system* in accordance with Section 903.3.1.1. Where the cooler or freezer is within a building, both the cooler or freezer and that part of the building in which it is located shall be sprinklered.

2603.4.1.3 Walk-in coolers. In nonsprinklered buildings, foam plastic having a thickness that does not exceed 4 inches (102 mm) and a maximum flame spread index of 75 is permitted in walk-in coolers or freezer units where the aggregate floor area does not exceed 400 square feet (37 m²) and the foam plastic is covered by a metal facing not less than 0.032-inch-thick (0.81 mm) aluminum or corrosion-resistant steel having a minimum base metal thickness of 0.016 inch (0.41 mm). A thickness of up to 10 inches (254 mm) is permitted where protected by a thermal barrier.

2603.4.1.4 Exterior walls-one-story buildings. For one-story buildings, foam plastic having a flame spread index of 25 or less, and a smoke-developed index of not more than 450, shall be permitted without thermal barriers in or on *exterior walls* in a thickness not more than 4 inches (102 mm) where the foam plastic is covered by a thickness of not less than 0.032-inch-thick (0.81 mm) aluminum or corrosion-resistant steel having a base metal thickness of 0.0160 inch (0.41 mm) and the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

2603.4.1.5 Roofing. A thermal barrier is not required for foam plastic insulation that is part of a Class A, B or C roof-covering assembly that is installed in accordance with the code and the manufacturer's instructions and is either constructed as described in Item 1 or tested as described in Item 2.

1. The roof assembly is separated from the interior of the building by wood structural panel sheathing not less than 0.47 inch (11.9 mm) in thickness bonded with exterior glue, with edges supported by blocking, tongue-and-groove joints, other approved type of edge support or an equivalent material.
2. The assembly with the foam plastic insulation satisfactorily passes NFPA 276 or UL 1256.

2603.4.1.6 Attics and crawl spaces. Within an attic or crawl space where entry is made only for service of utilities, foam plastic insulation shall be protected against ignition by 1½-inch-thick (38 mm) mineral fiber insulation; ¼-inch-thick (6.4 mm) wood structural panel, particleboard or hardboard; 3/8-inch (9.5 mm) gypsum wallboard, corrosion-resistant steel having a base metal thickness of 0.016 inch (0.4 mm); 1½-inch -thick (38 mm) self-supported spray-applied cellulose insulation in attic spaces only or other approved material installed in such a manner that the foam plastic insulation is not exposed. The protective covering shall be consistent with the requirements for the type of construction.

2603.4.1.7 Doors not required to have a fire protection rating. Where pivoted or side-hinged doors are permitted without a fire protection rating, foam plastic insulation, having a flame spread index of 75 or less and a smoke-developed index of not more than 450, shall be permitted as a core material where the door facing is of metal having a thickness of 0.032-inch (0.8 mm) aluminum or steel having a base metal thickness of not less than 0.016 inch (0.4 mm) at any point.

2603.4.1.8 Exterior doors in buildings of Group R-2 or R-3. In occupancies classified as Group R-2 or R-3, foam-filled exterior entrance doors to individual *dwelling units* that do not require a fire-resistance rating shall be faced with aluminum, steel, fiberglass, wood, or other approved materials.

2603.4.1.9 Garage doors. Where garage doors are permitted without a fire-resistance rating and foam plastic is used as a core material, the door facing shall be metal having a minimum thickness of 0.032-inch (0.8 mm) aluminum or 0.010-inch (0.25 mm) steel or the facing shall be minimum 0.125-inch-thick (3.2 mm) wood. Garage doors having facings other than those described above shall be tested in accordance with, and meet the acceptance criteria of, DAMSA 107.

Exception: Garage doors using foam plastic insulation complying with Section 2603.3 in detached and attached garages associated with one- and two-family dwellings need not be provided with a thermal barrier.

2603.4.1.10 Siding backer board. Foam plastic insulation of not more than 2,000 British thermal units per square feet (Btu/sq. ft.) (22.7 mJ/m²) as determined by NFPA 259 shall be permitted as a siding backer board with a maximum thickness of ½ inch (12.7 mm), provided it is separated from the interior of the building by not less than 2 inches (51 mm) of mineral fiber insulation or equivalent or where applied as insulation with residing over existing wall construction.

2603.4.1.11 Interior trim. Foam plastic used as interior *trim* in accordance with Section 2604 shall be permitted without a thermal barrier.

2603.4.1.12 Interior signs. Foam plastic used for interior sign in *covered mall buildings* in accordance with Section 402.6.4 shall be permitted without a thermal barrier. Foam plastic signs that are not affixed to interior building surfaces shall comply with Chapter 8 of the Dallas [~~International~~] *Fire Code*.

2603.4.1.13 Type V construction. Foam plastic spray applied to a sill plate, joist header and rim joist in Type V construction is subject to all of the following:

1. The maximum thickness of the foam plastic shall be 3¼ inches (82.6 mm).
2. The density of the foam plastic shall be in the range of 1.5 to 2.0 pcf (24 to 32 kg/m³).
3. The foam plastic shall have a flame spread index of 25 or less and an accompanying smoke-developed index of 450 or less when tested in accordance with ASTM E 84 or UL 723.

2603.1.14 Floors. The thermal barrier specified in Section 2603.4 is not required to be installed on the walking surface of a structural floor system that contains foam plastic insulation when the foam plastic is covered by a minimum nominal ½-inch-thick (12.7 mm) wood structural panel or approved equivalent. The thermal barrier specified in Section 2603.4 is required on the underside of the structural floor system that contains foam plastic insulation when the underside of the structural floor system is exposed to the interior of the building.

Exception: Foam plastic used as part of an interior floor finish.”

SECTION 41. That Subsection [P] 2902.1, “Minimum Number of Fixtures,” of Section 2902, “Minimum Number of Facilities,” of Subchapter 29, “Plumbing Systems,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“[P] 2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number in accordance with this section and as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code.

1. Assembly occupancies: At least one drinking fountain must be provided at each floor level in an *approved* location.

Exception: A drinking fountain need not be provided in a drinking or dining establishment.

2. Groups A, B, F, I, M and S occupancies: Buildings, floors, tenant spaces or portions thereof where persons are employed must be provided with at least one water closet for each sex except as provided in Section 2902.2. Such water closet rooms in connection with food establishments where food is prepared, stored or served must have hand washing facilities therein or adjacent thereto. At least one drinking fountain must be provided at each floor level in an *approved* location.
3. Group E and R occupancies must be provided with fixtures as shown in Table 2902.1.

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the *building official*. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.

[P] 2902.1.1 Fixture calculations. To determine the *occupant load* of each sex, the total *occupant load* shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the *occupant load* of each sex in accordance with Table 2902.1. Fractional numbers resulting from applying the fixture ratios of Table 2902.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

Exception: The total *occupant load* shall not be required to be divided in half where *approved* statistical data indicate a distribution of the sexes of other than 50 percent of each sex.

2902.1.1.1 Occupant load for minimum plumbing facilities. In determining minimum plumbing facilities, the number of occupants for whom minimum plumbing facilities are provided must be computed in accordance with Section 1004.

Exception: Where state law or city ordinance limits the number of students per classroom, fixtures in primary and secondary schools may be provided on the basis of the maximum number of students allowed.

[P] 2902.1.2 Family or assisted-use toilet and bath fixtures. Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile occupancies.

2902.1.3 Additional fixtures for food preparation facilities. In addition to the fixtures required in this chapter, all food service facilities must be provided with additional fixtures as required in this section.

2902.1.3.1 Hand washing lavatory. At least one hand washing lavatory must be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

2902.1.3.2 Service sinks and floor sinks. In new or remodeled food service establishments, at least one service sink or one floor sink must be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. The location of the service sinks or mop sinks must be approved by the health department.”

SECTION 42. That Paragraph 3103.1.2, “Permit Required,” of Subsection 3103.1, “General,” of Section 3103, “Temporary Structures,” of Subchapter 31, “Special Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“3103.1.2 Permit required. Temporary structures shall require permits as per Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Codes ~~[that cover an area greater than 120 square feet (11.16 m²), including connecting areas or spaces with a common means of egress or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official].”~~

SECTION 43. That Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Subchapter 31, “Special Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

**“SECTION 3109
SWIMMING POOLS, SPAS [ENCLOSURES] AND
HOT TUBS [SAFETY DEVICES]**

3109.1 General. ~~The design and construction of s[S]wimming pools, spas and hot tubs shall comply with the *Dallas Swimming Pool and Spa Code*. [requirements of Sections 3109.2 through 3109.5 and other applicable sections of this code. This section does not preempt state law. Compliance with this section is not a safe harbor for compliance with state law.~~

~~**3109.1.1 Fence required.** Every owner, purchaser under contract, lessee, tenant, licensee or other person in possession of a tract, lot or premises on which a swimming pool is situated shall at all times maintain a fence, wall or barrier that completely surrounds the swimming pool.~~

~~**3109.1.2 Swimming pool and filling.** A swimming pool must be provided with a barrier that must be installed, inspected and *approved* prior to plastering or filling the swimming pool with water.~~

3109.2 Definitions. The following terms are defined in Chapter 2:

FRENCH DOORS.

KEYED DEAD BOLT.

KEYLESS DEAD BOLT.

POOL.

POOL OR SPA YARD ENCLOSURE.

POOLS, STATE LAW.

POOL YARD OR SPA YARD.

PREMISES.

PUBLIC POOL OR SPA.

RESIDENTIAL POOL OR SPA.

SPA.

~~**3109.3 Enclosures for p[P]ublic swimming pools and spas.** Public swimming pools and spas shall be completely enclosed in accordance with Sections 3109.3.1 through 3109.3.4.~~

~~3109.3.1 Enclosures for Class A and B pools and spas.~~ Class A and B pools and spas shall be enclosed by a barrier consisting of the following, or its equivalent: a fence, portion of a building, wall, or other durable enclosure.

- ~~1. A building that serves as part of the enclosure shall have doors or gates that open into the pool yard only if:~~
 - ~~1.1. any doors or gates between the building and the pool yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool;~~
 - ~~1.2. the room does not have any door or gate openings to the outside of the pool yard enclosure; and~~
 - ~~1.3. the room does not contain any gas chlorine containers.~~
- ~~2. The enclosure, including doors and gates, shall:~~
 - ~~2.1. have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the fence;~~
 - ~~2.2 have no opening in the enclosure through or under which a 4-inch diameter sphere can pass;~~
 - ~~2.3 be designed and constructed so that it cannot be readily climbed; and~~
 - ~~2.4 have all doors, gates, and windows in the enclosure directly and continuously supervised by staff at the pool during hours of operation, or locked to prevent unauthorized entry.~~

~~3109.3.2 Enclosures for Class C pools and spas and Class D pools at a Class C facility (such as apartment, property owner associations and similar residential developments).~~ *Pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must have an enclosure that meets the following requirements in addition to the requirements of Section 3109.4:

- ~~1. The height of the *pool yard* enclosure must be at least 48 inches measured from the ground on the side away from the pool.~~
- ~~2. Openings under the *pool yard* enclosure may not allow a sphere of 4 inches in diameter to pass under the *pool yard* enclosure.~~
- ~~3. If the *pool yard* enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere 4 inches in diameter to pass through the enclosure.~~

- ~~4. If the *pool yard* enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1¾ inches in diameter to pass through the enclosure.~~
- ~~5. The use of chain link fencing materials is prohibited entirely for a new *pool yard* enclosure that is constructed after January 1, 1994. The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new *pool yard* enclosure that is constructed after January 1, 1994.~~
- ~~6. Decorative designs or cutouts on or in the *pool yard* enclosure may not contain any openings greater than 1¾ inches in any direction.~~
- ~~7. Indentations or protrusions in a solid *pool yard* enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.~~
- ~~8. Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the *pool yard* enclosure.~~
- ~~9. The wall of a building may be part of the *pool yard* enclosure only if the doors and windows of the wall comply with Section 3109.3.2.3 and 3109.3.2.4.~~

~~3109.3.2.1 Gates for Class C pools and spas and Class D pools at a Class C facility.~~
~~Gates of the enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:~~

- ~~1. Except as provided in Section 3109.3.2.2, a gate in a fence or wall enclosing a *pool yard* as required by Section 3109.3.2 must:~~
 - ~~1.1. have a self-closing and self-latching device;~~
 - ~~1.2. have hardware enabling it to be locked at the option of whoever controls the gate by a padlock or a built-in lock operated by key, card or combination; and~~
 - ~~1.3. open outward away from the *pool yard*.~~
- ~~2. Except as provided in Item 3 and Section 3109.3.2.2, a gate latch must be installed so that it is at least 60 inches above the ground, except that it may be installed lower if:~~
 - ~~2.1. the latch is installed on the *pool yard* side of the gate only and is at least 3 inches below the top of the gate; and~~
 - ~~2.2. the gate or enclosure has no opening greater than ½ inch in any direction within 18 inches from the latch, including the space between the gate and the gate post to which the gate latches.~~

3. A gate latch may be located 42 inches or higher above the ground if the gate cannot be opened by key, card or combination on both sides of the gate.

~~3109.3.2.2 Existing pool yard enclosures.~~ Existing enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. ~~If a *pool yard* enclosure is constructed or modified before January 1, 1994, and no municipal ordinance containing standards for *pool yard* enclosures were applicable at the time of construction or modification, the enclosure must comply with the requirements of Sections 3109.3.2 and 3109.3.2.1, except that:~~
 - 1.1. ~~if the enclosure is constructed with chain link metal fencing material, the openings in the enclosure may not allow a sphere 2¼ inches in diameter to pass through the enclosure; or~~
 - 1.2. ~~if the enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 36 inches, the openings in the enclosure may not allow a sphere 4 inches in diameter to pass through the enclosure.~~
2. ~~If a *pool yard* enclosure is constructed or modified before January 1, 1994, and if the enclosure is in compliance with applicable municipal ordinances existing on January 1, 1994, and containing standards for *pool yard* enclosures, Sections 3109.3.2, 3109.3.2.1(1) and 3109.3.2.1(2) do not apply to the enclosure.~~

~~3109.3.2.3 Doors for Class C pools and spas and Class D pools at a Class C facility.~~ Doors of the enclosure into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. ~~A door, sliding glass door or *French door* may not open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994.~~
2. ~~A door, sliding glass door or *French door* may open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is before January 1, 1994 and the *pool yard* enclosure complies with Items 3, 4, or 5, as applicable.~~
3. ~~If a door of a building, other than a sliding glass door or screen door opens into a *pool yard*, the door must have a:~~
 - 3.1. ~~latch that automatically engages when the door is closed;~~

- ~~3.2. — spring-loaded door hinge pin, automatic door closer or similar device to cause the door to close automatically; and~~
- ~~3.3. — keyless bolting device that is installed not less than 36 inches or more than 48 inches above the interior floor.~~
- ~~4. If *French doors* of a building open to the *pool yard*, one of the *French doors* must comply with Item 3.1 above and the other door must have:~~
 - ~~4.1. — a *keyed dead bolt* or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or~~
 - ~~4.2. — a bolt with at least a $\frac{3}{4}$ inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a $\frac{3}{4}$ inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.~~
- ~~5. If a sliding glass door of a building opens into the *pool yard*, the sliding glass door must have:~~
 - ~~5.1. — a sliding door handle latch or sliding door security bar that is installed no more than 48 inches above the interior floor; and~~
 - ~~5.2. — a sliding door pin lock that is installed not more than 48 inches above the interior floor.~~
- ~~6. A door, sliding glass door or *French door* that opens into a *pool yard* from an area of a building that is not used by residents and that has no access to an area outside the *pool yard* is not required to have a lock, latch, dead bolt or keyless bolting device.~~
- ~~7. A *keyed dead bolt*, keyless bolting device, sliding door pin lock or sliding door security bar installed before September 1, 1993 may be installed not more than 54 inches from the floor.~~
- ~~8. A *keyed dead bolt* or *keyless dead bolt*, as described by Section 3109.2, installed in a dwelling on or after September 1, 1993, must have a bolt with at throw of not less than 1 inch.~~

3109.3.2.4 Windows and window screens for Class C pools and spas and Class D pools at a Class C facility. ~~Windows and window screens into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:~~

- ~~1. A wall of a building constructed before January 1, 1994 may not be used as part of a *pool yard* enclosure unless each window in the wall has a latch and unless each window screen on a window in the wall is affixed by a window screen latch, screws or similar means. This does not require the installation of window screens.~~
- ~~2. A wall of a building constructed on or after January 1, 1994 may not be used as part of a *pool yard* enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.~~

~~3109.3.2.5 Building located in pool yard for Class C pools and spas and Class D pools at a Class C facility.~~ Each door, sliding glass door, window and window screen of each dwelling unit in a residential building located in the enclosed *pool yard* must comply with Sections 3109.3.2.3 and 3109.3.2.4.

~~3109.3.3 Enclosures for all other Class C pools and spas and Class D pools at Class C facilities (such as hotels, motels, RV parks, etc.).~~ A Class C pool or spa or a Class D pool at a Class C facility that is not subject to Section 3109.3.2 must have a *pool yard* or *spa yard* enclosure in compliance with this section.

- ~~1. The *pool yard* or *spa yard* enclosure for a pool or spa subject to this section must consist of one or a combination of a fence, portion of a building, wall or other durable enclosure. The enclosure must comply with the following:~~
 - ~~1.1. The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the fence.~~
 - ~~1.2. Openings in or under the enclosure must not allow the passage of a 4 inch diameter sphere.~~
 - ~~1.3. Planters or other structures that might allow small children to climb over the enclosure are not permitted within 36 inches, measured horizontally, from the outside of the enclosure.~~
 - ~~1.4. Chain link fencing may be used for the enclosure of a pool or spa installed on or before October 1, 1999 if the chain link fencing was installed on or before September 1, 2004. Chain link fencing cannot be used for an enclosure of a pool or spa installed after September 1, 2004.~~
 - ~~1.5. Doors, gates or windows that open into a building are allowed as part of the enclosure of a pool or spa installed on or before October 1, 1999. Windows that are capable of being opened are not allowed as part of an enclosure for a pool or spa erected after October 1, 1999. Doors or gates of a building that are capable of being opened are not allowed as part of an enclosure for a pool or spa installed after October 1, 1999 unless:~~

- ~~1.5.1. the doors or gates between the building and the *pool yard* or *spa yard* are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;~~
 - ~~1.5.2. the room does not have any door or gate openings to the outside of the *pool yard* or *spa yard* enclosure; and~~
 - ~~1.5.3. the room does not contain any gas chlorine containers.~~
- ~~2. Gates and doors for *pool yard* or *spa yard* enclosures for pools and spas subject to this section must:~~
 - ~~2.1. be equipped with self-closing and self-latching devices and be latched when the pool or spa is not in use; the self-closing device must be designed to keep the gate or door securely closed and the self-latching device must latch when the gate is allowed to close within its range of operation, which is from its fully open position to 6 inches from the fully closed position;~~
 - ~~2.2. open outward away from the pool or spa except for gates constructed before October 1, 1999 in compliance with applicable city ordinances;~~
 - ~~2.3. have hand activated door or gate opening hardware located at least 3½ feet above the deck or hallway;~~
 - ~~2.4. be capable of being locked;~~
 - ~~2.5. be locked if it is for entry into a Class A or B pool or a spa and the pool or spa is not open for use; and~~
 - ~~2.6. be locked if it is for entry into a Class C pool or a spa or a Class D pool at a Class C facility and the pool or spa needs to be closed because of repairs, hazards or other conditions.~~
- ~~3. *Pool yard* and *spa yard* enclosures for pools and spas installed after October 1, 1999 must be constructed so that all persons are required to pass through an enclosure gate or door in order to gain access to the pool or spa. All gates and doors exiting a *pool yard* or *spa yard* of a pool installed after October 1, 1999 or a spa must open into a public area or walkway accessible to all users of the pool or spa.~~

3109.3.4 Propping open gates prohibited. The owner of a pool or spa, or the employee or agent of the owner of a pool or spa shall not knowingly allow a gate in a *pool yard* or *spa yard* enclosure to be propped open or remain propped open. A person shall not prop open a gate to a *pool yard* or *spa yard* unless an agent, employee or contractor of the owner is present and doing construction, maintenance or repair work in the *pool yard* or *spa yard* or on its enclosure that reasonably requires the gate to be propped open.

~~3109.4 Additional requirements for Class C pools and spas and Class D pools at a Class C facility.~~ Class C pools and spas and Class D pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

~~Exception:~~ A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

~~3109.4.1 Barrier height and clearances.~~ The [top of the] barrier shall comply with Section 3109.3.

~~3109.4.1.1 Openings.~~ Openings in the barrier shall comply with Section 3109.3.

~~3109.4.1.2 Solid barrier surfaces.~~ Solid barriers shall comply with Section 3109.3.

~~3109.4.1.3 Closely spaced horizontal members.~~ Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the barrier shall comply with Section 3109.3.

~~3109.4.1.4 Widely spaced horizontal members.~~ Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, the barrier shall comply with Section 3109.3.

~~3109.4.1.5 Chain link dimensions.~~ Chain link fences shall comply with Section 3109.3.

~~3109.4.1.6 Diagonal members.~~ Diagonal members shall comply with Section 3109.3.

~~3109.4.1.7 Gates.~~ Access doors or gates shall comply with the requirements of Section[s] 3109.3

~~3109.4.1.8 Dwelling wall as a barrier.~~ Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

- ~~1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.~~
- ~~2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.~~
- ~~3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved*, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.~~

~~**3109.4.1.9 Pool structure as barrier.** Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.~~

~~**3109.4.2 Indoor swimming pools.** Indoor swimming pools shall comply with Section 3109.3.~~

~~**3109.4.3 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.~~

~~**3109.5 Entrapment avoidance.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.~~

~~**3109.6 Construction of swimming pools.** The following standards govern the construction of swimming pools.~~

~~**3109.6.1 Public pools.** Public pools and spas must be constructed in compliance with Title 25, Part I, Chapter 265, Subchapter L of the *Texas Administrative Code*, as amended.~~

~~**3109.6.2 Private pools.** A private pool must be constructed in compliance with Appendix Q of the *Dallas One and Two Family Dwelling Code*, as amended.]"~~

SECTION 44. That Section 3313, "Water Supply for Fire Protection," of Subchapter 33, "Safeguards During Construction," of Chapter 53, "Dallas Building Code," of the Dallas City Code is amended to read as follows:

"SECTION 3313 WATER SAFETY FOR FIRE PROTECTION

[F] 3313.1 Where required. An *approved* water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible building materials arrive[s] on the site, on commencement of vertical combustible construction, and on installation of a standpipe system in buildings under construction, in accordance with Sections 3313.2 through 3313.5.

Exception: The *fire code official* is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

[F]3313.2 Combustible building materials. When combustible building materials of the building under construction are delivered to a site, a minimum fire flow of 500 gallons per minute (1893 L/m) shall be provided. The fire hydrant used to provide this fire flow supply shall be within 500 feet (152 m) of the combustible building materials, as measured along an approved fire apparatus access lane. Where the site configuration is such that one fire hydrant cannot be located within 500 feet (152 m) of all combustible building materials, additional fire hydrants shall be required to provide coverage in accordance with this section.

[F]3313.3 Vertical construction of Types III, IV and V construction. Prior to commencement of vertical construction of Type III, IV or V buildings that utilize any combustible building materials, the fire flow required by Sections 3313.3.1 through 3313.3.3 shall be provided, accompanied by fire hydrants in sufficient quantity to deliver the required fire flow and proper coverage.

[F]3313.3.1 Fire separation up to 30 feet. Where a building of Type III, IV or V construction has a **fire separation distance** of less than 30 feet (9144 mm) from property lot lines, and an adjacent property has an **existing structure** or otherwise can be built on, the water supply shall provide either a minimum of 500 gallons per minute (1893 L/m), or the entire fire flow required for the building when constructed, whichever is greater.

[F]3313.3.2 Fire separation of 30 feet up to 60 feet. Where a building of Type III, IV or V construction has a **fire separation distance** of 30 feet (9144 mm) up to 60 feet (18 288 mm) from property lot lines, and an adjacent property has an **existing structure** or otherwise can be built on, the water supply shall provide a minimum of 500 gallons per minute (1893 L/m), or 50 percent of the fire flow required for the building when constructed, whichever is greater.

[F]3313.3.3 Fire separation of 60 feet or greater. Where a building of Type III, IV or V construction has a fire separation of 60 feet (18 288 mm) or greater from a property lot line, a water supply of 500 gallons per minute (1893 L/m) shall be provided.

[F]3313.4 Vertical construction, Types I and II construction. If combustible building materials are delivered to the construction site, water supply in accordance with Section 3313.2 shall be provided. Additional water supply for fire flow is not required prior to commencing vertical construction of Type I and II buildings.

[F]3313.5 Standpipe supply. Regardless of the presence of combustible building materials, the construction type or the **fire separation distance**, where a standpipe is required in accordance with Section 3313, a water supply providing a minimum flow of 500 gallons per minute (1893 L/m) shall be provided. The fire hydrant used for this water supply shall be located within 100 feet (30 480 mm) of the fire department connection supplying the standpipe.”

SECTION 45. That Subchapter 33, “Safeguards During Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Section 3314, “Fire Watch During Construction,” to read as follows:

**“SECTION 3314
FIRE WATCH DURING CONSTRUCTION**

[F]3314.1 Fire watch during combustible construction. A fire watch shall be provided during nonworking hours for construction that exceeds 40 feet (12 192 mm) in height above the lowest adjacent grade at any point along the building perimeter, for new multistory construction with an aggregate area exceeding 50,000 square feet (4645 m²) per story or as required by the fire code official.”

SECTION 46. That Subchapter 33, “Safeguards During Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Section 3315, “Noncombustible Construction for Exposure Protection,” to read as follows:

**“SECTION 3315
NONCOMBUSTIBLE CONSTRUCTION FOR EXPOSURE PROTECTION**

3315.1 Fire safety requirements for buildings of Types IV-A, IV-B, and IV-C construction.

Buildings of Types IV-A, IV-B and IV-C construction designed to be greater than six stories above *grade plane* shall comply with the following requirements during construction unless otherwise *approved* by the *fire code official*:

1. Standpipes shall be provided in accordance with Section 3313.
2. A water supply for fire department operations, as *approved* by the *fire code official* and the *fire chief*.
3. Where building construction exceeds six stories above grade plane and noncombustible protection is required by Section 602.4 of the International Building Code, at least one layer of noncombustible protection shall be installed on all building elements on floor levels, including mezzanines, more than four levels below active mass timber construction before additional floor levels can be erected.

Exception: Shafts and vertical exit enclosures shall not be considered part of the active mass timber construction.

4. Where building construction exceeds six stories above grade plane, required exterior wall coverings shall be installed on floor levels, including mezzanines, more than four levels below active mass timber construction before additional floor levels can be erected.

Exception: Shafts and vertical exit enclosures shall not be considered part of the active mass timber construction.”

SECTION 47. That Subchapter 33, “Safeguards During Construction,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding a new Section 3316, “Fire-Resistance-Rated Construction Inventory,” to read as follows:

**“SECTION 3316
FIRE-RESISTANCE-RATED CONSTRUCTION INVENTORY**

3316.1 Owner’s responsibility. The *owner* shall maintain an inventory of all required *fire-resistance-rated* construction, construction installed to resist the passage of smoke and the construction included in Sections 703 through 707 and Sections 602.4.1 and 602.4.2 of the *Dallas Building Code*. Such construction shall be visually inspected by the *owner* annually and properly repaired, restored, or replaced where damaged, altered, breached, or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space.”

SECTION 48. That the APA standards of Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code are amended by adding the following standard to read as follows:

“ANSI/APA PRG 320—18 Standard for Performance-Rated Cross-Laminated Timber 2303.1.12”

SECTION 49. That the ASTM standards of Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code are amended by adding the following standard to read as follows:

“D 3498—03(2011) Standard Specification for Adhesives for Field-Gluing Plywood to Lumber
Framing for Floor Systems703.9”

SECTION 50. That Subsection 4005.2, “Review of Permit Application”, of Section 4005, “Review of Permit Application; Rodent or Insect Infestation; Demolition Review Committee; Special Conditions,” Subchapter 40, “Demolition of Structures,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“4005.2. Review of permit application. If the *building official* determines from the application that, because of the scope of the proposed *demolition* project, further review is necessary, the *building official* may ~~shall~~ call a meeting of the *demolition* review committee. The *building official* shall give the committee members, the owner of the property and the *contractor* at least three days' written notice of the meeting unless the *contractor* requests an earlier meeting.”

SECTION 51. That Subsection 4005.3, “Demolition Review Committee,” of Section 4005, “Review of Permit Application; Rodent or Insect Infestation; Demolition Review Committee; Special Conditions,” Subchapter 40, “Demolition of Structures,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“4005.3 Demolition review committee. The *demolition* review committee is composed of the *building official* as chair and the directors or designated representatives from the following city departments:

1. Department of code compliance.
2. Department of sanitation services.
3. Fire department.
4. Mobility and Street Services Department or its equivalent.
5. Office of Environmental Quality.
6. Police department.”

SECTION 52. That Subsection 4201.1, “Authorization,” of Section 4201, “Authorization and Requirements for Unity Agreements,” Subchapter 42, “Unity Agreements and the Dissolution of Common Boundary Lines for Building Code Purposes,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“4201.1 Authorization. The *building official* may authorize the use of a unity agreement ~~[dissolution of common boundary lines]~~ between two or more *building sites* to include the reservation of a designated minimum yard on the adjacent building site ~~[lots]~~ for purposes of this code if a written agreement is executed in accordance with this section on a form provided by the city.

Exception: The *building official* may authorize the use of a unity agreement [~~dissolution of common boundary lines~~] for purposes of this code without the execution of a written unity agreement when the city is an owner or lessee of all of the property involved.

4201.1.1 Creation of a building site. The unity agreement may not be used to create a building site nor as a substitute for platting or replatting as required by the *Dallas Development Code*. This agreement shall not be used to allow buildings or portions thereof to encroach across the property line nor into the adjacent lot.

4201.1.2 Newly created building site and existing buildings. Property lines cannot be created unless the structures are compliant or will be made compliant with the requirements of this code following the permit requirements of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code*. A property line proposed through an existing building must result in functionally independent structures on each side of the property line. This includes structural load paths as well as all other requirements of this code including exits and restrooms.

4201.1.3 Single-family uses. A site inspection is required prior to the submission of the unity agreement for the building official’s signature. The inspection must verify the existence of the designated minimum yard on the adjacent lot.”

SECTION 53. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 54. That Chapter 53 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 55. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 56. 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 57. That this ordinance shall take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



Agenda Information Sheet

File #: 22-999

Item #: 47.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 56, "Dallas Electrical Code," of the Dallas City Code, as amended, adopting with certain changes the 2020 Edition of the National Electrical Code of the National Fire Protection Association, Inc.; **(1)** regulating the construction, enlargement, alteration, repair, use, and maintenance of electrical work in the city; **(2)** providing a penalty not to exceed \$2,000.00; **(3)** providing a savings clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

On June 30, 2020, the Texas Commission of Licensing and Regulation, which oversees the Texas Department of Licensing and Regulation adopted amendments to 16 Texas Administrative Code, Chapter 73.100 of the Electricians administrative rules. Effective November 1, 2020, the Department adopts the National Electrical Code, 2020 Edition as it existed on August 25, 2019, as published by the National Fire Protection Association, Inc.

On November 19, 2020, the North Central Texas Council of Governments Executive Board voted to approve the Regional Codes Coordinating Committee's Electrical Advisory Board's 2020 National Electric Code Regional Recommended Amendments. The North Central Texas Council of Governments Executive Board encourages each jurisdiction to adopt the 2020 National Electrical Code along with its respective regional amendments as expeditiously as possible.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and

recommended adoption of the provisions of the 2020 National Electric Code effectively replacing the current provisions of the Dallas Electric Code (2017 National Electric Code as amended).

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 56, “Dallas Electrical Code,” of the Dallas City Code, as amended, adopting with certain changes the 2020 Edition of the National Electrical Code of the National Fire Protection Association, Inc.; regulating the construction, enlargement, alteration, repair, use, and maintenance of electrical work in the city; providing a penalty not to exceed \$2,000; providing a savings clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 56, “Dallas Electrical Code,” of the Dallas City Code, as amended, is amended by adopting the 2020 Edition of the National Electrical Code of the National Fire Protection Association, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page 70-1 and Pages 70-9 through 70-28 of the 2020 National Electrical Code are nonenforceable and retained for information only.

2. The provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, shall apply to the administration and enforcement of this chapter. When there is a conflict with Article 90, “Introduction,” of the 2020 National Electrical Code, the provisions of Chapter 52 of the Dallas City Code shall prevail.

3. The 2020 National Electrical Code is amended by adding a new Article 81, entitled “General Provisions,” to read as follows:

**“ARTICLE 81
General Provisions**

81.1 Connection, Disconnection, and Relocation of Service Conductors and Meters.

(A) Connection to Service Conductors. Only authorized employees of Oncor Electric Delivery may make the connection between Oncor Electric Delivery service conductors and the customer’s service entrance conductors.

(B) New Installation and Relocation of Electrical Meters. When new Oncor Electric Delivery electrical meters are installed or existing Oncor Electric Delivery electrical meters are to be relocated, the disconnection, connection, or reconnection of service entrance conductors to the meter shall be made only by authorized employees of Oncor Electric Delivery.

(C) Installation of Underground Service Lateral Conductors. When Oncor Electric Delivery installs underground service lateral conductors to service single family, duplex, multifamily residential dwelling units, or commercial buildings, such installation including the underground conduit or duct shall not require inspection or approval by the city of Dallas.

81.2 Properly Qualified Electricians to Supervise Work. In the actual work of installing, maintaining, altering, or repairing any electric conductor or equipment for which a permit is required, there shall be present, on site, and in direct supervision, a qualified electrician of proper classification. Should it come to the notice of the chief electrical code administrator or an inspector of the administrator that proper supervision and controls are not being maintained, the chief electrical code administrator or the inspector may order the work be discontinued, and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed or supplied; provided that this requirement does not prohibit the employment of apprentices, electrical trainees, or unskilled laborers assisting a person duly registered and qualified under the provisions of this *Code*.

81.3 Performance of Electrical Work by Homeowner.

(A) Electrical Work on Homestead Premises. A homeowner may personally install electrical conductors or equipment on homestead premises owned and occupied by the owner if the owner files approved plans and specifications with the chief electrical code administrator, satisfies the chief electrical code administrator, or the assigned electrical inspector, as to the owner’s ability to install electrical wiring by passing an approved written or oral examination, applies for and secures a permit where required, pays required fees, and does work in accordance with this *Code* and the provisions of Chapter 52 of the *Dallas City Code*.

(B) Hired Assistance Prohibited. A home owner shall not hire another person to assist in any way on the work where a permit is required.

81.4 Definitions.

(A) Words Defined in Other Codes. Words relating to buildings and building use, which are not defined in this *Code*, shall have the meaning ascribed in the *Dallas Building Code* and the *Dallas Development Code*.

(B) Additional Definitions. For purposes of this *Code* and in addition to the other definitions contained in this *Code* the terms below have the following meanings:

Board. The building inspection advisory, examining, and appeals board of the city.

Chief electrical code administrator. A person assigned by the building official as the administrator of this code.

City. The city of Dallas, Texas.

Electrical Construction. Work and material used in installing, maintaining, erecting, repairing, or altering electrical wires to be used for light, heat, power, or signaling purposes. The term includes the installation or repair of ducts, raceways, cables, or conduits for the reception or protection of wires or conductors and the installation or repair of any electrical machinery, equipment, or system used for electrical light, heat, power, or signaling used in that connection, inside or outside of, or attached to any building, structure, lot, or premise.

Electrical Contractor. A person or entity licensed and registered with the city, engaged in the business of electrical construction. The term includes a person who subcontracts to do the work, but does not include bona fide employees employed by a contractor to do or supervise work.

Electrical Sign Work. Any labor or material used in manufacturing, installing, maintaining, extending, connecting, or reconnecting wiring, equipment used in connection with electrical signs, or outline lighting as described in Article 600. Electrical conductor installation means any installation of wiring to supply electricity to a sign within, on and not more than six feet from the sign or sign pole base, but does not include services and feeders.

Electrical Sign Contractor. A person or entity licensed and registered with the city, engaged in the business of electrical sign work. The term includes a person who subcontracts to do work, but does not include bona fide employees employed by a contractor to do or supervise work.

Electrician. A person engaged in the trade or business of electrical construction and who is qualified under the provisions of this *Code*.

Established Place of Business. An establishment with a permanent location, mailing address, and telephone.

Journeyman Electrician. An individual licensed or registered to work under the general supervision of a master electrician and who possesses the necessary qualifications, training, and technical knowledge to perform, plan, layout, and supervise electrical construction and electrical sign work and who is capable of performing this work in accordance with plans and specifications furnished to the individual and in accordance with applicable laws and ordinances governing the work.

Journeyman Sign Electrician. An individual licensed or registered to work under the general supervision of a master electrician, or a master sign electrician and who possesses the necessary qualifications, training, and technical knowledge to perform, plan, layout, and supervise electrical sign work, and who is capable of performing this work in accordance with the plan and specifications furnished to the individual and in accordance with applicable laws and ordinances governing the work.

Master Electrician. A licensed or registered individual who possesses the necessary qualifications, training, and technical knowledge to design and perform electrical construction and electrical sign work under all classification of this *Code* without supervision.

Master Sign Electrician. A licensed or registered individual who possesses the necessary qualifications, training, and technical knowledge to design and perform electrical sign work under all electrical sign classifications.

Residential Wireman. A licensed or registered individual who works under the general supervision of a master electrician and who possesses the necessary qualifications and training to plan, layout, or supervise electrical construction specific to one- and two-family dwellings, as defined by the *Dallas One- and Two-Family Dwelling Code*, and multifamily dwellings not exceeding for stories.”

4. The 2020 National Electrical Code is amended by adding a new Article 82, entitled “Qualification and Registration of Electricians,” to read as follows:

“ARTICLE 82 Qualification and Registration of Electricians

82.1 Registration Required; Exceptions. No person shall engage in electrical construction unless:

- (1) the person is registered as a qualified electrician in accordance with the provisions in this *Code*;
- (2) the person is an employee of Oncor Electric Delivery and is conducting work described in 81.1;
- (3) the person is engaged in work for which no permit is required;
- (4) the person is engaged in work described in 81.3 of this *Code*; or

- (5) the person holds a valid State of Texas electrical license as classified in 82.2(A)(3), (4), (5), (6), and (7) and is not acting in the capacity of a qualifying master electrician or a qualifying master sign electrician.

82.2 Classifications.

(A) Classifications. Electrical licenses shall be in the classifications listed below:

- (1) Electrical contractor.
- (2) Electrical sign contractor.
- (3) Master electrician.
- (4) Master sign electrician.
- (5) Journeyman electrician.
- (6) Journeyman sign electrician.
- (7) Residential wireman.

(B) Work Authorized to be Performed in Each Classification. A person registered in one of these classifications shall be permitted to perform the work of that classification as defined in this *Code*.

82.3 Application for Registration.

(A) Electrical Contractors and Electrical Sign Contractors. To secure a certificate of registration, a qualified electrician shall apply to the chief electrical code administrator in person upon a form furnished by building inspection.

(B) Affidavit of Names of Persons Responsible for Business. An applicant for a certificate as an electrical contractor or electrical sign contractor shall file with the application an affidavit setting forth the name or names of the person or persons who are responsible for the business.

82.4 Issuance of Certificate of Registration. After an applicant has been certified by the chief electrical code administrator, and has paid the required registration fee, the chief electrical code administrator shall register the name of the applicant in the records and shall issue to the applicant a certificate of registration.

82.5 Transferability; Display of Certificate. A person shall not lend, rent, or transfer that person's license or certificate of registration to any other person. It is unlawful for a person other than the chief electrical code administrator or an inspector of the administrator to alter a certificate of registration in any manner. Every holder of a certificate as an electrical contractor or electrical sign contractor shall display a certificate in a conspicuous place in the holder's principal place of business. Every holder of a license, or a certificate as a registered master, master sign, journeyman, or journeyman sign electrician, or a residential wireman shall carry a license or registration card or certificate on the holder's person at all times while doing electrical construction or electrical sign work and shall produce and exhibit it when requested by an inspector or officer of the city."

82.6 Expiration.

- (A) A certificate of registration required by the *Code* expires at midnight two years from the date of issuance and shall be renewed every two years by the chief electrical code administrator upon application and payment to the city of the required renewal fee.
- (B) For all contractor registrations, permitting and inspection privileges will cease at midnight of the expiration date until registration has been renewed and, when applicable, proof of the State of Texas license renewal has been presented.
- (C) Permitting and inspection privileges cease at midnight on the date of the expiration of the required insurance until proof that the required insurance has been presented.
- (D) If during the preceding two-year period the certificate holder has been convicted of a violation of this *Code* or no longer meets the original certification requirements, the application shall be reviewed and approved by the chief electrical code administrator.

82.7 Suspension or Revocation of Certificate.

(A) **Suspension or Revocation.** The board shall have the power to suspend or revoke the certification of registration of any class of electrician who is found guilty of:

- (1) the practice of any fraud or deceit in obtaining a certificate of registration;
- (2) intentionally violating any provision of this *Code*; or
- (3) any gross negligence, incompetency, or misconduct in the performance of electrical work within the city.

(B) **Complaint and Hearing Process.** In considering charges under this section, the board shall proceed upon sworn information furnished by an official of the city, or by some person aggrieved by the action of an electrician in the performance of electrical work for which an electrical permit is required by Chapter 52 of the *Dallas City Code*. Such information shall be in writing and shall be verified by the person familiar with the allegations made. The board, if it deems the information sufficient to support further action on its part, shall issue an order setting the matter for hearing at a specified time and place, and the secretary of the board, with the advice of the city attorney, shall cause a copy of the board's order and of the information to be served upon the electrician by certified mail, return receipt requested, at least 15 days before the date set for the hearing. The electrician may appear in person or by counsel at the time and place named in the order and present a defense to the board. The city attorney shall provide counsel for the board. If the electrician fails or refuses to appear, the board may proceed to hear and determine the charge in the electrician's absence. If the electrician pleads guilty or if, upon a hearing of the charge, the board finds any of the charges to be true, it may enter an order suspending or revoking the certificate of registration of the electrician.

(C) **Finding.** When the board has completed the hearing, it shall cause a record of its findings and decision to be filed with the city secretary and shall cause a certified copy to be forwarded to the electrician.

(D) Reinstatement. The board shall, in reciting its decision, make provision for reinstatement based upon written notice by the board at the expiration of a specified period, or by the suspended person satisfactorily passing an examination given for the same grade of electrician from which the person was suspended. An order of reinstatement shall be filed as part of the record and a copy shall be made and given or mailed to the electrician concerned.

(E) Appeal to District Court. Any person who is aggrieved by any action or decision of the board may, within 30 days after receiving notice of the board's final order, file suit in the district court of Dallas County, to correct any error of law in the decision. The suit shall be filed against the board as defendant and service of process may be made upon the board by serving the city secretary.

(F) Performance of Electrical Work While Registration is Suspended or Revoked. A person whose rights under a certificate of registration have been suspended or revoked by the board shall not engage in or do electrical construction for which a permit is required by Chapter 52 of the *Dallas City Code*.

82.8 Registration Fees. After an applicant has been certified by the chief electrical code administrator, the applicant shall pay a two-year registration fee as specified in Table 82.8. The fee must be paid to the building official before the issuance of a certificate of registration.

Two-Year Registration	
Classification	Fee
Electrical contractor	\$160.00
Electrical sign contractor	\$160.00

82.9 False Representation as Registered Electrician. A person commits an offense if he represents himself as a registered electrician of any class set out in this *Code* or uses the words electrical contractor, electrical sign contractor, master electrician, master sign electrician, electrician, or words of similar import or meaning on signs, cards, stationary, or by any other manner, unless the person is the holder of a valid license or certificate of registration in the class for which he is representing himself as being licensed or registered.

82.10 Electrical Contractors and Electrical Sign Contractors; Registration and Regulations Generally.

(A) Registration Required. A person shall not engage in the business of electrical contracting or electrical sign contracting without being registered in the manner required by this section.

(B) Registered Name of Business. An electrical contractor, or electrical sign contractor, doing business within the city shall not establish, maintain, or advertise a place of business at any location within the city under any name other than that registered with the chief electrical code administrator.

(C) Registration Process. Any person desiring to engage in the business of electrical contracting or electrical sign contracting shall submit an application for registration at the office of the chief electrical code administrator. After the application has been approved by the chief electrical code administrator and upon payment of the registration fee required by this code, the chief electrical code administrator shall register the applicant and issue to the applicant a certificate of registration. The certificate of registration must include the proper address of the applicant's established place of business.

(D) Application. An application for registration made in accordance with Subsection (C) must be accompanied by satisfactory proof that the applicant has:

- (1) an established place of business that, when located in the city, complies with all city ordinances; or
- (2) an established place of business not located within the city proven by letter from the municipality of the business location, indicating acknowledgement of the electrical business at the stated address; or if the business is located outside the corporate limits of a municipality, a picture of the business showing its address and company name; or a copy of the State of Texas Registration Certificate showing the business location address as stated on the application.
- (3) a general liability insurance policy written by a company approved by the State of Texas with combined single limits of liability in the amount not less than \$300,000 per occurrence for bodily injury, including death, and for property damage.

(E) Electrical Contractor's Certificate. An electrical contractor's certificate shall entitle the holder to engage in the business of, and to secure permits for, electrical construction and electrical sign work.

(F) Electrical Sign Contractor's Certificate. An electrical sign contractor's certificate shall entitle the holder to engage in the business of, and to secure permits for, electrical sign work.

(G) Electrical Contractor – Qualification by Master Electrician Required. An electrical contractor shall not engage in an electrical contracting business within the city unless the business is qualified by a master electrician who:

- (1) is an owner or employee of the business;
- (2) actively supervises the daily operation of the business;
- (3) at the same time that the electrical contracting business is performing electrical work within the city, is not engaged in or employed by any other business that would conflict with the active supervision of the daily operation of the electrical contracting business; and
- (4) is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical work installed or performed by the business.

(H) Electrical Sign Contractor – Qualification by Master Sign Electrician or Master Electrician Required. An electrical sign contractor shall not engage in an electrical sign contracting business within the city unless the business is qualified by a master sign electrician or master electrician who:

- (1) is an owner or employee of the business;
- (2) actively supervises the daily operation of the business;
- (3) at the same time that the electrical sign contracting business is performing electrical sign work within the city, is not engaged in or employed by any other business that would conflict with the active supervision of the daily operation of the electrical sign contracting business; and
- (4) is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical sign work installed or performed by the business.

(I) Electrical Contractor – Change in Master Electrician. Whenever an electrical contracting business discharges or is left by its qualifying master electrician, a notice in writing shall be given immediately by the electrical contractor to the chief electrical code administrator, and the permit privileges of the electrical contracting business shall, without further order or action, be suspended until the employment and qualifying of another master electrician.

(J) Electrical Sign Contractor – Change in Master Sign or Master Electrician. Whenever an electrical sign contracting business discharges or is left by its qualifying master sign electrician or master electrician, a notice in writing shall be given immediately by the electrical sign contractor to the chief electrical code administrator, and the permit privileges of the electrical sign contracting business shall, without further order or action, be suspended until the employment and qualifying of another master sign electrician.

(K) Withholding of Inspection and Permits. The building official is authorized to withhold inspections from, and issuance of permits to, any registered contractor who:

- (1) fails to correct a defect, error, or deficiency in work installed under the authority of an electrical permit within 10 calendar days after written notification from the office of the building official or the building official's representative;
- (2) fails to pay any indebtedness, when due, to the city for inspection fees or permits;
- (3) operates or causes to be operated a vehicle used in connection with electrical work or electrical sign work in the city that does not display a vehicle identification number assigned by the chief electrical administrator in the manner required by this *Code*;
- (4) fails to maintain an established place of business as required by this section;
- (5) fails to maintain liability insurance in accordance with this section; or
- (6) fails to request all inspections directed by the chief electrical inspector and as may be established by Section 304.6 in Chapter 52 of the Dallas City Code.

82.11 Master Electricians.

(A) Registration Required. The qualifying master electrician for an electrical contractor or electrical sign contractor shall register with the chief electrical code administrator in writing in on a form furnished by building inspection. When an application has complied with the requirements of this *Code*, the chief electrical code administrator shall certify the applicant as a master electrician for a specific registered electrical contractor by placing the applicant's name on the contractor's registration certificate.

(B) Responsibility for Code Compliance. A master electrician who qualifies an electrical contracting or electrical sign contracting business assumes responsibility for the business's complying with the provisions of this *Code* in its entirety, including payment for indebtedness to the city for permit fees.

(C) Notice of Leaving an Electrical Contracting Business. Whenever the qualifying master electrician leaves or is discharged from the employ of an electrical or electrical sign business that is required by this *Code* to employ a qualifying master electrician, a notice in writing must be given immediately by the master electrician to the chief electrical code administrator.

(D) Qualifying More Than One Electrical Contracting Business. A master electrician shall not qualify more than one electrical or electrical sign contracting business at any one time within the city.

(E) Requirements for Qualifying and Electrical Contracting Business. A master electrician shall not knowingly permit being held out as the master electrician who qualifies a specific electrical or electrical sign contracting business, whether through the use of the master electrician's name or otherwise, unless the master electrician:

- (1) is an owner or employee of the business;
- (2) actively supervises the daily operation of the business;
- (3) at the same time that the electrical contracting business is performing electrical work within the city, is not engaged in or employed by any other business that would conflict with the active supervision of the daily operation of the electrical contracting business; and
- (4) is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical work installed or performed by the business.

82.12 Master Sign Electricians.

(A) Registration Required. The qualifying master sign electrician for an electrical sign contractor shall register with the chief electrical code administrator in writing on a form to be furnished by building inspection. When an applicant has complied with the requirements of this *Code*, the chief electrical code administrator shall certify the applicant as a master sign electrician for a specific registered electrical sign contractor by placing the applicant's name on the contractor's registration certificate.

(B) Responsibility for Code Compliance. A master sign electrician who qualifies an electrical sign contracting business assumes responsibility for the business's complying with the provisions of this *Code* in its entirety, including payment for indebtedness to the city for permit fees.

(C) Notice of Leaving an Electrical Sign Contracting Business. Whenever the qualifying master sign electrician leaves or is discharged from the employ of an electrical sign business that is required by this *Code* to employ a qualifying master sign electrician, a notice in writing must be given immediately by the master sign electrician to the chief electrical code administrator.

(D) Qualifying More Than One Electrical Sign Contracting Business. A master sign electrician shall not qualify more than one electrical sign contracting business at any one time within the city.

(E) Requirements for Qualifying an Electrical Sign Contracting Business. A master sign electrician shall not knowingly permit being held out as the master sign electrician who qualifies a specific electrical sign contracting business, whether through the use of the master sign electrician's name or otherwise, unless the master sign electrician:

- (1) is an owner or employee of the business;
- (2) actively supervises the daily operations of the business;
- (3) at the same time that the electrical sign contracting business is performing electrical sign work within the city, is not engaged or employed by any other business that would conflict with the active supervision of the daily operation of the electrical sign contracting business; and
- (4) is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical sign work installed or performed by the business.

82.13 Dual Master Qualifications; Single Licensing. A person licensed as both a master electrician and a master sign electrician shall not concurrently qualify both an electrical contracting business and an electrical sign contracting business within the city.

82.14 Journeyman Electricians and Journeyman Sign Electricians.

(A) Work Authorized by a Journeyman Electrician's License or Registration. A journeyman electrician's license or registration shall entitle the holder to be employed by any business registered under a classification under the provision of this *Code*.

(B) Work Authorized by a Journeyman Sign Electrician's License or Registration. A journeyman sign electrician's license or registration shall entitle the holder to be employed by any business registered as an electrical sign contractor under the provisions of this *Code*.

82.15 Work Authorized by a Residential Wireman's License or Registration. A residential wireman's license or registration shall entitle the holder to be employed by any business registered to perform electrical construction as applied to dwellings.

82.16 Certain Work Exempt from Registration. The following performance of work may be carried out by persons who are not registered or licensed electricians:

- (1) The replacement of lamps, branch or feeder circuit breakers rated 30 amperes or less, or branch or feeder circuit fuses rated 30 amperes or less, or the connection of portable devices to suitable permanently installed receptacles.
- (2) The installation, alteration, or repairing of any wiring or equipment where such wiring or equipment operates at a voltage not exceeding 30 volts and does not include generating or transforming equipment.
- (3) The installation, alteration, or repair of electric wiring or equipment installed by or for an electrical public service corporation operating under a franchise from the city, when for the use of the corporation in the generation, transmission, distribution, or meeting of electrical energy or for the use of the corporation in the operation of street railways.
- (4) Any work involved in the manufacture or test of electrical materials, devices, appliances, or apparatus, but not including any installation of wiring other than that required for testing purposes if the equipment is approved by the chief electrical code administrator before it is installed or used within the city.
- (5) Maintenance, repair, relocation, or replacement of any existing equipment where no change in electrical service or service disconnection is involved, if the value of the work does not exceed \$1,000.

82.17 Records. The chief electrical code administrator shall keep a record of all persons to whom certificates of registration have been issued; provided that the chief electrical code administrator shall not be responsible for the record of any person whose registration had not been renewed for a period of two years.

82.18 Vehicle Identification Number Required.

(A) Vehicle Identification Number Required. A person shall not engage in a electrical contracting business or an electrical sign contracting business within the city unless each vehicle used by the business in connection with electrical construction or electrical sign work displays a vehicle identification number assigned by the chief electrical code administrator and affixed in the manner required by this section.

(B) Issuance of Vehicle Identification Numbers. Upon completion of the electrical or electrical sign contractor registration process, a vehicle identification number will be issued by building inspection. The contractor vehicle identification number will be the same as the contractor's registration number.

(C) Display of Vehicle Identification Numbers. A contractor registered to perform electrical construction or electrical sign work within the city shall permanently and prominently affix to both exterior sides of the vehicle the vehicle identification numbers issued by building inspection. The numbers must be clearly legible, at least two inches high, and of a color that provides a contrast to the background."

5. The 2020 National Electrical Code is amended by adding a new Article 83, entitled “Standards and Requirements,” to read as follows:

**“ARTICLE 83
Standards and Requirements**

83.1 Equipment and Materials.

(A) Equipment and Materials to be Reasonably Safe and Code Compliant. All electrical equipment and materials installed or used must be reasonably safe to persons and property and in conformity with the provisions of this *Code* and applicable laws of the State of Texas.

(B) Presumption of Safety. It shall be prima facie evidence that electrical equipment is reasonably safe to persons and property when the equipment has been tested, listed, and labeled by a qualified electrical testing laboratory that also provides periodic follow-up inspections at the factory sites.

83.2 Installations Generally. Installation of all electrical equipment and materials must be in conformity with the provisions of this *Code* and applicable laws of the State of Texas.”

6. Part I, “General,” of Article 100, “Definitions,” of Chapter 1, “General,” of the 2020 National Electrical Code is amended by amending or adding the following definitions:

“Approved. Approved by the chief electrical code administrator in accordance with Chapter 52 of the *Dallas City Code* [Acceptable to the authority having jurisdiction (CMP-1)].”

“Engineering Supervision. Supervision by a qualified State of Texas licensed professional engineer engaged primarily in the design or maintenance of electrical installations.”

7. Section 110.2, “Approval,” of Part I, “General,” of Article 110, “Requirements for Electrical Installations,” of Chapter 1, “General,” of the 2020 National Electrical Code is amended to read as follows:

“110.2 Approval. The conductors and equipment required or permitted by this *Code* shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third-party inspection agency or a field evaluation by a field evaluation body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by field evaluation by a NRTL or qualified third-party inspection agency or a field evaluation by a field evaluation body accredited by either the ICC, IAS, AC354 or ANAB programs and approved by the AHJ.

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved, Identified, Labeled* and *Listed*.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with US product safety standards as certified by a NRTL.

Informational Note No. 3: NFPA 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency."

8. Subsection (B), "Wiring Systems Installed Above Suspended Ceilings," of Section 300.11, "Securing and Supporting," of Part I, "General Requirements," of Article 300, "General Requirements for Wiring Methods and Materials," of Chapter 3, "Wiring Methods and Materials," of the 2020 National Electric Code is amended to read as follows:

"(B) Wiring Systems Installed Above Suspended Ceilings. Support wires that do not provide secure support shall not be permitted as the sole support. Support wires and associated fittings that provide secure support and that are installed in addition to the ceiling grid support wires shall be permitted as the sole support. Where independent support wires are used, they shall be secured at both ends. Cables and raceways shall not be supported by ceiling grids.

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is for lighting luminaries located in that area, not more than two cables support per wire, with a maximum nominal metric designation 16 (trade size 1/2") and no larger than #10 AWG conductors.

~~[(1) **Fire-Rated Assemblies.** Wiring located within the cavity of a fire-rated floor-ceiling or roof-ceiling assembly shall not be secured to, or supported by, the ceiling assembly, including the ceiling support wires. An independent means of secure support shall be provided and shall be permitted to be attached to the assembly. Where independent support wires are used, they shall be distinguishable by color, tagging, or other effective means from those that are part of the fire-rated design.~~

~~Exception: The ceiling support system shall be permitted to support wiring and equipment that have been tested as part of the fire-rated assembly.~~

~~Informational Note: One method for determining fire rating is testing in accordance with ANSI/ASTM E119-18b, *Standard Test Methods for Fire Tests of Building Construction and Materials*.~~

~~(2) **Non-Fire Rated Assemblies.** Wiring located within the cavity of a non-fire-rated floor-ceiling or roof-ceiling assembly shall not be secured to, or supported by, the ceiling assembly, including the ceiling support wires. An independent means of secure support shall be provided and shall be permitted to be attached to the assembly. Where independent support wires are used, they shall be distinguishable by color, tagging, or other effective means.~~

~~*Exception: The ceiling support system shall be permitted to support branch-circuit wiring and associated equipment where installed in accordance with the ceiling system manufacturer's instructions.]*~~

9. Subsection (A), "Circuit Directory or Circuit Identification," of Section 408.4, "Field Identification Required," of Article 408, "Switchboards, Switchgear, and Panelboards," of Chapter 4, "Equipment for General Use," of the 2020 National Electrical Code is amended to read as follows:

"(A) Circuit Directory or Circuit Identification. Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include an approved degree of detail that allows each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is located on the face, inside of, or in an approved location adjacent and permanently affixed to the panel door in the case of a panelboard and at each switch or circuit breaker in a switchboard or switchgear. No circuit shall be described in a manner that depends on transient conditions of occupancy."

10. Section 410.118, "Access to Other Boxes," of Part X, "Special Provisions for Flush and Recessed Luminaires," of Article 410, "Luminaires, Lampholders, and Lamps," of Chapter 4, "Equipment for General Use," of the 2020 National Electrical Code is amended to read as follows:

"410.118 Access to Other Boxes. Luminaires recessed in ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

Exception: Removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit boxes.

11. Subsection (B), “Appliances Rated Over 300 Volt-Amperes,” of Section 422.31, “Disconnection of Permanently Connected Appliances,” of Part III, “Disconnecting Means,” of Article 422, “Appliances,” of Chapter 4, “Equipment for General Use,” of the 2020 National Electrical Code is amended to read as follows:

“(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance or it serves or is [be] capable of being locked in the open position in compliance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No. 2: The following means of access are considered to constitute readily accessible for the code change when conforming to the additional access requirements of the I Codes:

- (1) A permanent stair
- (2) A pull-down stair with a minimum 300 lb. capacity.
- (3) An access door from an upper floor level.”

12. Subsection (A), “Suitability,” of Section 500.8, “Equipment,” of Article 500, “Hazardous (Classified)) Locations, Classes I, II, and III, Divisions 1 and 2,” of Chapter 5, “Special Occupancies,” of the 2020 National Electrical Code is amended to read as follows:

“(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer’s self-evaluation or an [owner’s] engineering judgment signed and sealed by a qualified licensed professional engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/UL 120002:2014, *Certificate Standard for AEx Equipment for Hazardous (Classified) Locations.*”

13. Subsection (A), “Implementation of Zone Classification System,” of Section 505.7, “Special Precaution,” of Article 505, “Zone 0, 1, and 2 Locations,” of Chapter 5, “Special Occupancies,” of the 2020 National Electrical Code is amended to read as follows:

“(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by qualified licensed professional engineers in the State of Texas~~persons~~.”

14. Subsection (1), “Services and On-site Power Production Facilities,” of Subsection (A), “Supply Conductors,” of Section 695.6, “Power Wiring,” of Article 695, “Fire Pumps,” of Chapter 6, “Special Equipment,” of the 2020 National Electrical Code is amended to read as follows:

“(1) Services and On-Site Power Production Facilities. Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).

~~*[Exception: The supply conductors within the fire pump room shall not be required to meet 230.6(1) or (2).]*~~

Informational Note: See 250.24(C) for routing the grounded conductor to the service equipment.”

15. Subsection (C), “Overcurrent Protection,” of Section 705.11, “Supply-Side Source Connections,” of Part I, “General,” of Article 705, “Interconnected Electric Power Production Sources,” of Chapter 7, “Special Conditions,” of the 2020 National Electrical Code is amended to read as follows:

“(C) Disconnection and Overcurrent Protection. The disconnecting means for a supply-side connection shall meet the requirements of Part III of Article 690 and 230.70(A). An overcurrent device shall be integral to or located immediately adjacent to the disconnecting means. The power source output circuit conductors shall be protected from overcurrent in accordance with 705.30. ~~[If fuses are not integral with the disconnecting means, the disconnecting means shall be located on the service side of the fuses. Where the power source output circuit conductors make their connection to the service outside of a building, they shall be protected by overcurrent devices in a readily accessible location outside the building or at the first readily accessible location where the power source output conductors enter the building where the power source output circuit conductors make their connection to the service inside a building, they shall be protected with one of the following methods:~~

- ~~(1) With an overcurrent device located within 3 m (10 ft) of conductor length in dwelling units and 5 m (16.5 ft) in other than dwelling units from the point of connection to the service.~~
- ~~(2) In other than a dwelling unit, with an overcurrent device located 20 m (71 ft) of conductor length from the point of connection to the service, provided that cable limiters installed in all underground conductors are located within 5 m (16.5 ft) of conductor length from the point of connection to the service.]”~~

16. Subsection (A), “Supply Output,” of Section 710.15, “General,” of Article 710, “Stand Alone Systems,” of Chapter 7, “Special Conditions,” of the 2020 National Electrical Code is amended to read as follows:

“(A) Supply Output. Power supply to premises wiring systems fed by stand-alone or isolated microgrid power sources shall have adequate capacity to meet the calculated load in accordance with Article 220.~~[be permitted to have less capacity than the calculated load. The capacity of the sum of all sources of the stand-alone supply shall be equal to or greater than the load posed by the largest single utilization equipment connected to the system. Calculated general lighting loads shall not be considered as a single load.~~

~~Informational Note: For general use loads the system capacity can be calculated using the sum of the capacity of the firm sources, such as generators and ESS inverters. For specialty loads intended to be powered directly from a variable source, the capacity can be calculated using the sum of the variable sources, such as PV or wind inverters, or the combined capacity of both firm and variable sources.]”~~

17. All chapter of the 2020 National Electrical Code adopted by this ordinance are subchapters of Chapter 56 of the Dallas City Code, as amended.

18. All references in the 2020 National Electrical Code to the fire code, building code, plumbing code, mechanical code, residential code, existing building code, energy conservation code, fuel gas code, and green construction code, refer, respectively, to Chapters 16, 53, 54, 55, 57, 58, 59, 60, and 61 of the Dallas City Code, as amended.

SECTION 2. Any errata correction of the NFPA 70 National Electrical Code published by the NFPA are considered as part of this code.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time of the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 4. That Chapter 56 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect on May 16, 2022 and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By: _____
Assistant City Attorney

Passed: _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1000

Item #: 48.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 57, "Dallas One- and Two-Family Dwelling Code," of the Dallas City Code by amending Sections R301.1.8, R313, and R326.1; **(1)** amending Appendix Q; **(2)** providing requirements for unity agreements, providing amended requirements for automatic sprinkler systems in townhomes, requiring that swimming pools and spas must comply with the Dallas Swimming Pool and Spa Code, and construction requirements for tiny houses; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

The 2021 Recommended Regional Amendments were approved for distribution by the North Central Texas Council of Governments Executive Board at their July 22, 2021 and October 28, 2021 meetings. The Tiny Houses provisions were included in this process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of these changes to current City Codes.

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code by amending Sections R301.1.8, R313, and R326.1; amending Appendix Q; providing requirements for unity agreements, providing amended requirements for automatic sprinkler systems in townhomes, requiring that swimming pools and spas must comply with the Dallas Swimming Pool and Spa Code, and construction requirements for tiny houses; 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 Paragraph R301.1.8, “Unity Agreements,” of Subsection R301.1, “Application,” of Section R301, “Design Criteria,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

“R301.1.8 Unity agreements. The use of a unity agreement is allowed [~~dissolution of common boundary lines for purposes of this code may be executed~~] in accordance with Chapter 42 of the *Dallas Building Code*.”

SECTION 2. That Section R313, “Automatic Fire Sprinkler Systems,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

**“SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required where *alterations* are made to existing *townhouses* [~~or townhomes~~] that do not have an automatic residential fire sprinkler system installed.
2. The floor area of an existing unsprinklered *townhouse* [~~or townhome~~] greater than 7,500 square feet (696.77 m²) and not housing a Group H occupancy may be increased by not more than 25 percent of the existing floor area (92.90 m²). Only one increase in floor area is permitted under this exception.
3. New *townhouses* [~~or townhomes~~] that are separated into fire areas no greater than 7,500 square feet (696.77 m²) by the use of 2-hour-rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for multiple building *townhouses* shall be designed and installed in accordance with Section P2904 or NFPA 13D. Automatic residential fire sprinkler systems for single building townhouses shall be designed and installed in accordance with NFPA 13R.

R313.2 One- and two-family dwellings and townhomes automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family *dwellings*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required for *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.
2. The floor area of an existing unsprinklered dwelling greater than 7,500 square feet (696.77 m²) and not housing a Group H occupancy may be increased by not more than 25 percent of existing floor area (92.90 m²). Only one increase in the floor area is permitted under this exception.
3. New *dwellings* that are separated into fire areas no greater than 7,500 square feet (696.77 m²) by the use of 2-hour rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

R312.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.”

SECTION 3. That Subsection R326.1, “General,” Section R326, “Swimming Pools, Spas and Hot Tubs,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

“R326.1 General. The design and construction of pools and spas shall comply with the Dallas Swimming Pool and Spa Code [~~Appendix Q, Swimming Pools, Spas and Hot Tubs~~].”

SECTION 4. That Appendix Q, “Swimming Pools, Spas and Hot Tubs,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

**“APPENDIX Q
TINY HOUSES**

**SECTION Q101
GENERAL**

Q101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

**SECTION Q102
DEFINITIONS**

Q102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to [Chapter 2](#) of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of [Section R310.2](#).

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *loft*.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

TINY HOUSE. A *dwelling* that is 400 square feet (37 m²) or less in floor area excluding *lofts*.

**SECTION Q103
CEILING HEIGHT**

Q103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

SECTION Q104 LOFTS

Q104.1 Minimum loft area and dimensions. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of [Sections AQ104.1.1 through AQ104.1.3](#).

Q104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²).

Q104.1.2 Minimum horizontal dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

Q104.1.3 Height effect on loft area. Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. See Figure AQ104.1.3.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

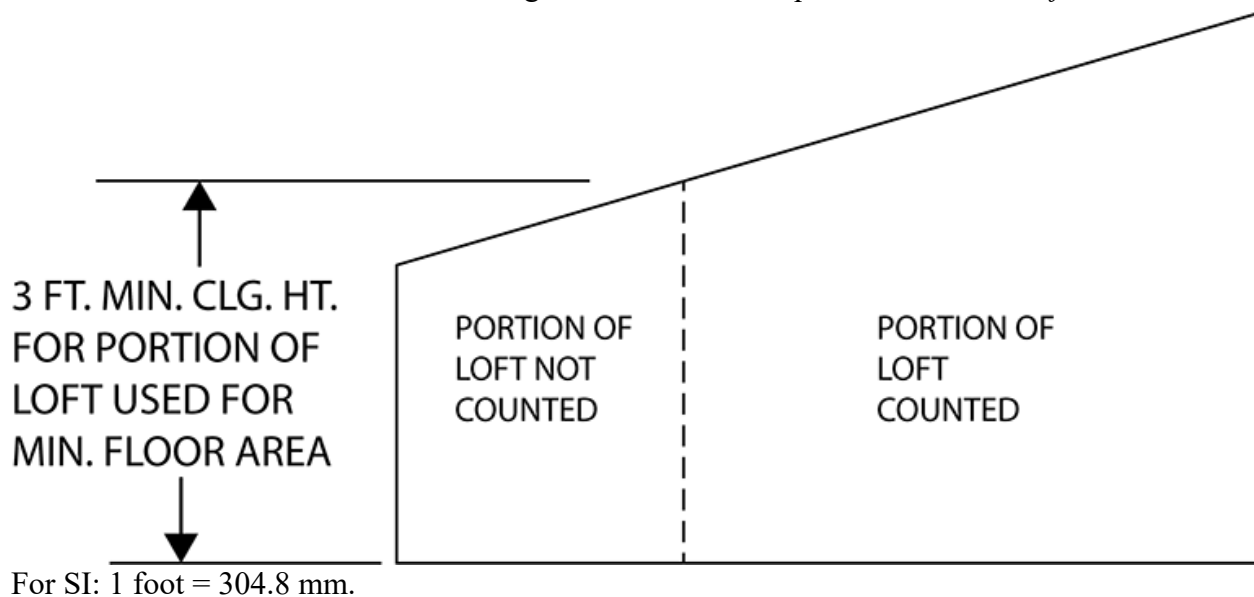


FIGURE AQ104.1.3
HEIGHT EFFECT ON LOFT AREA

Q104.2 Loft access and egress. The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.5. The *loft* access and egress element along its required minimum width shall meet the *loft* where its ceiling height is not less than 3 feet (914 mm).

Q104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.7.

Q104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the *handrail*. The width below the *handrail* shall be not less than 20 inches (508 mm).

Q104.2.1.2 Headroom. The headroom above stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread, landing or landing platform *nosings* in the center of their width and vertically from the landing platform along the center of its width.

Q104.2.1.3 Treads and risers. *Risers* for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

Q104.2.1.4 Landings. Intermediate landings and landings at the bottom of stairways shall comply with Section R311.7.6, except that the depth in the direction of travel shall be not less than 24 inches (610 mm).

Q104.2.1.5 Landing platforms. The top tread and *riser* of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be not less than 20 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the *nosing* of the landing platform. The landing platform riser height to the loft floor shall be not less than 16 inches (406 mm) and not greater than 18 inches (457 mm).

Q104.2.1.6 Handrails. *Handrails* shall comply with Section R311.7.8.

Q104.2.1.7 Stairway guards. Guards at open sides of stairways, landings and landing platforms shall comply with Section R312.1.

Q104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.2.

Q104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300-pound (136 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch (9.5 mm).

Q104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

Q104.2.3 Alternating tread devices. Alternating tread devices accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the *handrails* shall be not less than 20 inches (508 mm).

Q104.2.4 Ship's ladders. Ship's ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below *handrails* shall be not less than 20 inches (508 mm).

Q104.2.5 Loft guards. *Loft* guards shall be located along the open sides of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. *Loft* guards shall comply with Section R312.1.3 and Table R301.5 for their components.

SECTION AQ105 **EMERGENCY ESCAPE AND RESCUE OPENINGS**

Q105.1 General. *Tiny houses* shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

SECTION AQ106 **ENERGY CONSERVATION**

Q106.1 Air leakage testing. The air leakage rate for *tiny houses* shall not exceed 0.30 cubic feet per minute at 50 Pascals of pressure per square foot of the *dwelling unit* enclosure area. The air leakage testing shall be in accordance with the testing methods required in Section N1102.4.1.2. The *dwelling unit* enclosure area shall be the sum of the areas of ceilings, floors and walls that separate the conditioned space of a *dwelling unit* from the exterior, its adjacent unconditioned spaces and adjacent *dwelling units*.

Q106.1.1 Whole-house mechanical ventilation. Where the air leakage rate is in accordance with Section AQ106.1, the *tiny house* shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

Q106.2 Alternative compliance. *Tiny houses* shall be deemed to be in compliance with Chapter 11 of this code and Chapter R4 of the *Dallas Energy Conservation Code*, provided that the following conditions are met:

1. The insulation and fenestration meet the requirements of Table N1102.1.2.

2. The thermal envelope meets the requirements of Section N1102.4.1.1 and Table N1102.4.1.1.
3. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy use for the structure.
4. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy for service water heating.
5. Permanently installed lighting is in accordance with Section N1104.
6. Mechanical ventilation is provided in accordance with Section M1507 and operable fenestration is not used to meet ventilation requirements.

[SWIMMING POOLS, SPAS AND HOT TUBS]

SECTION AQ 101 GENERAL

~~AQ101.1 General.~~ ~~The provisions of this appendix and the provisions of Chapter 43A, “Swimming Pools,” of the *Dallas City Code* shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling. To the extent of any conflict between Chapter 57, “*Dallas One- And Two-Family Dwelling Code*,” of the *Dallas City Code*, hereafter referred to as “this code”; and other city ordinances, this code shall prevail.~~

~~AQ101.1.1 Location of pool adjacent to structural footings.~~ ~~The provisions of Section R403.1.7 shall control the location of pools adjacent to building and other structural footings.~~

~~AQ 101.2 Pools in flood hazard areas.~~ ~~Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AV101.2.1 or AV101.2.2.~~

~~Exception:~~ ~~Pools located in riverine flood hazard areas which are outside of designated floodways.~~

~~AQ 101.2.1 Pools located in designated floodways.~~ ~~Where pools are located in designated floodways, documentation shall be submitted to the *building official* which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.~~

~~Exception:~~ ~~Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.~~

~~**AQ101.2.2 Pools located where floodways have not been designated.** Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.~~

~~**Exception:** Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.~~

SECTION AQ102 DEFINITIONS

~~**AQ102.1 General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2 and Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.~~

~~**ABOVE-GROUND/ON-GROUND POOL.** See “Swimming pool.”~~

~~**BARRIER.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.~~

~~**HOT TUB.** See “Swimming pool.”~~

~~**IN-GROUND POOL.** See “Swimming pool.”~~

~~**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.~~

~~**SPA, NONPORTABLE.** See “Swimming pool.”~~

~~**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product.~~

~~**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.~~

~~**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.~~

~~**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.~~

SECTION AQ103 SWIMMING POOLS

~~AQ103.1 In-ground pools.~~ ~~In-ground pools shall be designed and constructed in compliance with ANSI/NSPI 5.~~

~~AQ103.2 Above-ground and on-ground pools.~~ ~~Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI 4.~~

~~AQ103.3 Pools in flood hazard areas.~~ ~~In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.~~

SECTION AQ104 SPAS AND HOT TUBS

~~AQ104.1 Permanently installed spas and hot tubs.~~ ~~Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI 3.~~

~~AQ104.2 Portable spas and hot tubs.~~ ~~Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI 6.~~

SECTION AQ105 BARRIER REQUIREMENTS

~~AQ105.1 Application.~~ ~~The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.~~

~~AQ105.1.1 All other pool yard enclosures.~~ ~~Swimming pools existing before June 1, 1988, may continue to be enclosed by fences, walls or barriers not less than 3 feet (1066.8 mm) in height, provided the fence, wall or barrier is kept in repair and otherwise maintained in compliance with all other provisions of this code.~~

~~AQ105.1.2 Additional provisions.~~ ~~All gates and doors into swimming pool enclosures that lawfully existed before June 1, 1988 must fully comply with the self-closing and self-latching provisions of this section.~~

~~AQ105.2 Outdoor swimming pool.~~ ~~An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:~~

- ~~1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).~~
- ~~2. Openings in the barrier shall not allow the passage of a 4-inch diameter (102 mm) sphere.~~
- ~~3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.~~
- ~~4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.~~
- ~~5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.~~
- ~~6. Maximum mesh size for chain link fences shall be a 2 1/4 inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 3/4 inches (44 mm).~~
- ~~7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1 3/4 inches (44 mm).~~
- ~~8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:~~
 - ~~8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and~~

- ~~8.2. The gate and barrier shall have no opening larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.~~
- ~~9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:~~
- ~~9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;~~
- ~~9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or~~
- ~~9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.~~
- ~~10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:~~
- ~~10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or~~
- ~~10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.~~

AQ105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AQ105.2.

AQ105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

AQ105.5 Barrier exceptions. Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

SECTION AQ106

ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AQ106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

~~SECTION AQ107~~

~~ABBREVIATIONS~~

~~AQ107.1 General.~~

~~ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036~~

~~APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314~~

~~ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700
ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428~~

~~UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096~~

~~SECTION AQ108~~

~~REFERENCED STANDARDS~~

~~AQ108.1 General.~~

~~ANSI/NSP~~

ANSI/NSPI 3—99	Standard for Permanently Installed Residential Spas.....AQ104.1
ANSI/NSPI 4—99	Standard for Above ground/On ground Residential Swimming Pools.....AQ103.2
ANSI/NSPI 5—03	Standard for Residential In ground Swimming Pools.....AQ103.1
ANSI/NSPI 6—99	Standard for Residential Portable Spas.....AQ104.2

~~ANSI/APSP~~

ANSI/APSP 7—06	Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins.....AQ106.1
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~~ASCE~~

ASCE/SEI 24—05	Flood resistant Design and Construction.....AQ103.3
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~~ASTM~~

ASTM F 1346—91 (2003)

~~Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs.....AQ105.2, AQ105.5~~

~~UL~~

UL 2017—2000

~~Standard for General Purpose Signaling Devices and Systems with revisions.....through June 2004.....AQ105.2]”~~

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter 57 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. 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 9. That this ordinance shall take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1001

Item #: 49.

STRATEGIC PRIORITY: Economic Development

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): All

DEPARTMENT: Development Services

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance amending Chapter 58, "Dallas Existing Building Code," of the Dallas City Code, as amended; **(1)** adopting with certain changes the 2021 Edition of the International Existing Building Code of the International Code Council, Inc.; **(2)** regulating and governing the repair, alteration, change, addition, and relocation of existing buildings, including historic buildings; **(3)** providing a penalty not to exceed \$2,000.00; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information)

"Note: This item was deferred by the City Council before opening the public hearings on April 7, 2022, and is scheduled for consideration on May 11, 2022"

BACKGROUND

Section 215.215 of the Texas Local Government Code requires all jurisdictions to adopt a code addressing the rehabilitation of existing buildings. Adoption of this 2021 edition of the International Existing Building Code will bring Dallas up to date with the most current set of this rehabilitation code.

The 2021 Recommended Regional Amendments were approved for distribution by the North Central Texas Council of Governments Executive Board at their July 22, 2021 and October 28, 2021 meetings. The Amendments included the International Existing Building Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2021, the Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of the 2021 International Existing Building Code.

FISCAL INFORMATION

No cost consideration to the City; ordinance enforcement of \$2,000.00 penalty may generate

additional revenues to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 58, “Dallas Existing Building Code,” of the Dallas City Code, as amended; adopting with certain changes the 2021 Edition of the International Existing Building Code of the International Code Council, Inc.; regulating and governing the repair, alteration, change, addition, and relocation of existing buildings, including historic buildings; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 58, “Dallas Existing Building Code,” of the Dallas City Code, as amended, is amended by adopting the 2021 Edition of the International Existing Building Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Subsection [A] 101.1, “Title,” of Section 101, “Scope and General Requirements,” of Part 1, “Scope and Application,” of Chapter 1, “Scope and Administration,” of the 2021 International Existing Building Code is amended to read as follows:

“[A] 101.1 Title. These regulations shall be known as the *Dallas Existing Building Code* [of ~~[NAME OF JURISDICTION]~~], hereinafter referred to as “this code.” Except as otherwise specified in this chapter, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.”

2. Paragraph [A] 101.4.2, “Buildings Previously Occupied,” of Subsection [A] 101.4, “Applicability,” of Section 101, “Scope and General Requirements,” of Part 1, “Scope and Application,” of Chapter 1, “Scope and Administration,” of the 2021 International Existing Building Code is amended to read as follows:

“[A] 101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *Dallas* [~~International~~] *Fire Code*, or Chapter 27, “Minimum Property Standards,” of the *Dallas City* [~~International Property Maintenance~~] *Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

101.4.2.1 Limit on new buildings undergoing a change of use. Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the construction codes for new construction for the proposed use.”

3. Section 102, “Applicability,” Section 103, “Code Compliance Agency,” Section 104, “Duties and Powers of Code Official,” Section 105, “Permits,” Section 106, “Construction Documents,” Section 107, “Temporary Structures,” Section 108, “Fees,” Section 109, “Inspections,” Section 110, “Certificate of Occupancy,” Section 111, “Service Utilities,” Section 112, “Means of Appeals,” Section 113, “Violations,” Section 114, “Stop Work Order,” Section 115, “Unsafe Structures and Equipment,” Section 116, “Emergency Measures,” and Section 117, “Demolition,” of Chapter 1, “Scope and Administration,” of the 2021 International Existing Building Code are deleted.

4. Subsection 201.3, “Terms Defined in Other Codes,” of Section 201, “General,” of Chapter 2, “Definitions,” of the 2021 International Existing Building Code is amended to read as follows:

“201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other construction [~~International~~] c[~~C~~]odes, such terms shall have the meanings ascribed to them in those codes.”

5. Section 202, “General Definitions,” of Chapter 2, “Definitions,” of the 2021 International Existing Building Code is amended by adding, amending, or deleting the following definition in alphabetical order to read as follows:

“[A] **ADDITION.** An extension or increase in building area, aggregate floor area, number of stories, or height of a building or structure.

[A] **ALTERATION.** Any construction or renovation to an *existing structure* other than a *repair* or *addition*. An alternation may be viewed under any one of the three compliance methods listed in Section 301 of this code.

ALTERATION—LEVEL 1. This term when used in Chapter 6 of this codes shall be synonymous with “Renovation.”

ALTERATION—LEVEL 2. This term when used in Chapter 6 of this code shall be synonymous with “Alteration.”

ALTERATION-LEVEL 3. This term when used in Chapter 6 of this code shall be synonymous with “Reconstruction.”

CHARACTER-DEFINING FEATURE. A term as established by the Secretary of the Interior’s Standards for Rehabilitation and includes those important architectural materials or features that constitute the building’s historic significance as determined by the State Historic Preservation Officer or the local Landmark Commission. Character-defining features may include a historic building’s shape, materials, features, craftsmanship, decorative details, interior spaces and features, as well as its site environment.

CONSTRUCTION CODES. Refers to the *Dallas Building Code*, Chapter 53 of the *Dallas City Code*; the *Dallas Plumbing Code*, Chapter 54 of the *Dallas City Code*; the *Dallas Mechanical Code*, Chapter 55 of the *Dallas City Code*; the *Dallas Electrical Code*, Chapter 56 of the *Dallas City Code*; the *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the *Dallas City Code*; the *Dallas Energy Conservation Code*, Chapter 59 of the *Dallas City Code*; the *Dallas Fuel Gas Code*, Chapter 60 of the *Dallas City Code*; the *Dallas Green Construction Code*, Chapter 61 of the *Dallas City Code*; and the *Dallas Swimming Pool and Spa Code*, Chapter 62 of the *Dallas City Code*.

[~~A~~] **EXISTING BUILDING.** Any [A] building or structure that has been erected and legally occupied (excluding buildings occupied pursuant to a temporary certificate of occupancy). Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the construction codes for new construction for the proposed use [prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued].

[A] EXISTING STRUCTURE. A structure erected prior to the date of adoption of the current Dallas [appropriate] codes for new construction, or one for which a legal building permit has been issued.

FIRE RESISTANCE RATING. The period of time a building element, component or assembly maintains the ability to confine a fire, continues to perform a given structural function, or both, as determined by the tests, or the methods based on tests, prescribed in Section 703 of the *Dallas Building Code*. The fire resistance rating of existing building assemblies which have not been rated in accordance with Section 703 of the *Dallas Building Code* shall be determined in accordance with the procedures set forth in *Guidelines on Fire Ratings of Archaic Materials and Assemblies*, published in this code as Resource A.

[A] HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed~~[, or certified as eligible for listing,]~~ by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated or initiated for designation as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register, state designated or locally designated historic district.
4. Certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

MEANS OF SUBMITTAL. An ideal processing path involving the submission of any of the minimum documents from the first form of an application for a permit to construct or occupy a building or structure to the end user's occupancy or use of the building or structure. *The means of submittal* consists of seven separate and distinct parts: *the intake, the prescreen, the code review, the code approval, the permit issuance, inspections and the certificate of occupancy issuance*. The minimum actions, plans and documents needed to satisfy each of the seven parts are often not necessarily be the same.

NONREGISTERED PROFESSIONAL IN RESPONSIBLE CHARGE. A nonregistered professional engaged by the owner or the owner's authorized agent to review and coordinate certain aspects of the project, as determined by the code official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents. These responsibilities include the review of the means of submittal for compliance with the construction codes prior to each submission to the building official.

RECONSTRUCTION. Refers to a Chapter 6, Alteration-Level 3 of this code. This scope of work shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

RENOVATION. Refers to a Chapter 6, Alteration-Level 1 of this code.

[BS] SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, the definition of Section 51A-5.101 of the Dallas Development Code shall apply ~~[damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred].~~

[BS] SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, the definition of Section 51A-5.101 of the Dallas Development Code shall apply. ~~[any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started. If the structure has sustained *substantial damage*, any repairs are considered *substantial improvement* regardless of the actual repair work performed. The term does not, however, include either of the following:~~

- ~~1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the code official and that is the minimum necessary to ensure safe living conditions.~~
- ~~2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.]~~

TENANCY. An entire building or that portion of a building or story which is or is intended to be under the control of a single owner or tenant."

6. Subsection 301.1, "Applicability," of Section 301, "Administration," of Chapter 3, "Provisions For All Compliance Methods," of the 2021 International Existing Building Code is amended by adding a new Paragraph 301.1.2, "Relation to Construction Codes," to read as follows:

"301.1.2 Relation to construction codes. Where the building currently exceeds the requirements of this code, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding construction code of the *Dallas City Code*. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding construction code of the *Dallas City Code*.

301.1.2.1 Conformance. The work of any compliance method shall not make the building less conforming with the building, plumbing, mechanical, electrical or fire codes of the jurisdiction, or with alternative materials, design and methods of construction or any previously approved plans, modifications, alternate methods or compliance alternatives, than it was before the repair was undertaken.”

7. Section 302, “General Provisions,” of Chapter 3, “Provisions For All Compliance Methods,” of the 2021 International Existing Building Code is amended to read as follows:

“SECTION 302 GENERAL PROVISIONS

302.1 Dangerous conditions. The *code official* shall have the authority to require the elimination of conditions deemed *dangerous*.

302.2 Additional codes. *Alterations, repairs, additions and changes of occupancy* to, or relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions, and changes of occupancy* or relocation, respectively, in this code and the Dallas [International] Energy Conservation Code, Dallas [International] Fire Code, Dallas [International] Fuel Gas Code, Dallas [International] Mechanical Code, Dallas [International] Plumbing Code, Dallas [International Private Sewage Disposal Code, International Property Maintenance Code, International] Residential Code, Dallas Green Construction Code, Dallas Swimming Pool and Spa Code and Dallas Electrical Code [NFPA 70]. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

302.2.1 Additional codes in health care. In existing Group I-2 occupancies, ambulatory health care *facilities*, outpatient clinics and hyperbaric *facilities, alterations, repairs, additions and changes of occupancy* to, or relocation of, *existing buildings* and structures shall also comply with NFPA 99.

302.3 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the code official to be *unsafe*.

302.3.1 Existing fire escapes. When an existing fire escape is permitted by this code, an inspection by a State of Texas registered structural engineer shall be performed on the fire escape. The inspection shall be performed not more than one year from the date of permit application. An engineer’s report and drawings based on the required inspection must be submitted for each existing fire escape.

302.4 New and replacement materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for *repairs and alterations*, provided that *unsafe* conditions are not created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

[BS]302.4.1 New structural members and connections. New structural members and connections shall comply with the detailing provisions of the *Dallas* ~~[International]~~ *Building Code* for new buildings of similar structure, purpose and location.

Exception: Where alternative design criteria are specifically permitted.

302.4.2 Reroofing. The installation or replacement of wood shingle or wood shake roofs must be as required for new installations.

302.5 Occupancy and use. Where determining the appropriate application of the referenced sections of this code, the occupancy and use of a building shall be determined in accordance with Chapter 3 of the *Dallas* ~~[International]~~ *Building Code*.”

8. Subsection 306.1, “Scope,” of Section 306, “Accessibility For Existing Buildings,” of Chapter 3, “Provisions For All Compliance Methods,” of the 2021 International Existing Building Code is amended to read as follows:

“306.1 Scope. The provisions of Sections 306.1 through 306.7.16 apply to the maintenance and repair, change of occupancy, additions and alterations to existing buildings, including those identified as *historic buildings*.

Exception: Components of projects regulated by and registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this section.”

9. Subsection 306.2, “Scope,” of Section 306, “Accessibility For Existing Buildings,” of Chapter 3, “Provisions For All Compliance Methods,” of the 2021 International Existing Building Code is amended to read as follows:

“306.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the alteration and existing building provisions in ICC A117.1, as applicable.

Exception: Compliance with this code and ICC A117.1 or the Texas Accessibility Standards must be chosen to satisfy the requirements of this section for projects with a cost of less than \$50,000. The TAS option must be reviewed and inspected by a registered accessibility specialist with a compliance inspection report provided to the building official.”

10. Subsection [BS] 401.3, “Flood Hazard Areas,” of Section 401, “General,” of Chapter 4, “Repairs,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 401.3 Flood hazard areas. In flood hazard areas, ~~[repairs that constitute substantial]~~ improvements, if allowed by the Dallas Development Code, shall require that the building comply with Article V, “Flood Plain Regulations,” [Section 1612] of the Dallas Development [International Building] Code[, or Section R322 of the International Residential Code, as applicable].”

11. Subsection 402.1, “Glazing In Hazardous Locations,” of Section 402, “Building Elements and Materials,” of Chapter 4, “Repairs,” of the 2021 International Existing Building Code is amended to to read as follows:

“402.1 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the Dallas [International] Building Code or Dallas One- and Two-Family Dwelling [International Residential] Code as applicable.

Exception: Glass block walls;~~;~~ louvered windows;~~;~~ textured glass; decorative, leaded, curved, structural pigmented glass; beveled glass; and jalousies may be repaired with like materials.”

12. Paragraph [BS] 405.2.6, “Flood Hazard Areas,” of Subsection [BS] 405.2, “Repairs to Damaged Buildings,” of Section 405, “Structural,” of Chapter 4, “Repairs,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 405.2.6 Flood hazard areas. In *flood hazard* areas, buildings that have sustained *substantial damage* shall be brought into compliance with Section 1612 of the Dallas [International] Building Code, or Section R322 of the Dallas One- and Two-Family Dwelling [International Residential] Code, as applicable.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the Dallas Development Code.”

13. Subsection 406.1, “Material,” of Section 406, “Electrical,” of Chapter 4, “Repairs,” of the 2021 International Existing Building Code is amended to read as follows:

“406.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material in accordance with the requirements of NFPA 70.

406.1.1 Receptacles. Replacement of electrical receptacles shall comply with the applicable requirements of Section 406.4(D) of NFPA 70.

406.1.2 Plug fuses. Plug fuses of the Edison-base type shall be used for replacements only where there is not evidence of over fusing or tampering per applicable requirements of Section 240.5(B) of NFPA 70.

406.1.3 Nongrounding-type receptacles. For replacement of nongrounding-type receptacles with grounding-type receptacles and for branch circuits that do not have an equipment grounding conductor in the branch circuitry, the grounding conductor of a grounding-type receptacle outlet shall be permitted to be grounded to any accessible point on the grounding electrode conductor in accordance with Section 250.130(C) of NFPA 70.

406.1.4 Health care facilities. Portions of electrical systems being repaired in Group I-2, ambulatory care *facilities* and outpatient clinics shall comply with NFPA 99 requirements for *repairs*.

406.1.5 Grounding of appliances. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers and outlet or junction boxes that are part of the existing branch circuit for these appliances shall be permitted to be grounded to the grounded circuit conductor in accordance with Section 250.140 of NFPA 70.”

14. Subsection [BS] 502.3, “Flood Hazard Areas,” of Section 502, “Additions,” of Chapter 5, “Prescriptive Compliance Method,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 502.3 **Flood hazard areas.** For buildings and structures in *flood hazard* areas established in Section 1612.3 of the Dallas [~~International~~] *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling [~~International—Residential~~] *Code*, as applicable, any *addition* that constitutes *substantial improvement* of the *existing structure* shall comply with the flood design requirements for new construction, and all aspects of the *existing structure* shall be brought into compliance with the requirements for new construction for flood design.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the Dallas Development Code.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Dallas [~~International~~] *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling [~~International—Residential~~] *Code*, as applicable, any *additions* that do not constitute *substantial improvement* of the *existing structure* are not required to comply with the flood design requirements for new construction.”

15. Subsection [BS] 503.2, “Flood Hazard Areas,” of Section 503, “Alterations,” of Chapter 5, “Prescriptive Compliance Method,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 503.2 Flood hazard areas. For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Dallas [~~International~~] *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling [~~International Residential~~] *Code*, as applicable, any *alteration* that constitutes *substantial improvement* of the *existing structure* shall comply with the flood design requirements for new construction, and all aspects of the *existing structure* shall be brought into compliance with the requirements for new construction for flood design.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the Dallas Development Code.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Dallas [~~International~~] *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling [~~International Residential~~] *Code*, as applicable, any *alterations* that do not constitute *substantial improvement* of the *existing structure* are not required to comply with the flood design requirements for new construction.”

16. Subsection 503.16, “Enhanced Classroom Acoustics,” of Section 503, “Alterations,” of Chapter 5, “Prescriptive Compliance Method,” of the 2021 International Existing Building Code is amended to read as follows:

“503.16 Enhanced classroom acoustics. In Group E occupancies, where the *work area* exceeds 50 percent of the building area, enhanced classroom acoustics shall be provided in all classrooms with a volume of 20,000 cubic feet (565 m³) or less. Enhanced classroom acoustics shall comply with the reverberation time in Section 808 of ICC A117.1. Compliance with the Texas Accessibility Standards is not considered equivalent compliance for the purpose of enforcement of this code section.”

17. Paragraph [BE] 504.1.2, “Existing Fire Escapes,” of Subsection [BE] 504.1, “Where Permitted,” of Section 504, “Fire Escapes,” of Chapter 5, “Prescriptive Compliance Method,” of the 2021 International Existing Building Code is amended to read as follows:

“[BE]504.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in *existing buildings* only. Existing fire escapes shall be permitted to be repaired or replaced.”

18. Subsection [BE] 504.4, “Dimensions,” of Section 504, “Fire Escapes,” of Chapter 5, “Prescriptive Compliance Method,” of the 2021 International Existing Building Code is amended to read as follows:

“[BE]504.4 Dimensions. Stairways of the fire escape shall be not less than 22 inches (559 mm) wide with risers not more than, and treads not less than, 8 inches (203 mm) and landings at the foot of stairways not less than 40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.”

19. Section 601, “General,” of Chapter 6, “Classification of Work,” of the 2021 International Existing Building Code is amended by adding a new Subsection 601.3, “Conformance,” to read as follows:

“601.3 Conformance. The work shall not make the building less conforming with the building, plumbing, mechanical, electrical or fire codes of the jurisdiction, or with alternative materials, design and methods of construction or any previously approved plans, modifications, alternate methods or compliance alternatives, than it was before the work was undertaken.”

20. Section 603, “Alteration—Level 2,” of Chapter 6, “Classification of Work,” of the 2021 International Existing Building Code is amended to read as follows:

“SECTION 603 ALTERATION—LEVEL 2

“603.1 Scope. Level 2 *alterations* include the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment, and shall apply where the *work area* is equal to or less than 50 percent of the building area.

Exception: The movement or addition of nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height shall not be considered a Level 2 *alteration*.

603.2 Application. Level 2 *alterations* shall comply with the provisions of Chapter 7 for Level 1 *alterations* as well as the provisions of Chapter 8.

603.2.1 Supplemental requirements. The supplemental requirements shall be met in all buildings where there are Alteration—Level 2 projects that meet or exceed the stated scoping threshold requirements.

603.2.2 Limit application. If a project is less than any scoping threshold number, the entire use, primary function space or tenancy by a de minimis amount, the building official may designate the project a Level 2 *alteration* and require that the requirements of this section be met.

603.2.3 Phased application. If work performed or to be performed in phases is so extensive that the project would be classified as a Level 2 *alteration* if the work were performed at one time, the building official may designate the project a Level 2 *alteration* and require that the requirements of this section be met. All applications for rehabilitation work submitted within a 12-month period of the issued permit shall be considered in determining the applicability of the Level 2 *alteration* provisions.”

21. Subsection 604.2, “Application,” of Section 604, “Alteration—Level 3,” of Chapter 6, “Classification of Work,” of the 2021 International Existing Building Code is amended to read as follows:

“604.2 Application. Level 3 *alterations* shall comply with the provisions of Chapters 7 and 8 for Level I and 2 *alterations*, respectively, as well as the provisions of Chapter 9.

604.2.1 Limit applications. If a project is less than any scoping threshold number, the entire use, primary function space or tenancy by a de minimis amount, the building official may designate the project a Level 3 *alteration* and require that the requirements of this section be met.

604.2.2 Phased applications. If work performed or to be performed in phases is so extensive that the project would be classified as a Level 3 *alteration* if the work were performed at one time, the building official may designate the project a Level 3 *alteration* and require that the requirements of this section be met. All applications for rehabilitation work submitted within a 12-month period of the issued permit shall be considered in determining the applicability of the Level 3 *alteration* provisions.”

22. Chapter 6, “Classification of Work,” of the 2021 International Existing Building Code is amended by adding a new Section 608, “Damaged Buildings,” to read as follows:

“SECTION 608 DAMAGED BUILDINGS

608.1 Classification of damaged buildings. Structures that have been damaged, including by fire, shall be classified in a category (Alteration-Level 1, Alteration-Level 2, Alteration-Level 3 or Addition) or categories commensurate with the level of damage.”

23. Subsection [BS] 701.3, “Flood Hazard Areas,” of Section 701, “General,” of Chapter 7, “Alterations—Level 1,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 701.3 Flood hazard areas. In *flood hazard areas*, alterations that constitute *substantial improvement* shall require that the building comply with Section 1612 of the *Dallas [International] Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling [International Residential] Code*, as applicable.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the *Dallas Development Code*.”

24. Subsection 702.7, “Materials and Methods,” of Section 702, “Building Elements and Materials,” of Chapter 7, “Alterations—Level 1,” of the 2021 International Existing Building Code is amended to read as follows:

“702.7 Materials and methods. New work shall comply with the materials and methods requirements in the *Dallas [International] Building Code*, *Dallas [International] Energy Conservation Code*, *Dallas [International] Mechanical Code*, *Dallas One- and Two-Family Dwelling Code*, *Dallas Fuel Gas Code*, *Dallas Electrical Code* and *Dallas [International] Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations and continuity of any element, component or system in the building.

Exceptions:

1. The requirements of Section 702.7.1 through 702.7.6 shall be met for materials and installation methods for all items that are part of the applicant’s proposed project as listed below other than repair as defined in Chapter 2 of this code.
2. Where sections listed below reference other sections not listed below, those sections shall apply within that limited context.

[HFG] 702.7.1 Building and fire protection materials and methods. The following sections of the *Dallas Building Code* shall constitute the building and fire protection materials and methods requirements for Level 1 alterations.

1. The following subsections of Chapter 5, entitled “General Building Height and Areas”:
 - 1.1. Section 505 shall apply to newly constructed “Mezzanines.”

2. The following subsections of Chapter 7, entitled “Fire and Smoke Protection Features”:
 - 2.1. The following subsections of Section 703, entitled “Fire-Resistance Ratings and Fire Tests”:
 - 2.1.1. Section 703.2, “Fire-Resistance Ratings” (Fire-resistance, 2021 ed.);
 - 2.1.2. Section 703.3, “Methods For Determining Fire Resistance” (Section 703.2, Fire Resistance, 2021 ed.);
 - 2.1.3. Section 703.4, “Automatic Sprinklers” (Section 703.2, Fire Resistance, 2021 ed.);
 - 2.1.4. Section 703.5, “Noncombustibility Tests’ (Section 703.3, 2021 ed.); and
 - 2.1.5. Section 703.6, “Fire-Resistance Rated Glazing” (Section 703.4, 2021 ed.).
 - 2.2. The following subsections of Section 705, entitled “Exterior Walls”:
 - 2.2.1. Section 705.2.1, “Types I and II Construction”;
 - 2.2.2. Section 705.2.2, “Types III, IV and V construction”;
 - 2.2.3. Section 705.2.3, “Combustible Projections” (Projection Protection, 2021 ed.) ; and
 - 2.2.4. Section 705.4, “Materials.”
 - 2.3. The following subsections of Section 706, entitled “Fire Walls”:
 - 2.3.1. Section 706.2, “Structural Stability”;
 - 2.3.2. Section 706.3, “Materials.”
 - 2.4. The following subsections of Section 707, entitled “Fire Barriers’:
 - 2.4.1. Section 707.2, “Materials”; and
 - 2.4.2. Section 707.9, “Voids At Intersections.”
 - 2.5. The following subsections of Section 708, entitled “Fire Partitions”:

- 2.5.1. Section 708.2, “Materials.”
- 2.6. The following subsections of Sections 709, entitled “Smoke Barriers”:
 - 2.6.1. Section 709.2, “Materials.”
- 2.7. The following subsections of Sections 710, entitled “Smoke Partitions”:
 - 2.7.1. Section 710.2, “Materials”;
 - 2.7.2. Section 710.5, “Openings”;
 - 2.7.3. Section 710.6, “Penetrations”;
 - 2.7.4. Section 710.7, “Joints”; and
 - 2.7.5. Section 710.8, “Duct and Air Transfer Openings.”
- 2.8. The following subsections of Section 711, entitled “Floor and Roof Assemblies”:
 - 2.8.1. Section 711.2.1, “Materials”;
 - 2.8.2. Section 711.3.1, “Materials.”
- 2.9. The following subsections of Section 712, entitled “Vertical Openings”:
 - 2.9.1. Section 712.1.3, “Escalator Openings.”
- 2.10. The following subsections of Section 713, entitled “Shaft Enclosures”:
 - 2.10.1. Section 713.3, “Materials.”
- 2.11. All of Section 714, entitled “Penetrations” except that the rating requirement of Section 714.4.1.2, “Through-Penetration Firestop System,” does not apply.
- 2.12. All of Section 715, entitled “Fire-Resistant Joint Systems” (Joints and Voids, 2021, ed.).
- 2.13. All of Section 716, entitled “Opening Protectives.”

- 2.14. All of Section 717, “Ducts and Air Transfer Openings.”
- 2.15. The following subsections of Section 718, entitled “Concealed Spaces”:
 - 2.15.1. Section 718.2.1, “Fireblocking Materials”; and
 - 2.15.2. Section 718.3.1, “Draftstopping Materials.”
- 2.16. All of Section 719, entitled “Fire-Resistance Requirements for Plaster.”
- 2.17. All of Section 720, “Thermal- and Sound-Insulating Materials.”
- 2.18. All of Section 721, “Prescriptive Fire Resistance.”
- 2.19. All of Section 722, “Calculated Fire Resistance.”
- 3. All of Chapter 8, entitled “Interior Finishes.”
- 4. All of Chapter 9, entitled “Fire Protection Systems” (Fire Protection and Life Safety Systems, 2021 ed.), except:
 - 4.1. Section 903.2, “Where Required.”
 - 4.2. Section 904.2, “Where Permitted.”
 - 4.3. Section 905.3, “Required Installations.”
 - 4.4. Section 906.1, entitled “Where Required.”
 - 4.5. Section 907.2, entitled “Where Required-New Buildings and Structures.”
 - 4.6. All of Section 908, entitled “Emergency Alarm Systems.”
 - 4.7. Section 910.2, entitled “Where Required.”
 - 4.8. All of Section 911, entitled “Fire Command Center.”
 - 4.9. Section 918.1, entitled “General.”
- 5. The following subsections of Chapter 10 entitled, ‘Means of Egress’:
 - 5.1. Section 1010.1.4.1 (Section 1010.3.1, 2021 ed.), “Revolving Doors.”

- 5.2. Section 1010.1.4.2 (Section 1010.3.2, 2021 ed.), “Power-Operated Doors”;
- 5.3. Section 1010.1.4.3 (Section 1010.3.3, 2021 ed.), “Special Purpose Horizontal Sliding, Accordion or Folding Doors”;
- 5.4. Section 1010.1.4.5 (Section 1010.3.4, 2021 ed.), “Security Grilles”;
- 5.5. Section 1010.1.9 (Section 1010.2, 2021 ed.), “Door Operations”;
- 5.6. Section 1010.1.10.1 (Section 1010.2.9.3, 2021 ed.), “Installation.”
- 5.7. Section 1010.1.10.2, “Balanced Doors”;
- 5.8. Section 1013.3, “Illumination”;
- 5.9. Section 1013.5, “Internally Illuminated Exit Signs”;
- 5.10. Section 1013.6.1, “Graphics”;
- 5.11. Section 1013.6.3, “Power Source”;
- 5.12. Section 1015.8.1, “Window Opening Control Devices; Guards”;
- 5.13. Section 1025.4, “Self-Luminous and Photoluminescent; Luminous Egress Path Markings”;
- 5.14. Section 1025.5, “Illumination”;
- 6. The following subsections of Chapter 12 entitled, “Interior Environment”:
 - 6.1. Section 1202.5.2, “Contaminants Exhausted” shall apply to new sources of contaminants; and
 - 6.2. Section 1209 (Section 1210, 2021 ed.), “Toilet and Bathroom Requirements.”
- 7. All of Chapter 14, entitled “Exterior Walls,” except:
 - 7.1. Section 1401, “General”;
 - 7.2. Section 1402.2, “Weather Protection.”
 - 7.3. Section 1402.3, “Structural.”

- 7.4. Section 1402.4, “Fire Resistance.”
- 8. All of Chapter 15, entitled “Roof Assemblies and Rooftop Structures,” except:
 - 8.1. Section 1501, “General”;
 - 8.2. Section 1502, “Roof Drainage”;
 - 8.3. Section 1503.4, “Attic and Rafter Ventilation”; and
 - 8.4. Section 1510.9 (Section 1511.8, 2021 ed.), “Structural Fire Resistance.”
- 9. All of Chapter 16, entitled ‘Structural Design,’ shall apply to new or replaced structural members. The following referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by the *Dallas Existing Building Code*:
 - 9.1. Section 1601, “General”;
 - 9.2. Section 1604, “General Design Requirements”;
 - 9.3. Section 1608, “Snow Loads”;
 - 9.4. Section 1609, “Wind Loads”;
 - 9.5. Section 1610, “Soil Lateral Load” (Soil Loads and Hydrostatic Pressure, 2021 ed.);
 - 9.6. Section 1611, “Rain Loads”;
 - 9.7. Section 1612, “Flood Loads”;
 - 9.8. Section 1613, “Earthquake Loads”;
 - 9.9. Section 1614, “Atmospheric Ice Loads”; and
 - 9.10. Section 1616, “Structural Integrity.”
- 10. All of Chapter 18, entitled “Soils and Foundations,” except:
 - 10.1. Section 1801, “General”;
 - 10.2. Section 1802, “Design Basis”;

10.3. Section 1803, “Geotechnical Investigations”;

10.4. Section 1804, “Excavation, Grading and Fill”;

10.5. Section 1805, “Dampproofing and Waterproofing.”

10.5.1. Additionally, the following subsections of Section 1805, “Dampproofing and Waterproofing,” shall be included as part of Materials and Methods:

10.5.1.1. Section 1805.2.1, “Floors”;

10.5.1.2. Section 1805.2.2, “Walls”;

10.5.1.3. Section 1805.3.1, “Floors”;

10.5.1.4. Section 1805.3.2, “Walls”;

10.5.1.5. Section 1805.3.3, “Joints and Penetrations”;

10.5.1.6. Section 1805.4.1, “Floor Base Course”;

10.5.1.7. Section 1805.4.2, “Foundation Drain”; and

10.5.1.8. Section 1805.4.3, “Drainage Discharge.”

10.6. Section 1806, “Presumptive Load-Bearing Values of Soils.”

11. All of Chapter 19, entitled “Concrete,” except:

11.1. Section 1901, “General”; and

11.2. Section 1902, “Definitions” (Coordination of Terminology, 2021 ed.).

12. All of Chapter 20, entitled “Aluminum.”

13. All of Chapter 21, entitled “Masonry,” except:

13.1. Section 2101, “General”; and

13.2. Section 2102, “Notations.”

14. All of Chapter 22, entitled “Steel” except:

14.1. Section 2201, “General.”

15. All of Chapter 23, entitled “Wood,” except:
 - 15.1. Section 2301.1, “Scope.”
16. All of Chapter 24, entitled “Glass and Glazing,” except:
 - 16.1. Section 2401, “General.”
17. All of Chapter 25, entitled “Gypsum Board and Plaster,” except:
 - 17.1. Section 2501.1, “Scope”; and
 - 17.2. Section 2502, “Performance.”
18. All of Chapter 26, entitled “Plastic,” except:
 - 18.1. Section 2601, “General.”
19. All of Chapter 30, entitled “Elevators and Conveying Systems.”
20. The following subsections of Chapter 31 entitled, “Special Construction”:
 - 20.1. Section 3105, “Awnings and Canopies”;
 - 20.2. Section 3106.3, “Roof Construction”;
 - 20.3. Section 3107 “Signs”;
 - 20.4. Section 3109 “Swimming Pool Enclosures and Safety Devices”; and
 - 20.5. Section 3110 “Automatic Vehicular Gates.”

702.7.2 Plumbing materials and methods. The following sections of the *Dallas Plumbing Code* shall constitute the plumbing materials and methods requirements for Level 1 alterations.

1. All of Chapter 3, entitled “General Regulations”;
2. All of Chapter 4, entitled “Fixtures, Faucets and Fixture Fittings” except:
 - 2.1. Section 403, “Minimum Plumbing Facilities”; and
 - 2.2. Table 403.1 unless otherwise specifically referenced.
3. All of Chapter 5, entitled “Water Heaters”;

- 4. All of Chapter 6, entitled “Water Supply and Distribution” except:
 - 4.1. The following subsection of Section 602, entitled “Water Required”:
 - 4.1.1. Section 602.1, ‘General.’
 - 4.2. The following subsections of Section 604, entitled “Design of Building Water Distribution System”:
 - 4.2.1. Section 604.3, “Water Distribution System Design Criteria”;
 - 4.2.2. Table 604.3.
 - 4.2.3. Section 604.4, “Maximum Flow and Water Consumption”;
 - 4.2.4. Table 604.4.
 - 4.2.5. Section 604.5, “Size of Fixture Supply”;
 - 4.2.6. Table 604.5.
 - 4.2.7. Section 604.7, “Inadequate Water Pressure”;
 - 4.2.8. Section 604.10, “Gridded and Parallel Water Distribution System Manifolds.”
 - 4.2.9. Table 604.10.1.
 - 4.3. The following Subsection of Section 606, entitled, “Installation of the Building Water Distribution System”:
 - 4.3.1. Section 606.5.1, “Water Pressure Booster Systems Required.”

Notes:

- 1. Water shall be supplied to ensure that fixtures within a building are provided with an adequate supply of water so that they are functional.
- 2. Where pressure is insufficient for proper functioning of fixtures, Section 604.7 applies and a water pressure booster system is required.

3. Section 604 shall apply for all newly installed or completely replaced water services and for sizing water distribution systems when the proposed work will impose additional loads on the system. Where the proposed work does not increase the load, or where it decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirement of Chapter 6.
5. All of Chapter 7, entitled “Sanitary Drainage” except:
 - 5.1. The following subsection of Section 708, entitled “Cleanouts”:
 - 5.1.1. Section 708.1.4, “Changes of Direction.”
 - 5.2. Section 709, “Fixture Units”;
 - 5.3. Tables 709.1 and 709.2;
 - 5.4. Section 710, “Drainage System Sizing”;
 - 5.5. Tables 710.1(1) and 710.1(2).

Notes:

1. Sections 709 and 710 for sizing draining systems and sewer shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase the load, or where it decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirement of Section 710.
 2. Section 711 for sizing offsets in drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase the load, or where it decreases the load on the existing system, no increase in size shall be required.
6. All of Chapter 8, entitled “Indirect/Special Waste”;
7. All of Chapter 9, entitled “Vents” except:
 - 7.1. Section 901, “General”;

- 7.2. Section 904, “Outdoor Vent Extensions”;
- 7.3. The following subsections of Section 905, entitled “Vent Connections and Grades”:
 - 7.3.1. Section 905.4, “Vertical Rise of Vent”; and
 - 7.3.2. Section 905.5, “Height Above Fixtures.”
- 7.4. Section 906, “Vent Pipe Sizing” and the following subsections:
 - 7.4.1. Section 906.4, “Multiple Branch Vents”; and
 - 7.4.2. Section 906.5, “Sump Vents.”
- 7.5. Section 908, “Relief Vents—Stacks of More Than 10 Branch Intervals.”
- 7.6. Section 910, “Individual Vent”;
- 7.7. The following subsection of Section 915, entitled “Combination Drain and Vent System”:
 - 7.7.1. Section 915.2.4, “Vent Size.”

Notes:

- 1. Section 904 shall be included for locations where vent stacks are required and shall apply where new stacks are being installed.
 - 2. Section 906, requirement of size and length of vents, shall apply when new vents are being installed.
8. All of Chapter 10, entitled “Traps, Interceptors and Separators” except:
- 8.1. The following subsections of Section 1003, entitled “Interceptors and Separators”:
 - 8.1.1. Section 1003.1, “Where Required”;
 - 8.1.2. Section 1003.3.1 “Grease Interceptors and Automatic Grease Removal Devices Required”;
 - 8.1.3. Section 1003.4, “Oil Separators Required”;

8.1.4. Section 1003.5, “Sand Interceptors In Commercial Establishments”;

8.1.5. Section 1003.6, “Clothes Washer Discharge Interceptor”;

8.1.6. Section 1003.7, “Bottling Establishments”;

8.1.7. Section 1003.8, “Slaughterhouses”; and

8.1.8. Section 1003.9, “Venting of Interceptors and Separators.”

9. All of Chapter 11, entitled “Storm Drainage” except:

9.1. The following subsection of Section 1101, entitled “General”:

9.1.1. Section 1101.2, “Disposal.”

9.2. The following subsection of Section 1103, entitled “Traps”:

9.2.1. Section 1103.3, “Size.”

9.3. The following subsections of Section 1106, entitled “Size of Conductors, Leaders and Storm Drains”:

9.3.1. Section 1106.1, “General”; and

9.3.2. Section 1106.3, “Vertical Leader Sizing.”

9.4. Section 1108, “Secondary (Emergency) Roof Drains”; and

9.5. Section 1109, “Combined Sanitary and Storm Public Sewer.”

Notes:

1. When storm water drains are required, Section 1101.2 shall apply only when new roofs, paved areas, yards, courts and courtyards are created.

2. Sections 1106.1 and 1106.3 for sizing roof drains shall apply only where additional roof area is to be drained or where other circumstances increase the load on existing roof drains. Where the proposed work does not increase or decrease the load on the existing system, no increase in size shall be required.

702.7.3 Electrical materials and methods. The following sections of the *Dallas Electrical Code* shall constitute the electrical materials and methods requirements for Level 1 alterations.

1. Section 90.7, entitled “Examination of Equipment for Safety” of the Introduction, Article 90;
2. All of Chapter 1, entitled “General” except:
 - 2.1. Section 110.8, “Wiring Methods”;
 - 2.2. Section 110.26, “Spaces About Electrical Equipment” (1000 Volts, Nominal, or Less);
 - 2.3. Section 110.32, “Work Space About Equipment” (over 1000 Volts, Nominal); and
 - 2.4. Section 110.33, “Entrance to Enclosures and Access to Working Space.”
3. Chapter 1, Section 110.32, “Work Space About Equipment” (over 1000 Volts, Nominal) shall be required for upgrading the complete system or where the voltage is increased.
4. All of Chapter 2, entitled “Wiring and Protection” except:
 - 4.1. Section 210.11, “Branch Circuits Required”;
 - 4.2. Section 210.12, “Arc-Fault Circuit-Interrupter Protection”;
 - 4.3. Section 210.52, “Dwelling Unit Receptacle Outlets”;
 - 4.4. Section 210.60, “Guest Rooms, Guest Suites, Dormitories and Similar Occupancies”;
 - 4.5. Section 210.62, “Show Windows”;
 - 4.6. Section 210.63, “Heating, Air-Conditioning, and Refrigeration Equipment Outlet”; and
 - 4.7. Section 210.70, “Lighting Outlets Required.”
5. All of Chapter 3, entitled “Wiring Methods and Materials”;
6. All of Chapter 4, entitled “Equipment for General Use” except:

- 6.1. Section 404.8, “Accessibility and Grouping” (Switches); and
- 6.2. Section 408.18, “Clearances” (Switchboards, Switchgear and Panelboards).
- 7. All of Chapter 5, entitled “Special Occupancies”;
- 8. All of Chapter 6, entitled “Special Equipment”;
- 9. All of Chapter 7, entitled “Special Conditions”;
- 10. All of Chapter 8, entitled “Communications Systems”; and
- 11. Existing working clearances, clear space, access and entrance dimensions to working spaces, illumination, headroom clearances, and location of overcurrent protection devices shall be allowed to remain without modification.

702.7.4 Mechanical materials and methods. The following sections of the *Dallas Mechanical Code* shall constitute the mechanical materials and methods requirements for Level 1 alterations.

- 1. All of Chapter 3, entitled “General Regulations” except:
 - 1.1. The following subsections of Section 301, entitled “General”:
 - 1.1.1. Section 301.2, “Energy Utilization”;
 - 1.1.2. Section 301.10, “Electrical”;
 - 1.1.3. Section 301.11, “Plumbing connections”;
 - 1.1.4. Section 301.16, “Flood Hazard”; and
 - 1.1.5. Section 301.18, “Seismic Resistance.”
 - 1.2. The following subsections of Section 303, entitled “Equipment and Appliance Location”:
 - 1.2.1. Section 303.5, “Indoor Locations”;
 - 1.2.2. Section 303.6, “Outdoor Locations”; and
 - 1.2.3. Section 303.7, “Pit Locations.”
 - 1.3. Section 306, “Access and Service Space”;

- 1.4. The following subsection of Section 307, entitled “Condensate Disposal”:
 - 1.4.1. Section 307.2.3, “Auxiliary and Secondary Drain Systems.”
 - 1.5. Section 309, “Temperature Control”; and
 - 1.6. Section 312, “Heating and Cooling Load Calculations.”
- 2. Chapter 3, Section 312, “Heating and Cooling Load Calculations” shall apply when appliance/equipment input ratings are increased/decreased.
- 3. All of Chapter 4, entitled “Ventilation” except:
 - 3.1. Section 402, “Natural Ventilation”;
 - 3.2. Section 403, “Mechanical Ventilation”; and
 - 3.3. Section 407, “Ambulatory Care Facilities and Group I-2 Occupancies.”
- 4. All of Chapter 5, entitled “Exhaust Systems” except:
 - 4.1. Section 502, “Required Systems”;
 - 4.2. Section 509, “Fire Suppression Systems”;
 - 4.3. Section 510, “Hazardous Exhaust Systems”; and
 - 4.4. Section 513, “Smoke Control Systems.”
- 5. Chapter 5, Section 509, “Fire Suppression Systems” shall apply to newly installed or replacement commercial food heating appliances and Type I hoods.
- 6. Chapter 5, Section 510, “Hazardous Exhaust Systems” shall apply to newly introduced sources of hazardous exhaust.
- 7. All of Chapter 6, entitled “Duct Systems” except:
 - 7.1. Section 602, “Plenums”; and
 - 7.2. Section 604, “Insulation.”

8. Section 602, “Plenums” shall apply to newly constructed plenums. Modifications to existing plenums, such as the installation of new building, electrical or plumbing material inside the plenum, increasing air flow rate within the plenum, etc. shall not require the plenum to comply with the construction requirements for new plenums. However, newly installed materials within the plenum shall be consistent with the material requirements of Section 602.
9. All of Chapter 7, entitled “Combustion Air”;
10. Chapter 7, entitled “Combustion Air” shall not apply if the work being performed does not increase the input rating of the equipment;
11. All of Chapter 8, entitled “Chimneys and Vents”;
12. All of Chapter 9, entitled “Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment”;
13. All of Chapter 10, entitled “Boilers, Water Heaters and Pressure Vessels”;
14. All of Chapter 11, entitled “Refrigeration”;
15. All of Chapter 12, entitled “Hydronic Piping” except Section 1204, entitled “Pipe Insulation”;
16. All of Chapter 13, entitled “Fuel Oil Piping and Storage” except Section 1305.1, “Size.”
17. Chapter 13, entitled “Fuel Oil Piping and Storage”, Subsection 1305.1, “Size,” shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums.
18. All of Chapter 14, entitled “Solar Thermal Systems.”

702.7.5 ~~[International]~~ **Fuel g[G]as materials and methods** ~~[Code]~~. The following sections of the Dallas ~~[International]~~ *Fuel Gas Code* shall constitute the fuel gas materials and methods requirements for Level 1 *alterations*.

1. All of Chapter 3, entitled “General Regulations,” except:
 - 1.1. Section 301.2, “Energy Utilization”;
 - 1.2. Section 301.6, “Plumbing Connections”;

- 1.3. Section 301.11, “Flood Hazard”;
- 1.4. Section 301.12, “Seismic Resistance”;
- 1.5. Section[s] 303.7, “Pit Locations”;
- 1.6. Section 306, “Access and Service Space.”
2. Chapter 3, entitled “General Regulations,” Section 304 shall not apply if the work being performed does not increase the input rating on the equipment.
3. All of Chapter 4, entitled “Gas Piping Installations,” except:
 - 3.1. Section 401.8, “Minimum Sizes”; and
 - 3.2. Section 402.3, “Sizes.”
4. Chapter 4, entitled “Gas Piping Installations,” [~~except~~] Sections 401.8 and 402.3[~~;~~
 - 2.1. ~~Sections 401.8 and 402.3]~~ shall apply where the work being performed increases the load on the system such that existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums.
- 5[3]. All of Chapter 5, entitled “Chimneys and Vents.”
6. Chapter 5, entitled “Chimneys and Vents,” Section 503.6.10 shall apply only when the equipment being installed results in a greater output to the common venting system.
- 7[4]. All of Chapter 6, entitled “Specific Appliances.”
8. All of Chapter 7, entitled “Gaseous Hydrogen Systems.”

702.7.6 Residential materials and methods. The following sections of the *Dallas One- and Two-Family Dwelling Code* shall constitute the residential materials and methods requirements for rehabilitation, except repairs:

1. The following sections of Chapter 3, entitled “Building Planning”:
 - 1.1. The following subsection of Section 301, entitled “Design Criteria”:

- 1.1.1. Section R301.8, entitled “Nominal Sizes.”
- 1.2. The following subsections of Section R302, entitled “Fire-Resistant Construction”:
 - 1.2.1. Section R302.10, entitled “Flame Spread Index and Smoke -Developed Index for Insulation”;
 - 1.2.2. Section R302.14, entitled “Combustible Insulation Clearance.”
- 1.3. The following subsection of Section R307, entitled “Toilet, Bath and Shower Spaces”:
 - 1.3.1. Section R307.2, entitled “Bathtub and Shower Spaces.”
- 1.4. All of Section R308, “Glazing”;
- 1.5. The following subsection of Section R309, entitled “Garages and Carports”:
 - 1.5.1. Section R309.4, entitled “Automatic Garage Door Openers”;
- 1.6. The following subsections of Section R313, entitled “Automatic Fire Sprinkler System”:
 - 1.6.1. Section R313.1.1, entitled “Design and Installation”;
 - 1.6.2. Section R313.2.1, entitled “Design and Installation”;
- 1.7. The following subsections of Section R314, entitled “Smoke Alarms”:
 - 1.7.1. Section R314.1.1, entitled “Listings”;
 - 1.7.2. Section R314.5, entitled “Combination Alarms”;
 - 1.7.3. Section R314.7.1, entitled “General”;
 - 1.7.4. Section R314.7.4, entitled “Combination Detectors”;
- 1.8. The following subsections of Section R315, entitled “Carbon Monoxide Alarms”:
 - 1.8.1. Section R315.1.1, entitled “Listings”;

- 1.8.2. Section R315.4, entitled “Combination Alarms”;
 - 1.8.3. Section R315.6.1, entitled “General” (Section R315.7.1, entitled “General” 2021 ed.);
 - 1.8.4. Section R315.6.4, entitled “Combination Detectors” (Section R315.7.4, entitled “Combination Detectors,” 2021 ed.);
- 1.9. All of Section R316, “Foam Plastic”;
- 1.10. All of Section R317, “Protection of Wood and Wood-Based Products Against Decay”;
- 1.11. All of Section R318, “Protection Against Subterranean Termites”;
- 1.12. All of Section R324, “Solar Energy Systems” shall apply to newly installed and completely replaced solar energy systems; and
- 1.13. Section R326, “Swimming Pools, Spas and Hot Tubs” (Section R327, 2021 ed.) shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure.
- 2. The following sections of Chapter 4, entitled “Foundations”:
 - 2.1. All of Section R402, “Materials”; and
 - 2.2. All of Section R407, “Columns.”
- 3. The following sections of Chapter 5, entitled “Floors”:
 - 3.1. The following subsections of Section R502, entitled “Wood Floor Framing”:
 - 3.1.1. Section R502.1, “General”;
 - 3.1.2. Section R502.8, “Cutting, Drilling and Notching”;
 - 3.1.3. Section R502.11, “Wood Trusses”;
 - 3.2. The following subsections of Section R503, entitled “Floor Sheathing”:

- 3.2.1. Section R503.2.1, “Identification and Grade”;
 - 3.2.2. Section R503.2.3, “Installation”;
 - 3.2.3. Section R503.3.1, “Identification and Grade”; and
 - 3.2.4. Section R503.3.3, “Installation.”
 - 3.3. The following subsections of Section R504, entitled “Pressure Preservative-Treated-Wood Floors (On Ground)”:
 - 3.3.1. Section R504.1.2, “Construction”;
 - 3.3.2. Section R504.1.3, “Uplifting and Buckling”; and
 - 3.3.3. Section R504.3, “Materials.”
 - 3.4. The following subsections of Section R505, entitled “Cold-Formed Steel Floor Framing”:
 - 3.4.1. Section R505.2.1, “Material”;
 - 3.4.2. Section R505.2.2, “Corrosion Protection”;
 - 3.4.3. Section R505.2.3, “Dimension, Thickness and Material Grade”;
 - 3.4.4. Section R505.2.4, “Identification”;
 - 3.4.5. Section R505.2.5, “Fastening”;
 - 3.4.6. Section R505.2.6.3, “Hole Patching” (R505.2.6, 2021 ed.);
 - 3.4.7. Section R505.3.5, “Cutting and Notching”;
 - 3.4.8. Section R507, “Exterior Decks,” shall apply to newly installed and completely replaced decks;
- 4. The following sections of Chapter 6, entitled “Wall Construction”:
 - 4.1. The following subsections of Section R602, entitled “Wood Wall Framing”:
 - 4.1.1. Section R602.1, “General”;

and

- 4.1.2. Section R602.2, “Grade”; and
 - 4.1.3. Section R602.6, “Drilling and Notching of Studs.”
- 4.2. The following subsections of Section R603, entitled “Cold-Formed Steel Wall Framing”:
 - 4.2.1. Section R603.2.1, “Material”;
 - 4.2.2. Section R603.2.2, “Corrosion Protection”;
 - 4.2.3. Section R603.2.3, “Dimension, Thickness and Material Grade”;
 - 4.2.4. Section R603.2.4, “Identification”;
 - 4.2.5. Section R603.2.5, “Fastening”;
 - 4.2.6. Section R603.2.6.3, “Hole Patching” (R603.2.6, 2021 ed.); and
 - 4.2.7. Section R603.3.4, “Cutting and Notching.”
- 4.3. The following subsections of Section R604, entitled “Wood Structural Panels”:
 - 4.3.1. Section R604.1, “Identification and Grade”; and
 - 4.3.2. Section R604.3, “Installation.”
- 4.4. Section R605, “Particleboard.”
- 4.5. The following subsections of Section R606, entitled “General Masonry Construction”:
 - 4.5.1. Section R606.1, “General”; and
 - 4.5.2. Section R606.2, “Masonry Construction Materials.”
- 4.6. The following subsection of Section R607, entitled “Glass Unit Masonry”:
 - 4.6.1. Section R607.2, “Materials.”
- 4.7. The following subsection of Section R608, entitled “Exterior Concrete Wall Construction”:

- 4.7.1. Section R608.5.1.1, “Cements”;
 - 4.7.2. Section R608.5.1.2, “Concrete Mixing and Delivery”;
 - 4.7.3. Section R608.5.2, “Steel Reinforcement and Anchor Bolts”;
 - 4.7.4. Section R608.5.3, “Form Materials and Form Ties.”
 - 4.8. The following subsection of Section R609, entitled “Exterior Windows and Doors”:
 - 4.8.1. Section R609.3, “Testing and Labeling.”
 - 4.8.2. Section R609.4, “Garage Doors.”
 - 4.8.3. Section R609.5, “Other Exterior Window and Door Assemblies.”
 - 4.9. The following subsections of Section R610, entitled “Structural Insulated Panel Wall Construction”:
 - 4.9.1. Section R610.3, “Materials”; and
 - 4.9.2. Section R610.7, “Drilling and Notching.”
- 5. All of Chapter 7, entitled “Wall Covering.”
- 6. The following sections of Chapter 8, entitled “Roof-Ceiling Construction”:
 - 6.1. The following subsections of Section R802, entitled “Wood Roof Framing”:
 - 6.1.1. Section R802.1, “General”;
 - 6.1.2. Section R802.7, “Cutting, Drilling and Notching”; and
 - 6.1.3. Section R802.10.4, “Alterations to Trusses.”
 - 6.2. The following subsection of Section R803, entitled “Roof Sheathing”:
 - 6.2.1. Section 803.2.1, “Identification and Grade.”
 - 6.3. The following subsections of Section R804, entitled “Cold-Formed Steel Roof Framing”:

- 6.3.1. Section R804.2.1, “Material”;
 - 6.3.2. Section R804.2.2, “Corrosion Protection”;
 - 6.3.3. Section R804.2.3, “Dimension, Thickness and Material Grade”;
 - 6.3.4. Section R804.2.4, “Identification”;
 - 6.3.5. Section R804.2.5, “Fastening Requirements”;
 - 6.3.6. Section R804.2.6.3, “Hole patching” (R804.2.6, 2021 ed.); and
 - 6.3.7. Section R804.3.3, “Cutting and Notching.”
- 7. All of Chapter 9, entitled “Roof Assemblies.”
- 8. All of Chapter 10, entitled “Chimneys and Fireplaces.”
- 9. All of Chapter 13, entitled “General Mechanical System Requirements,” except:
 - 9.1. Section M1301.1.1, “Flood-Resistant Installation”; and
 - 9.2. Section M1305, “Appliance Access.”
- 10. All of Chapter 14, entitled “Heating and Cooling Equipment,” except:
 - 10.1. Section M1401.2, “Access”; and
 - 10.2. Section M1401.3, “Equipment and Appliance Sizing.”
 - 10.3. Section M1401.5, “Flood Hazard.”
- 11. Chapter 14, Section M1401.3, “Equipment and Appliance Sizing” shall apply when appliance/equipment input ratings are increased/decreased.
- 12. All of Chapter 15, entitled “Exhaust Systems.”
- 13. All of Chapter 16, entitled “Duct Systems.”
- 14. All of Chapter 17, entitled “Combustion Air.”
- 15. Chapter 17, entitled “Combustion Air,” shall not apply if the work being performed does not increase the input rating of the equipment.

16. All of Chapter 18, entitled “Chimneys and Vents.”
17. All of Chapter 19, entitled “Special Appliances, Equipment and Systems.”
18. All of Chapter 20, entitled “Boilers and Water Heaters.”
19. All of Chapter 21, entitled “Hydronic Piping.”
20. All of Chapter 22, entitled “Special Piping and Storage Systems.”
21. All of Chapter 23, entitled “Solar Thermal Energy Systems”; and
22. All of Chapter 24, entitled “Fuel Gas,” except:
 - 22.1. Section G2404.7, “Flood Hazard”;
 - 22.2. Section G2404.8, “Seismic Resistance;”
 - 22.3. Section G2412.8, “Minimum Sizes”; and
 - 22.4. Section G2413.3, “Sizing.”
23. Chapter 24, “Fuel Gas,” Section G2407, “Combustion, Ventilation and Dilution Air,” shall not apply if the work being performed does not increase the input rating of the equipment.
24. Chapter 24, “Fuel Gas,” Sections G2412.8, “Minimum sizes,” and G2413.3, “Sizing,” shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums.”

25. Section 704, “Means of Egress,” of Chapter 7, “Alterations—Level 1,” of the 2021

International Existing Building Code is amended by adding a new Subsection 704.4, “Allowance For Fire Resistance Upgrading,” to read as follows:

“704.4 Allowance for fire resistance upgrading. When improving the fire resistance rating of the enclosure of stairways, exit access corridors or exit passageways complying with Section 1005 of the *Dallas Building Code*, a tolerance of up to 1-1/2 inches (38 mm) shall be allowed in the minimum width of those elements of egress. When improving the fire resistance rating of a wall assembly on one side of stairways, exit access corridors or exit passageways, a tolerance of up to 3/4 inches (19 mm) shall be allowed in the minimum width of those elements of egress.”

26. Subsection [BS] 705.1, “General,” of Section 705, “Reroofing,” of Chapter 7, “Alterations—Level 1,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 705.1 **General.** Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the Dallas [International] Building Code. Roof repairs to existing roofs and roof coverings shall comply with the provisions of this code, but more than 25 percent of the roof covering of any building shall not be removed and replaced within any 12-month period unless the entire roof covering is made to conform to the requirements for new roofing.

Exceptions:

1. *Roof replacement* or roof recover of existing low-slope roof coverings shall not be required to meet the minimum design slope requirement of ¼ unit vertical in 12 units horizontal (2-percent slope) in Section 1507 of the Dallas [International] Building Code for roofs that provide positive roof drainage.
2. Recovering or replacing an existing roof coverings shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1502 of the Dallas [International] Building Code for roofs that provide for positive roof drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1502 of the Dallas [International] Building Code.”

27. Paragraph [BS] 705.2.1, “Roof Recover,” of Subsection [BS] 705.2, “Roof Replacement,” of Section 705, “Reroofing,” of Chapter 7, “Alterations—Level 1,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 705.2.1 **Roof recover.** The installation of a new roof covering over an existing roof covering shall be permitted where any of the following conditions occur:

1. The new roof covering is installed in accordance with the roof covering manufacturer's *approved* instructions.

2. Complete and separate roofing systems, such as standing-seam metal roof panel systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, are installed.
3. Metal panel, metal shingle and concrete and clay tile roof coverings are installed over existing wood shake roofs in accordance with Section 705.3.
4. A new protective *roof coating* is applied over an existing protective *roof coating*, a metal roof panel, metal roof shingles, mineral-surfaced roll roofing, a built-up roof, modified bitumen roofing, thermoset and thermoplastic single-ply roofing or a spray polyurethane foam roofing system.
5. Where the maximum number of roof coverings, including the new roof covering installation, does not exceed two.

[BS] 705.2.1.1 Exceptions. A roof recover shall not be permitted where any of the following conditions occur:

1. The existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. The existing roof covering is slate, clay, cement or asbestos-cement tile.
3. The existing roof has two or more applications of any type of roof covering.”

28. Subsection 801.1, “Scope,” of Section 801, “General,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“801.1 Scope. Level 2 *alterations* as described in Section 603 shall comply with the requirements of this chapter.

Exceptions:

1. Buildings in which the reconfiguration is exclusively the result of compliance with the accessibility requirements of Section 306.7.1 shall be permitted to comply with Chapter 7.
2. Sections 803.2.1, 805.3 and 805.4 shall not be mandatory for Level 2 alteration work areas of less than 500 square feet (46.5 m²) provided:

2.1. There is no increase in hazard; and

2.2. The alterations do not adversely affect the existing means of egress or any required fire resistance rating.”

29. Subsection 801.4, “Compliance,” of Section 801, “General,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“801.4 Compliance. New construction elements, components, systems and spaces shall comply with the requirements of the *Dallas* [~~*International*~~] *Building Code*.

Exceptions:

1. Where windows are added they are not required to comply with the light and ventilation requirements of the *Dallas* [~~*International*~~] *Building Code*.
2. Newly installed electrical equipment shall comply with the requirements of Section 806.
3. The length of dead-end corridors in newly constructed spaces shall only be required to comply with the provisions of Section 804.7.
4. The minimum ceiling height of the newly created habitable and occupiable spaces and corridors shall be 7 feet (2134 mm). A lower clearance than that set forth in Exceptions to Subsection 1208.2 of the *Dallas Building Code* is permitted in special cases where the code official determines that a lower clearance will pose no undue health or safety hazard to the occupants.
5. Where provided in below-grade transportation stations, existing and new escalators shall be permitted to have a clear width of less than 32 inches (815 mm).
6. New structural members and connections shall be permitted to comply with alternative design criteria in accordance with Section 302.”

30. Paragraph 802.5.1, “Minimum Requirement,” of Subsection 802.5, “Guards,” of Section 802, “Building Elements and Materials,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“802.5.1 Minimum requirement. Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings [~~a floor, such as a balcony or a loading dock,~~] that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.”

31. Subsection 803.2, “Automatic Sprinkler Systems,” of Section 803, “Fire Protection,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“803.2 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in accordance with the requirements of Sections 803.2.1 through 803.2.6. Installation requirements shall be in accordance with the Dallas [~~International~~] Building Code. The requirements of this section shall not be voided due to de minimis remainder floor areas. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building.

803.2.1 High-rise buildings. In high-rise buildings, *work areas* that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection in the entire *work area* where the *work area* is located on a floor that has a sufficient sprinkler water supply system from an existing standpipe or a sprinkler riser serving that floor.

Exceptions:

1. Work areas where there is no change in the use or occupancy and that involve tenancy of less than the entire floor of the story (not counting common areas such as corridors, restrooms, etc.) shall not require sprinklers.
2. Work areas where the change in use or occupancy does not increase the relative hazard in accordance with Fire Suppression Table 1011.9.1.

803.2.1.1 Supplemental automatic sprinkler system requirements. Where the *work area* on any floor exceeds 50 percent of that floor area, Section 803.2.1 shall apply to the entire floor including corridors and core areas on which the *work area* is located.

Exceptions:

1. Occupied tenant spaces that are entirely outside the *work area*.

2. Floors on which sprinklers are not required per Section 803.2.1.

803.2.2 Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and S-2. In buildings with occupancies in Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and S-2, *work areas* that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

1. The *work area* is required to be provided with automatic sprinkler protection in accordance with the Dallas [~~International~~] *Building Code* as applicable to new construction (excluding Section 903.2.13).
2. The *work area* exceeds 50 percent of the floor area.

Exceptions:

1. If the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, *work areas* shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the Dallas [~~International~~] *Building Code*.
2. Work areas where there is no change in the use or occupancy shall not require sprinklers.
3. Work areas where the change in use or occupancy does not increase the relative hazard in accordance with Fire Suppression Table 1011.9.1 shall not require sprinklers.

803.2.2.1 Mixed uses. In *work areas* containing mixed uses, one or more of which requires automatic sprinkler protection in accordance with Section 803.2.2, such protection shall not be required throughout the *work area* provided that the uses requiring such protection are separated from those not requiring protection by fire-resistance-rated construction having a minimum 2-hour fire barrier [~~rating~~] for Group H and a minimum 1-hour fire barrier [~~rating~~] for all other occupancy groups.

803.2.3 Group I-2. In Group I-2 occupancies, an automatic sprinkler system installed in accordance with Section 903.3.1.1 of the Dallas Building [~~International Fire~~] *Code* shall be provided in the following

1. In Group I-2, Condition 1, throughout the *work area*.

2. In Group I-2, Condition 2, throughout the *work area* where the *work area* is 50 percent or less of the smoke compartment.
3. In Group I-2, Condition 2, throughout the smoke compartment in which the work occurs where the *work area* exceeds 50 percent of the smoke compartment.

803.2.4 Windowless stories. Work located in a windowless story, as determined in accordance with the Dallas [~~International~~] *Building Code*, shall be sprinklered where the *work area* is required to be sprinklered under the provisions of the Dallas [~~International~~] *Building Code* for newly constructed buildings and the building has a sufficient municipal water supply without installation of a new fire pump.

803.2.5 Other required automatic sprinkler systems. In buildings and areas listed in Table 903.2.11.6 of the Dallas [~~International~~] *Building Code*, *work areas* that include the entire tenancy as defined in this code, [~~have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30~~] shall be provided with an automatic sprinkler system under the following conditions

1. The *work area* is required to be provided with an automatic sprinkler system in accordance with the Dallas [~~International~~] *Building Code* applicable to new construction (excluding Section 903.2.13); [~~and~~]
2. The building has sufficient municipal water supply for design of an automatic sprinkler system available to the floor without installation of a new fire pump; and
3. Sprinklers are required by either Sections 803.2.1 or 803.2.2.

803.2.6 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:

1. *Approved* central station system in accordance with NFPA 72.
2. *Approved* proprietary system in accordance with NFPA 72.
3. *Approved* remote station system of the jurisdiction in accordance with NFPA 72.
4. Where *approved* by the *code official*, *approved* local alarm service that will cause the sounding of an alarm in accordance with NFPA 72.

Exception: Supervision is not required for the following:

1. Underground key or hub gate valves in roadway boxes.

2. Halogenated extinguishing systems.
3. Carbon dioxide extinguishing systems.
4. Dry- and wet-chemical extinguishing systems.
5. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.”

32. Subsection 803.3, “Automatic Sprinkler Systems,” of Section 803, “Fire Protection,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“803.3 Standpipes. Where the *work area* includes exits or corridors or includes at least one entire floor ~~[shared by more than one tenant]~~ and is located more than 50 feet (15 240 mm) above or below the lowest level of fire department access, a standpipe system shall be provided up to and including the highest floor that is part of the work area. Standpipes shall have an *approved* fire department connection with hose connections at each floor level above or below the lowest level of fire department access. Standpipe systems shall be installed in accordance with the *Dallas* ~~[International]~~ *Building Code*. Hoses and hose cabinets are not required.

Exceptions.

1. A pump shall not be required provided that the standpipes are capable of accepting delivery by fire department apparatus of not less than 250 gallons per minute (gpm) at 65 pounds per square inch (psi) (946 L/m at 448 KPa) to the topmost floor in buildings equipped throughout with an automatic sprinkler system or not less than 500 gpm at 65 psi (1892 L/m at 448 KPa) to the topmost floor in all other buildings. Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet (gpm/psi) (L/m/KPa) requirements of this exception for possible future extension of the standpipe.
2. The interconnection of multiple standpipe risers shall not be required.
3. Exits or corridors where the work area is within a single tenant space which occupies only a portion of no more than one floor.”

33. Paragraph 803.4.1, “Occupancy Requirements,” of Subsection 803.4, “Fire Alarm and Detection,” of Section 803, “Fire Protection,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“803.4.1 Occupancy requirements. A fire alarm system shall be installed in accordance with Sections 803.4.1.1 through 803.4.1.6. Existing alarm-notification appliances shall be automatically activated throughout the building. Where the building is not equipped with a fire alarm system, alarm-notification appliances within the occupancy [~~work area~~] shall be provided and automatically activated.

Exceptions:

1. Occupancies with an existing, previously *approved* fire alarm system.
2. Where selective notification is permitted, alarm-notification appliances shall be automatically activated in the areas selected.
3. In work areas containing mixed uses, one or more of which requires a fire alarm system in accordance with this section, such protection shall not be required throughout the work area provided that the uses requiring such protection are separated from those not requiring protection by fire-resistance-rated construction having a minimum 2-hour fire barrier for Group H and a minimum 1-hour fire barrier for all other occupancy groups. No openings are allowed in the fire barriers.

803.4.1.1 Group E. A fire alarm system shall be installed in *work areas* of Group E occupancies as required by the Dallas [~~International~~] *Fire Code* for existing Group E occupancies.

803.4.1.2 Group I-1. An automatic fire alarm system shall be installed in *work areas* of Group I-1 facilities as required by Chapter 11 of the Dallas [~~International~~] *Fire Code* for existing Group I-1 occupancies.

803.4.1.3 Group I-2. An automatic fire alarm system shall be installed throughout Group I-2 occupancies as required by Chapter 11 of the Dallas [~~International~~] *Fire Code*.

803.4.1.4 Group I-3. A fire alarm system shall be installed in *work areas* of Group I-3 occupancies as required by the Dallas [~~International~~] *Fire Code*.

803.4.1.5 Group R-1. A fire alarm system shall be installed in Group R-1 occupancies as required by the Dallas [~~International~~] *Fire Code* for existing Group R-1 occupancies.

803.4.1.6 Group R-2. A fire alarm system shall be installed in *work areas* of Group R-2 apartment buildings as required by the Dallas [~~International~~] *Fire Code* for existing Group R-2 occupancies.

803.4.1.7 Group B. A fire alarm system shall be installed in *work areas* of Group B buildings as required by the Dallas *Fire Code* for existing Group B occupancies.

803.4.1.8 Group M. A fire alarm system shall be installed in *work areas* of Group M buildings as required by the Dallas *Fire Code* for existing Group M occupancies.”

34. Subparagraph 804.4.1.1, “Single-Exit Buildings,” of Paragraph 804.4.1, “Minimum Number,” of Subsection 804.4, “Number of Exits,” of Section 804, “Means of Egress,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“804.4.1.1 Single-exit buildings. A single exit or access to a single exit shall be permitted from spaces, any story or any occupied roof where one of the following conditions exists:

1. In Group A, B, E, F, M, U and S occupancies, a single exit is permitted in the story at the level [The occupant load, number] of [dwelling units and] exit discharge when [access travel distance do not exceed] the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet [values in Table 804.4.1.1(1) or Table 804.4.1.1(2)].

Exception: In Group A, B, E, F, M, U and S occupancies, the exit access travel distance may be increased to 100 feet (30 480 mm) when the area served by the single exit and all egress components of the single exit are protected with automatic sprinklers.

2. Group B, F-2 and S-2 occupancies not more than two stories in height that are not greater than 3,500 square feet per floor (326 m²), when the exit access travel distance does not exceed 75 feet (22 860 mm). The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be 1 hour.

Exception: In Group B occupancies not more than 3 stories in height provided the exit access travel distance does not exceed 100 feet (30 480 mm) and the building is equipped with an approved automatic fire suppression system and automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas.

3. Open parking structures where vehicles are mechanically parked.
4. Group R-3 and R-4 occupancies shall be permitted to have one exit or access to a single exit.
5. Group R-2 not more than two stories in height, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet (15 240 mm). The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be 1 hour.

Exception: Group R-2 occupancies may be not more than three stories in height where the building is equipped with an automatic fire suppression system and automatic fire alarm system.

6. In Group R-1 or R-2, buildings without an *approved* automatic sprinkler system, individual single-story or multiple-story dwelling or sleeping units shall be permitted to have a single exit or access to a single exit from the dwelling or sleeping unit provided one of the following criteria are met:
 - 6[2].1. The occupant load is not greater than 10 and the exit access travel distance within the unit does not exceed 75 feet (22 860 mm).
 - 6[2].2. The building is not more than three stories in height; all third-story space is part of dwelling with an exit access doorway on the second story; and the portion of the exit access travel distance from the door to any habitable room within any such unit to the unit entrance doors does not exceed 50 feet (15 240 mm).
7. In Group R-2 occupancies consisting of sleeping units, H-4, H-5 and I occupancies, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm).

8. In buildings of Group R-2 occupancy that are equipped throughout with an automatic fire sprinkler system, a single exit shall be permitted from a basement or story below grade if every dwelling unit on that floor is equipped with an approved window providing a clear opening of at least 5 square feet (0.47 m²) in area, a minimum net clear opening of 24 inches (610 mm) in height and 20 inches (508 mm) in width and a sill height of not more than 44 inches (1118 mm) above the finished floor.
- 9[3]. In buildings of Group R-2 occupancy of any number of stories with not more than four dwelling units per floor served by an interior exit stairway; with a smokeproof enclosure in accordance with Sections 909.20 and 1023.12 of the *International Building Code* or an exterior stairway as an exit; and where the portion of the exit access travel distance from the dwelling unit entrance door to the exit is not greater than 20 feet (6096 mm).
10. In buildings of Group R-3 occupancy equipped throughout with an automatic fire sprinkler system, only one exit shall be required from basements or stories below grade.
11. In Group E occupancies that satisfy all of the following conditions:
- 11.1. Not more than two stories above the level of exit discharge.
- 11.2. The floor area of the story does not exceed 3,000 square feet (279 m²).
- 11.3. Total occupant load served by the single exit does not exceed 49 persons per floor.
- 11.4. Automatic sprinkler protection throughout the building, and a building fire alarm system.
12. In Group A-3, A-4, B, E, M and R occupancies located not more than one story below grade that satisfy all the following conditions:
- 12.1. The floor area of the story does not exceed 2,500 square feet (233 m²).
- 12.2. The area served by the single exit and all egress components of the single exit are equipped with an approved automatic fire suppression system.
- 12.3. The building is equipped with an automatic fire alarm system.

13. In Group A occupancies located not more than one story above the level of exit discharge that satisfy all the following conditions:
- 13.1. The floor area of the Group A occupancy does not exceed 2,000 square feet (186 m²).
- Exception:** Where the entire building is protected by an automatic sprinkler system, the floor area shall not exceed 3,000 square feet (279 m²).
- 13.2. The occupant load of the assembly area served by the single exit does not exceed 2/3 of the capacity of the single exit.
- 13.3. The area served by the single exit and all egress components of the single exit are protected with an automatic sprinkler system.
- 13.4. All portions of the level of discharge with access to the single exit egress path shall be protected by an automatic sprinkler system or shall be separated from the egress path in by an enclosure with a fire resistance rating of not less than 1-hour.
- 13.5. The building is provided with an automatic fire alarm system in accordance with the *Dallas Building Code* and NFPA 72.
14. In below-grade parking garages of Group S-2, provided:
- 14.1. The parking levels are protected with automatic sprinklers and a fire alarm system;
- 14.2. The travel distance to the exit does not exceed 400 feet (121 920 mm); and
- 14.3. A car ramp is available for exit in addition to the single exit.
15. Group R-2 occupancies in buildings of any height that are provided with an approved, automatic fire suppression system, a single exit from a dwelling unit (*i.e.*, apartment) is permitted, provided both of the following conditions are met:
- 15.1. Travel distance within the dwelling unit to the exit access corridor does not exceed 125 feet (38 100 mm); and

15.2. Travel distance from corridor door to an exit does not exceed 200 feet (60 960 mm)."

35. Table 804.1.1(1), "Stories With One Exit or Access to One Exit For R-2 Occupancies," and Table 804.1.1(2), "Stories With One Exit or Access to One Exit For Other Occupancies," of Section 804, "Means of Egress," of Chapter 8, "Alterations—Level 2," of the 2021 International Existing Building Code are deleted.

36. Subparagraph 804.5.1.1, "Occupant Load and Travel Distance," of Paragraph 804.5.1, "Two Egress Doorways Required," of Subsection 804.5, "Egress Doorways," of Section 804, "Means of Egress," of Chapter 8, "Alterations—Level 2," of the 2021 International Existing Building Code is amended to read as follows:

"804.5.1.1 Occupant load and travel distance. In any *work area*, all rooms and spaces having an occupant load greater than 50 or in which the travel distance to an exit exceeds 75 feet (22 860 mm) shall have not fewer than two egress doorways.

Exceptions:

1. Storage rooms having a maximum occupant load of 10.
2. Where the *work area* is served by a single exit in accordance with Section 804.4.1.1.
3. In Group B occupancies, only one egress doorway is required when conditions 3.1, 3.2 and 3.3 are met, and either condition 3.4 or 3.5, as applicable, is also met.
 - 3.1. The space is confined, restricted or isolated by the demising partitions of the existing adjacent spaces such that two egress doorways complying with the remoteness requirements of the *Dallas Building Code* cannot be provided;
 - 3.2. The common path of travel within the space is not more than 100 feet (30 480 mm);
 - 3.3. The occupant load of the space does not exceed 49;

3.4. In non-sprinklered, non-high-rise buildings, automatic smoke detection is provided both in the spaces served by the single egress doorway and throughout the means of egress to the building exits; or

3.5. In high-rise buildings, both the spaces served by the single egress doorway and the means of egress to the building exit are provided with automatic sprinklers.”

37. Subsection 804.7, “Dead-End Corridors,” of Section 804, “Means of Egress,” of Chapter 8, “Alterations—Level 2,” of the 2021 International Existing Building Code is amended to read as follows:

“804.7 Dead-end corridors. Dead-end corridors in any *work area* shall not exceed 35 feet (10 670 mm). In Group I-2 occupancies, dead-end corridors shall not exceed 30 feet (9144 mm).

Exceptions:

1. Where dead-end corridors of greater length are permitted by the *Dallas* [~~International~~] *Building Code*.
2. In other than Group A, I-2 and H occupancies, the maximum length of an existing dead-end corridor shall be 50 feet (15 240 mm) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *Dallas* [~~International~~] *Building Code*.
3. In other than Group A, I-2 and H occupancies, the maximum length of an existing dead-end corridor shall be 75 [70] feet (22 860 [~~21 356~~] mm) where the floor containing the dead-end corridor is [~~in buildings~~] equipped [~~throughout~~] with [~~an~~] automatic sprinkler protection [~~system installed~~] in accordance with the *Dallas* [~~International~~] *Building Code*.
4. In other than Group A, I-2 and H occupancies, the maximum length of an existing[, ~~newly constructed, or extended~~] dead-end corridor shall not exceed 100 [50] feet (30 480 [~~15 240~~] mm) in buildings [~~on floors~~] equipped throughout with an automatic sprinkler system installed in accordance with the *Dallas* [~~International~~] *Building Code*.

5. In other than Group A, I-2 and H occupancies, the maximum length of an extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *Dallas Building Code*.
6. In other than Group A, I-2 and H occupancies, the maximum length of an extended dead-end corridor shall not exceed 75 feet (22 860 mm) in buildings equipped throughout with an automatic sprinkler system installed in accordance with the *Dallas Building Code*.”

38. Section 901, “General,” of Chapter 9, “Alterations—Level 3,” of the 2021 International Existing Building Code is amended to read as follows:

“SECTION 901 GENERAL

901.1 Scope. Level 3 *alterations* as described in Section 604 shall comply with the requirements of this chapter.

Exception: As modified in Chapter 12 for historic buildings.

901.2 Compliance. In addition to the provisions of this chapter, work shall comply with all of the requirements of Chapters 7 and 8. The requirements of Sections 802, 803, 804 and 805 shall apply within all *work areas* whether or not they include exits and corridors shared by more than one tenant and regardless of the occupant load.

Exceptions:

1. Buildings in which the reconfiguration of space affecting exits or shared egress access is exclusively the result of compliance with the accessibility requirements of Section 306.7.1 shall not be required to comply with this chapter.
2. Asbestos hazard abatement projects and lead hazard abatement projects shall not be categorized as Level 3 alteration projects in and of themselves despite the fact that occupancy of the work area is not permitted. However, all related construction work undertaken in connection with such projects and all replacement materials used shall comply with the applicable provisions of this code.”

39. Subsection 902.1, “High-Rise Buildings,” of Section 902, “Special Use and Occupancy,” of Chapter 9, “Alterations—Level 3,” of the 2021 International Existing Building Code is amended to read as follows:

“902.1 High-rise buildings. Any building having occupied floors more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access shall comply with the requirements of Sections 902.1.1 and 902.1.2.

Exception: Existing high-rise buildings that are stripped of 100 percent of building systems and interior walls in all areas other than those used as a parking garage (open or enclosed), leaving no more than the structure, shaft walls and the exterior envelope assemblies, shall be rebuilt in full compliance with Section 403 of the *Dallas Building Code*.

902.1.1 Recirculating air or exhaust systems. Where a floor is served by a recirculating air or exhaust system with a capacity greater than 15,000 cubic feet per minute (701 m³/s), that system shall be equipped with *approved* smoke and heat detection devices installed in accordance with the *Dallas* [~~International~~] *Mechanical Code*.

902.1.2 Elevators. Where there is an elevator or elevators for public use, not fewer than one elevator serving the *work area* shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1/CSA B44.1.”

40. Section 903, “Building Elements and Materials,” of Chapter 9, “Alterations—Level 3,” of the 2021 International Existing Building Code is amended by adding a new Subsection 903.5, “Air-Borne Sound,” to read as follows:

“903.5 Air-borne sound. Walls, partitions and floor/ceiling assemblies separating *dwelling units* and *sleeping units* from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90.

Walls, partitions and floor/ceiling assemblies separating Group A-2 occupancies from *dwelling units* shall have a sound transmission class (STC) of not less than 55 and shall be field tested in accordance with ASTM E 90 to achieve a rating of not less than 50 for air-borne noise. The following shall be sealed, lined, insulated or otherwise treated to maintain the required ratings: penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts. This requirement shall not apply to *dwelling unit* and *sleeping unit* entrance doors; however, such doors shall be tight fitting to the frame and sill.

Exception: Group A-2 occupancies that do not utilize amplified music as part of their use shall be exempt from these provisions.”

41. Paragraph 904.1.1, “High-Rise Buildings,” of Subsection 904.1, “Automatic Sprinkler Systems,” of Section 904, “Fire Protection,” of Chapter 9, “Alterations—Level 3,” of the 2021 International Existing Building Code is amended to read as follows:

“904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in the *work areas* in accordance with Section 903 of the *Dallas Building Code*, as provided for in Sections 904.1.1.1 through 904.1.1.3 ~~[where the high-rise building has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site]~~.

904.1.1.1 Where Level 3 *work areas* occur on 75 percent or more of the building floors, excluding mechanical, parking and non-occupiable levels, automatic sprinkler protection shall be provided throughout the entire building in accordance with Section 903 of the *Dallas Building Code*.

904.1.1.2 Where an automatic sprinkler system with sprinkler control valves and water flow devices is provided for each floor throughout the building in accordance with Section 903 of the *Dallas Building Code*, modifications to the minimum type of construction and fire resistance rating requirements of the *Construction Codes* are permitted as described in Section 403.2 of the *Dallas Building Code*.

904.1.1.3 Additional requirements for alterations to 100% percent of floors. Where Level 3 alteration *work areas* occur on all floors, excluding mechanical, parking and non-occupiable levels, the building shall comply with the following additional requirements:

1. **Emergency voice/alarm communication systems.** Provide an emergency voice/alarm communication system in accordance with Section 403.4.4 of the *Dallas Building Code*.
2. **Emergency responder radio coverage.** Provide a two-way fire department communications system in accordance with Section 403.4.5 of the *Dallas Building Code*.
3. **Fire command center.** Provide a *fire command center* in accordance with Sections 403.4.6 and 911.1 of the *Dallas Building Code*.

Exception: Where any of the following features does not exist in the building or cannot be readily provided as part of a Level 3 *alteration*, such feature is not required to be added for compliance with the *fire command center* requirements of Sections 403.4.6 and 911.1 of the *Dallas Building Code*:

1. Annunciator unit visually indicating the location of the elevators and whether they are operational; or
2. Status indicators and controls for air-handling systems; or
3. Emergency and standby power status indicators.
4. **Standby power and emergency power systems.** Provide standby power and emergency power systems in accordance with Section 403.4.8 of the *Dallas Building Code*.”

42. Subsection 1001.2, “Certificate of Occupancy,” of Section 1001, “General,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

“1001.2 Certificate of occupancy. A *change of occupancy* or a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *Dallas* [~~*International*~~] *Building Code* shall not be made to any structure without the approval of the *code official*. A certificate of occupancy shall be issued where it has been determined that the requirements for the *change of occupancy* have been met.

1001.2.1 Change of use. Any work undertaken in connection with a change in use that does not involve a *change of occupancy* classification or a change to another group within an occupancy classification shall conform to the applicable requirements for the work as classified in Chapter 6 and to the requirements of Sections 1002 through 1010.

Exception: As modified in Section 1204 for *historic buildings*.

1001.2.2 Change of occupancy classification or group. Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1011 shall apply. This includes a change of occupancy classification and a change to another group within an occupancy classification.

Exception: As modified in Section 1001.2.3.

1001.2.2.1 Partial change of occupancy. Where the occupancy classification or group of a portion of an *existing building* is changed, Section 1011 shall apply.

Exception: As modified in Section 1001.2.3.

1001.2.3 Hazard category classifications. The relative degree of hazard between different occupancy groups shall be as set forth in the hazard category classifications, Tables 1001.2.3, 1011.5, 1011.6, 1011.7 and 1011.9 of Sections 1001.2.3, 1011.5, 1011.6, 1011.7 and 1011.9.

1001.2.3.1 Change of occupancy classification to an equal or lesser hazard. When a change of use is made to an equal or lesser relative use group hazard as shown in Table 1001.2.3, the existing building shall comply with the applicable provisions of Section 1001.2.1 except as modified by Section 1001.2.5.

1001.2.3.1.1 Minimum requirements. Regardless of the occupancy group involved, the following requirements shall be met:

1. The capacity of the means of egress shall comply with the *Dallas Building Code*.
2. The interior finish of walls and ceilings shall comply with the requirements of the *Dallas Building Code* for the new occupancy group.

1001.2.3.1.2 Groups I-1, R-1, R-2 or R-4. Where the new use is classified as a Group I-1, R-1, R-2 or R-4 occupancy the following requirements shall be met.

1. Corridor doors and transoms shall comply with the requirements of Sections 804.6.1 and 804.6.2.
2. Automatic sprinkler systems shall comply with the requirements of Section 803.2.
3. Fire alarm and detection systems shall comply with the requirements of Section 803.4.

1001.2.3.1.3 Group I-2. Where the new use is classified as a Group I-2 occupancy, the following requirements shall be met:

1. Egress doorways from patient sleeping rooms and from suites of rooms shall comply with the requirements of Section 804.5.1.2.
2. Shaft enclosures shall comply with the requirements of Section 802.2.1.
3. Smoke barriers shall comply with the requirements of Section 802.3.

4. Automatic sprinkler systems shall comply with the applicable requirements of Section 803.2 and 904.
5. Fire alarm and detection systems shall comply with the requirements of Section 803.4.

1001.2.3.1.4 Group I-3. Where the new use is classified as a Group I-3 occupancy, the following requirements shall be met:

1. Locking of egress doors shall comply with the requirements of Section 804.5.5.
2. Shaft enclosures shall comply with the requirements of Section 802.2.1.
3. Automatic sprinkler systems shall comply with the requirements of Section 803.2.
4. Fire alarm and detection systems shall comply with the requirements of Section 803.4.

1001.2.3.1.5 Group R-3. Where the new use is classified as Group R-3 occupancy, the following requirements shall be met:

1. Dwelling unit separation shall comply with the requirements of Section 802.6.
2. The alarm requirements of Section 307 and 308 shall be met.

1001.2.4 General requirements in change of occupancy classification to a higher hazard. An existing building or portion thereof may have its use changed to a higher relative group hazard as shown in Table 1001.2.3 provided it complies with the provisions of Section 1011 for the new occupancy group, applied throughout the building, or applicable portion thereof.

1001.2.4.1 Change within Group H. An existing building shall comply with all the applicable requirements of Section 1002.1 of this chapter when the occupancy group is changed within Group H.

1001.2.5 Specific requirements in change of occupancy classifications. When Tables 1011.5, 1011.6, 1011.7 and 1011.9 of Sections 1011.5, 1011.6, 1011.7 and 1011.9 establishes requirements that differ from Table 1001.2.3, the most restrictive requirements shall govern.”

43. Section 1001, “General,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Table 1001.2.3, “Relative Use Group Hazard,” to read as follows:

“TABLE 1001.2.3 Relative Use Group Hazard	
1 (highest)	H-1, H-2, H-3
2	A-1, A-2 Nightclubs, H-4, H-5, F-1, I-3, M, S-1
3	A-2 Other than Nightclubs A-3, A-4, A-5, B, F-2, I-2, I-4, R-1, S-2
4	A-3 Churches, E, I-1, R-2 and R-4 more than two stories in height or more than four dwelling units
5 (lowest)	R-2 and R-4 buildings two stories or fewer in height and four dwelling units or less, R-3, U”

44. Subsection [BS] 1006.1, “Live Loads,” of Section 1006, “Structural,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 1006.1 Live loads. Structural elements carrying tributary live loads from an area with a *change of occupancy* shall satisfy the requirements of Section 1607 of the Dallas [~~International~~] *Building Code*. Design live loads for areas of new occupancy shall be based on Section 1607 of the Dallas [~~International~~] *Building Code*. Design live loads for other areas shall be permitted to use previously *approved* design live loads.

Exceptions:

1. Structural elements whose demand-capacity ratio considering the *change of occupancy* is not more than 5 percent greater than the demand-capacity ratio based on previously *approved* live loads.
2. Section 1011.10, as applicable, may also be used to satisfy these requirements.”

45. Subsection [BS] 1006.2, “Snow and Wind Loads,” of Section 1006, “Structural,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 1006.2 Snow and wind loads. Where a *change of occupancy* results in a structure being assigned to a higher *risk category*, the structure shall satisfy the requirements of Sections 1608 and 1609 of the [~~International~~] *Building Code* for the new risk category.

Exceptions:

1. Where the area of the new occupancy is less than 10 percent of the building area. The cumulative effect of occupancy changes over time shall be considered.
2. Section 1011.10, as applicable, may also be used to satisfy these requirements.”

46. Section 1008, “Mechanical,” of Chapter 10, “Change of Occupancy,” of the 2021

International Existing Building Code is amended to read as follows:

**“SECTION 1008
MECHANICAL**

1008.1 Mechanical requirements. Where the occupancy of an *existing building* or part of an *existing building* is changed such that the new occupancy is subject to different kitchen exhaust requirements or to increased mechanical ventilation requirements in accordance with this section and Table 1008.3 of this code, [~~the International Mechanical Code,~~] the new occupancy shall comply with the Dallas [~~respective International~~] *Mechanical Code* provisions.

1008.1.1 Ventilation requirements. All spaces intended for human occupancy shall be provided with natural or mechanical ventilation. A building intended to be used as a public school shall be mechanically ventilated.

1008.2 Natural ventilation - general. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

1008.3 Mechanical ventilation - general. Spaces intended to be mechanically ventilated shall comply with the following:

1. If the occupancy of a building is changed and the new occupancy would require the same or a lesser amount of outdoor air based on the equations in Table 1008.3 below, no change to the mechanical ventilation system is required.

2. If the occupancy of a building is changed and the new occupancy would require a greater amount of outdoor air based on the equations in Table 1008.3 below, the HVAC system shall be upgraded to satisfy the requirements of Table 403.3.1.1 of the *Dallas Mechanical Code* for the new occupancy. As an alternative to providing the amount of outdoor air required by Table 403.3.1.1, the indoor air quality procedure of ASHRAE 62 can be used.
3. Residential buildings that are intended to be mechanically ventilated shall be provided with the ventilation specified in the *Dallas Mechanical Code*.
4. When the use of a building is changed to a health care facility, mechanical ventilation shall be provided as required by the *Dallas Mechanical Code*.

1008.4 Cooking equipment ventilation. A commercial hood and an automatic fire suppression system that comply with the *Dallas Mechanical Code* shall be required for commercial cooking equipment producing grease laden vapors, except in Use Groups R-2, R-3, and R-4. No suppression system shall be required for completely enclosed ovens, steam tables, or similar equipment.

Exception: Bed and breakfast homestay facilities, which are designed to accommodate five or fewer guests, shall not be required to comply with this provision.

1008.5 Special ventilation. All newly introduced devices, equipment, or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke, or gases in such quantities as to be irritating or injurious to health shall be provided with local exhaust in accordance with the *Dallas Mechanical Code*.”

47. Section 1008, “Mechanical,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Table 1008.3, “Outdoor Air Rates Based On Occupancy Type,” to read as follows:

“TABLE 1008.3	
Outdoor Air Rates Based on Occupancy Type	
Where the ventilation rates in Table 403.3.1.1 of the Dallas Mechanical Code are based on CFM/person	
(1) $OL_n \times V_n$ is less than or equal to $OL_e \times V_e$	No upgrade
(2) $OL_n \times V_n$ is greater than $OL_e \times V_e$	Upgrade
Where the ventilation rates in Table 403.3.1.1 of the Dallas Mechanical Code are based on CFM/square footage	
(3) $SF_n \times V_n$ is less than or equal to $SF_e \times V_e$	No upgrade
(4) $SF_n \times V_n$ is greater than $SF_e \times V_e$	Upgrade
Where the ventilation rates in Table 403.3.1.1 of the Dallas Mechanical Code are based on CFM/square footage and CFM/person	
(5) $OL_n \times V_n$ is less than or equal to $SF_e \times V_e$	No upgrade
(6) $OL_n \times V_n$ is greater than $SF_e \times V_e$	Upgrade
(7) $SF_n \times V_n$ is less than or equal to $OL_e \times V_e$	No upgrade
(8) $SF_n \times V_n$ is greater than $OL_e \times V_e$	Upgrade

Where:

OL_n = the occupant load of the proposed occupancy based on Table 403.3.1.1, *Dallas Mechanical Code*. When accepted by the administrative authority this occupant load can be reduced.

OL_e = the occupant load of the existing occupancy based on Table 403.3.1.1, *Dallas Mechanical Code*.

SF_n = the square footage of the proposed occupancy.

SF_e = the square footage of the existing occupancy.

V_n = the ventilation rate for the proposed occupancy based on Table 403.3.1.1, *Dallas Mechanical Code*.

V_e = the ventilation rate for the existing occupancy based on Table 403.3.1.1, *Dallas Mechanical Code*.”

48. Subsection 1009.1, “Increased Demand,” of Section 1009, “Plumbing,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

“1009.1 Increased demand. Where the occupancy of an *existing building* or part of an *existing building* is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements, materials and installation methods shall comply with Section 503.3 of this code. ~~[in accordance with the International Plumbing Code, the new occupancy shall comply with the intent of the respective International Plumbing Code provisions.]~~

Exception: Only where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the Dallas ~~[International]~~ *Plumbing Code* based on the increased occupant load.”

49. Section 1009, “Plumbing,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Subsection 1009.6, “Plumbing Fixtures,” to read as follows:

“1009.6 Plumbing fixtures. Plumbing fixtures shall be provided as follows: Where the *Dallas Plumbing Code* allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

1009.6.1 Plumbing fixture minimums. Where the building currently exceeds the basic requirements of Table 1009.6, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the *Dallas Plumbing Code*. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the *Dallas Plumbing Code*.”

50. Section 1009, “Plumbing,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Table 1009.6, “Number of Plumbing Fixtures Based on Occupancy Type,” to read as follows:

“TABLE 1009.6 Number of Plumbing Fixtures Based on Occupancy Type					
	Group A-1				
Total Occupancy ^{a,b}	Water Closets Male	Water Closets Female	Lavatories	Drinking Water Facilities	Service Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	Group A-2 Nightclubs				
Total Occupancy ^{a,b}	Water Closets Male	Water Closets Female	Lavatories	Drinking Water Facilities	Service Sinks
1-25	1 Unisex		1	0	0
26 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	Group A-2 other than Nightclubs (Auditoriums, museums, libraries, and similar facilities), Groups A-3 and A-4				
Total Occupancy ^{a,b,c}	Water Closets Male	Water Closets Female	Lavatories	Drinking Water Facilities	Service Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1	1 per sex	1
101 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	Restaurants				
Total Occupancy ^{a,b,c}	Water Closets Male	Water Closets Female	Lavatories	Drinking Water Facilities	Service Sinks
1-25	1 Unisex		1	0	0
26 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	For recreational facilities, passenger terminals and other buildings of Group A-2 other than Nightclubs, A-3 and A-4, plumbing fixtures shall be provided as required by Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	Group A-3 Places of Worship				
Total Occupancy ^{a,b}	Water Closets Male	Water Closets Female	Lavatories	Drinking Water Facilities	Service Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1	1 per sex	1

101 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .				
	For Group A-5, plumbing fixtures shall be provided as required by Table 403.1 of the <i>Dallas Plumbing Code</i>.				
	Group B				
	Total Occupancy^{a,b,c}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
Customers	1-25	1 Unisex	1	1	1
	26 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
	Group E				
	Plumbing fixtures shall be provided as required by Table 403.1 of the <i>Dallas Plumbing Code</i>.				
	Group F				
	Total Occupancy^{a,b}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light Industrial	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
Heavy Industrial		Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
	Group H				
	Total Occupancy^{a,b}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light Industrial	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
Heavy Industrial		Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
	Group I				
	Plumbing fixtures shall be provided as required by Table 403.1 of the <i>Dallas Plumbing Code</i>.				
	Group M				
	Total Occupancy^{a,b,c}	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
Customers	1-25	1 Unisex	1	1	1
	26 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			
	Group R-1, R-2 and R-4 plumbing fixtures shall be provided as required by Table 403.1 of the <i>Dallas Plumbing Code</i>.				
	Group R-3: Each dwelling unit shall be provided with a minimum of one kitchen sink, one water closet, one lavatory, and one bathtub or shower or bathtub/shower combination.				
	Group S				

	Total Occupancy	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 403.1 of the <i>Dallas Plumbing Code</i> .			

Note a. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note b. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

Note c. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.”

51. Subsection 1010.1, “Light and Ventilation,” of Section 1010, “Other Requirements,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

“**1010.1 Lighting [and ventilation].** Lighting [and ventilation] shall comply with the requirements of the *Dallas [International] Building Code* for the new occupancy.

1010.1.1 Ventilation. Ventilation shall comply with the requirements of Section 1008 of this code for the new occupancy.”

52. Subsection 1011.1, “General,” of Section 1011, “Change of Occupancy Classification,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended to read as follows:

1011.1 General. The provisions of this section shall apply to buildings or portions thereof undergoing a change of occupancy classification. This includes a change of occupancy classification within a group as well as a change of occupancy classification from one group to a different group or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *Dallas [International] Building Code*. Such buildings shall also comply with Sections 1002 through 1010 of this code.

1011.1.1 Change of use. Any work undertaken in connection with a change in use that involves a *change of occupancy* classification or a change to another group within an occupancy classification shall conform to the applicable requirements for the work as classified in Chapter 6 and the requirements of this section.

Exception: As modified in [Section 1204](#) for *historic buildings*.

1011.1.2 Air-borne sound. All applicable buildings undergoing a change of occupancy classification shall comply with Section 903.5.”

53. Section 1011, “Change of Occupancy Classification,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Subsection 1011.9, “Fire Protection,” to read as follows:

“1011.9 Fire protection. Fire protection must be provided in accordance with Section 1011.9.1 through 1011.9.9.

1011.9.1 Fire suppression. The fire suppression system requirements of Table 1011.9 shall apply in changes of use.

1011.9.2 Change to a higher hazard category. When a change of use is made to a higher hazard category as shown in Table 1011.9.1, the building shall be provided with an automatic fire suppression system as required by the Section 903 of the *Dallas Building Code*. When this section requires an automatic sprinkler system, compliance with 903.3 of the *Dallas Building Code* is also required.

1011.9.2.1 Windowless stories. Windowless stories or basements must comply with Section 903.2.11 if the story or basement is created by the work being performed or involves any existing windowless basement or story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story.

1011.9.3 Change to portion of building with a separation. When a portion of a building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 508.4 of the *Dallas Building Code*, an automatic sprinkler system as required above shall be installed only in the portion changed. Mixed occupancies shall use the highest applicable rating from Table 508.4 of the *Dallas Building Code*.

1011.9.4 Change to an equal or lesser hazard category. When a change of use is made to an equal or lesser hazard category as shown in Table 1011.9.1, there is no requirement to install an automatic sprinkler system except in areas where work being performed in connection with the change of use triggers a requirement for an automatic sprinkler system and in windowless stories in accordance with Section 903.2.11 of the *Dallas Building Code*.

1011.9.5 Fire system supervision. When the use group of a building is changed and a fire suppression system is required by this section, the fire suppression system shall be supervised in accordance with Section 903 of the *Dallas Building Code*.

1011.9.6 Change in Sprinkler Standard Hazards. Notwithstanding the relative hazard as determined by Table 1011.9.1, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy.

1011.9.7 Change from other uses to a dormitory use. Notwithstanding the relative hazard as determined by Table 1011.9.1 above, when a change in the group or a change in the character of the use is made to create a dormitory, the building or portion thereof is required to be provided with an automatic sprinkler system.

1011.9.8 Fire alarm/detection system. When a building or portion thereof changes in use, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the *Dallas Building Code*. Where a building or portion thereof changes in use, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the *Dallas Building Code* unless the proposed use is separated from the other use(s) in the building by a *fire barrier* having a fire resistance rating in accordance with Table 508.4 of the *Dallas Building Code* in which case only the portion changed shall comply. Mixed occupancies shall comply with the highest applicable rating from Table 508.4. No openings are allowed in the *fire barrier*.

1011.9.9 Fire alarm/detection system with mixed use nonresidential and residential. Where the use of a portion of a building is changed such that any nonresidential use is located below one or more dwelling units (including single room occupancies), single or multiple station smoke alarms shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The alarms shall be AC powered with battery back-up. Hard-wired, interconnected smoke alarms installed throughout the building shall be accepted as meeting this requirement.”

54. Section 1011, “Change of Occupancy Classification,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Table 1011.9.1, “Hazard Categories and Classifications Automatic Sprinkler Systems,” to read as follows:

“TABLE 1011.9.1 Hazard Categories and Classifications Automatic Sprinkler Systems	
Relative Hazard	Use Classification
1 (highest)	A-2 Nightclubs, H, I
2	A-2 (other than nightclubs), R-1, R-2
3	A-1, A-3 (other than churches), A-4
4	F-1, M, S-I
5	A-4 , A-3 Churches, E
6 (lowest)	A-5, B, F-2, R-3, R-4, S-2, U”

55. Section 1011, “Change of Occupancy Classification,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Subsection 1011.10, “Structural,” to read as follows:

“1011.10 Structural.

1011.10.1 Structural requirements. The structural requirements of Table 1011.10.1 shall apply in changes of use.

1011.10.2 Change to a higher hazard category. When the use or the character of use of a building is changed to a higher load category as shown in Table 1011.10.1 above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1607.1 of the *Dallas Building Code*.

1011.10.2.1 Use limitation option. If the building official determines that the number of occupants or the placement and weight of furniture and equipment can be controlled by the occupants, the areas designed for the reduced live load shall be posted with the approved live load. Placards stating the allowable live loads shall be posted. Placards may state loads in forms usable by the occupants, in addition to posting the allowable load in pounds per square foot. Such information shall be developed by a licensed design professional and be approved by the building official.

1011.10.2.2 Evaluation methods. Analysis and test methods for evaluation of existing structural members shall use methods specified in effect at the time the building was originally constructed, or other standards as approved by the building official.

1011.10.2.3 Corridors and lobbies. The corridor and lobby loading requirements of Table 1607.1 shall be met only if the corridor exceeds six feet in width or if the lobby or corridor area is used for queuing purposes.

1011.10.3 Change to an equal or lesser hazard category. Where the use or character of use within an existing building is changed to an equal or lower load category as shown in Table 1011.10.1 above, then the existing structure may be used without modification, provided that the building is structurally sound and in good structural repair.

1011.10.3.1 Essential facilities risk category. When a building is reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1613 of the *Dallas Building Code*: Fire, rescue and police stations; Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; post-earthquake shelters; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307 of the *Dallas Building Code* where the quantity of material exceeds the exempt amount as per Section 307.1 of the *Dallas Building Code*.”

56. Section 1011, “Change of Occupancy Classification,” of Chapter 10, “Change of Occupancy,” of the 2021 International Existing Building Code is amended by adding a new Table 1011.10.1, “Structural Load Categories,” to read as follows:

“TABLE 1011.10.1 Structural Load Categories	
Load Category	Use or Character of Use
1 (highest)	F-1, F-2, S-1, S-2, stack areas in libraries, stages and platforms, areas subject to vehicular loads, queuing areas
2	All loading conditions not listed in category 1 or 3
3 (lowest)	B, E, I, R-1, R-2, R-3, R-4”

57. Subsection 1102.2, “Area Limitations,” of Section 1102, “Heights and Areas,” of Chapter 11, “Additions,” of the 2021 International Existing Building Code is amended to read as follows:

“1102.2 Area limitations. An *addition* shall not increase the area of an *existing building* beyond that permitted under the applicable provisions of Chapter 5 of the *Dallas [International] Building Code* for new buildings unless fire separation as required by the *Dallas [International] Building Code* is provided.

Exceptions:

1. In-filling of floor openings and nonoccupiable appendages such as elevator and exit stairway shafts shall be permitted beyond that permitted by the *Dallas [International] Building Code*.

2. Existing one- and two-story buildings shall be allowed to have a floor area expansion equal to 25 percent of the existing floor area, not to exceed an area of 125 percent of that permitted by Section 506 of the *Dallas Building Code* without providing fire separation.

1102.2.1 Fire separations. Where fire separations are utilized to allow additions without exceeding the allowable area provisions of Chapter 5 of the *Dallas Building Code* for either the existing building or the new addition, the decreased clear space where the two buildings adjoin shall be accounted for in such calculation relative to the allowable frontage increase.”

58. Subsection 1102.3, “Fire Protection Systems,” of Section 1102, “Heights and Areas,” of Chapter 11, “Additions,” of the 2021 International Existing Building Code is amended to read as follows:

“1102.3 Fire protection systems. Existing fire protection areas increased by the *addition* shall comply with this c[~~C~~]hapter and [9-~~of~~] the *Dallas [International] Building Code* for buildings that are under the jurisdiction of the *Dallas Building Code*. Existing fire areas greater than 7500 square feet that are increased by the addition shall comply with Section 313 of the *Dallas One-and Two-Family Dwelling Code* for buildings under the jurisdiction of the *Dallas One-and Two-Family Dwelling Code*.

Exceptions:

1. An automatic sprinkler system shall not be required in Group R-3 occupancies under the jurisdiction of the *Dallas Building Code* where the addition is less than 50 percent of the building area of the existing building and the water service is not being replaced.
2. An automatic sprinkler system shall not be required for buildings under the jurisdiction of the *Dallas One-and Two-Family Dwelling Code* where the addition is less than 50 percent of the building area of the existing building and the water service is not being replaced.
3. An automatic sprinkler system shall not be required in Group R-3 occupancies under the jurisdiction of the *Dallas Building Code* where the existing water service cannot provide adequate flow and pressure without the installation of a tank or pump, unless the water service is otherwise being replaced.

4. An automatic sprinkler system shall not be required for buildings under the jurisdiction of the *Dallas One-and Two-Family Dwelling Code* where the existing water service cannot provide adequate flow and pressure without the installation of a tank or pump, unless the water service is otherwise being replaced.

1102.3.1 Additional fire protection systems. Fire access and fire hydrant requirements shall comply with the *Dallas Fire Code*.”

59. Subsection [BS] 1103.3, “Flood Hazard Areas,” of Section 1103, “Structural,” of Chapter 11, “Additions,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 1103.3 **Flood hazard areas.** *Additions and foundations in flood hazard areas shall comply with the following requirements:*

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the *Dallas Development Code*.

1. For horizontal *additions* that are structurally interconnected to the *existing building*:
 - 1.1. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Dallas* [~~*International*~~] *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code*, as applicable.
 - 1.2. If the *addition* constitutes *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Dallas* [~~*International*~~] *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code*, as applicable.
2. For horizontal *additions* that are not structurally interconnected to the *existing building*:
 - 2.1. The *addition* shall comply with Section 1612 of the *Dallas* [~~*International*~~] *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code*, as applicable.
 - 2.2. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Dallas* [~~*International*~~] *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code*, as applicable.

3. For vertical *additions* and all other proposed work that, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the Dallas ~~[International]~~ *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling ~~[International Residential]~~ *Code*, as applicable.
4. For a raised or extended foundation, if the foundation work and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the Dallas ~~[International]~~ *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling ~~[International Residential]~~ *Code*, as applicable.
5. For new foundation or replacement foundation, the foundation shall comply with Section 1612 of the Dallas ~~[International]~~ *Building Code*, or Section R322 of the Dallas One- and Two-Family Dwelling ~~[International Residential]~~ *Code*, as applicable.”

60. Subsection [BS] 1201.2, “Report,” of Section 1201, “General,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 1201.2 Report. A *historic building* undergoing *alteration* or *change of occupancy* shall be investigated and evaluated. A meeting shall be held with the code official at which time a decision will be made on the preparation of a written report. If a report is required, it ~~[is intended that the building meet the requirements of this chapter, a written report]~~ shall be prepared and filed with the building [code] official by a *registered design professional* ~~[where such a report is necessary in the opinion of the code official]~~. Such report shall be in accordance with Section 104 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, [4] and shall identify each required safety feature that is in compliance with this chapter and where compliance with other chapters of these provisions would be damaging to the contributing historic features. For buildings assigned to Seismic Design Category D, E or F, a structural evaluation describing, at a minimum, the vertical and horizontal elements of the lateral force-resisting system and any strengths or weaknesses therein shall be prepared. Additionally, the report shall describe each feature that is not in compliance with these provisions and shall indicate why and demonstrate equivalencies and alternate means of compliance ~~[how the intent of these provisions is complied with in providing an equivalent level of safety]~~.”

61. Subsection [BS] 1201.4, “Flood Hazard Areas,” of Section 1201, “General,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

~~“[BS] 1201.4 Flood hazard areas. In flood hazard areas, [if] all proposed work, including rehabilitation and [repairs,] work required because of a change of occupancy[, and alterations, constitutes substantial improvement, then the existing building] shall comply with Article V, “Flood Plain and Escarpment Zone Regulations” [Section 1612] of the *Dallas Development [International Building] Code*[, or Section R322 of the *International Residential Code*, as applicable].~~

Exception: ~~[If a historic building will continue to be a historic building after the proposed work is completed, then the p]Proposed work [is not considered a substantial improvement] that is part of a building which maintains a historic designation in accordance with Section 202 of this code and the *Dallas Development Code*. [For the purposes of this exception, a historic building is any of the following:~~

- ~~1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.~~
- ~~2. Determined by the Secretary of the US Department of Interior to contribute to the historical significance of a registered historic district or a district preliminarily determined to qualify as a historic district.~~
- ~~3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.]”~~

62. Subsection 1202.2, “Replacement,” of Section 1202, “Repairs,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1202.2 Replacement. Replacement of existing or missing features using original materials shall be permitted. Partial replacement for *repairs* that match the original in configuration, height and size shall be permitted.

Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the *Dallas [International] Building Code*.

Exceptions:

1. Glass block walls, louvered windows and jalousies repaired with like materials.
2. Replacement glazing used with approved safety films or approved Plexiglass.”

63. Subsection 1203.11, “Exit Signs,” of Section 1203, “Fire Safety,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1203.11 Exit signs. Where exit sign or egress path marking location would damage the historic character of the building, alternative exit signs are permitted with approval of the *code official*. Alternative illuminated signs shall identify the exits and egress path.”

64. Subsection 1204.9, “Interior Finishes,” of Section 1204, “Change of Occupancy,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1204.9 Interior finishes. Where interior finish materials are required to comply with the fire test requirements of Section 803.1 of the Dallas [~~International~~] *Building Code*, existing nonconforming materials shall be permitted to be surfaced with an *approved* fire-retardant coating to achieve the required classification. Compliance with this section shall be demonstrated by testing the fire-retardant coating on the same material and achieving the required fire classification. Where the same material is not available, it shall be permitted to test on a similar material.

Exception: Existing nonconforming materials need not be surfaced with an *approved* fire-retardant coating where the building is equipped throughout with an automatic sprinkler system installed in accordance with the Dallas [~~International~~] *Building Code* and the nonconforming materials can be substantiated as being a [~~historic-in~~] character-defining feature.”

65. Subsection 1204.11, “Stairways and Guards,” of Section 1204, “Change of Occupancy,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1204.11 Stairways and guards. Existing stairways shall comply with the requirements of [~~these provisions. The code official shall grant alternatives for stairways and guards if alternative stairways are found to be acceptable or are judged to meet the intent of these provisions. Existing stairways shall comply with~~] Section 1203.

Exception: For buildings less than 3,000 square feet (279 m²), existing conditions are permitted to remain at all stairways and guards.”

66. Subsection 1204.12, “Exit Signs,” of Section 1204, “Change of Occupancy,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1204.12 Exit signs. The *code official* may accept alternative exit sign locations where the location of such signs would have an adverse impact on the ~~[damage the historic]~~ character-defining features of the building or structure. Such signs shall identify the exits and exit path.”

67. Subsection 1204.14, “Natural Light,” of Section 1204, “Change of Occupancy,” of Chapter 12, “Historic Buildings,” of the 2021 International Existing Building Code is amended to read as follows:

“1204.14 Natural light. Where it is determined by the *code official* that compliance with the natural light requirements of Section 1010.1 will lead to loss of ~~[historic]~~ character-defining features or historic materials in the building, the existing level of natural lighting shall be considered to be acceptable.”

68. Paragraph 1301.3.2, “Compliance With Other Codes,” of Subsection 1301.3, “Acceptance,” of Section 1301, “General,” of Chapter 13, “Performance Compliance Methods,” of the 2021 International Existing Building Code is amended to read as follows:

“1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the *Dallas* ~~[International]~~ *Fire Code* and Chapter 27, “Minimum Property Standards,” of the Dallas City ~~[International Property Maintenance]~~ *Code.*”

69. Paragraph [BS] 1301.3.3, “Compliance With Flood Hazard Provisions,” of Subsection 1301.3, “Acceptance,” of Section 1301, “General,” of Chapter 13, “Performance Compliance Methods,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS] 1301.3.3 Compliance with flood hazard provisions. In *flood hazard areas*, buildings that are evaluated in accordance with this section shall comply with Section 1612 of the *Dallas* ~~[International]~~ *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* ~~[International Residential]~~ *Code*, as applicable, if the work covered by this section constitutes *substantial improvement*.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the *Dallas Development Code*.”

70. Chapter 14, “Relocated or Moved Buildings,” of the 2021 International Existing Building Code is retitled as Chapter 14, “Relocated or Moved Buildings Without Historic Designation.”

71. Section 1401, “General,” of Chapter 14, “Relocated or Moved Buildings Without Historic Designation,” of the 2021 International Existing Building Code is amended to read as follows:

“SECTION 1401 GENERAL

1401.1 Scope. This chapter provides requirements for relocated or moved structures, including *relocatable buildings* as defined in Chapter 2.

1401.1.1 Bleachers, grandstands and folding and telescopic seating. Relocated or moved bleachers, grandstands and folding and telescopic seating shall comply with ICC 300.

1401.2 Conformance. The building shall be safe for human occupancy as determined by the *Dallas* [~~International~~] *Fire Code* and Chapter 27, “Minimum Urban Rehabilitation Standards,” of the *Dallas City* [~~International Property Maintenance~~] *Code*. Any *repair, alteration or change of occupancy* undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field fabricated elements shall comply with the requirements of the *Dallas* [~~International~~] *Building Code* or the *Dallas One- and Two-Family Dwelling* [~~International Residential~~] *Code*, as applicable.

1401.3 Buildings moved from sites outside the city. All buildings moved into the corporate limits of the city of Dallas from sites outside the city shall comply with the requirements for new buildings.

Exception: Industrialized buildings in compliance with the Texas Industrialized Housing and Building Act (Article 5221f-1, Vernon’s Texas Civil Statutes), as amended, and the rules promulgated by the Texas Department of Licensing and Regulation under the act and contained in Chapter 70, *Texas Administrative Code*, as amended, and this chapter as applicable.

1401.4 Buildings moved between sites within the city. All legally existing buildings moved between sites within the corporate limits of the city of Dallas and building relocations occurring on the same site shall comply with the requirements of this section.

1401.4.1 Moved building with change to equal or lesser relative hazard(s). Moved buildings in which a change of use is made to an equal or lesser relative use group hazard as shown in Table 1001.2.3 shall comply with the applicable provisions of this code for the work as classified in Chapter 6 and the requirements of Sections 1002 through 1010 and Section 1001.2.3.1.

1401.4.2 Moved building with change to a greater relative hazard(s). A moved building or portion thereof may have its use changed to a higher relative group hazard as shown in Table 1001.2.3 provided it complies with the provisions of this chapter and Section 1001.2.4 for the new occupancy group, applied throughout the building, or an applicable portion thereof.”

72. Subsection 1402.1, “Location on the Lot,” of Section 1402, “Requirements,” of Chapter 14, “Relocated or Moved Buildings Without Historic Designation,” of the 2021 International Existing Building Code is amended to read as follows:

“1402.1 Location on the lot. The building shall be located on the lot in accordance with the requirements of the *Dallas* [~~*International*~~] *Building Code* or the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code* and in accordance with *Dallas Fire Code* access requirements as applicable.”

73. Subsection [BS] 1402.6, “Flood Hazard Areas,” of Section 1402, “Requirements,” of Chapter 14, “Relocated or Moved Buildings Without Historic Designation,” of the 2021 International Existing Building Code is amended to read as follows:

“[BS]1402.6 Flood hazard areas. If relocated or moved into a *flood hazard area*, structures shall comply with Section 1612 of the *Dallas* [~~*International*~~] *Building Code*, or Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code*, as applicable.

Exception: Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the *Dallas Development Code*.”

74. Chapter 15, “Construction Safeguards,” of the 2021 International Existing Building Code is deleted and replaced with a new Chapter 15, “Construction Safeguards,” to read as follows:

“CHAPTER 15 CONSTRUCTION SAFEGUARDS

SECTION 1501 GENERAL

1501.1 Scope. The provisions of Chapter 33 of the *Dallas Building Code* shall govern safety during construction that is under the jurisdiction of this code and the protection of adjacent public and private properties.”

75. The user note to Chapter 16, “Referenced Standards,” of the 2021 International Existing Building Code is amended to read as follows:

“User note:

About this chapter: This code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 16 contains a comprehensive list of all standards that are referenced in the code, including the appendices. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the building code official, contractor, designer and owner.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 101.4 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code [402.4].

The referenced standards are applicable only with the associated edition of the International Codes referenced herein as amended.

The referenced edition of the 2015 International Codes are applicable until superceded by the adoption of the 2021 edition of the International Codes.”

76. The ASME standards in Chapter 16, “Referenced Standards,” of the 2021 International Existing Building Code are amended to read as follows:

“ASME

American Society of Mechanical Engineers
Two Park Avenue
New York, NY 10016

(2015 Ed.) A17.1-2013/CSA B44-13: Safety Code for Elevators and Escalators

(2021 Ed.) A17.1-2019/CSA B44-19: Safety Code for Elevators and Escalators
306.7.7, 902.1.2

A17.3-2020: Safety Code for Existing Elevators and Escalators
902.1.2

(2015 Ed.) A18.1-2008: Safety Standard for Platform Lifts and Stairway Chair Lifts

(2021 Ed.) A18.1-2020: Safety Standard for Platform Lifts and Stairway Chair Lifts
306.7.8”

77. The ASTM standards in Chapter 16, “Referenced Standards,” of the 2021 International Existing Building Code are amended to read as follows:

“ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

(2015 Ed.) C94/C94M-13: Specification for Ready-mixed Concrete

(2021 Ed.) C94/C94M-17A: Specification for Ready-mixed Concrete
109.3.1

(2015 Ed.) E108-11: Test Methods for Fire Tests of Roof Coverings

(2021 Ed.) E108-17: Standard Test Methods for Fire Tests of Roof Coverings
1204.5

(2015 Ed.) E136-12: Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C

(2021 Ed.) E136-16A: Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C
202

(2015 Ed.) F2006-00 (2005) 10: Standard/Safety Specification for Window Fall Prevention Devices for Nonemergency Escape (Egress) and Rescue (Ingress) Windows

(2021 Ed.) F2006-17: Standard Safety Specification for Window Fall Prevention Devices for Non-Emergency Escape (Egress) and Rescue (Ingress) Windows
505.2, 702.4

(2015 Ed.) F2090-10: Specification for Window Fall Prevention Devices with Emergency Escape (Egress) Release Mechanisms

(2021 Ed.) F2090-17: Standard Specification for Window Fall Prevention Devices with Emergency (Egress) Release Mechanisms
505.2, 505.3.1, 702.4, 702.5.1”

78. The ICC standards in Chapter 16, “Referenced Standards,” of the 2021 International Existing Building Code are amended to read as follows:

“ICC

International Code Council, Inc.
500 New Jersey Avenue NW 6th Floor
Washington, DC 20001

IBC-15: International Building Code®

IBC-21: International Building Code®

101.4.1, 104.2.1, ~~106.2.2, 109.3.3, 109.3.6, 109.3.9, 109.3.10, 110.2~~, 202, 301.3, ~~302.2~~, 302.4.1, 302.5, 303.1, 303.2.2, 304.1, 304.3.1, 304.3.2, 305.1, 306.5, 306.7, 306.7.2, 306.7.4, 306.7.5, 306.7.9, 306.7.10, 306.7.10.1, 306.7.10.2, 306.7.10.3, 306.7.11, 306.7.12, 306.7.13, 306.7.15, 306.7.16, 306.7.16.3, 306.7.16.4, 306.7.16.5, 306.7.16.7, 309.2, 401.3, 402.1, 405.2.1.1, 405.2.3.1, 405.2.3.3, 405.2.4, 405.2.5, 405.2.6, 501.2, 502.1, 502.3, 502.4, 502.5, 503.1, 503.2, 503.3, 503.4, 503.5, 503.11, 503.12, 503.13, 503.14, 503.15, 503.17, 503.18, 505.3, 505.4, 506.1, 506.3, 506.4, 506.5.1, 506.5.2, 506.5.3, 506.5.4, 507.3, 701.2, 701.3, 702.1, 702.2, 702.3, 702.5, 702.6, 702.7, 704.1.1, 704.3, 704.4, 705.1, 705.2, 706.2, 706.3.2, 802.2.1, 802.2.3, 802.3, 802.4, 802.5.2, 802.6, 802.6, 803.1.1, 803.2, 803.2.2, 803.2.3, 803.2.4, 803.2.5, 803.3, 804.1, 804.4.1, ~~804.4.1.1, Table 804.4.1.1(1)~~, 804.4.1.2.1, 804.5.1.2, 804.5.3, 804.5.4, 804.5.5, 804.6, 804.7, 804.8.1, 804.9.1, 804.10.2, 804.11, 804.12.2, 805.2, 805.3, 805.4, 902.1, 904.1.1, 904.1.1.1, 904.1.1.2, 904.1.1.3, 904.1.2, 904.1.3, 904.1.4, 904.1.6, 904.1.7, 904.2, 904.2.1, 904.2.2, 905.2, 905.3, 905.4, 906.2, 906.3, 906.6, 1001.2, 1001.3, 1002.1, 1002.2, 1002.3, 1002.4, 1004.1, 1006.1, 1006.2, 1006.3, 1006.4, 1010.1, 1011.1, 1011.2.1, 1011.2.2, 1011.3, 1011.5.1, 1011.5.2, 1011.5.3, 1011.5.6, 1011.6.1, 1011.6.1.1, 1011.6.3, 1011.7.1, 1011.7.2, 1011.7.3, 1011.8.1, 1011.8.2, 1011.8.3, 1102.1, 1102.2, 1102.2.1, 1102.3, 1103.1, 1103.2, 1103.3, 1201.4, 1202.2, 1203.12, 1204.2, 1204.9, 1206.1, 1301.2.2, 1301.2.3, 1301.2.4, 1301.3.3, 1301.4.1, 1301.6.1, 1301.6.1.1, 1301.6.2, 1301.6.2.1, 1301.6.3.2, 1301.6.3.3, 1301.6.4.1, 1301.6.5, 1301.6.5.1, 1301.6.6, 1301.6.7.1, 1301.6.8, 1301.6.9, 1301.6.9.1, 1301.6.10, 1301.6.10.1, 1301.6.11, 1301.6.11.1, 1301.6.12.1, 1301.6.13, Table 1301.6.15, 1301.6.15.1, 1301.6.16.1, 1301.6.17, 1301.6.17.1, 1301.6.18, 1301.6.18.1, 1301.6.19, Table 1301.6.19, 1301.6.20, 1301.6.20.1, 1301.9.1, 1401.2, 1402.1, 1402.2, 1402.2.1, 1402.3, 1402.4, 1402.5, 1402.6, ~~1501.5, 1501.6.1, 1501.6.4.1, 1501.6.7, 1506.1, 1506.3, 1507.1~~]

ICC 300-17: ICC Standard on Bleachers, Folding and Telescopic Seating and Grandstands
301.1.1

ICC 500-20: ICC Standard for the Design and Construction of Storm Shelters
303.1, 303.2

ICC A117.1-17: ICC Accessible and Usable Buildings and Facilities
306.3, 306.7, 306.7.11, 306.7.12

IECC-15: International Energy Conservation Code®

IECC-21: International Energy Conservation Code®

302.2, 702.7, 708.1, 809.1, 907.1, 1104.1

IFC-15: International Fire Code®

IFC-21: International Fire Code®

101.2.1, 101.4.2, 301.3.1, 302.2, 307.1, 308.1, 702.7, 802.2.1, 802.2.3, 803.2.3, 803.4.1.1, 803.4.1.2, 803.4.1.3, 803.4.1.4, 803.4.1.5, 803.4.1.6, 803.4.1.7, 803.4.1.8, 904.1.5, 1011.6.1.1, 1102.3.1, 1301.3.2, 1301.6.8.1, 1301.6.14, 1301.6.14.1, 1401.2, 1501.5, 1504.1, 1504.2

IFGC-15: International Fuel Gas Code[©]

IFGC-21: International Fuel Gas Code[©]

30M.2, 702.7, [~~702.7.1~~]

IMC-15: International Mechanical Code[©]

IMC-21: International Mechanical Code[©]

302.2, 702.7, 807.1, 902.1.1, 1008.1, 1008.3, Table 1008.3, 1008.4, 1008.5, 1301.6.7.1, 1301.6.8, 1301.6.8.1

IPC-15: International Plumbing Code[©]

IPC-21: International Plumbing Code[©]

302.2, 408.1, 702.7, 1009.1, 1009.2, 1009.3, 1009.5, 1009.6, Table 1009.6, 1009.6.1, 1501.7

IPMC-15: International Property Maintenance Code[©]

IPMC-21: International Property Maintenance Code[©]

101.4.2, 302.2, 1301.3.2, 1401.2

IRC-15: International Residential Code[©]

IRC-21: International Residential Code[©]

101.2, 101.4.1, [~~104.2.1, 109.3.3, 109.3.10,~~] 302.2, 307.1, 308.1, 401.3, 402.1, 405.2.6, 502.3, 502.4, 502.5, 503.2, 503.3, 503.11, 505.2, 505.3, 507.3, 701.3, 702.4, 702.5, 702.7, 706.2, 708.1, 805.2, 806.4, 809.1, 906.2, 907.1, 1011.2.1, 1102.3, 1103.1, 1103.2, 1103.3, 1104.1, 1201.4, 1301.2.2, 1301.2.3, 1301.3.3, 1401.2, 1402.1, 1402.2, 1402.2.1, 1402.3, 1402.4, 1402.5, 1402.6”

79. The NFPA standards in Chapter 16, “Referenced Standards,” of the 2021 International Existing Building Code are amended to read as follows:

“NFPA

National Fire Protection Agency
1 Batterymarch Park
Quincy, MA 02269-9101

(2015 Ed.) NFPA 13R—13 : Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

(2021 Ed.) NFPA 13R—19 : Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

803.2.6, [~~803.2.4~~]

(2015 Ed.) NFPA 70—17 : National Electrical Code

(2021 Ed.) NFPA 70—20 : National Electrical Code

[~~107.3,~~] 302.2, 406.1.1, 406.1.2, 406.1.3, 406.1.5, 702.7, 806.1, 806.4.4, 1007.1, 1007.2, 1007.3, 1007.4

(2015 Ed.) NFPA 72—13: National Fire Alarm Code

(2021 Ed.) NFPA 72—19 : National Fire Alarm and Signaling Code

803.2.6, 803.4

(2015 Ed.) NFPA 99—15 : Health Care Facilities

(2021 Ed.) NFPA 99—21 : Health Care Facilities Code
302.2.1, 406.1.4, 408.3, 501.3, 707.1, 806.3, 808.1, 1007.1

(2015 Ed.) NFPA 101—15: Life Safety Code

(2021 Ed.) NFPA 101—21: Life Safety Code
804.2”

80. Appendices A, B, C and D of the 2021 International Existing Building Code are deleted.

81. All chapters of the 2021 International Existing Building Code adopted by this ordinance are subchapters of Chapter 58 of the Dallas City Code, as amended.

82. All references in the 2021 International Existing Building Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, energy conservation code, fuel gas code, green construction code, and swimming pool and spa code refer, respectively, to Chapters 16, 53, 54, 55, 56, 57, 59, 60, 61, and 62 of the Dallas City Code.

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

SECTION 3. That if any provision contained in Chapters 52, 53, 54, 55, 56, 57, 59, 60, 61, and 62 relating to the construction, enlargement, alteration, repair, demolition, use, and maintenance of construction, plumbing, mechanical, and electrical work in the city on existing buildings is in conflict with any provision of Chapter 58, as adopted by this ordinance, the provisions of Chapter 58 will prevail unless the building owner chooses to use Chapters 52, 53, 54, 55, 56, 57, 59, 60, 61, and/or 62 except that any existing structure or system that is not required to come into compliance with a requirement of Chapter 58, as enacted by this ordinance, will be governed by the requirement as it existed in the former law last applicable to the structure or

system, and all former laws will continue in effect for this purpose. Further, no offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM

CHRISTOPHER J. CASO, City Attorney

BY _____
Assistant City Attorney

Passed _____



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-990

Item #: 50.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: May 11, 2022

COUNCIL DISTRICT(S): 2

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797 - Estimated Revenue: Liability Reserve Fund \$50,000.00

BACKGROUND

Plaintiff, Spanky Branch LLC, filed a lawsuit against the City of Dallas seeking to quiet title to its property located between approximately 300 and 400 Trunk Avenue. The City and Spanky Branch LLC have reached a proposed settlement where the plaintiff will pay the City in exchange for the City releasing any potential claims it may have to the property, subject to City Council approval. Plaintiff is represented by Tiffany Gilbert, Fidelity National Law Group.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by confidential memorandum regarding this matter on May 6, 2022.

FISCAL INFORMATION

Estimated Revenue: Liability Reserve Fund \$50,000.00

May 11, 2022

WHEREAS, a lawsuit styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797, was filed by the plaintiff, Spanky Branch LLC, seeking a declaration that there is no street easement across its property; and

WHEREAS, the plaintiff has agreed to settle the lawsuit by paying \$50,000.00 to the City in exchange for the City releasing any claims that it may have regarding a street easement across the property; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Spanky Branch LLC v. Mayor Eric Johnson, in His Official Capacity as Mayor of the City of Dallas, Cause No. DC-20-03797 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit settlement funds in an amount not to exceed \$50,000.00 into the Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Revenue Code 8428, Vendor MVORM001.

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



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1010

Item #: Z1.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on the west corner of South Riverfront Boulevard and Dearborn Street

Recommendation of Staff: **Approval**, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and **approval** of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall

Recommendation of CPG: **Approval**, of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and **approval** of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall

Z201-331(RM)

FILE NUMBER: Z201-331(RM) **DATE FILED:** August 26, 2021
LOCATION: West corner of South Riverfront Boulevard and Dearborn Street
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. 2.31 acres **CENSUS TRACT:** 0204.00

REPRESENTATIVE: Rob Daake, Daake Law

OWNER/APPLICANT: Riverfront/Dearborn Partners LLC

REQUEST: An application for 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall.

SUMMARY: The purpose of the request is to allow for modified development standards primarily related to parking to redevelop the site with multifamily and a child-care facility.

CPC RECOMMENDATION: Approval of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall.

STAFF RECOMMENDATION: Approval of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions; and approval of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall.

PD No. 784: <https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20784.pdf>

PD No. 784 Exhibits: <https://dallascityhall.com/departments/city-attorney/Pages/articles-data.aspx>

BACKGROUND INFORMATION:

- The area of request is currently within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District. The site is developed with a commercial amusement (inside) limited to a Class A dance hall, which is permitted by Specific Use Permit No. 1484.
- The applicant proposes to redevelop the site with a multifamily structure with a majority affordable units. The proposal also includes an on-site child-care facility within the proposed multifamily structure.
- To accomplish this, the applicant requests a new subdistrict within the Cedars West Subarea to utilize parking reductions for mixed income housing with transit proximity from Sec. 51A-4.1100.
- The request also includes the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall. This SUP does not apply to the applicant's proposed redevelopment of the site.

Zoning History:

There have been two zoning cases in the area in the past five years.

1. **Z178-265:** On October 24, 2018, City Council approved a new subdistrict to allow additional retail and personal service uses on property zoned Blocks 12 and 13 within Planned Development District No. 800 on the southwest line of South Riverfront Boulevard, between Dearborn Street and Corinth Street.
2. **Z201-337:** On September 14, 2021, an application for a Planned Development District for WMU-12 Walkable Urban Mixed Use District uses on property within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, at the northeast corner of South Riverfront Boulevard and Corinth Street was received by staff.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Riverfront Boulevard	Principal Arterial	130 feet
Dearborn Street	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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 1.1.2 Focus on Southern Sector development opportunities.

1.1.2.4 Target economic development opportunities to the Southern Sector, especially to improve access to jobs or housing choices.

Policy 1.1.3 Build a dynamic and expanded Downtown.

1.1.3.4 Strengthen connections between Downtown, the Trinity River Corridor, and adjacent neighborhoods.

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.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

2.2.1.4 Support new residential and commercial developments that strengthen connections between the Trinity River Corridor and Downtown and the surrounding urban core neighborhoods.

Policy 2.2.2 Maximize development opportunities around DART stations.

NEIGHBORHOOD PLUS

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:

Trinity River Corridor Comprehensive Land Use Study

The Trinity River Corridor Comprehensive Land Use Study was adopted by City Council in March 2005 and later revised in December 2009.

The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social, or economic barriers, which attracts residents and visitors to live, learn, work, shop, and play within a cosmopolitan urban core, and alongside the river's meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan's recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River

- Create a vibrant central city
- Establish the Trinity River floodplain as the front yard of the City
- Enhance the City's urban form to increase the appeal of urban life

The request is consistent with the goals and policies of the Trinity River Corridor Comprehensive Land Use Study, which envisions higher density, mixed-use development with a focus on the Trinity River.

The 360 Plan

The 360 Plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The plan includes recommendations for West Dallas and emphasizes connections between Downtown and West Dallas, recommending strategies for improved pedestrian and bike connections to the Trinity River, as well as multimodal improvements to District Connectors such as Singleton, Commerce, Sylvan, and Beckley, and recognizes that new development should be sensitive to West Dallas history, preserving culturally rich areas like La Bajada and supporting long-term residents through the preservation and enhancement of historic, diverse neighborhoods.

The request is consistent with the 360 Plan, which envisions this area as appropriate for high density, mixed use development.

Land Use:

	Zoning	Land Use
Site	Cedars West Subarea of PD No. 784, with SUP 1984	Commercial amusement (inside) limited to a Class A dance hall
Northeast	Cedars West Subarea of PD No. 784	Vehicle display, sales, and service
Southeast	Cedars West Subarea of PD No. 784	Recycling buy-back center
Southwest	Cedars West Subarea of PD No. 784	Undeveloped
Northwest	Subdistrict No. 1 within the Cedars West Subarea of PD No. 784, with SUP 1953	General merchandise of food store 3,500 square feet or less, motor vehicle fueling station, restaurant with drive-in or drive-through service

Land Use Compatibility:

The area of request is currently surrounded by a mix of non-residential uses including vehicle display, sales, and service; recycling buy-back center; general merchandise or food store 3,500 square feet or less; motor vehicle fueling station; and restaurant with drive-in or drive-through service. Staff finds the applicant's proposal compatible with these surrounding uses.

With this request, the applicant proposes to create a new subdistrict within the Cedars West Subarea of PD No. 784 to redevelop the site with a multifamily project that will include a majority affordable units. The applicant has indicated their proposal is able to comply with all the form district regulations of PD No. 784, with the exception of parking.

PD No. 784 was initially adopted on September 24, 2008 with the intent of providing form district regulations for the Trinity River Corridor. However, the parking regulations in PD No. 784 largely default to the standard parking requirements in Sec. 51A-4.200. Through the proposed subdistrict, they propose to apply the parking reductions for mixed income housing with transit proximity from Sec. 51A-4.1100. A detailed analysis of existing and proposed parking conditions is provided in the parking section below.

Staff supports the request because it will facilitate the development of high density, affordable housing in an area well served by public transportation. Furthermore, the request is compliant with the goals and policies of multiple area plans, which envisions this area as appropriate for high density, mixed use development.

Landscaping:

The applicant does not propose to modify the existing landscaping conditions of PD No. 784, and will be provided accordingly.

Parking:

The table below outlines the parking that would be required under the current zoning, which only allows the standard parking ratios in Sec. 51A-4.200. Under this section, multifamily is required to provide one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only.

No additional parking is required for accessory uses that are limited principally to residents. This would include the community use proposed by the applicant because these services will only be provided to residents. Lastly, the child-care facility use would require one space per 500 square feet of floor area.

The standard parking ratios would require a total of 380 spaces, 140 more than the 240 spaces proposed by the applicant.

Use	Unit Type	# of Units	4.200	# of Spaces
Multifamily	1BR	90	1/1BR	90
	2BR	90	2/2BR	180
	3BR	20	3/3BR	60
		200		330
Guest parking				50(a)
Community use (3,249 sf)				0(b)
Child-care facility (4,219 sf)				8
Total spaces required				380
Total spaces provided				240
Difference				-140

(a) Guest parking required if required parking restricted to resident use only

(b) No additional parking is required for accessory uses that are limited principally to residents

The next table below outlines the parking required if the reduction for mixed income housing with transit proximity is applied to the site. The child-care facility would still be subject to the standard parking ratio. However, all multifamily units would be required to provide one space per dwelling unit, with at least 15 percent of the required parking available for guest parking. The community use would still not trigger any parking because it would be limited to residents.

This scenario would require a total of 208 spaces, 32 less than the 240 spaces proposed by the applicant.

Use	Unit Type	# of Units	4.1100	# of Spaces
Multifamily	1BR	90	1/1BR	90
	2BR	90	1/2BR	90
	3BR	20	1/3BR	20
		200		200
Guest parking				(a)
Community use (3,249 sf)				0(c)
Child-care facility (4,219 sf)				8
Total spaces required				208
Total spaces provided				240
Difference				32

(a) At least 15% of the required parking must be available for guest parking

(b) Guest parking required if required parking restricted to resident use only

(c) No additional parking is required for accessory uses that are limited principally to residents

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA *cluster*, nor are any of the surrounding properties in the immediate vicinity of the site. The overall area is currently within an “E” MVA *area*.

DELETED

List of Officers

Riverfront/Dearborn Partners LLC

Salem Rashid, Manager

DELETED

CPC ACTION
MARCH 24, 2022

Motion: It was moved to recommend 1) **approval** of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a development plan and conditions with the following changes: 1) In Section 51P-784.203(o)(2), add the following language to obtain the off-street parking development bonus - “and the property must provide access to a public or privately run year-round transit services. This program may include vouchers, establishment of an additional transit stop in coordination with DART, rideshare, or shuttle service to defined locations at regular intervals. This obligation shall expire upon the establishment of a permanent rail, transit or similar mobility stop within a quarter mile walking distance of the site as measured from the public entrance.” and 2) In Section 51P-784.110, “Environmental Performance Standards,” add the following condition: “In the new subdistrict only, housing units located within 1,000 feet of a freeway must include standards for noise abatement and control through site orientation or building construction to achieve interior auditory environment to not exceed a day-night average sound level of 45 decibels through measures which may include: site orientation or layout for building to serve as a noise shield; integration of a buffer, barrier, or open space or other site layout measures; building layout to consider location of exterior balconies and terraces to mitigate noise introduction into the building; exterior wall assemblies to include sound attenuation measures through wall construction and detailing; or exterior door and window specifications and detailing to include measures such as fully insulated and sealed perimeters.”; and 2) **approval** of the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall at the west corner of South Riverfront Boulevard and Dearborn Street.

Motion: Hampton
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung,
Housewright, Gibson, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Popken, Anderson, Stanard
Vacancy: 2 - District 3, District 7

Notices: Area: 500 Mailed: 101
Replies: For: 0 Against: 0

Speakers: For: Saul Ramirez, 1847 K Street NW, Washington DC, 20006
Rob Daake, 5004 Falcon Hollow Rd., McKinney, TX, 75072
Greg Duncan, 3501 Rosedale Ave., University Park, TX, 75205

Z201-331(RM)

For (Did not speak): Eli Borek, 1875 K Street NW, Washington DC, 20006
Michael Patton, 1984 Isaac Newton Square West, Reston, VA, 20190
Christy Lambeth, 8637 County Road 148, Kaufman, TX, 75142

Against: None

Staff: Pam Thompson, Housing Strategy Manager, Housing & Neighborhood

Revitalization

DELETED

**CPC ACTION
FEBRUARY 17, 2022**

Motion: In considering an application for 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall at the west corner of South Riverfront Boulevard and Dearborn Street, it was moved to **hold** this case under advisement until March 24, 2022.

Maker: Hampton
Second: Rubin
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,
Carpenter, Jackson, Blatt, Jung, Housewright,
Gibson, Haqq, Starnard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 9

Notices: Area: 500 Mailed: 101
Replies: For: 0 Against: 0

Speakers: For: Rob Daake, 5004 Falcon Hollow Rd., McKinney, TX, 75072
Christ Lambeth, 8637 County Road 148, Kaufman, TX, 75142
For (Did not speak) Susan Griffin, 1212 S. Riverfront Blvd., Dallas, TX, 75207
Greg Duncan, 1212 S. Riverfront Blvd., Dallas, TX, 75207

Against: None

CPC RECOMMENDED CONDITIONS

SEC. 51P-784.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) Except as provided in this section, see Article VI.

(b) In the Cedars West Subdistrict No. __, housing units located within 1,000 feet of a freeway must include standards for noise abatement and control through site orientation or building construction to achieve interior auditory environment to not exceed a day-night average sound level of 45 decibels through measures which may include:

- Site orientation or layout for building to serve as a noise shield;
- Integration of a buffer, barrier, or open space or other site layout measures;
- Building layout to consider location of exterior balconies and terraces to mitigate noise introduction into the building;
- Exterior wall assemblies to include sound attenuation measures through wall construction and detailing; or
- Exterior door and window specifications and detailing to include measures such as fully insulated and sealed perimeters.

SEC. 51P-784.203. URBAN VILLAGE FORM DISTRICT REGULATIONS.

(m) Off-street parking and loading.

(1) In general.

(A) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. If there is a conflict between this section and Division 51A-4.200, this section controls.

(i) Bail bonds office. One space for every 333 square feet of floor area.

(ii) Massage establishment. One space for every 200 square feet of floor area.

(B) Development bonus. If compliant with SEC. 51P-784.203(o), a minimum of one off-street parking space per dwelling unit is required for multifamily or retirement housing uses in the Cedars West Subdistrict No. __. At least 15 percent of the required parking must be available for guest parking.

(o) Development bonuses for mixed income housing in the Cedars West Subdistrict No. __.

(1) In general. Except as provided in this section, compliance with Division 51A-4.1100, as amended, is required to obtain the development bonuses in Section 51P-784.203(m)(1)(B).

(2) The off-street parking development bonus set forth in Section 51P-784.203(m)(1)(B) applies if a minimum of 15 percent of the total number of dwelling units are available to households earning between 51 and 60 percent of AMFI, the provisions of Section 51P-784.203 are met, and the property must provide access to a public or privately run year-round transit services. This program may include vouchers, establishment of an additional transit stop in coordination with DART, rideshare, or shuttle service to defined locations at regular intervals. This obligation shall expire upon the establishment of a permanent rail, transit or similar mobility stop within a quarter mile walking distance of the site as measured from the public entrance.

(3) Design standards. Compliance with 51A-4.1107 is not required.

SEC. 51P-784.302.

CREATION OF SUBAREAS.

(a) Subareas are geographic areas within the district. The form district regulations are applied to the subareas.

(b) The following subareas are incorporated into the Trinity River Special Purpose District (See Illustration 302A):

(1) Mixmaster Riverfront Subarea.

(A) Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(B) Mixmaster Riverfront Subarea Tract 2.

(2) Cedars West Subarea.

(A) Cedars West Subdistrict No. 1.

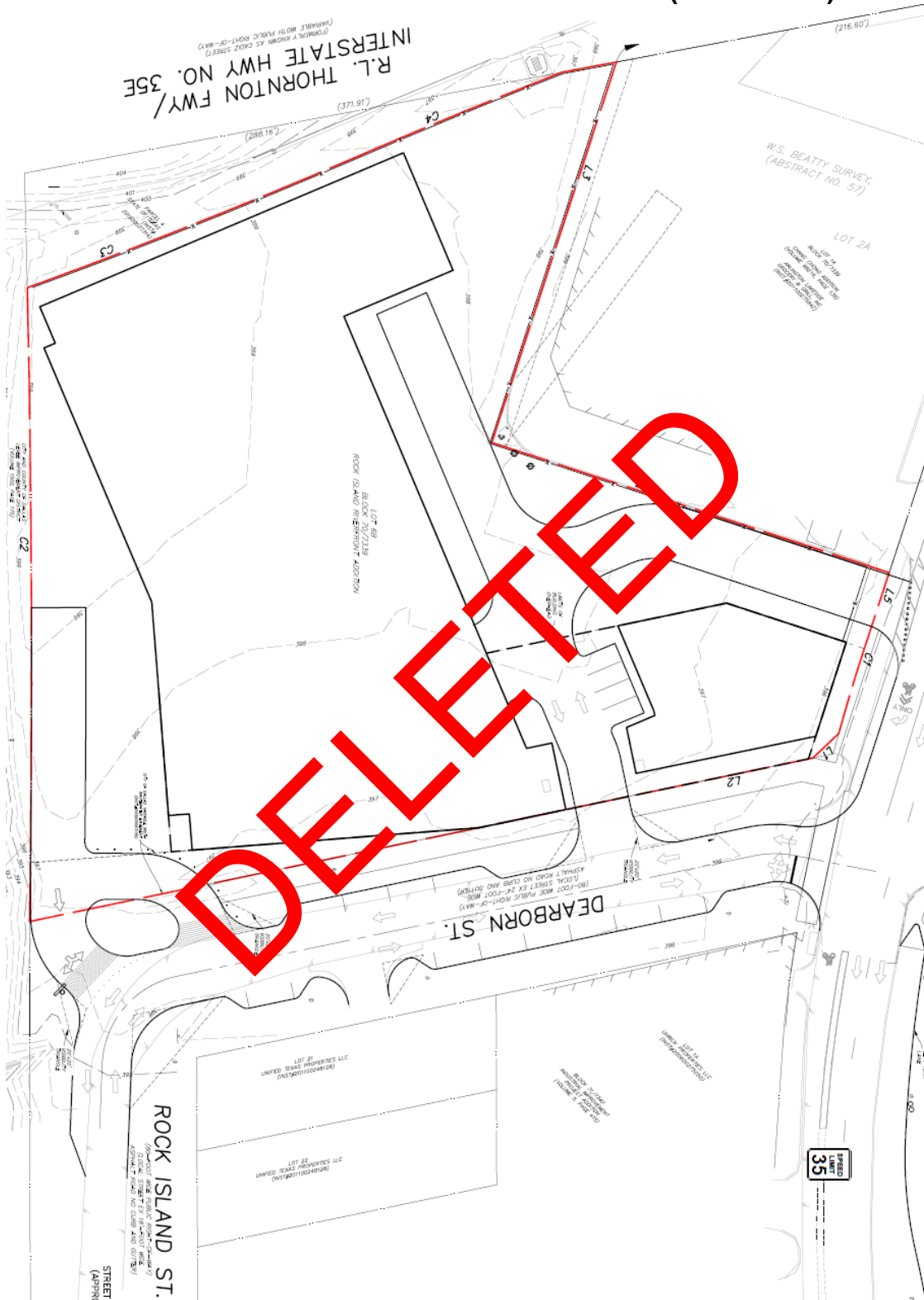
(B) Cedars West Subdistrict No. 2.

(C) Cedars West Subdistrict No. 3.

CPC RECOMMENDED DEVELOPMENT PLAN

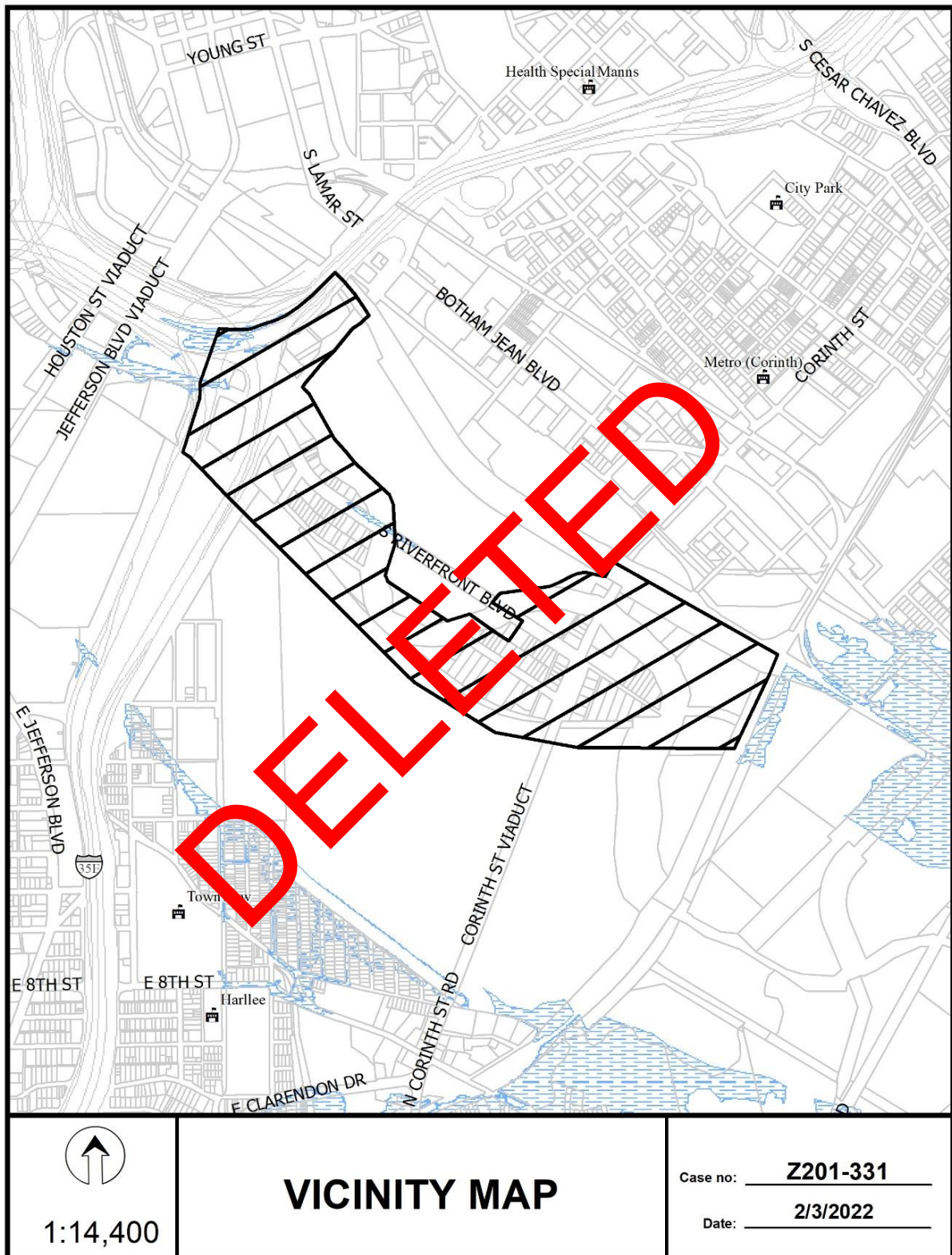


CPC RECOMMENDED DEVELOPMENT PLAN (ENLARGED)

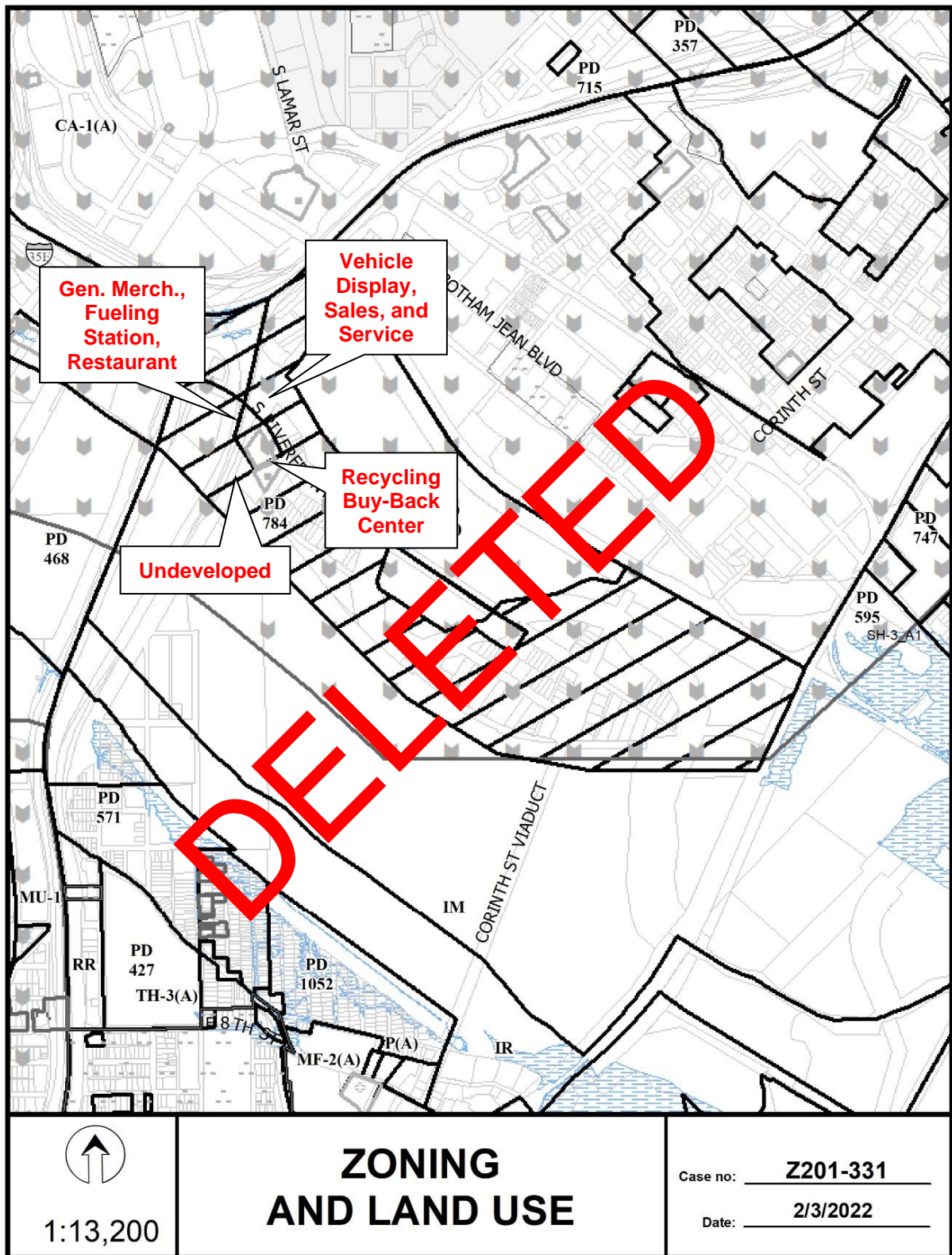


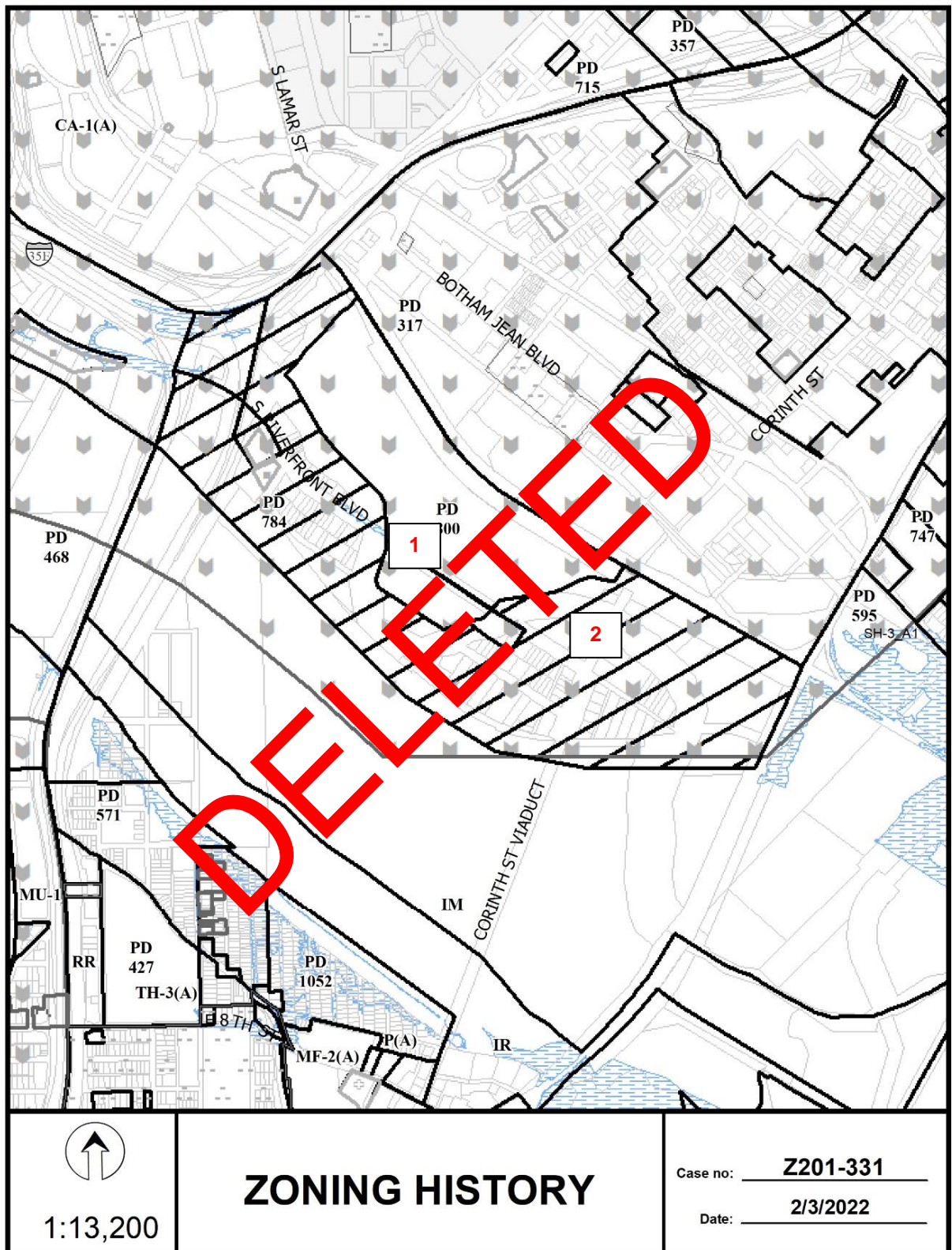


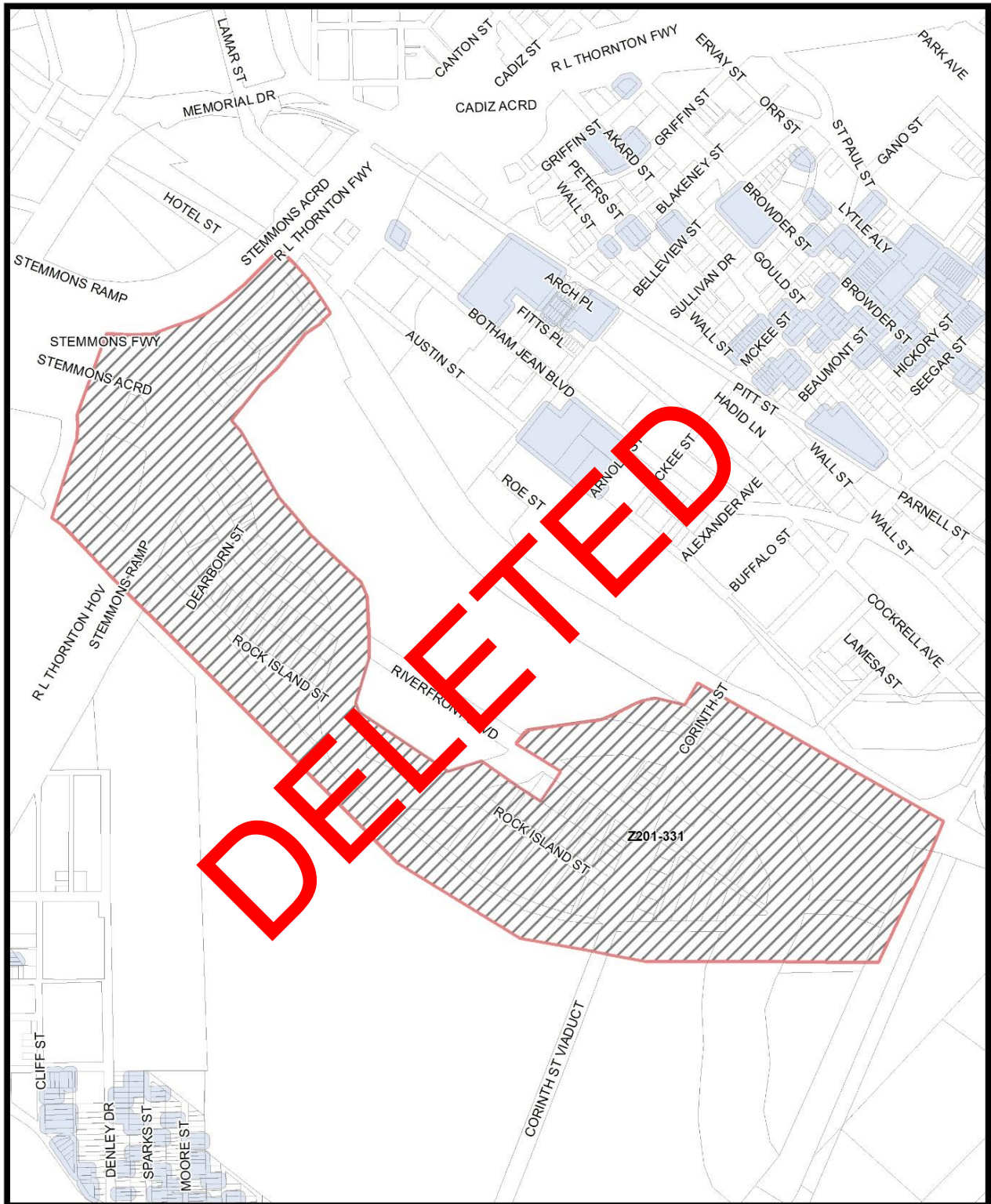
Z201-331 Area of Request Exhibit











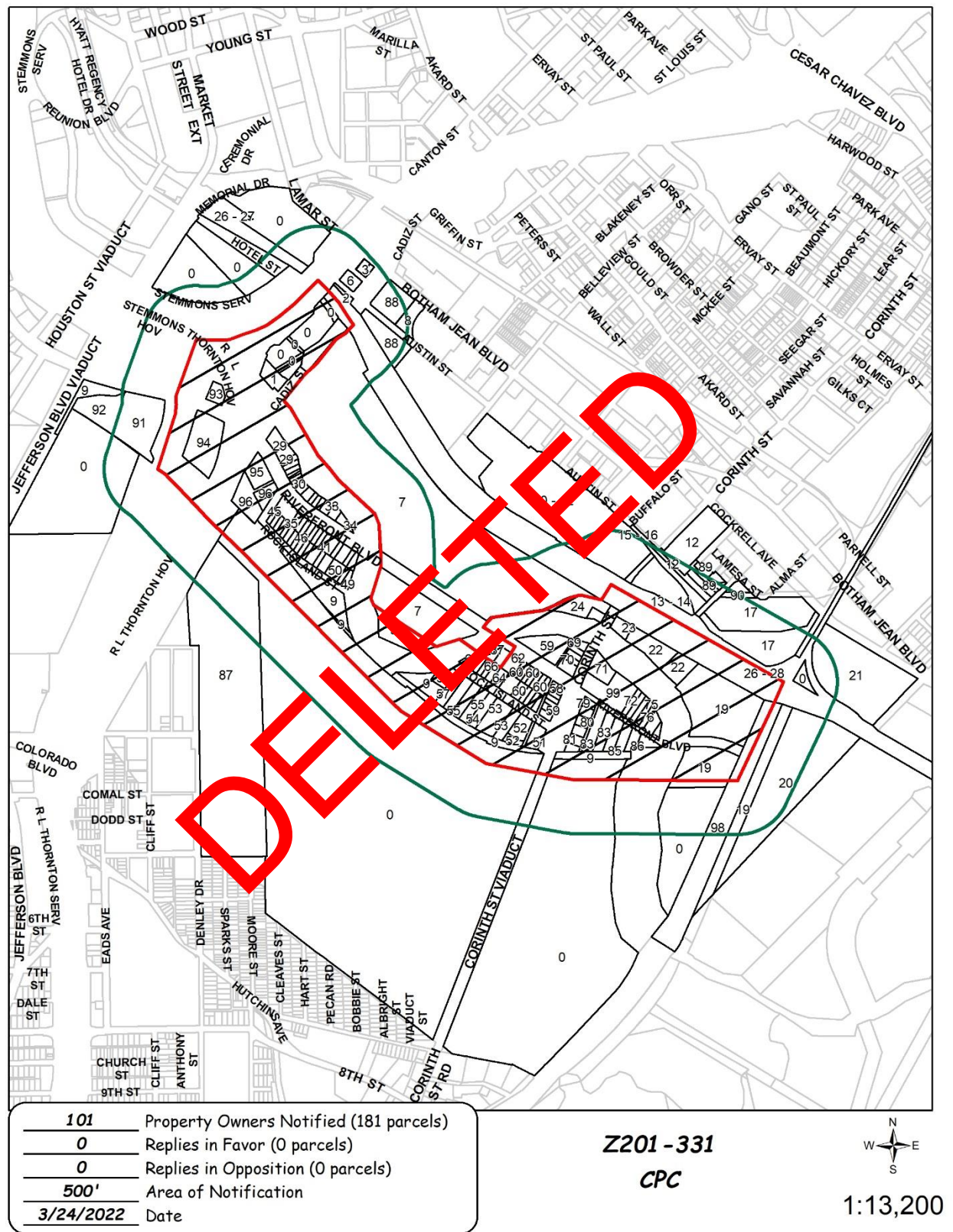
Market Value Analysis



1:9,454

Market Value Analysis

Printed Date: 2/3/2022



03/23/2022

Reply List of Property Owners***Z201-331******101 Property Owners Notified
Owners Opposed******0 Property Owners in Favor******0 Property***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	327	CADIZ ST	SHERO INDUSTRIAL PPTIES LP
2	905	S AUSTIN ST	DALLAS TERM RY & UN DEPOT
3	971	BOTHAM JEAN BLVD	CCH LAMAR PARTNERS I LP
4	969	BOTHAM JEAN BLVD	LIM SCOTT
5	967	BOTHAM JEAN BLVD	LADUS ZELMA WARNER
6	969	TERMINAL ST	Travis at
7	318	CADIZ ST	TEXAS CENTRAL REAL ESTATE
8	1111	BOTHAM JEAN BLVD	DESIGN & PRODUCTION INC
9	1415	S RIVERFRONT BLVD	DALLAS COUNTY FLOOD
10	702	BELLEVIEW ST	DALLAS TERM RY & UN DEPOT
11	1803	WALK ST	BLACKSTONE MINERALS
12	2121	COCKRELL AVE	1600 ROE STREET LLC
13	2125	N AUSTIN ST	DALLAS TERM RY & UN DEPOT
14	1900	S AUSTIN ST	1600 ROE STREET LLC
15	7010	HENNING AVE	DALLAS TERM RY & UN DEPOT
16	70	HENNING ST	1600 ROE STREET LLC
17	710	HENNING AVE	Dallas ISD
18	800	HENNING AVE	TWIN G 2 LLC
19	2205	S RIVERFRONT BLVD	ONCOR ELECTRIC DELIVERY COMPANY
20	1005	FOREST AVE	BROWN FOREST PPTY INC
21	2601	COCKRELL AVE	WILLOW DISTRIBUTORS INC
22	505	CORINTH ST	TXI OPERATIONS LP
23	520	CORINTH ST	TEXAS CENTRAL RAILROAD &
24	503	CORINTH ST	TEASLEY DOLORES LIFE ESTATE
25	501	CORINTH ST	TES SAM & KATHERINE MAO
26	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9999	NO NAME ST	UNION PACIFIC RR CO
28	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
29	1006	S RIVERFRONT BLVD	CADIZ RIVERFRONT LAND
30	1008	S RIVERFRONT BLVD	Taxpayer at
31	1010	S RIVERFRONT BLVD	Taxpayer at
32	1018	S RIVERFRONT BLVD	CADIZ RIVERFRONT LAND HOLDINGS
33	1208	S RIVERFRONT BLVD	1212 SOUTH RIVERFRONT BLVD
34	1222	S RIVERFRONT BLVD	DOAN MISTY
35	1119	S RIVERFRONT BLVD	HURT & MARDIE INC
36	1121	S RIVERFRONT BLVD	UHRICK PTIES LLC
37	1203	S RIVERFRONT BLVD	THREE RIVERFRONT PPTIES LP
38	1207	S RIVERFRONT BLVD	MARINET SILVERIO
39	1209	S RIVERFRONT BLVD	TESEGU RUSOM T
40	1211	S RIVERFRONT BLVD	Taxpayer at
41	1213	S RIVERFRONT BLVD	FC RIVERFRONT LLC
42	1219	S RIVERFRONT BLVD	1219 S INDUSTRIAL LLC
43	1223	S RIVERFRONT BLVD	Taxpayer at
44	1227	S RIVERFRONT BLVD	BJS REAL ESTATE
45	1100	ROCK ISLAND ST	UNIFIED TEXAS PROPERTIES LLC
46	1130	ROCK ISLAND ST	1130 ROCK ISLAND LLC
47	1210	ROCK ISLAND ST	Taxpayer at
48	1214	ROCK ISLAND ST	Taxpayer at
49	1216	ROCK ISLAND ST	BJS REAL ESTATE LLC
50	1228	ROCK ISLAND ST	Taxpayer at
51	103	CORINTH ST	Taxpayer at
52	2017	ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
53	2003	ROCK ISLAND ST	HTB GAMING & SLOTS LLC
54	1903	ROCK ISLAND ST	HARGROVE JOHN INVESTMENTS
55	1815	ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
56	1811	ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
57	1809	ROCK ISLAND ST	BUCKLEY OIL CO

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2017	S RIVERFRONT BLVD	RBB INDUSTRIAL LLC
59	149	CORINTH ST	BISHOP INDUSTRIAL PROPERTIES
60	2011	S RIVERFRONT BLVD	HML HOLDINGS LLC
61	2003	S RIVERFRONT BLVD	HML HOLDINGS LLC
62	1919	S RIVERFRONT BLVD	Taxpayer at
63	2006	ROCK ISLAND ST	Taxpayer at
64	1908	ROCK ISLAND ST	HML HOLDINGS LLC
65	1824	ROCK ISLAND ST	SHERARD SCOTT THOMAS
66	1820	ROCK ISLAND ST	SHERARD SCOTT THOMAS
67	1808	ROCK ISLAND ST	HML HOLDINGS LLC
68	1800	ROCK ISLAND ST	ROCKALONG LLC
69	201	CORINTH ST	WHITLOCK PROPERTIES LLC
70	401	CORINTH ST	Taxpayer at
71	418	CORINTH ST	MAHANTRAJ DT LLC
72	2202	S RIVERFRONT BLVD	Taxpayer at
73	2206	S RIVERFRONT BLVD	Taxpayer at
74	2210	S RIVERFRONT BLVD	Taxpayer at
75	2214	S RIVERFRONT BLVD	Taxpayer at
76	2218	S RIVERFRONT BLVD	Taxpayer at
77	2222	S RIVERFRONT BLVD	Taxpayer at
78	2224	S RIVERFRONT BLVD	2224 S RIVERFRONT LLC
79	2101	S RIVERFRONT BLVD	NGUYEN RANDY DAC &
80	132	CORINTH ST	BISHOP ENGINE REPLACEMENT
81	112	CORINTH ST	BISHOP ENGINE REPLACEMENT
82	106	CORINTH ST	BISHOP ENGINE REPLACEMENT
83	2205	S RIVERFRONT BLVD	OWENS SANDRA
84	2209	S RIVERFRONT BLVD	ATLAS IRON & METAL
85	2215	S RIVERFRONT BLVD	EISENBERG JOE ETAL
86	2221	S RIVERFRONT BLVD	ATLAS IRON & METAL
87	101	CADIZ ST	CITY & COUNTY LEVEE
88	1005	BOTHAM JEAN BLVD	CCH ALAMO LP

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	812	MONTGOMERY ST	TWIN G 2 LLC
90	2320	LAMESA ST	EVERGREEN PLAZA PARTNERS LLC
91	801	S RIVERFRONT BLVD	Taxpayer at
92	701	S RIVERFRONT BLVD	Taxpayer at
93	908	S RIVERFRONT BLVD	Taxpayer at
94	919	S RIVERFRONT BLVD	ONCOR ELECRTIC DELIVERY COMPANY
95	1005	S RIVERFRONT BLVD	ARLINGTON LAKESIDE GROCERY & GRILL INC
96	106	DEARBORN ST	RIVERFRONT DEARBORN PARTNERS
97	1103	S RIVERFRONT BLVD	UHRICK PROPERTIES LLC
98	555	2ND AVE	DARF
99	216	CORINTH ST	Taxpayer at
100	1212	S RIVERFRONT BLVD	1212 SOUTH RIVERFRONT BLVD
101	1212	S RIVERFRONT BLVD	DUNCAN JENNIFER INHERITORS

DELETED



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1011

Item #: Z2.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District on the Northeast corner of south Riverfront Boulevard and Corinth Street

Recommendation of Staff: **Approval**, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Recommendation of CPC: **Approval**, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Z201-337(RM)

FILE NUMBER: Z201-337(RM) **DATE FILED:** September 7, 2021

LOCATION: Northeast corner of South Riverfront Boulevard and Corinth Street

COUNCIL DISTRICT: 2

SIZE OF REQUEST: Approx. 4.11 acres **CENSUS TRACT:** 0204.00

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

APPLICANT: Island Rock Holding, LLC

OWNER: Big D Eastside Holdings

REQUEST: An application for a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District.

SUMMARY: The purpose of the request is to allow modified development standards primarily related to permitted uses, setbacks, floor area ratio, height, lot coverage, lot size, off-street parking and loading, environmental performance standards, landscaping, and signs to allow specific residential and nonresidential uses on site.

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

STAFF RECOMMENDATION: **Approval**, subject to a development plan, a landscape plan, a traffic management plan, and conditions.

PD No. 784: <https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20784.pdf>

PD No. 784 Exhibits: <https://dallascityhall.com/departments/city-attorney/Pages/articles-data.aspx>

BACKGROUND INFORMATION:

- The area of request is currently located within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District. The site is currently developed with multiple structures, parking, and open space. The site was previously used as a commercial amusement (inside).
- The applicant proposes to utilize the existing structures and add structures for an outdoor concert venue to the site.
- To accomplish this, the applicant requests a new subdistrict within the Cedars West Subarea of PD No. 784. By default, the existing development standards of the Cedars West Subarea would apply to the proposed subdistrict. The only exception would be for a mixed-use entertainment venue, which would be permitted by right.
- The applicant defines the mixed-use entertainment venue as a development that includes an indoor concert and event facility and an outdoor concert venue with an amphitheater. This use may also include the following main uses by right when located in a legacy building and in additional buildings which may not exceed an additional cumulative 2,000 square feet of floor area:
 - Alcoholic beverage establishments
 - Commercial amusement (inside)
 - Commercial amusement (outside)
 - Personal service use
 - Office
 - Restaurant without drive-in or drive-through service
 - General merchandise or food store 3,500 square feet or less
 - Multifamily
 - Hotel or motel
- The applicant defines a legacy building as the existing longhorn ballroom and existing mixed-use building as shown on the development plan and that were built before 1955, and an additional 2,000 square feet are permitted to be constructed as an addition to the existing building.
- The applicant also proposes modified development standards primarily related to setbacks, floor area ratio, height, lot coverage, lot size, off-street parking and loading, environmental performance standards, landscaping, and signs.

Zoning History:

There has been one zoning case in the area in the past five years.

1. **Z201-331:** On August 26, 2021, an application for 1) a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and 2) the termination of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall was received by staff. The case is scheduled to be heard by the City Plan Commission on March 24, 2022.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Riverfront Boulevard	Principal Arterial	107'
Corinth Street	Principal Arterial	80'

Traffic:

The Transportation Development Services Division of the Transportation Department reviewed a traffic assessment for the area of request dated December 10, 2021. The report provides a summary of the project description, anticipated traffic operations, parking conditions and roadway conditions. The assessment includes a list of recommendations for the operation of concerts and special events. The applicant also submitted a traffic management plan for special events and a supplemental traffic impact evaluation to identify opportunities to improve walkability on roads immediately adjacent to the subject site.

The evaluation of the proposed development, however, does not provide a technical justification to validate the anticipated parking demand generated by the proposed development during peak special event. According to the applicant, parking for this facility is expected to be supported by transportation network companies and public transit or shuttle services to remote areas (namely, 418 Corinth Street and 2101 Botham Jean Boulevard). The roadway infrastructure in the immediate vicinity of the site is in severe disrepair. Possible improvements needed include curb, gutter, sidewalk, ADA compliant ramps, on-street drop-off, traffic signal upgrades, and corresponding pedestrian amenities.

Therefore, the proposed conditions include a provision for a minimum eight-foot-wide sidewalk with a minimum five-foot-wide buffer along Corinth Street. This condition for a sidewalk and buffer would trigger requirements for related improvements including ramps, crosswalk enhancements, receiving ramps and pedestrian buttons – ultimately requiring full upgrades to any outdated traffic signal infrastructure.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 outlining several goals and policies which can 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 1.1.2 Focus on Southern Sector development opportunities.

Policy 1.1.3 Build a dynamic and expanded Downtown.

1.1.3.4 Strengthen connections between Downtown, the Trinity River Corridor, and adjacent neighborhoods.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

2.2.1.3 Stimulate high-value, high-quality economic development in the Trinity River Corridor.

2.2.1.4 Support new residential and commercial developments that strengthen connections between the Trinity River Corridor and Downtown and the surrounding urban core neighborhoods.

Area Plan:

Trinity River Corridor Comprehensive Land Use Study

The Trinity River Corridor Comprehensive Land Use Study was adopted by City Council in March 2005 and later revised in December 2009.

The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social, or economic barriers, which attracts residents and visitors to live, learn, work, shop, and play within a cosmopolitan urban core, and alongside the river's meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan's recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River
- Create a vibrant central city
- Establish the Trinity River floodplain as the front yard of the City
- Enhance the City's urban form to increase the appeal of urban life

The request is consistent with the goals and policies of the Trinity River Corridor Comprehensive Land Use Study, which envisions higher density, mixed-use development with a focus on the Trinity River.

The 360 Plan

The 360 Plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The plan includes recommendations for West Dallas and emphasizes connections between Downtown and West Dallas, recommending strategies for improved pedestrian and bike connections to the Trinity River, as well as multimodal improvements to District Connectors such as Singleton, Commerce, Sylvan, and Beckley, and recognizes that new development should be sensitive to West Dallas history, preserving culturally rich areas like La Bajada and supporting long-term residents through the preservation and enhancement of historic, diverse neighborhoods.

The request is consistent with the 360 Plan, which envisions this area as appropriate for high density, mixed use development.

Land Use:

	Zoning	Land Use
Site	Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District	Vacant
Northeast	Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District	Motor vehicle fueling station, temporary concrete or asphalt batching plant
Southeast	Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District	Local utilities
Southwest	Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District	General merchandise or food store 3,500 square feet or less, industrial (outside)
Northwest	Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District	Auto service center

Land Use Compatibility:

The area of request is currently surrounded by industrial uses such as temporary concrete or asphalt batching plant and industrial (outside). The request area is also surrounded by commercial uses including motor vehicle fueling station, general merchandise or food store 3,500 square feet or less, and auto service center. Southeast of the site are local utilities. Staff assesses the applicant's request as compatible with surrounding uses in the area.

The site is currently developed with multiple structures, parking, and open space and was previously used as a commercial amusement (inside). It is currently within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District. With this request, the applicant proposes to utilize the existing structures and add structures for an outdoor concert venue to the site. To accomplish this, the applicant requests a new subdistrict within the Cedars West Subarea of PD No. 784.

By default, the existing development standards of the Cedars West Subarea would apply to the proposed subdistrict. The only exception would be for a mixed-use entertainment venue, which would be permitted by right. The applicant defines the mixed-use entertainment venue as a development that includes an indoor concert and event facility and an outdoor concert venue with an amphitheater. This use may also include the

following main uses by right when located in a legacy building and in additional buildings which may not exceed an additional cumulative 2,000 square feet of floor area:

- Alcoholic beverage establishments
- Commercial amusement (inside)
- Commercial amusement (outside)
- Personal service use
- Office
- Restaurant without drive-in or drive-through service
- General merchandise or food store 3,500 square feet or less
- Multifamily
- Hotel or motel

The applicant defines a legacy building as the existing longhorn ballroom and existing mixed-use building as shown on the development plan and that were built before 1955, and an additional 2,000 square feet are permitted to be constructed as an addition to the existing building.

The applicant also proposes modified development standards primarily related to setbacks, floor area ratio, height, lot coverage, lot size, off-street parking and loading, environmental performance standards, landscaping, and signs.

Select Development Standards Comparison Chart

Following is a select development standards comparison chart showing differences between the development standards of the Cedars West Subarea within PD No. 784 and those of the mixed-use entertainment venue within the proposed subdistrict. All other uses within the proposed subdistrict would still be subject to the existing standards of the Cedars West Subarea. For a full comparison of development standards, see PD No. 784.

Standard	Cedars West SA within PD No. 784	Mixed Use Entertainment Venue within SD
Front setback	Corinth Street: Minimum 75% frontage on build-to line, remainder must be at or behind build-to line Riverfront Boulevard: Minimum 75% frontage on build-to line, remainder must be at or behind build-to line	Corinth Street: 10' w/ signage Riverfront Boulevard: None required
Side setback	No minimum required	No minimum

Standard	Cedars West SA within PD No. 784	Mixed Use Entertainment Venue within SD
Rear setback	No minimum required	No minimum
Density	No maximum FAR	No maximum FAR
Height	36' minimum 300' maximum	1 story minimum 3 stories maximum
Lot coverage	No maximum required	80% max
Lot size	None	No minimum

Lastly, the applicant proposes to modify the noise regulations under Article VI of Chapter 51A to accommodate the use of the outdoor concert venue. The maximum decibel limit typically allowed in a mixed-use district is 63 dBA. The applicant proposes that for the mixed-use entertainment venue, the maximum decibel limit is 85 dBA, from 10:00 a.m. until 12:00 a.m. Monday through Thursday, and from 10:00 a.m. until 1:00 a.m. Friday through Sunday. At all other times, the maximum decibel limit is 65 dBA. Code compliance staff has reviewed the applicant's proposed conditions for noise and did not have any objections.

Overall, staff supports the applicant's request because it will allow the adaptive reuse of a landmark site while honoring the intent and function of the existing form district zoning. The proposed use is not foreseen to be detrimental to surrounding uses, which are largely heavy commercial or industrial in nature. Additionally, there are no existing residential uses in the immediate vicinity of the site that would be impacted by the site. Lastly, the proposed use could serve as a catalyst project in the continued development of the Trinity River Corridor.

Landscaping:

In lieu of meeting the landscaping conditions of PD No. 784, the applicant proposes that for a mixed-use entertainment venue in the proposed subdistrict, landscaping must be provided as shown on the landscape plan.

It should be noted the landscape plan may create possible utility conflicts. The proposed plantings along the Corinth Street frontage may not be allowed due to wastewater underground restrictions. The applicant has been made aware of this possible conflict and would like to proceed with the landscape plan as presented.

To avoid conflicts with the landscape plan at permitting, the proposed conditions include a landscaping provision that trees shall not be planted within 10 feet of public utilities or

within a visibility triangle except on the approval of the Director. If the plan location is not approved, the tree must be planted as near as possible to the adjacent property line and the relocation will not require a plan amendment. This condition would allow the planting of trees in the front yard of Corinth Street if utility conflicts prevented them from being planted directly along the street.

The proposed conditions also include a landscaping provision that would require the PD landscape plan to be adapted to a standard permit landscape plan when it is submitted for permitting. This condition would require the PD landscape plan to comply in form and content with the requirements of Section 51A-10.123(c) and Section 51A-10.104 for a building permit.

Parking:

The applicant has provided a definition for a mixed-use entertainment venue and incorporated other associated uses into this definition. This will allow the use to be subject to one parking requirement as outlined in the off-street parking and loading section of the proposed conditions. Otherwise, Building Inspections staff would require each individual associated use to be parked at the standard ratio outlined in Chapter 51A.

The applicant has provided a traffic assessment that identifies 72 spaces required for the restaurant, retail, and office uses; 400 spaces for the dancehall; and 633 spaces for the commercial amusement (outside). The proposed site plan is providing 156 parking spaces on site. Of these parking spaces, 86 are shown as unpaved and intended to serve as the outdoor pavilion when not in use. The assessment provided identifies several possible off-site parking opportunities in the surrounding area and also details shuttle services from the DART stations nearby. At the time of permitting, the applicant will be responsible for identifying and contracting all off-site parking spaces.

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 (A through C) to orange, representing the weakest markets (G through

I). The area of request is not currently within an MVA *cluster*, nor are any of the surrounding properties in the immediate vicinity of the site. The overall area is currently within an “E” MVA *area*.

List of Officers

Applicant: Island Rock Holdings LLC

- Edwin Cabaniss, Managing Member
- Diana Cox, Secretary

Owner: Big D Eastside Holdings

- Renee Lorenz, President
- Laura Whitfield, Vice President.

CPC ACTION
MARCH 24, 2022

Motion: It was moved to recommend **approval** of a new subdistrict within the Cedars West Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to a revised development plan, revised landscape plan, traffic management plan, and revised conditions; with the following changes:

1) Sec. __.110 Environmental Performance Standards

- Change 65 dBA to 63 dBA for all days of the week
- add item 4 as follows: "If a City of Dallas code enforcement official takes two sound measurements annually that are not compliant with this provision the property owner must complete a new environmental noise assessment and feasibility study.";

2) Sec. __.111 Landscape

Item (3) change 'possible' to 'practicable';

3) Sec. __.203 (F) Mixed Use Entertainment Venue

- Include provision for a multi-functional facility as follows: "where a combination of social, recreational, entertainment, retail or residential uses are provided to the public. For purposes of this definition, a minimum of 3 uses must be provided. A legacy building where only one use occurs is not considered to be a mixed use entertainment venue.";

4) Sec. __.203 (m) Off-street parking and loading item (1)(B) revise romanette ii, to strike "when outdoor music venue is not in use" to read "...except when the outdoor music venue is in use";

5) Sec. __.304 (3) Mixed Use Entertainment subdistrict

- Legacy Building definition, add existing 58,500 square feet
- Setbacks; Corinth Street setback, change 10 feet to 35 feet. Add: Parking is allowed in the front yard setback at the north-east property line on Corinth [Street]
- Floor Area: 1.0 maximum
- Height: 54 ft maximum height
- Lot Coverage: maximum lot coverage 40%
- Sidewalks: a minimum of 6 ft clear, unobstructed clear width is required;

6) Sec. 51P-784.304 the traffic management plan for outdoor events:

1. Include a purpose provision to read as follows:

"A transportation management plan (TMP) for this planned development district must be prepared by the owner of the Property or its agent. The TMP is a document containing strategies and mechanisms the owner or its agent must implement to ensure the fluidity of vehicular movement on and surrounding the Property. The TMP must also offer methods of safely accommodating the transportation of visitors to and from remote parking

locations in a safe and efficient manner while minimizing impacts on the surrounding community.”

2. Add the following requirements:

“If the strategies include operations of off-site parking facilities, the TMP must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code. The TMP must also contain the following:

- (1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event
 - (2) A list of and the location of remote parking sites for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property
 - (3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation
 - (4) The routes to be used by the transporting vehicles.
 - (5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property
 - (6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.”; and
- 7) Include maximum number of outdoor events is 54 annually; and
- 8) Add: 12 ft metal decorative sound attenuation wall. Wall to be on masonry base along Riverfront [Boulevard]
at the northeast corner of South Riverfront Boulevard and Corinth Street.

Maker: Hampton

Second: Rubin

Result: Carried: 11 to 0

For: 11 - Hampton, Shidid, Carpenter, Blair, Jung, Housewright, Gibson, Haqq, Stanard, Kingston, Rubin

Against: 0

Absent: 2 - Popken, Anderson

Vacancy: 2 - District 3, District 7

Notices: Area: 500

Mailed: 101

Replies: For: 30

Against: 0

Speakers: For: Erwin Cabaniss, Address not given
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Joe Nick Patoski, 706 Deer Run, Wimberly, TX, 78676
Steph McDougal, 2219 Brae Ln., League City, TX, 77573
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204
Melvin Saunders, 3419 St. Cloud Cir., Dallas, TX, 75229
Chris Heinbaugh, 2403 Flora St., Dallas, TX, 75201
Blayne Tucker, 2423 N. St. Mary's St., San Antonio, TX, 78212
Chris Weiss, 2222 Vantage St., Dallas, TX, 75207
David Haedge, 203 N. Rosemont Ave., Dallas, TX, 75208
Hannah Hargrove, 1903 Rock Island St., Dallas, TX, 75207
Louis Okon, 5901 S. Lamar St., Dallas, TX, 75215
David Marquis, 3110 W. Kiest Blvd., Dallas, TX, 75233
Jeffrey Liles, 502 N. Winnetka Dallas, TX, 75208
Lester Houston, 1403 Whitaker Ave., Dallas, TX, 75216
Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216
For (Did not speak): Luke Franz, 2323 Ross Ave., Dallas, TX, 75201
Robert Mecfessel, 1427 Haines Ave., Dallas, TX, 75208
Rebecca Reynolds, 615 Gaylor St., Austin, TX, 78752
Against: None
Against (Did not speak/Technical Issues): Janet Long, 1942 Cedar Crest Blvd., Dallas, TX,
75203

CPC RECOMMENDED CONDITIONS

SEC. 51P-784.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 784A: Cedars West Subdistrict No. 2 site plan and elevation.
- (2) Exhibit 784_: Cedars West Subdistrict No. _ development plan.
- (3) Exhibit 784_: Cedars West Subdistrict No. _ landscape plan.
- (4) Exhibit 784_: Cedars West Subdistrict No. _ traffic management plan.

SEC. 51P-784.106. CONCEPTUAL AND DEVELOPMENT PLANS.

(a) Except as provided in this section, no conceptual plan or development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a conceptual plan, development plan, site analysis plan, and development schedule do not apply.

(b) For a mixed-use entertainment venue in the Cedars West Subdistrict No. _, development and use of the property must comply with the Cedars West Subdistrict No. _ development plan (Exhibit 784_). If there is a conflict between the text of the article and the Cedars West Subdistrict No. _ development plan, the text of this article controls.

SEC. 51P-784.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) Except as provided in this section, see Article VI.

(b) Mixed use entertainment venue in Cedars West Subdistrict No. _.

(b) Definitions.

(1) For purposes of this subsection, SOUND MARKERS means points of measurement for decibel limits as shown on the Cedars West Subdistrict No. _ development plan.

(2) The maximum permissible decibel limits contained in Section 51A-6.102(c) do not apply to the Property and are replaced by the following restrictions on Equivalent Sound Pressure Level (Leq). The maximum permissible equivalent sound pressure level on any day, as measured on the A scale over an eight-minute-period, at the average of the four points identified as Sound Markers on the development plan, may not exceed the following decibel limits during the following time periods:

Monday – Thursday:
Maximum Permitted

Time Period Decibel Limit

From 10 a.m. until **12:00 a.m.** 85dBA

All other times, 63dBA

Friday – Sunday:

Maximum Permitted

Time Period Decibel Limit

From 10 a.m. until **1:00 a.m.** 85dBA

All other times, 63dBA

(3) All measurements shall be taken within ten feet of the Sound Markers as shown on the development plan. Measurements shall be taken at a height of up to six feet from the ground level without any obstructions other than permanent buildings or fences.

(4) If a City of Dallas code enforcement official takes two sound measurements annually that are not compliant with this provision the property owner must complete a new environmental noise assessment and feasibility study.

SEC. 51P-784.111. LANDSCAPING.

(h) Mixed use entertainment venue in Cedars West Subdistrict No. __.

(1) Landscaping must be provided as shown on the Cedar West Subdistrict No. __ landscape plan (Exhibit 784__). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(2) The landscape plan (Exhibit 784__) must comply in form and content with the requirements of Section 51A-10.123(c) and Section 51A-10.104 for a building permit.

(3) Trees shall not be planted within 10 feet of public utilities or within a visibility triangle except on the approval of the Director. If the plan location is not approved, the tree must be planted as near as practicable to the adjacent property line, and the relocation will not require a plan amendment.

(4) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-784.203. URBAN VILLAGE FORM DISTRICT REGULATIONS.

(l) Uses permitted.

(1) Use definitions. In this district:

(A) BAIL BONDS OFFICE means an office for the issuance, brokerage, or procurement of bail bonds, whether as an accessory use or a main use.

(B) DETENTION FACILITY means a facility operated for the confinement of inmates.

(C) INTEGRATED RENEWAL ENERGY SOURCE means an accessory electrical power system for on-site generation and consumption that is mounted on the roof of a main structure.

(D) LEVEE WALKS means a structure constructed above grade primarily for crossing the Trinity River levee.

(E) MESSAGE ESTABLISHMENT and MESSAGE means a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(F) MIXED USE ENTERTAINMENT VENUE means a venue that includes an indoor concert and event facility and an outdoor concert venue with an amphitheater where a combination of social, recreational, entertainment, retail, or residential uses are provided to the public. For purposes of this definition, a minimum of three uses must be provided. A legacy building where only one use occurs is not considered to be a mixed use entertainment venue. This use may also include the following main uses by right when located in a legacy building and in additional buildings which may not exceed an additional cumulative 2,000 square feet of floor area:

This use allows a commercial amusement (outside) as a main use by right, plus the following additional main uses by right if located in a legacy building:

- Alcoholic beverage establishments
- Commercial amusement (inside)
- Personal service use
- Office
- Restaurant without drive-in or drive-through service
- General merchandise or food store 3,500 square feet or less
- Multifamily
- Hotel or motel
- Recording studio

(G) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. BODY PIERCING means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(H) WIND TURBINE means an accessory wind-driven turbine for generating electricity.

Table 203.12. Main uses permitted in the urban village form district.

Uses		Additional provisions
Agriculture		
Crop production		No minimum acreage is required for raising or harvesting agricultural crops.
Commercial and business service uses		
Building repair and maintenance	Permitted	
Catering service	Permitted	
Custom business services	Permitted	
Custom woodworking, furniture construction, or repair	Permitted	
Electronics service center	Permitted	
Job or lithographic printing	Permitted	
Medical or scientific laboratory	SUP	
Technical school	Permitted	Must be wholly enclosed. Traffic management plan approved by the building official and updated annually.
Tool or equipment rental	Permitted	Must be wholly enclosed.
Industrial uses		
Industrial (inside) for light manufacturing	SUP	
Temporary concrete or asphalt batching plant	Permitted	By special authorization of the building official.
Institutional and community service uses		
Adult day care facility	Permitted	
Child-care facility	Permitted	
Church	Permitted	
College, university, or seminary	Permitted	
Community service center	Permitted	
Convalescent and nursing homes, hospice care, and related institutions	Permitted	
Convent or monastery	Permitted	
Foster home	Permitted	
Hospital	Permitted	
Library, art gallery, or museum	Permitted	
Public school	SUP	Traffic management plan approved by the building official and updated annually.
Private school or open enrollment charter school	SUP	Traffic management plan approved by the building official and updated annually.
Lodging uses	Permitted	SUP required for overnight general purpose shelter. SUP required for 60 or fewer guest rooms.
Miscellaneous uses		

Attached non-premise sign	SUP	
Placement of fill material	SUP	
Temporary construction or sales office	Permitted	
Office uses	Permitted	SUP required for bail bonds office.
Recreation uses	Permitted	
Residential uses		
College dormitory, fraternity, or sorority house	Permitted	
Duplex	Permitted	
Group residential facility	Permitted	
Handicapped group dwelling unit	Permitted	
Multifamily	Permitted	
Residential hotel	Permitted	
Retirement housing	Permitted	
Single family	Permitted	Accessory structures may be rented.
Retail and personal services use		
Alcoholic beverage establishments	SUP	Not eligible for automatic renewal.
Animal shelter or clinic without outside run	Permitted	
Auto service center	Permitted	Must be wholly enclosed with no exterior vehicle storage.
Business school	Permitted	
Car wash	Permitted	Must be wholly enclosed with no exterior vehicle storage.
Commercial amusement (inside)	SUP	Not eligible for automatic renewal.
Commercial amusement (outside)	SUP	
Commercial parking lot or garage	Permitted	
Dry cleaning or laundry store	Permitted	
Furniture store	Permitted	
General merchandise or food store 3,500 square feet or less	Permitted	

General merchandise or food store greater than 3,500 square feet	Permitted	Uses greater than 50,000 square feet must (1) be located on a minimum of two floors, (2) be integrated into a multi-story mixed use development that has lodging, office, or residential uses located on upper floors, or (3) have a maximum street-level street frontage of 100 feet per block face, excluding vehicular ingress, egress, and visibility triangles, with the remaining frontage on that block face being separate retail and personal service or office uses that have direct access to a sidewalk and a minimum depth of 40 feet, measured from the building facade.
General merchandise or food store 100,000 square feet or more	SUP	Must (1) be located on a minimum of two floors, (2) be integrated into a multi-story mixed use development that has lodging, office, or residential uses located on upper floors, or (3) have a maximum street-level street frontage of 100 feet per block face, excluding vehicular ingress, egress, and visibility triangles, with the remaining frontage on that block face being separate retail and personal service or office uses that have direct access to a sidewalk and a minimum depth of 40 feet, measured from the building facade.
Home improvement center, lumber, brick, or building materials sales yard	SUP	<ul style="list-style-type: none"> Any portion of a building open to the sky may not exceed five percent of the total lot area and must be screened from all sides by an eight-foot-high solid wall similar in appearance to the main building. The eight-foot-high wall must be screened with evergreen shrubs planted four feet on center that are capable of reaching nine feet in height within five years of planting. Uses greater than 50,000 square feet must (1) be located on a minimum of two floors, (2) be integrated into a multi-story mixed use development that has lodging, office, or residential uses located on upper floors, or (3) have a maximum street-level street frontage of 100 feet per block face, excluding vehicular ingress, egress, and visibility triangles, with the remaining frontage on that block face being separate retail and personal service or office uses that have direct access to a sidewalk and a minimum depth of 40 feet, measured from the building facade.
Household equipment and appliance repair	Permitted	
Liquor store	Permitted	
Massage establishment	SUP	Not eligible for automatic renewals.

Mixed use entertainment venue	Permitted	Permitted only in Cedars West Subdistrict No. 1
Mortuary, funeral home, or commercial wedding chapel	Permitted	
Motor vehicle fueling station	SUP	
Nursery, garden shop, or plant sales	Permitted	
Pawn shop	Permitted	
Personal services use	Permitted	Tattoo or body piercing studios are prohibited.
Restaurant without drive-in or drive-through service	Permitted	
Restaurant with drive-in or drive-through service	SUP	Limited to Cedars West Subdistrict No. 1 only.
Theater	Permitted	
Vehicle display, sales, and service	SUP	Must be wholly enclosed with no exterior vehicle storage.
Transportation uses		
Commercial bus station or terminal	Permitted	Traffic management plan approved by the building official and updated annually.
Heliport	SUP	
Helistop	SUP	
Private street or alley	Permitted	Private street or alleys may not be gated.
Railroad passenger station	Permitted	
Transit passenger shelter	Permitted	
Transit passenger station or transfer center	Permitted	
Utility and public service uses		
Commercial radio or television transmitting station	Permitted	
Electrical substation	Permitted	
Local utilities	Permitted	
Police or fire station	Permitted	
Post office	Permitted	
Tower/antenna for cellular communication	Permitted	Except as otherwise provided, only mounted cellular antenna permitted. In Cedars West Subdistrict No. 2, a tower/antenna for cellular communication must comply with Exhibit 784A.
Utility or government installation other than listed	Permitted	Detention facility prohibited.
Wholesale, distribution, and storage uses		
Auto auction	Permitted	Must be wholly enclosed in a single building.
Mini-warehouse	Permitted	Must be wholly enclosed in a single building, and no storage unit may have direct exterior access.
Office showroom/warehouse	Permitted	
Recycling collection center	Permitted	Limited to the collection of aluminum cans, steel cans, glass, paper, clothing, and plastics.
Recycling drop-off container	Permitted	
Recycling drop-off for special occasion collection	Permitted	

Trade center	Permitted	
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(m) Off-street parking and loading.

(1) In general.

(A) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. If there is a conflict between this section and Division 51A-4.200, this section controls.

(i) Bail bonds office. One space for every 333 square feet of floor area.

(ii) Massage establishment. One space for every 200 square feet of floor area.

(B) Mixed use entertainment venue in Cedars West Subdistrict No. .

(i) A minimum of 65 parking spaces in the existing paved parking area shown on the development plan is required, and

(ii) A minimum of 88 parking spaces on cellular grass paving or decomposed granite is required except when the outdoor music venue is in use,

(iii) Loading must be from the existing paved parking area as shown on the development plan.

SEC. 51P-784.302. CREATION OF SUBAREAS.

(a) Subareas are geographic areas within the district. The form district regulations are applied to the subareas.

(b) The following subareas are incorporated into the Trinity River Special Purpose District (See Illustration 302A):

(1) Mixmaster Riverfront Subarea.

(A) Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(B) Mixmaster Riverfront Subarea Tract 2.

(2) Cedars West Subarea.

(A) Cedars West Subdistrict No. 1.

(B) Cedars West Subdistrict No. 2.

(C) Cedars West Subdistrict No. _.

SEC. 51P-784.304.

CEDARS WEST SUBAREA.

(d) Form district regulations.

(1) In general. Except as provided in this subsection, the Cedars West Subarea is subject to the urban village form district regulations. Build-to lines, height standards, and additional information is shown on Illustration 304A.

(3) Mixed use entertainment venue in Cedars West Subdistrict No. _.

(A) In general. The build-to lines and key intersections on the regulating plan, the streetscape standards, meanders regulations, and the regulations for primary street types do not apply. The urban village form district regulations apply only as to Section 51P-784.203(l) and (m) concerning uses permitted and off-street parking and loading.

(B) Definitions.

(1) LEGACY BUILDING means the existing 58,500 square feet of existing longhorn ballroom and existing mixed use buildings as shown on the Cedars West Subdistrict No. _ development plan and that were built before 1955, and an additional 2,000 square feet are permitted to be constructed as an addition to the existing buildings.

(C) Front yard.

(1) Corinth Street: Minimum front yard is 35 feet. Parking and signage are permitted in the front yard.

(2) Riverfront Boulevard: None required.

(D) Side and rear yard. No minimum.

(E) Floor area ratio. 1.0 maximum.

(F) Height. Maximum structure height is 54 feet.

(G) Stories.

(1) Maximum structure height is three stories.

(2) Minimum structure height is one story.

(H) Lot coverage. Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground structures are not.

(I) Lot size. No minimum lot size.

(J) Signs. Signs must comply with the provisions for business zoning districts in Article VII.

(K) Sidewalks. A minimum eight-foot-wide sidewalk with a minimum six-foot-wide unobstructed width and a minimum five-foot-wide buffer is required along Corinth Street. The eight-foot-wide sidewalk must be unobstructed, except for tree grates, pedestrian streetlamps, and street furnishings. Sidewalks are encouraged to 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.

(L) Fencing. A twelve-foot metal decorative sound attenuation wall on masonry base is required in the location shown on the development plan.

(M) Outdoor events.

(1) In general. A maximum of fifty-four outdoor events are permitted each calendar year.

(2) Traffic management plan.

(a) In general. Operation of outdoor events must comply with the Cedars West Subdistrict No. _ traffic management plan (Exhibit 784_).

CPC Recommendation

(b) Purpose. A traffic management plan for this planned development district must be prepared by the owner of the Property or its agent. The traffic management plan is a document containing strategies and mechanisms the owner or its agent must implement to ensure the fluidity of vehicular movement on and surrounding the Property. The traffic management plan must also offer methods of safely accommodating the transportation of visitors to and from remote parking locations in a safe and efficient manner while minimizing impacts on the surrounding community.

(c) Requirements. If the strategies include operations of off-site parking facilities, the traffic management plan must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code. The traffic management plan must also contain the following:

(1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event.

(2) A list of and the location of remote parking site for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property.

(3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation.

(4) The routes to be used by the transporting vehicles.

(5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property.

(6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.

Applicant's Request

~~(b) Purpose. A traffic management plan for this planned development district must be prepared by the owner of the Property or its agent. The traffic management plan is a document containing strategies and mechanisms the owner or its agent must implement to ensure the fluidity of vehicular movement on and surrounding the Property. The traffic management plan must also offer methods of safely accommodating the transportation of visitors to and from remote parking locations in a safe and efficient manner while minimizing impacts on the surrounding community.~~

~~(c) Requirements. If the strategies include operations of off-site parking facilities, the traffic management plan must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code. The traffic management plan must also contain the following:~~

~~(1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event.~~

~~(2) A list of and the location of remote parking site for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property.~~

(3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation.

(4) The routes to be used by the transporting vehicles.

(5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property.

(6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.

(d) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by August 1, 2022. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by August 1st of each year.

(2) The traffic study must be in writing, performed by a licensed engineer, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) drop-off and pick-up locations;

(D) circulation.

(3) Within 30 days of submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

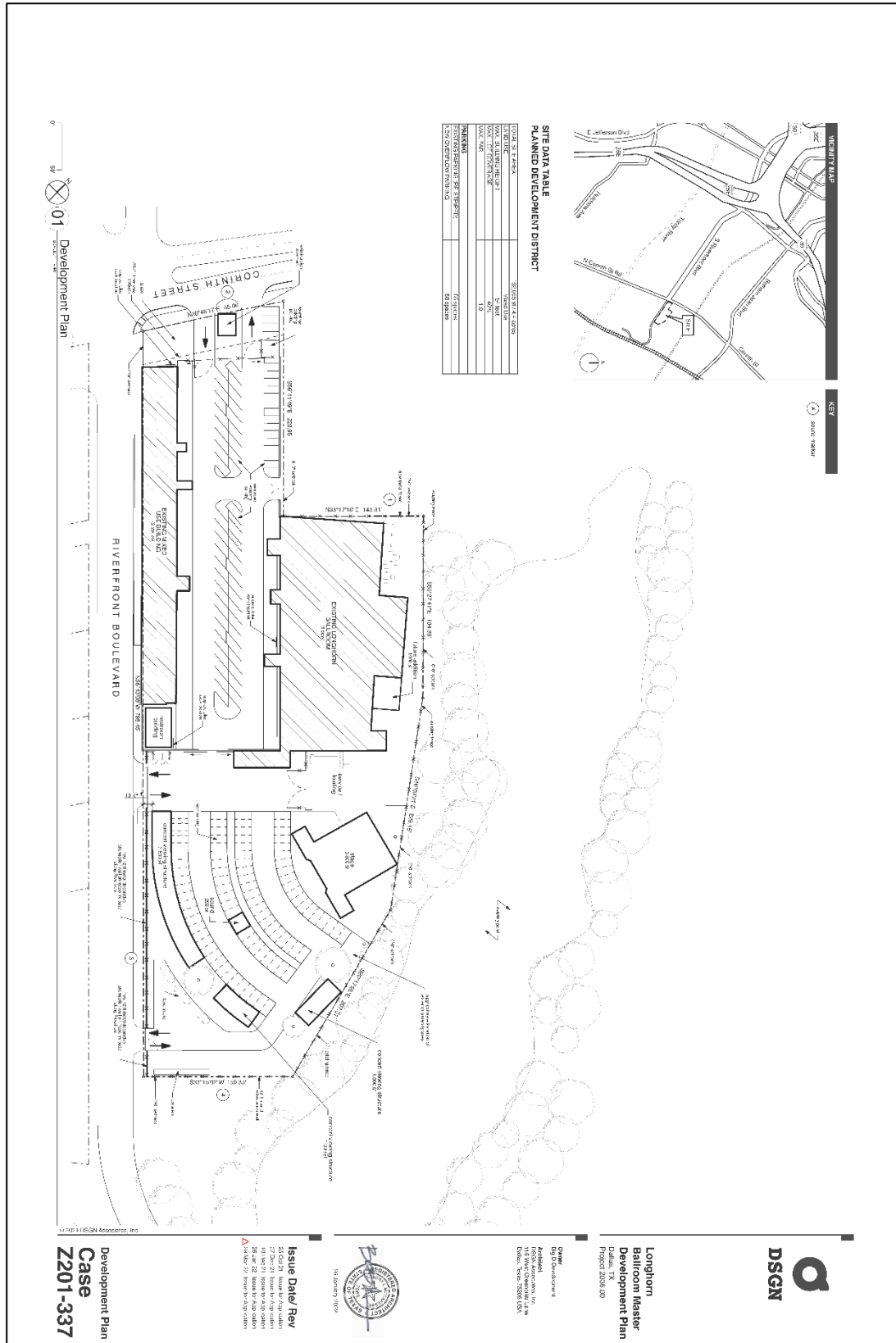
(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(e) Amendment process.

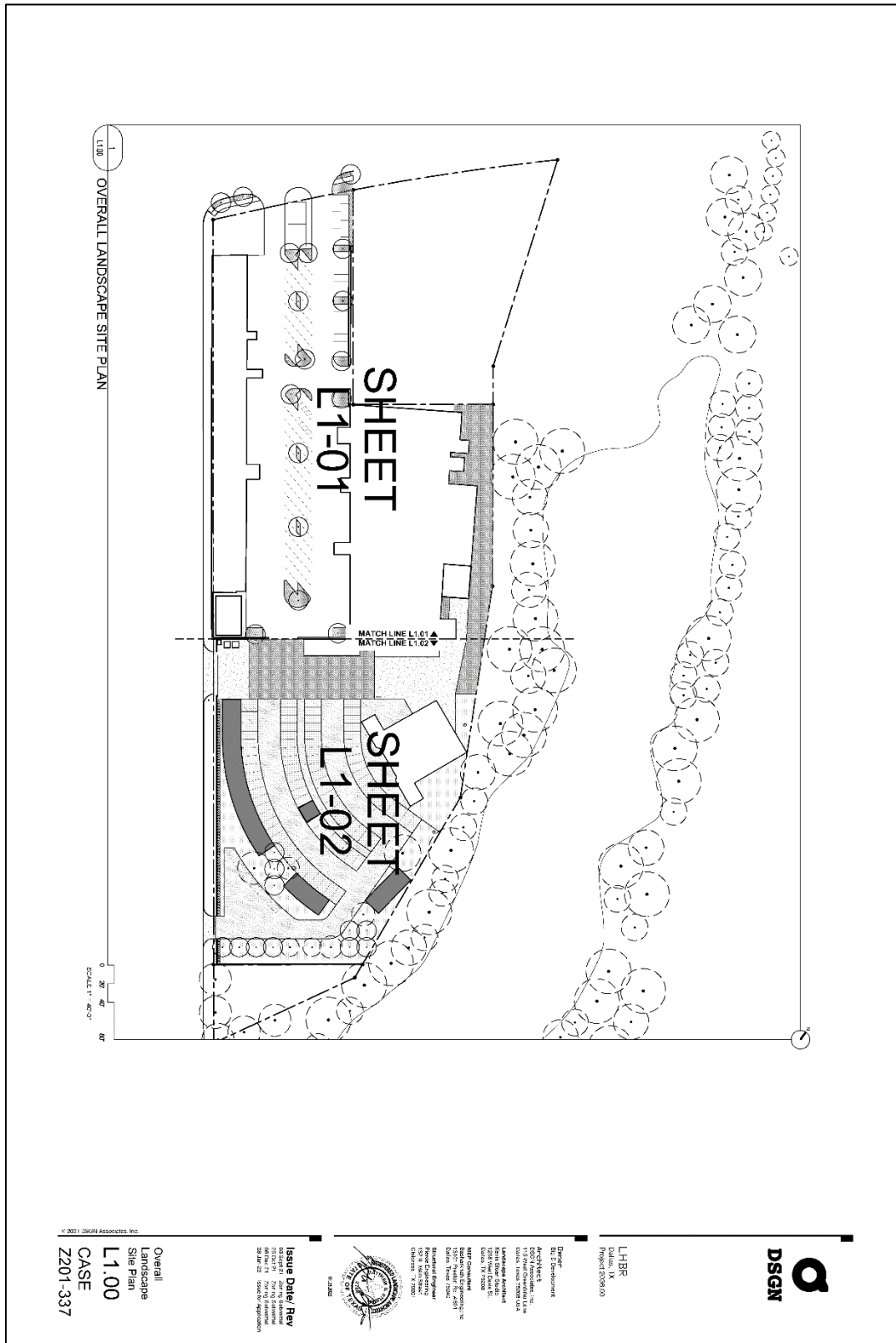
(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

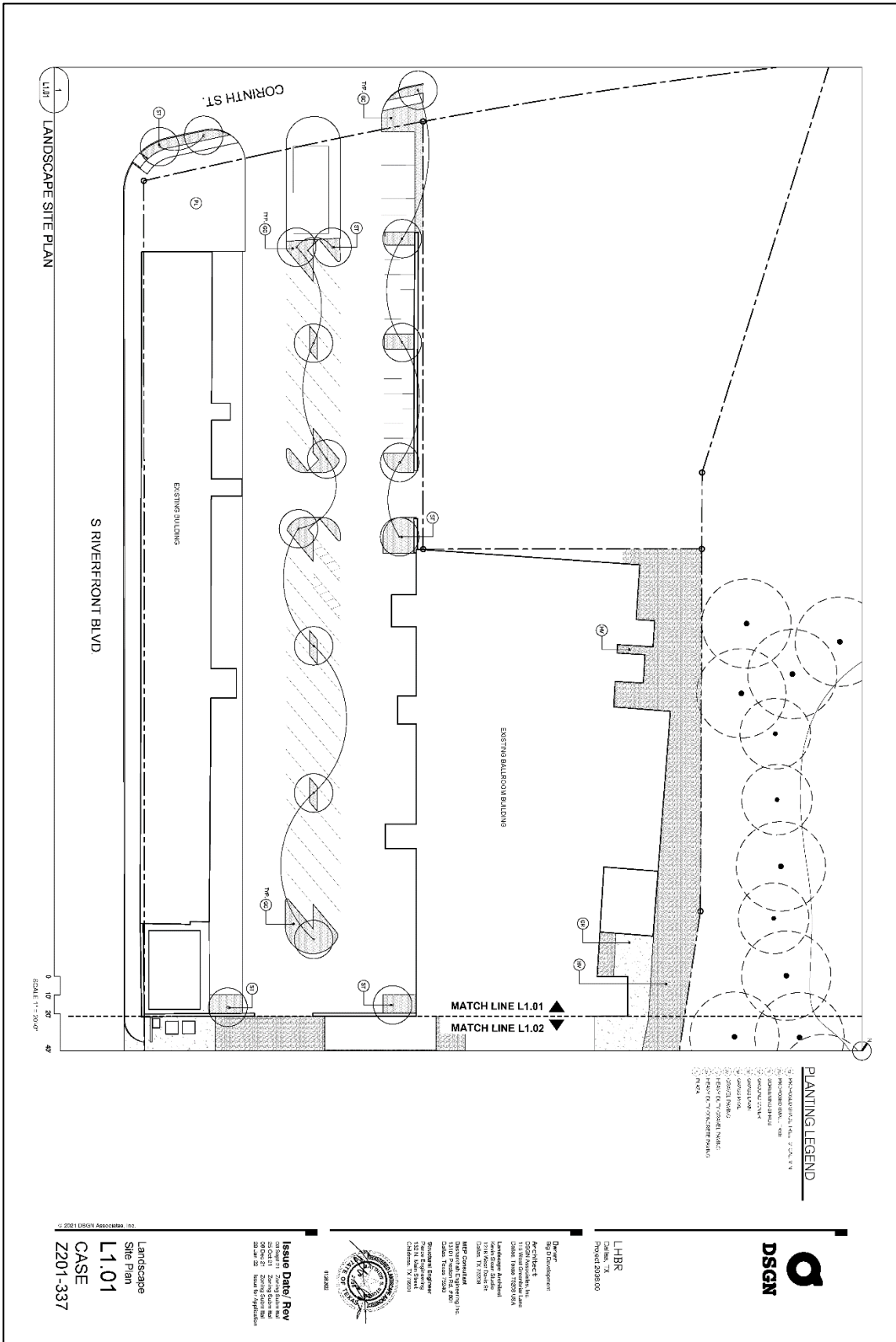
(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation, eliminate traffic hazards, or decrease traffic congestion.

CPC RECOMMENDED DEVELOPMENT PLAN

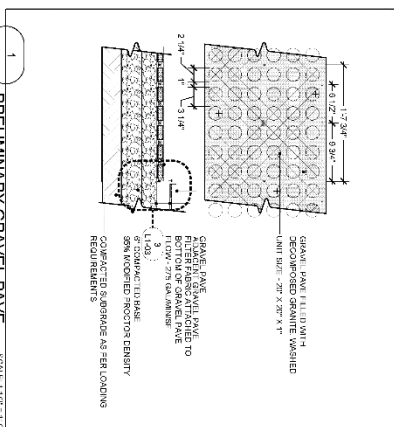


CPC RECOMMENDED LANDSCAPE PLAN

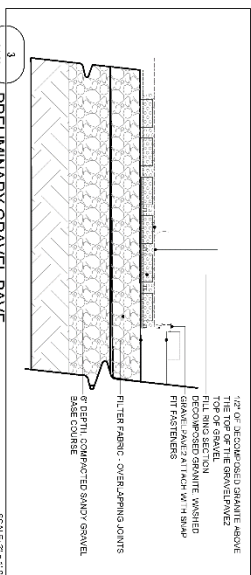




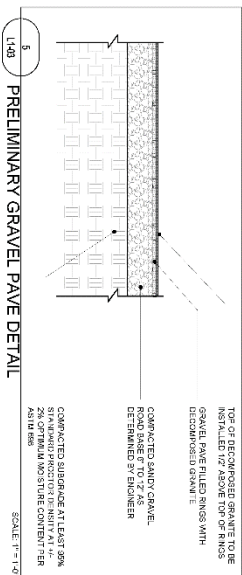




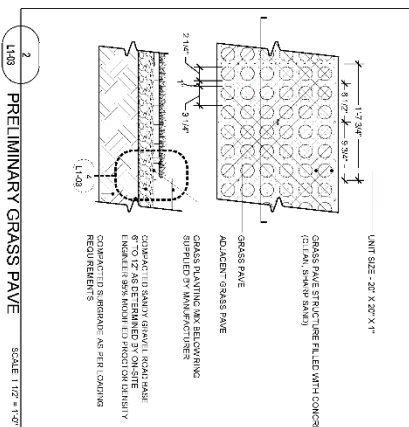
L-103 PRELIMINARY GRAVEL PAVE
DETAIL



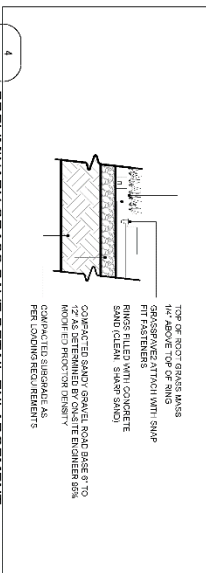
PRELIMINARY GRAVEL PAVE
DETAIL ENLARGEMENT



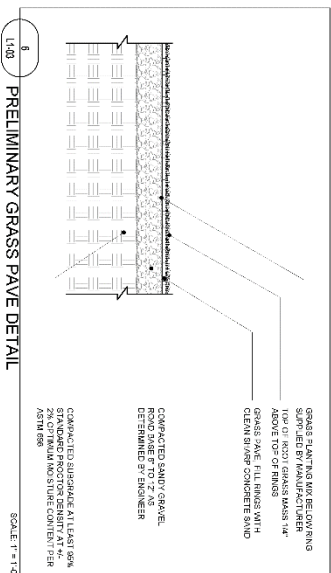
PRELIMINARY GRAVEL PAVE DETAIL



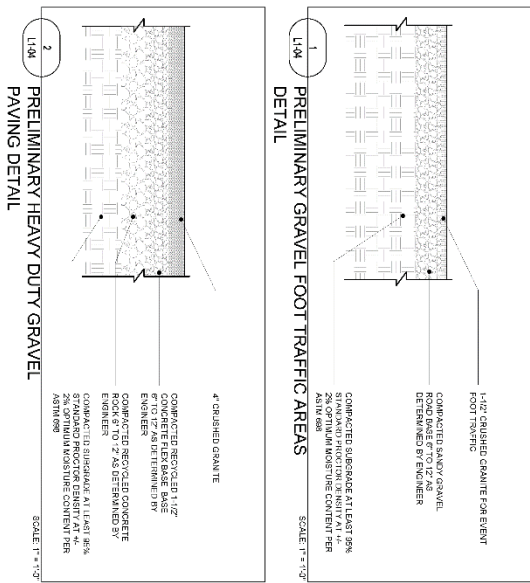
PRELIMINARY GRASS PAVE
DETAIL



4
L1-03 PRELIMINARY GRASS PAVE DETAIL ENLARGEMENT



PRELIMINARY GRASS PAVE DETAIL



CPC RECOMMENDED TRAFFIC MANAGEMENT PLAN

Revised **April 7, 2022**

PK# 4902-21.081

Z201-337

TRAFFIC MANAGEMENT PLAN

Project:

Longhorn Ballroom

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

Island Rock Holdings, LLC

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
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TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

April 7, 2022



TRAFFIC MANAGEMENT PLAN
Longhorn Ballroom
Dallas, Texas

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Changelog:

2022-04-04 – Added "requirements" section per CPC recommendation.

April 7, 2022



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Island Rock Holdings, LLC is seeking a zoning change to a Planned Development District from the City of Dallas (the “Approving Agency”) to facilitate development of the Project. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, has been requested by the Approving Agency for review. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

Project Description

The Longhorn Ballroom was constructed in 1950 and has functioned as a dance hall, music venue, and event space off-and-on since that time. The existing buildings on site include a 25,000-SF ballroom and a 20,000-SF, linear, two-story commercial building that contains a restaurant, recording studio, and a former motel. The proposed development will rehabilitate the existing uses and promote the ballroom venue for Indoor Events (up to 2,000 attendees) and create a new outdoor, live-performance venue (a.k.a., the “pavilion”) for Outdoor Events approximately 50 times per year (up to 5,000 attendees) on the immediately adjacent two acres.

The adjacent pavilion property has previously served as open-field parking for Indoor Events. The property will be enhanced with a permeable surface suitable for spectators during Outdoor Events and vehicular parking during Indoor Events. The pavilion will contain a new, permanent stage structure of approximately 4,200 square feet of floor space along with a limited number of small structures containing suites with covered seating areas. But, the primary viewing area will be the open lawn that contains no fixed seating. Both “Indoor Events” and “Outdoor Events” will mostly occur during evenings and weekends but will be nonconcurrent.

The site currently provides approximately 68 marked, paved parking spaces located in the courtyard between the ballroom and motel building, which are intended to remain. The paved surface parking will be available for day-to-day use by the businesses within the redeveloped motel building and during events. As has been the case in the past, the rear pavilion area will be available for surface parking for Indoor Events. Off-site and remote parking will be used on an as-needed basis.

April 7, 2022



TMP Objectives

The City staff specifically requested that the Traffic Management Plan (TMP) for the Longhorn Ballroom special events address the following items:

1. Location of remote parking areas
2. Loading/Unloading areas for Transportation Network Companies (a.k.a., "TNCs")—e.g., Uber, Lyft, etc.
3. Proposed access point(s) to remain open/closed during peak event periods to minimize traffic congestion
4. Need for any pedestrian amenities or enhanced crosswalks to access remote parking facilities

NOTE #1: This TMP addresses two special event scenarios: (1) "Outdoor Events" (concerts, etc.) during which time the lawn area CANNOT be used for vehicular parking, and (2) "Indoor Events" during which time the lawn area CAN be used for vehicular parking. Separate exhibits/descriptions are provided for each scenario, where applicable.

NOTE #2: This TMP is written for conditions where each event operates at maximum capacity. However, attendance will vary for each event; therefore, some measures identified herein may not be needed in all cases. The Event Operator will be responsible for determining the appropriate measures required for each individual event based on the anticipated attendance.

April 7, 2022



TRAFFIC MANAGEMENT PLAN

Indoor Events are anticipated to attract between 500 and 2,000 attendees. In accordance with the assumptions outlined in the Preliminary Traffic Assessment, the corresponding estimated parking demand would range between 167 and 667 vehicles. For these events, the Operator intends to provide/utilize the following:

- TNC (Transportation Network Companies)
- On-site parking in both the paved interior lot and the permeable eastern lot
- Valet parking services
- Remote parking within one-half mile

Outdoor Events are anticipated to attract between 1,500 and 5,000 attendees. In accordance with the assumptions outlined in the Preliminary Traffic Assessment, the corresponding estimated parking demand would range between 400 and 1,333 vehicles. For these events, the Operator intends to provide/utilize the following:

- TNC (Transportation Network Companies)
- On-site parking in the paved interior lot only
- Valet parking services
- Remote parking within one-half mile
- Off-site parking within 1.25 miles with private shuttle service
- Off-duty Police officers for traffic control

Remote Parking and Shuttle Services

The need for remote parking during events will vary based on the size of event. Due to the variability of the needs, the Operator intends to procure the appropriate amount of remote parking needed on a case-by-case basis based on the anticipated attendance (e.g., derived from ticket sales, advanced reservations, etc.). For very large outdoor events, it may be necessary for the Operator to provide shuttle services to a nearby DART Rail Station. For each event, the Operator will communicate key information to patrons attendees as part of the digital ticket-purchase or reservation process. Information to be provided includes remote parking locations/fees, shuttle service pick-up/drop-off locations (if provided), TNC information, and self-parking options.

The Operator intends to utilize the most convenient and appropriate remote parking option(s) for each individual event based on a number of factors. As needed, the Operator will enter into either a private or formal arrangement with the remote parking lot Owner to utilize the property. Below are several potential remote parking locations that may be considered:

April 7, 2022



- 2205 S Riverfront Boulevard (over 500 parked vehicles)
- 418 Corinth Street* (approximately 200 parked vehicles)
[* NOTE: this property is currently under purchase contract by the Applicant]
- 2101 Botham Jean Boulevard (>600 parked vehicles)

Exhibit 1 graphically depicts potential locations for off-site parking within walking distance relative to the subject site.

For large Outdoor Events where additional options may be required, the Operator has the ability to provide a private shuttle service to transfer patrons between the site and one of several nearby DART Light Rail Stations. The candidate stations include:

- DART Convention Center Station
- DART Cedars Station
- DART 8th & Corinth Station

Exhibit 2 graphically depicts potential locations for off-site parking within walking distance relative to the subject site.

Passenger Loading/Unloading Area

To maximize pedestrian safety a designated passenger loading/unloading area is proposed to be provided within the site in proximity to the venue as shown in **Exhibit 3** and **Exhibit 4**. The passenger loading/unloading area should be used to serve: TNC passengers, shuttle passengers, valet parkers, and any other attendee that would be dropped off and picked up for an event. Passenger loading or unloading within the public right-of-way will be discouraged.

Vehicular Site Access

To reduce traffic congestion during events, an internal site traffic circulation pattern for all pick-up and drop-off vehicles should be employed consistently. The specific recommendations relative to the site access points are also depicted in **Exhibit 3** and **Exhibit 4** and are described below:

Indoor Events (i.e., parking allowed in pavilion):

Eastern Driveway on S Riverfront Boulevard – entry/exit for self-park vehicles and service vehicles

Western Driveway on S Riverfront Boulevard – entry only for TNC and valet

North Driveway on Corinth Street – exit only for TNC and valet

South Driveway on Corinth Street – closed

April 7, 2022



Outdoor Events (i.e., no parking allowed in pavilion):

Eastern Driveway on S Riverfront Boulevard – closed (other than service vehicles)

Western Driveway on S Riverfront Boulevard – entry only for TNC and valet

North Driveway on Corinth Street – exit only for TNC and valet

South Driveway on Corinth Street – closed

The Operator will provide security staff—consisting of private security service(s) and one or more off-duty Dallas Police officers—during events. Internal valet parking may also be provided. [NOTE: The specific number and composition of personnel will vary depending on the size and type of event.] If required to facilitate traffic flow, off-duty Police officers should assist with traffic control and the site driveways, and qualified private security personnel should facilitate traffic flow within the site. Traffic cones or similar devices should be used at the site driveways and within the site to delineate the intended vehicle circulation path and separate pedestrians from the vehicle circulation.

Pedestrian Improvements

Pedestrian safety in the vicinity of the site and between the site and nearby remote parking locations—where a private shuttle service is NOT provided—is paramount. Although on-street passenger loading/unloading is discouraged, improvement to the existing sidewalks around the perimeter of the site that meet or exceed City standards is recommended. Prior to opening of the facility, crosswalk markings at the intersection of S Riverfront Boulevard and Corinth Street should be replaced. In the long term, replacement of the traffic signal and upgrade to current ADA standards at the intersection are also recommended.

Beyond the site, since a consistent remote parking location is not defined, specific sidewalk improvements cannot be currently identified. However, it is generally recommended that the Operator provide a robust private shuttle service to/from any remote parking location intended to be used during events.

If a remote parking location is provided across Corinth Street that is within a short walking distance (i.e., within a 10- to 15-minute walk) that is not conveniently accessible to the existing pedestrian crosswalk at the S Riverfront Boulevard traffic signal, it is recommended that an off-duty Police officer(s) be provided to facilitate safety pedestrian crossings on Corinth Street. If such crossing remote parking is used on a regular basis, installation of a permanent pedestrian crossing (with appropriate signage and pavement markings and, potentially, enhanced warning devices) may be considered in the future.

Requirements

A transportation management plan (TMP) for this planned development district must be prepared by the owner of the Property or its agent. The TMP is a document containing strategies and mechanisms the owner or its agent must implement to insure the fluidity of vehicular movement on and surrounding the Property. The TMP

April 7, 2022

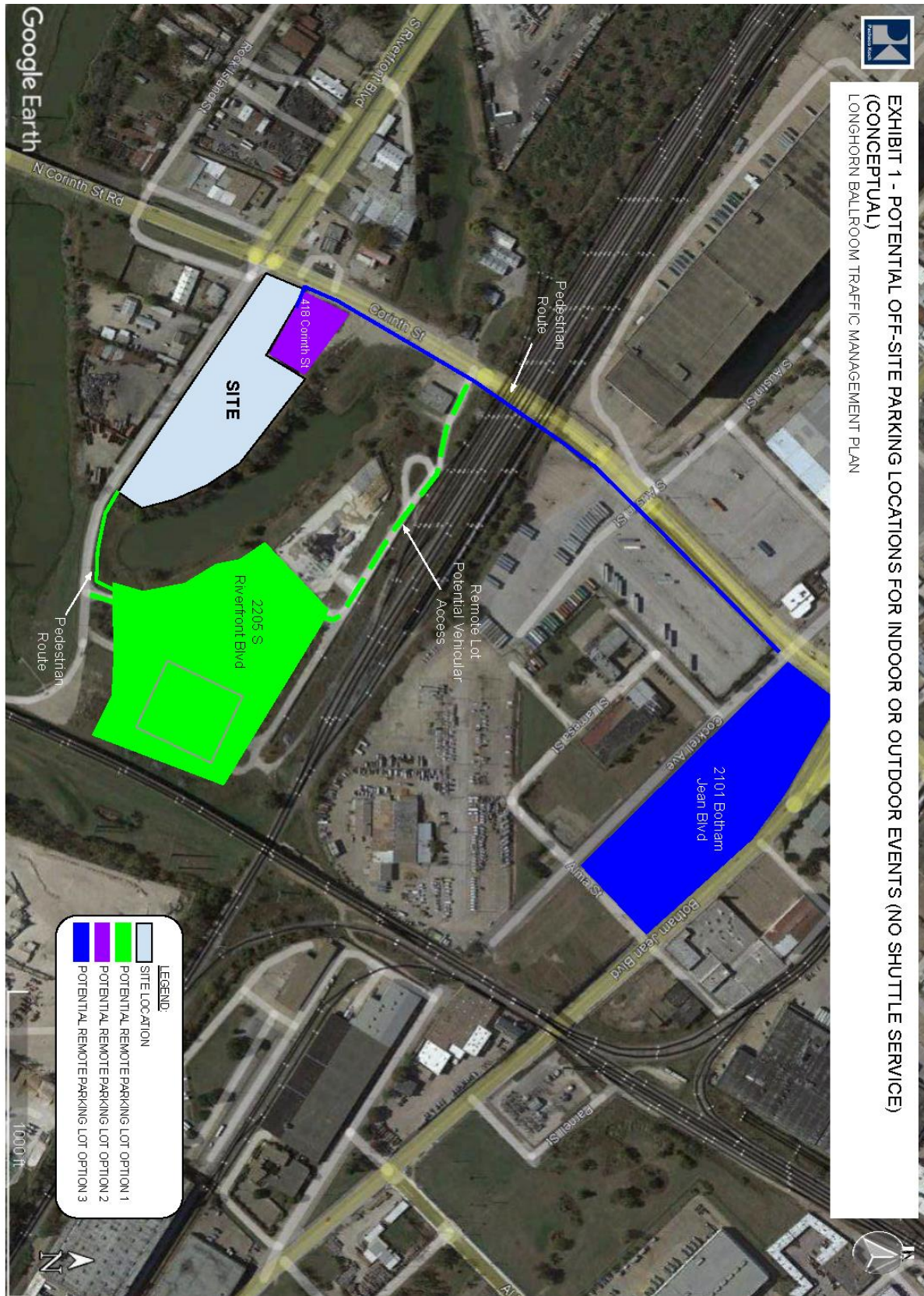


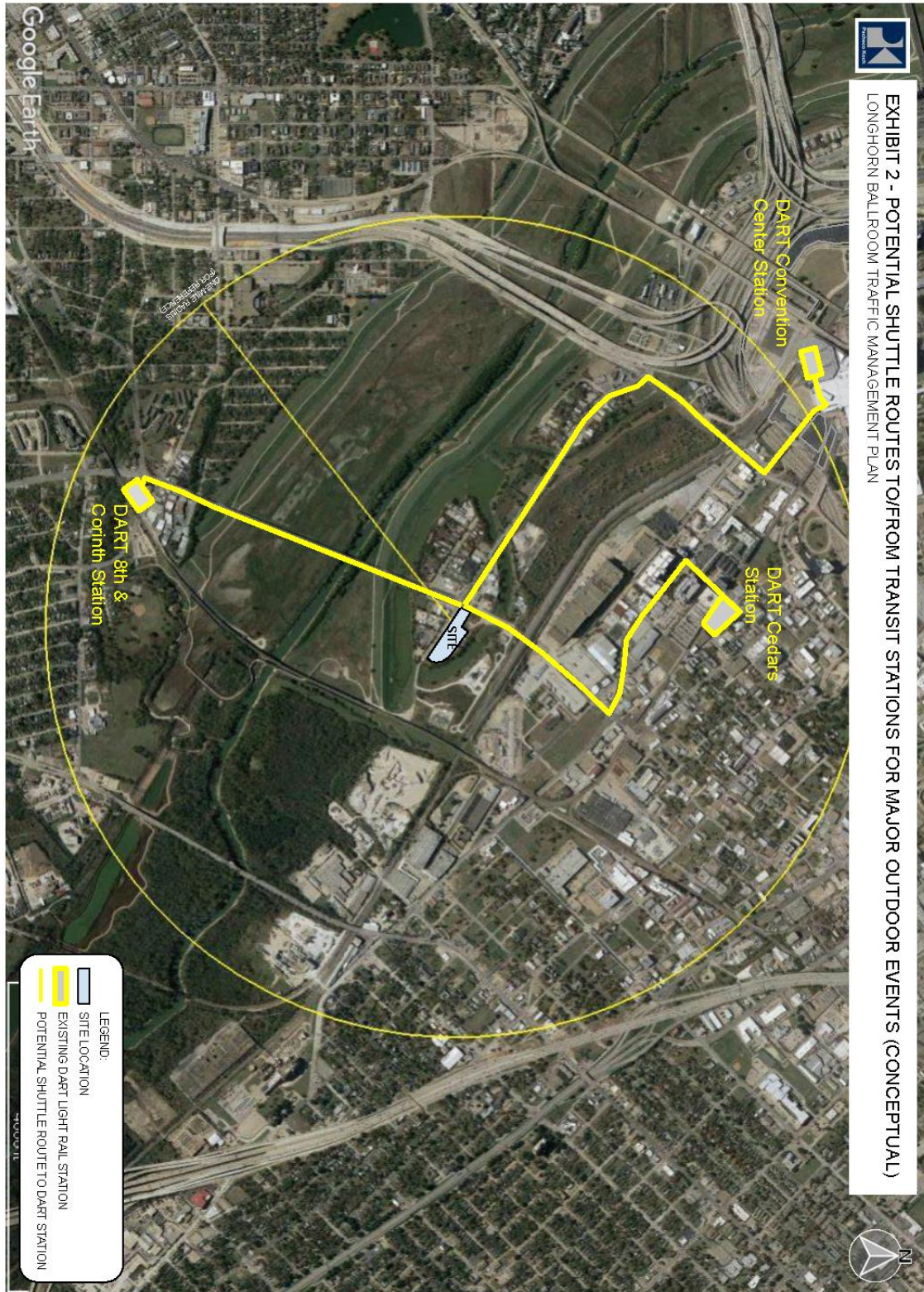
must also offer methods of safely accommodating the transportation of visitors to and from remote parking locations in a safe and efficient manner while minimizing impacts on the surrounding community.

If the strategies include operations of off-site parking facilities, the TMP must contain the information required for a special parking application in the special parking regulations of the Dallas Development Code. The TMP must also contain the following:

- (1) A schedule of special events and an estimate of the number of remote parking spaces required to accommodate visitors of the event.
- (2) A list of and the location of remote parking sites for special event days, the number of spaces needed for all uses on the Property at each remote site, the consent of the owner of each remote site for its use, and the distance of each remote site from the Property.
- (3) The method, type, and quantity of vehicles to be used to transport visitors to and from the remote parking locations, and their frequency and hours of operation.
- (4) The routes to be used by the transporting vehicles.
- (5) Methods to be used to prevent visitor parking on neighborhood streets and to direct vehicles to remote parking sites from the Property.
- (6) Promotional strategy outlining the educational and instructional material on remote parking availability and describing how this material will be conveyed to the visitor before coming to the Property.

END OF MEMO





**EXHIBIT 4 - PROPOSED ON-SITE CIRCULATION FOR OUTDOOR EVENTS (CONCEPTUAL)
LONGHORN BALLROOM TRAFFIC MANAGEMENT PLAN**



APPLICANT'S PROPOSED TRAFFIC MANAGEMENT PLAN

April 7, 2022

PK# 4902-21.081

Z201-337

TRAFFIC MANAGEMENT PLAN

Project:

Longhorn Ballroom

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

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TRAFFIC MANAGEMENT PLAN
Longhorn Ballroom
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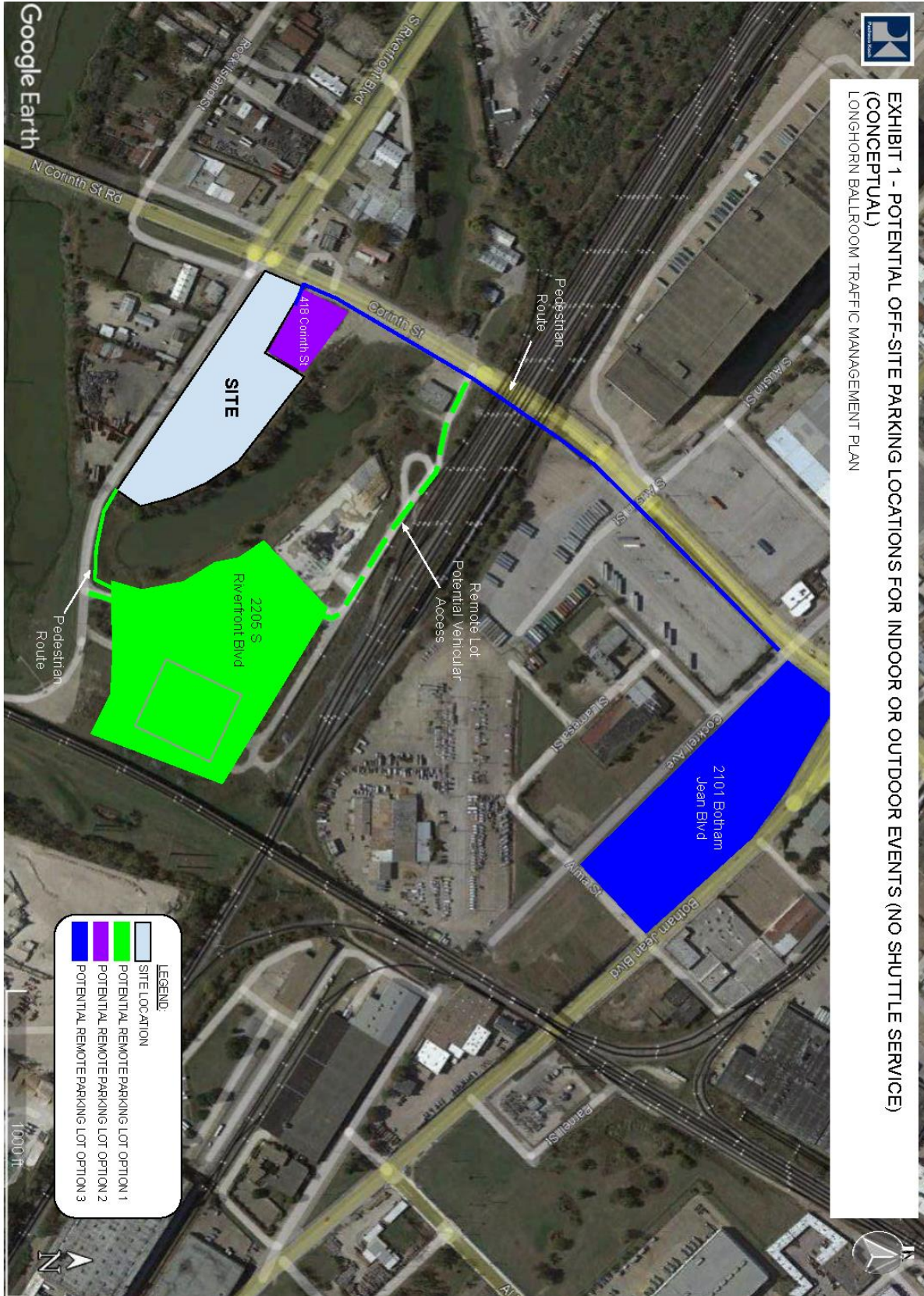
Pedestrian Improvements

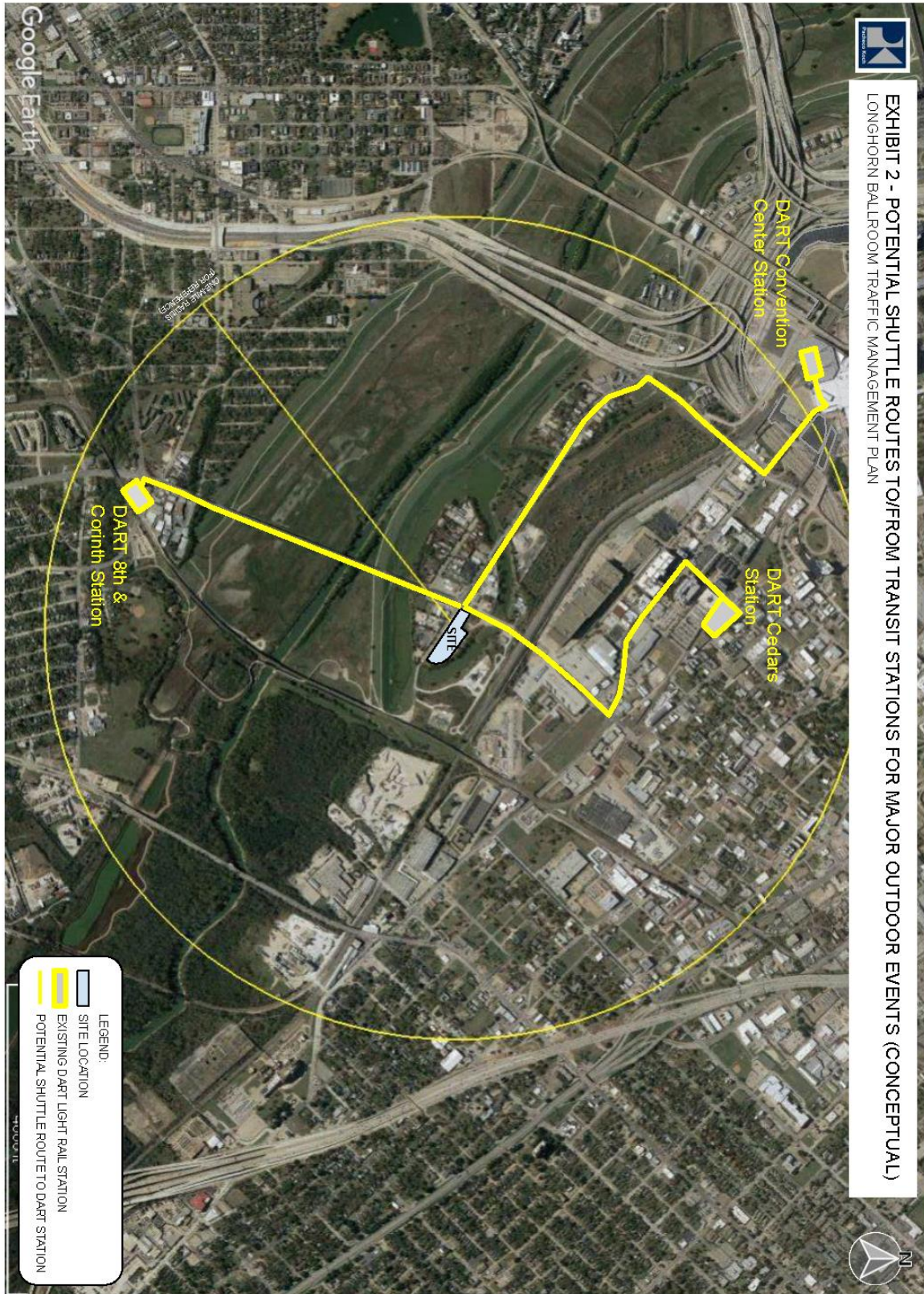
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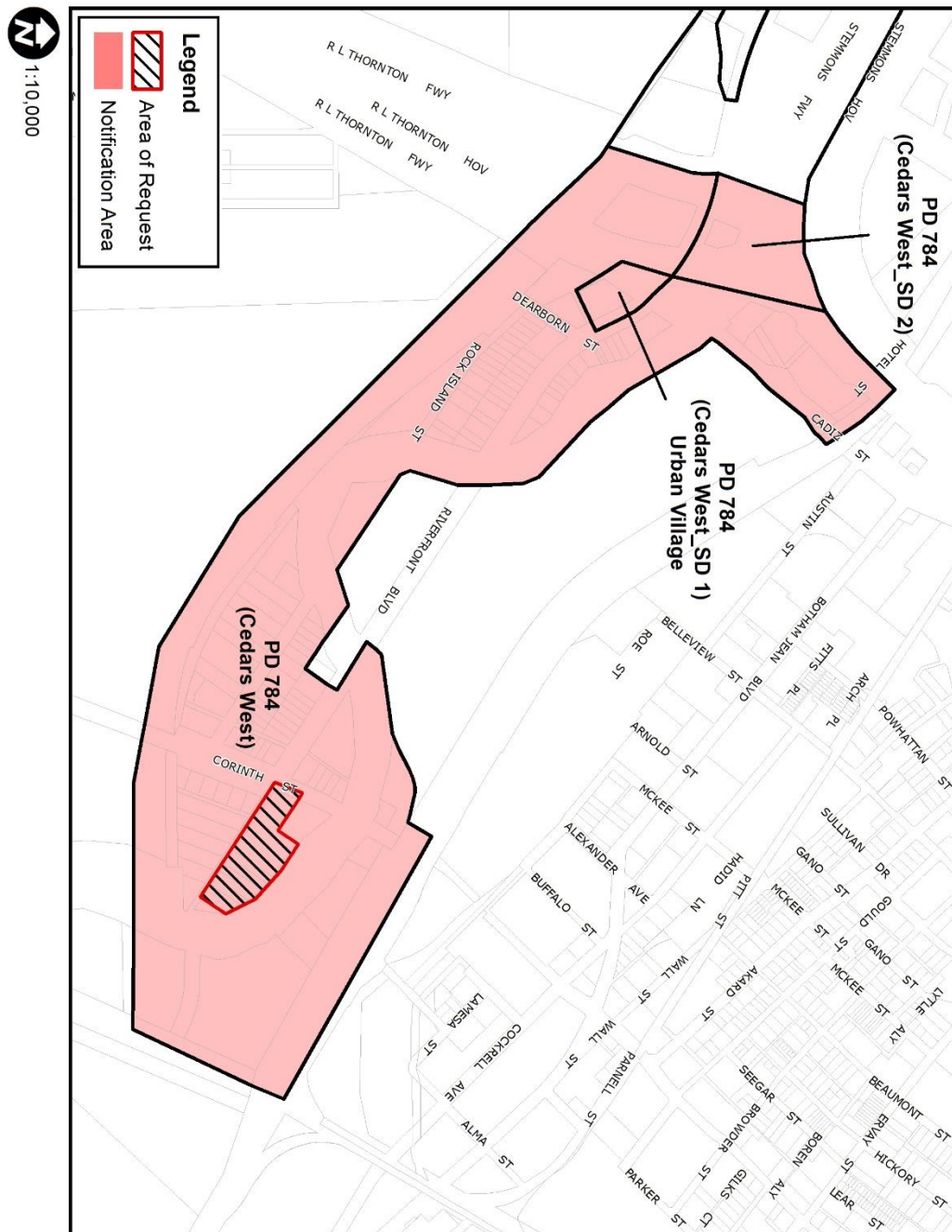
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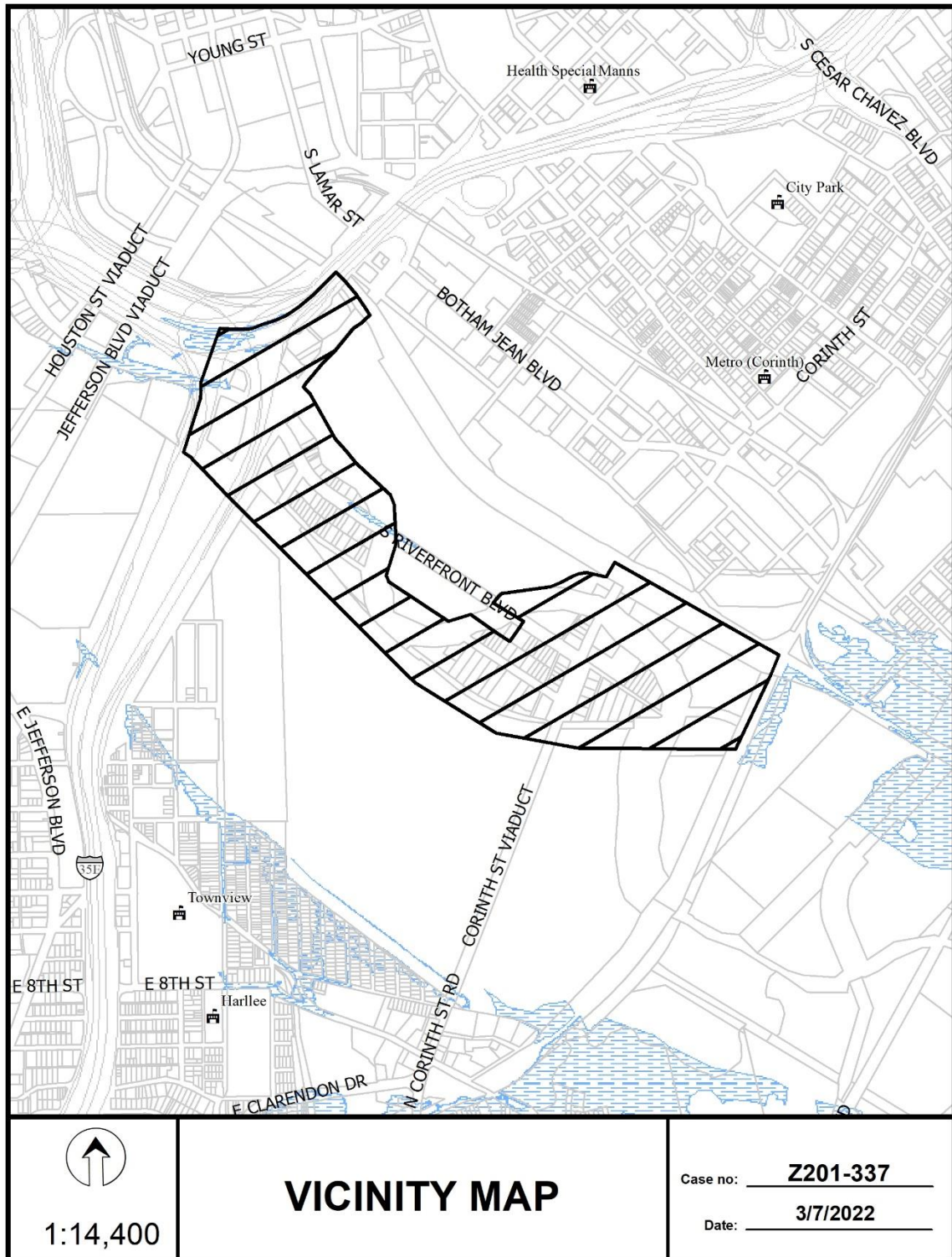


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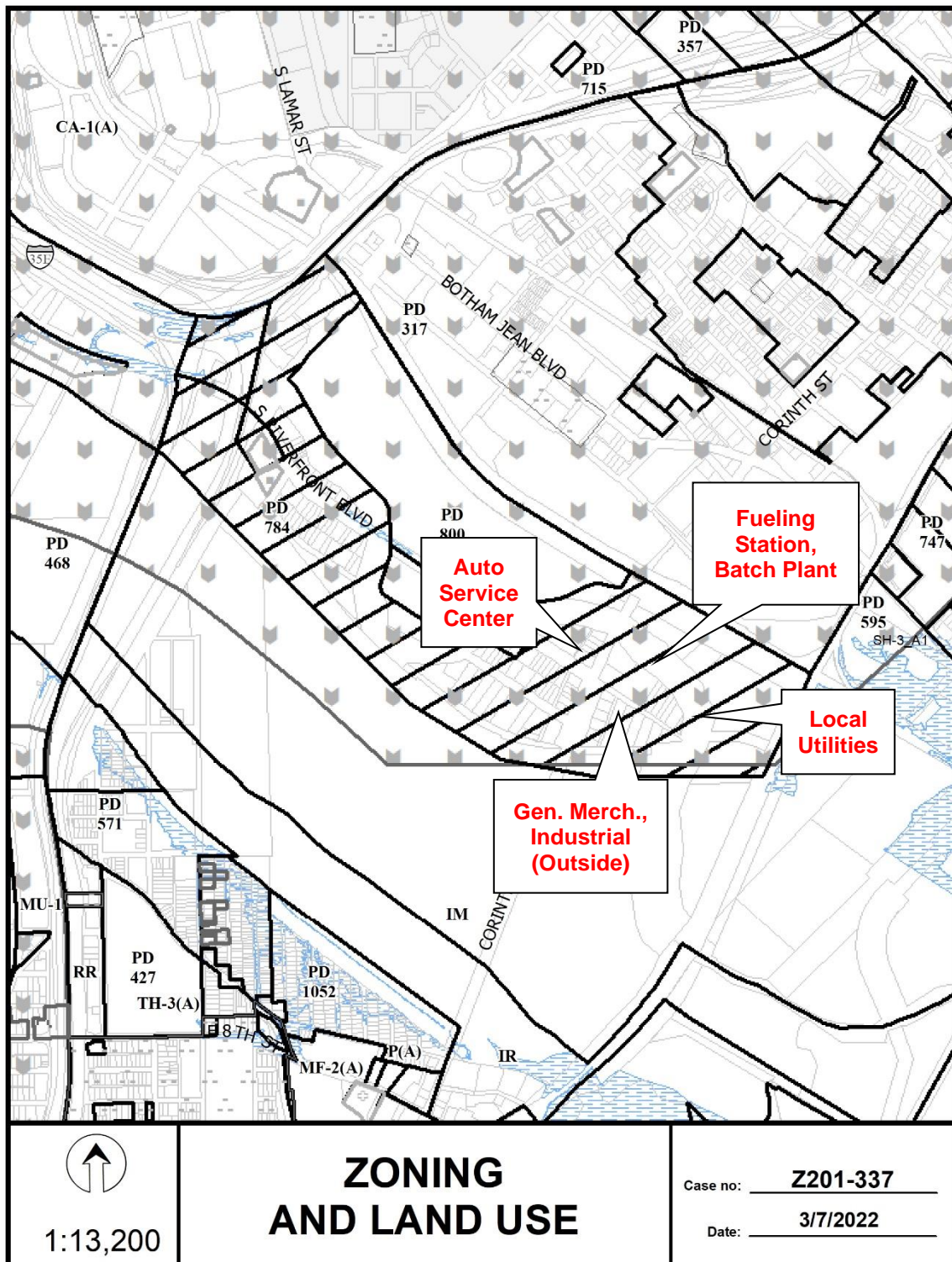
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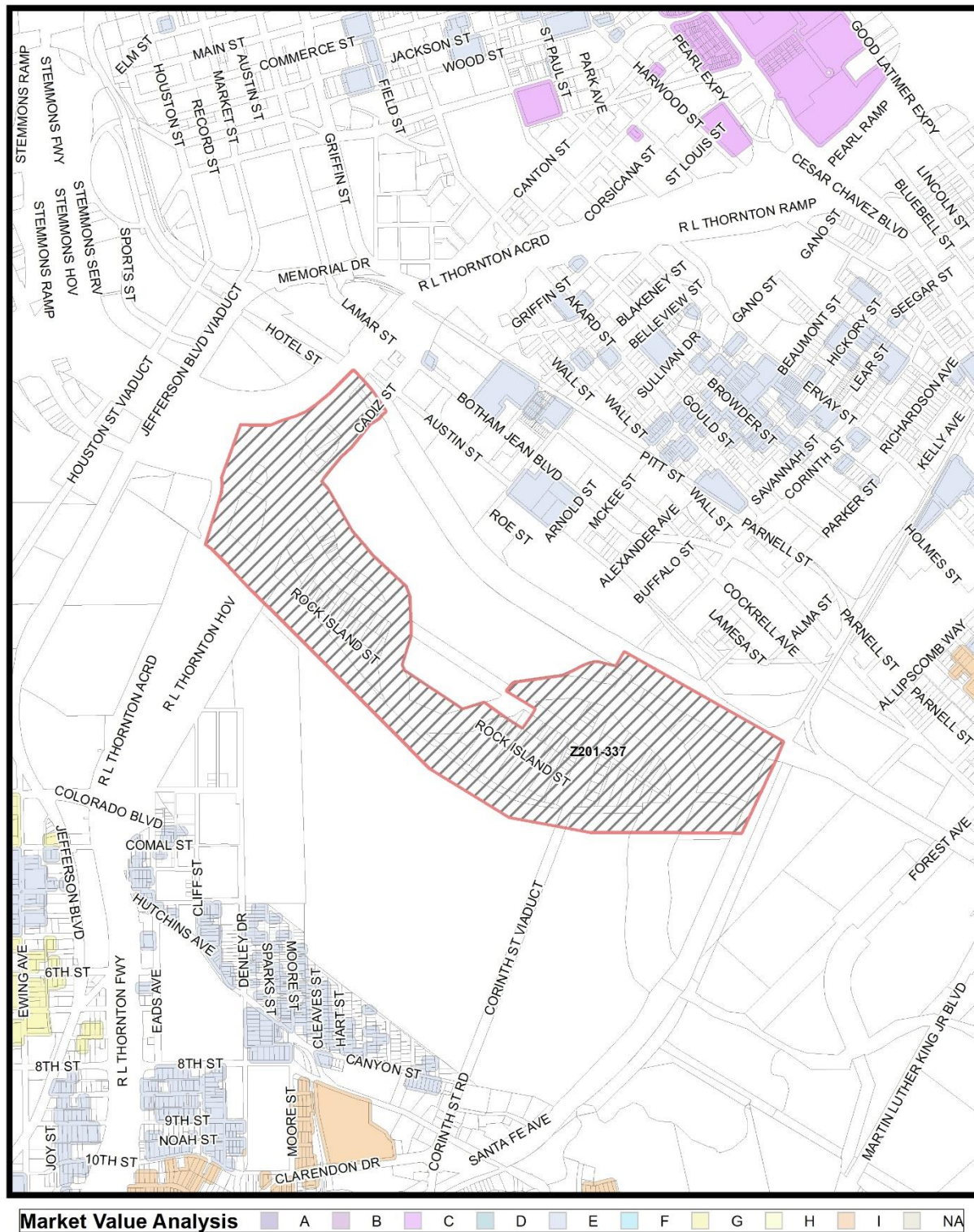
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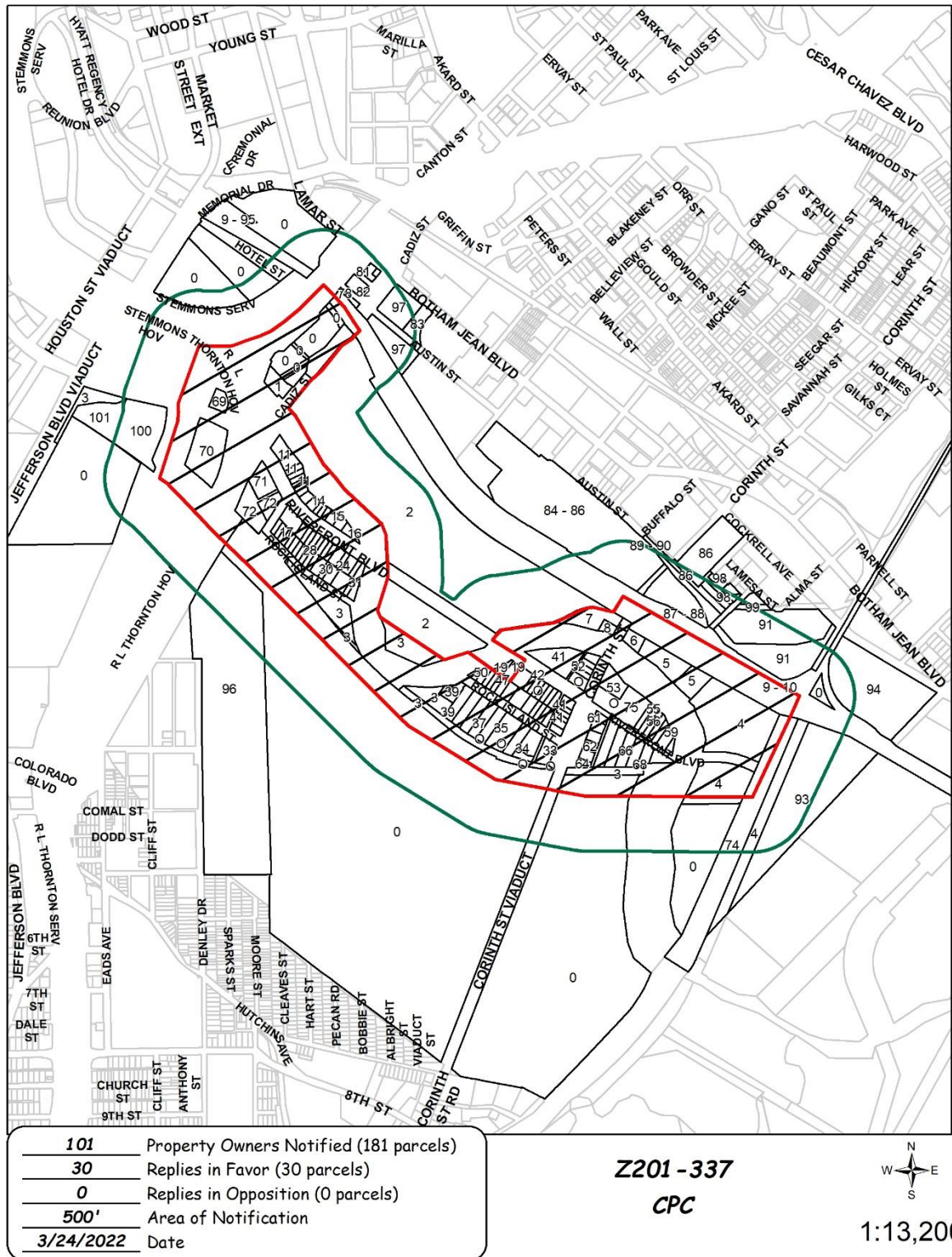
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1:14,400

Market Value Analysis

Printed Date: 3/7/2022



03/23/2022

Reply List of Property Owners***Z201-337******101 Property Owners Notified 30 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	327	CADIZ ST	SHERO INDUSTRIAL PPTIES LP
2	318	CADIZ ST	TEXAS CENTRAL REAL ESTATE
3	1415	S RIVERFRONT BLVD	DALLAS COUNTY FLOOD
4	2205	S RIVERFRONT BLVD	ONCOR ELECRCIC DELIVERY COMPANY
5	505	CORINTH ST	TXI OPERATIONS LP
6	520	CORINTH ST	TEXAS CENTRAL RAILROAD &
7	503	CORINTH ST	TEASLEY DOLORES LIFE ESTATE
8	501	CORINTH ST	TES SAM & KATHERINE MAO
9	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
10	9999	NO NAME ST	UNION PACIFIC RR CO
11	1006	S RIVERFRONT BLVD	CADIZ RIVERFRONT LAND
12	1008	S RIVERFRONT BLVD	Taxpayer at
13	1010	S RIVERFRONT BLVD	Taxpayer at
14	1018	S RIVERFRONT BLVD	CADIZ RIVERFRONT LAND HOLDINGS
15	1208	S RIVERFRONT BLVD	1212 SOUTH RIVERFRONT BLVD
16	1222	S RIVERFRONT BLVD	DOAN MISTY
17	1119	S RIVERFRONT BLVD	HURT & HARDIE INC
18	1121	S RIVERFRONT BLVD	UHRICK PPTIES LLC
19	1203	S RIVERFRONT BLVD	THREE RIVERFRONT PPTIES LP
20	1207	S RIVERFRONT BLVD	MARTINEZ SILVERIO
21	1209	S RIVERFRONT BLVD	TSEGU RUSOM T
22	1211	S RIVERFRONT BLVD	Taxpayer at
23	1213	S RIVERFRONT BLVD	FC RIVERFRONT LLC
24	1219	S RIVERFRONT BLVD	1219 S INDUSTRIAL LLC
25	1223	S RIVERFRONT BLVD	Taxpayer at
26	1227	S RIVERFRONT BLVD	BJS REAL ESTATE

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1100	ROCK ISLAND ST	UNIFIED TEXAS PROPERTIES LLC
28	1130	ROCK ISLAND ST	1130 ROCK ISLAND LLC
29	1210	ROCK ISLAND ST	Taxpayer at
30	1214	ROCK ISLAND ST	Taxpayer at
31	1216	ROCK ISLAND ST	BJS REAL ESTATE LLC
32	1228	ROCK ISLAND ST	Taxpayer at
38	1811	ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
39	1809	ROCK ISLAND ST	BUCKLEY OIL CO
41	149	CORINTH ST	BISHOP INDUSTRIAL PROPERTIES
42	2011	S RIVERFRONT BLVD	HML HOLDINGS LLC
44	1919	S RIVERFRONT BLVD	Taxpayer at
47	1824	ROCK ISLAND ST	SHERARD SCOTT THOMAS
48	1820	ROCK ISLAND ST	SHERARD SCOTT T
49	1808	ROCK ISLAND ST	HML HOLDINGS LLC
50	1800	ROCK ISLAND ST	ROCKALONG LLC
54	2202	S RIVERFRONT BLVD	Taxpayer at
55	2206	S RIVERFRONT BLVD	Taxpayer at
56	2210	S RIVERFRONT BLVD	Taxpayer at
57	2214	S RIVERFRONT BLVD	Taxpayer at
58	2218	S RIVERFRONT BLVD	Taxpayer at
59	2222	S RIVERFRONT BLVD	Taxpayer at
61	2101	S RIVERFRONT BLVD	NGUYEN RANDY DAC &
62	132	CORINTH ST	BISHOP ENGINE REPLACEMENT
63	112	CORINTH ST	BISHOP ENGINE REPLACEMENT
64	106	CORINTH ST	BISHOP ENGINE REPLACEMENT
65	2205	S RIVERFRONT BLVD	OWENS SANDRA
66	2209	S RIVERFRONT BLVD	ATLAS IRON & METAL
67	2215	S RIVERFRONT BLVD	EISENBERG JOE ETAL
68	2221	S RIVERFRONT BLVD	ATLAS IRON & METAL
69	908	S RIVERFRONT BLVD	Taxpayer at
70	919	S RIVERFRONT BLVD	ONCOR ELECRTIC DELIVERY COMPANY

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
71	1005	S RIVERFRONT BLVD	ARLINGTON LAKESIDE GROCERY & GRILL INC
72	106	DEARBORN ST	RIVERFRONT DEARBORN PARTNERS
73	1103	S RIVERFRONT BLVD	UHRICK PROPERTIES LLC
74	555	2ND AVE	DART
75	216	CORINTH ST	Taxpayer at
76	1212	S RIVERFRONT BLVD	1212 SOUTH RIVERFRONT BLVD
77	1212	S RIVERFRONT BLVD	DUNCAN JENNIFER INHERITORS
78	905	S AUSTIN ST	DALLAS TERM RY & UN DEPOT
79	971	BOTHAM JEAN BLVD	CCH LAMAR PARTNERS I LP
80	969	BOTHAM JEAN BLVD	LIM SCOTT
81	967	BOTHAM JEAN BLVD	LADDS ZELVA WARNER
82	969	TERMINAL ST	Taxpayer at
83	1111	BOTHAM JEAN BLVD	DESIGN & PRODUCTION INC
84	702	BELLEVIEW ST	DALLAS TERM RY & UN DEPOT
85	1803	WALL ST	BLACKSTONE MINERALS
86	2121	COCKRELL AVE	1600 ROE STREET LLC
87	2125	N AUSTIN ST	DALLAS TERM RY & UN DEPOT
88	1900	S AUSTIN ST	1600 ROE STREET LLC
89	7010	HENNING AVE	DALLAS TERM RY & UN DEPOT
90	700	HENNING ST	1600 ROE STREET LLC
91	710	HENNING AVE	Dallas ISD
92	800	HENNING AVE	TWIN G 2 LLC
93	1005	FOREST AVE	BROWN FOREST PPTY INC
94	2601	COCKRELL AVE	WILLOW DISTRIBUTORS INC
95	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
96	101	CADIZ ST	CITY & COUNTY LEVEE
97	1005	BOTHAM JEAN BLVD	CCH ALAMO LP
98	812	MONTGOMERY ST	TWIN G 2 LLC
99	2320	LAMESA ST	EVERGREEN PLAZA PARTNERS LLC
100	801	S RIVERFRONT BLVD	Taxpayer at
101	701	S RIVERFRONT BLVD	Taxpayer at

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A1	201 CORINTH ST	WHITLOCK PPTIES LLC
O	A2	215 CORINTH ST	WHITLOCK PPTIES LLC
O	A3	401 CORINTH ST	Taxpayer at
O	A4	403 CORINTH ST	WHITLOCK PPTIES LLC
O	A5	407 CORINTH ST	WHITLOCK PPTIES LLC
O	A6	2224 S RIVERFRONT BLVD	2224 S RIVERFRONT LLC
O	A7	418 CORINTH ST	MAHANTRAJ DT LLC
O	A8	1915 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A9	1921 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A10	1923 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A11	2001 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A12	2003 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A13	2011 S RIVERFRONT BLVD	HML HOLDINGS LLC
O	A14	1908 ROCK ISLAND ST	HML HOLDINGS LLC
O	A15	1910 ROCK ISLAND ST	HML HOLDINGS LLC
O	A16	1918 ROCK ISLAND ST	HML HOLDINGS LLC
O	A17	2000 ROCK ISLAND ST	HML HOLDINGS LLC
O	A18	2006 ROCK ISLAND ST	Taxpayer at
O	A19	2010 ROCK ISLAND ST	HML HOLDINGS LLC
O	A20	2014 ROCK ISLAND ST	HML HOLDINGS LLC
O	A21	103 CORINTH ST	Taxpayer at
O	A22	1815 ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
O	A23	1901 ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
O	A24	2001 ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
O	A25	2017 ROCK ISLAND ST	HTB CASINO HOLDINGS LLC
O	A26	1915 ROCK ISLAND ST	HTB GAMING & SLOTS LLC
O	A27	2003 ROCK ISLAND ST	HTB GAMING & SLOTS LLC
O	A28	2205 S RIVERFRONT BLVD	OWENS SANDRA
O	A29	2017 S RIVERFRONT BLVD	RBB INDUSTRIAL LLC
O	A30	1903 ROCK ISLAND ST	HARGROVE JOHN INVESTMENTS



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1012

Item #: Z3.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District on the northwest corner of North Griffin Street and Elm Street

Recommendation of Staff: **Approval** for a six-year period, subject to conditions

Recommendation of CPC: **Approval** for a six-year period, subject to conditions

Z212-127(OA)

FILE NUMBER: Z212-127(OA) **DATE FILED:** November 3, 2021

LOCATION: Northwest corner of North Griffin Street and Elm Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 0.69 acres **CENSUS TRACT:** 31.01

APPLICANT: Big Outdoor Texas, LLC

OWNER: TOG Hotels Downtown Dallas LLC

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

REQUEST: An application for the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District.

SUMMARY: The applicant proposes to continue the display and operation of an attached projecting sign on the Griffin Street (western) façade of an existing structure housing a hotel use [Crown Plaza].

CPC RECOMMENDATION: Approval for a six-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for up to five non-premise district activity videoboard signs in the Downtown Special Provision Sign District. However, Ordinance No. 28347 was adopted by City Council on August 24, 2011, to increasing the maximum to 15 videoboards signs.
- Specific Use Permit No. 2005 for a videoboard sign was approved by City Council on January 23, 2013, for a six-year period and subsequently renewed for three years on April 10, 2019.
- The request site is currently developed with a 444,675-square-foot hotel use [Crown Plaza]. The property has two attached projecting non-premise district activity videoboard signs. This SUP allows for the videoboard sign along North Griffin Street.
- The existing sign is in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code.

Zoning History: There have been three zoning changes in the vicinity during the last five years.

1. **Z189-165:** On Wednesday, April 10, 2019, the City Council approved the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 [subject site].
2. **Z189-164:** On Wednesday, April 10, 2019, the City Council approved the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2006 [subject site, southeastern facade].
3. **Z178-241:** On August 8, 2018, the City Council denied an application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Required ROW
Elm Street	One-way Street per CBD	80 feet
N. Griffin Street	Two-way Street per CBD	100 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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 can 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 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

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

Videoboard Signs:

Currently, there are 11 active Specific Use Permits for videoboard signs since four of Specific Use Permits have expired. Should this SUP renewal be approved, the number of active videoboard signs in the Downtown SPSP District would not change. The SPSP only allows 15 videoboard signs within the district. Exhibit "A" shows a map with the status of the approved videoboard signs within the district.

No.	SUP No.	Location	Case No.	Approved	Expiration	ORD. #	Sign Installed (permit #)
1	1755*	1407 Main St (west & east façade)	Z145-276 (Renewal needed)	9/9/2015	10/13/2027	32028	0910095005
2							0910095006
3	1788	1321 Commerce (south façade)	Z145-277 (Renewal)	9/9/2015	10/13/2027	32029	0912305001
4	1791	1502/1509 Main St (West façade)	Z145-278 (Renewal)	9/9/2015	12/8/2027	32074	1104055002
5	1796	1530-1608 Main St (north façade)	Z189-298 (Renewal)	10/23/2019	10/23/2025	31367	1709191108
6	1957	1700 Pacific Ave (south façade)	Z178-123 (Renewal)	6/13/2018	6/13/2028	30881	1403311122
7	1958	1517 Main St (south façade)	Z178-124 (Renewal)	2/14/2018	2/14/2028	30781	1403311124
8	1959	1302 Elm St. (north façade)	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	30919	2003234008
9	2005	1015 Elm St (west façade)	Z189-165 (Renewal)	4/10/2019	4/10/2022	31172	2009161008
10	2006	1015 Elm St (south façade)	Z189-164 (Renewal)	4/10/2019	4/10/2022	31171	2009161012
11	2007	200 N Griffin St (south façade)	Z189-148 (renewal)	5/22/2019	5/22/2025	31228	1403311118
12	2008	1600 Commerce St (east façade)	Z189-147 (Renewal)	4/10/2019	4/10/2025	31165	1403311114
13	2009	1600 Commerce St (north façade)	Z189-146 (Renewal)	4/10/2019	4/10/2025	31164	1403311109
14	2302	2201 Main St (west façade)	Z178-242 (new SUP)	9/26/2018	9/26/2024	31010	1912194010
15	2411	1511 Elm Street	Z190-370 (new SUP)	3/24/2021	3/24/2027	31812	1403311114
*Includes 2 videoboard signs							

Land Use:

	Zoning	Land Use
Site	CA-1(A)	Hotel, [Crown Plaza]
North	CA-1(A)	DART West Transfer Center
East	PDD No. 619	Hotel [Hilton]
South	CA-1(A)	Financial Institution
West	PDD No. 619, H/2	Office, Surface Parking Lot

Land Use Compatibility:

The approximate 0.69-acre area of request is zoned a CA-1(A) Central Area District with SUP No. 2005 and SUP No. 2006. The request site is developed with a 23-story, 444,675-square-foot hotel use [Crown Plaza] with parking garage. The applicant is seeking the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on the Griffin Street façade of the hotel.

Uses surrounding the area of request include the DART West Transfer Center to the north, a hotel use [Hilton] to the east, a bank use to the south and an office and surface parking lot to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The existing projecting sign is consistent with the general provision for a Specific Use Permit and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 as they pertain to content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements. Therefore, staff supports the request and recommends approval for a six-year period subject to conditions.

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted within the Downtown SPSP and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum a of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio.
- may project a maximum of 12 feet into the right-of-way.
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction.
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
 - the ambient light level measure in lux, divided by 256 and then rounded down to the nearest whole number, equals the dimming level: then
 - the dimming level, multiplied by .0039 equal the brightness level: then
 - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades: and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds.
- Changes of message must be accomplished within two seconds.
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Landscaping:

The Dallas Development Code does not require any landscaping for videoboard signs in addition to the requirements applicable to the base use on the site.

Parking:

The Dallas Development Code does not require any parking spaces for videoboard signs in addition to the requirements applicable to the base use on the site.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not located an “E” MVA cluster.

LIST OF OFFICERS

Big Outdoor Texas, LLC

Brad Berkley, CEO
Erin Watkins, Secretary

TOG Hotels Downtown Dallas LLC

Terry Tagnazzini, President

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned a CA-1(A) Central Area District, on the northwest corner of North Griffin Street and Elm Street.

Maker: Rubin
Second: Hampton
Result: Carried: 12 to 0

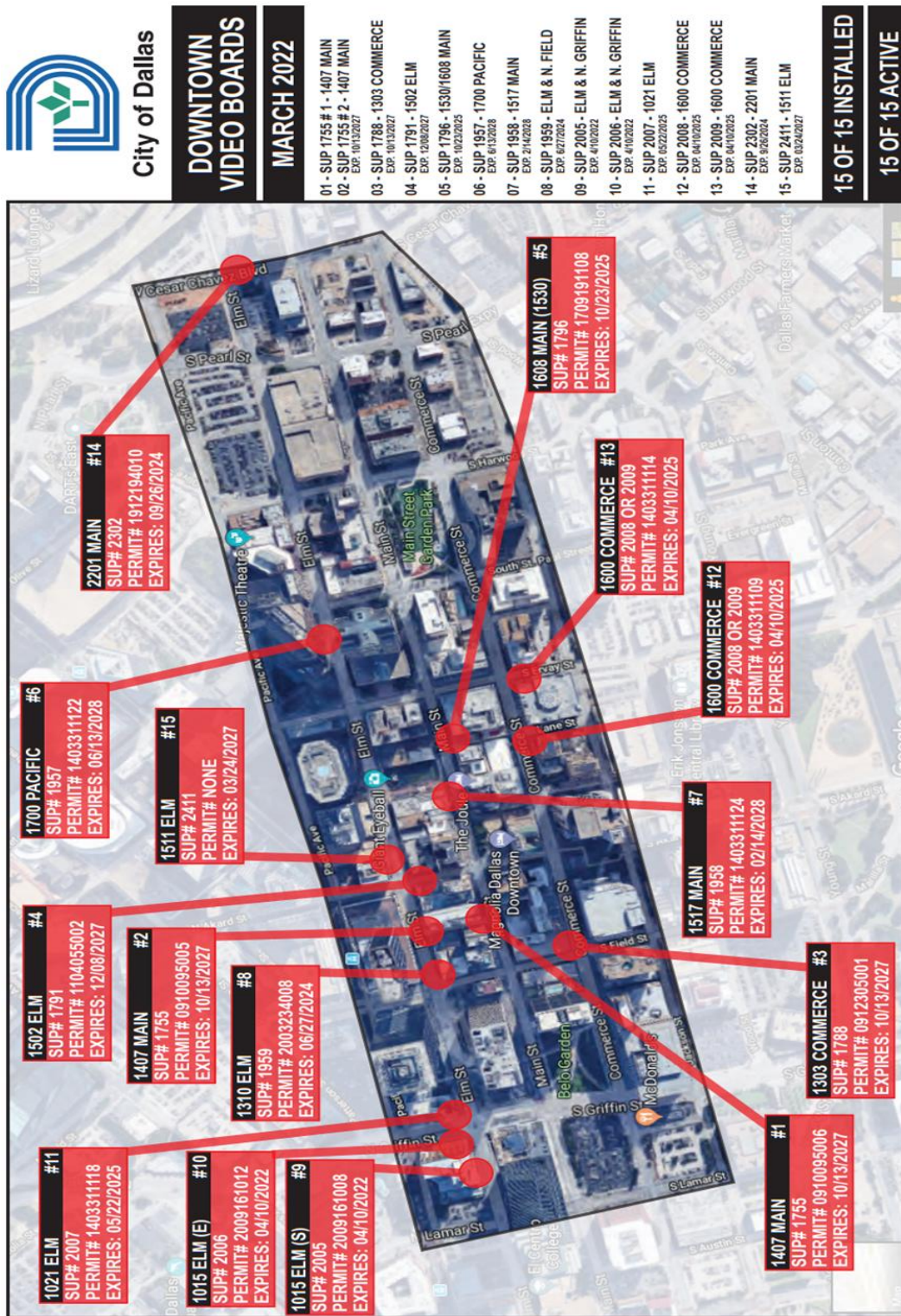
For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Popken
Vacancy: 2 - District 3, District 7

Notices:	Area: 200	Mailed: 13
Replies:	For: 0	Against: 0

Speakers: None

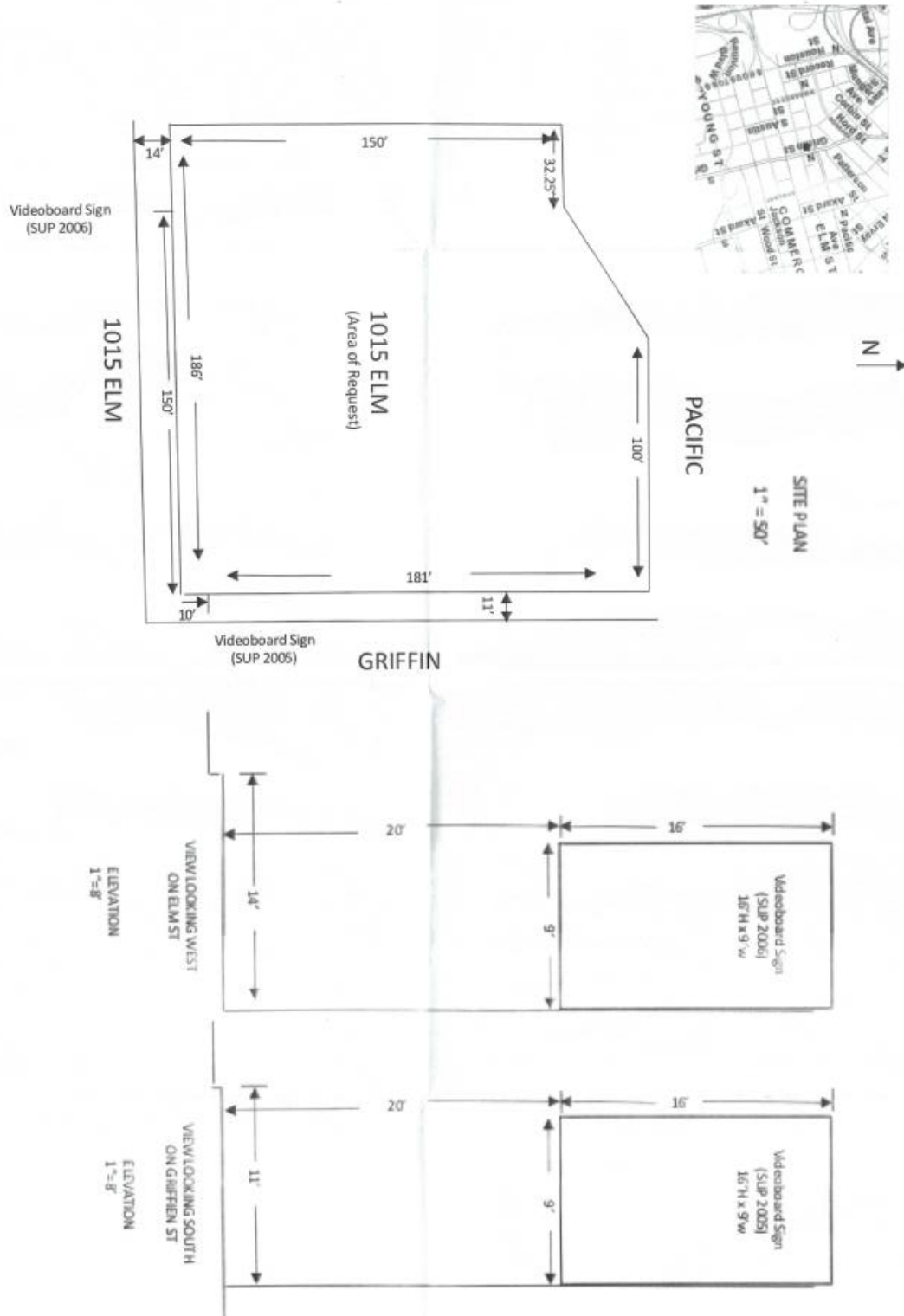
**Videoboard Current & Renewals
(Exhibit A)
July 2021**

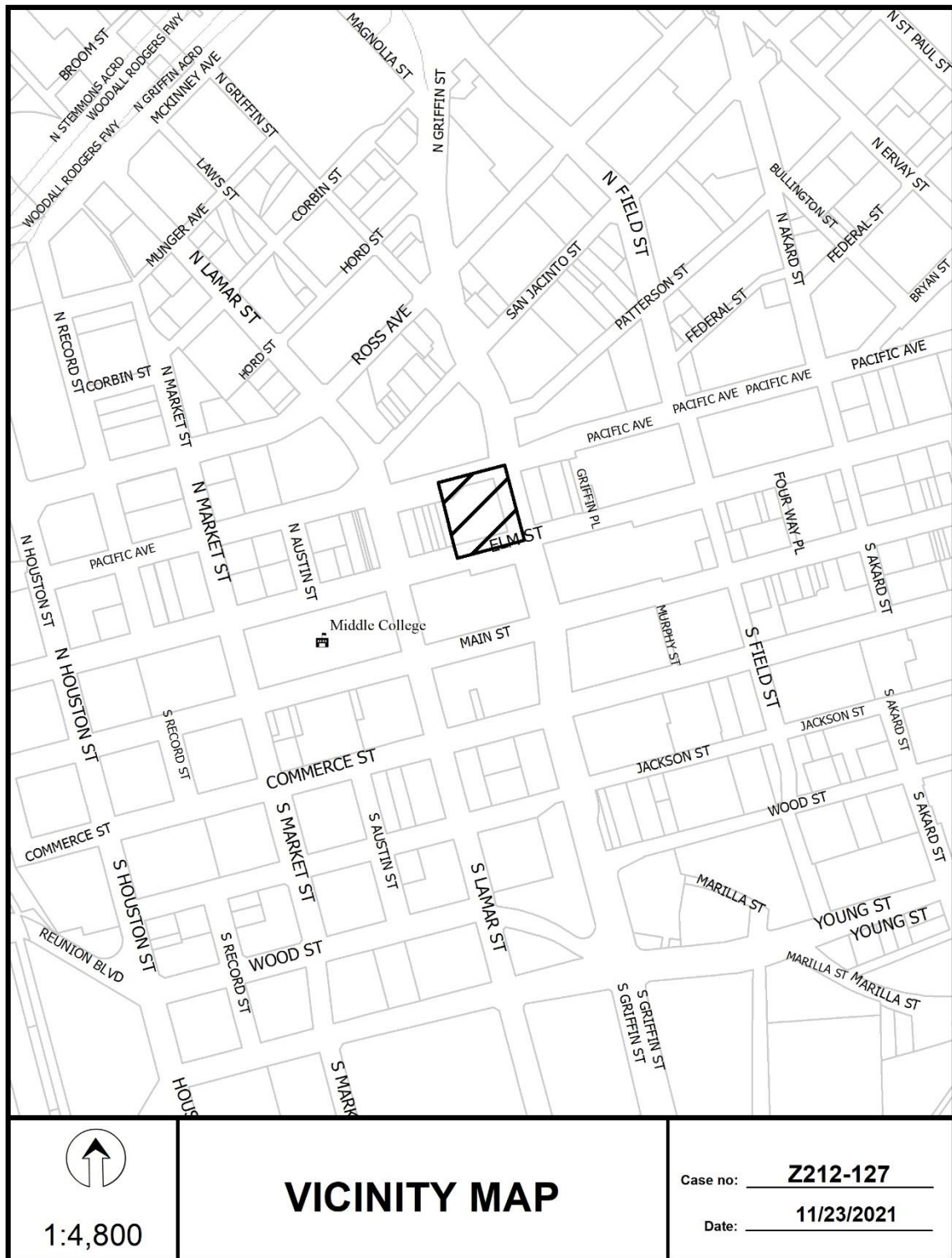


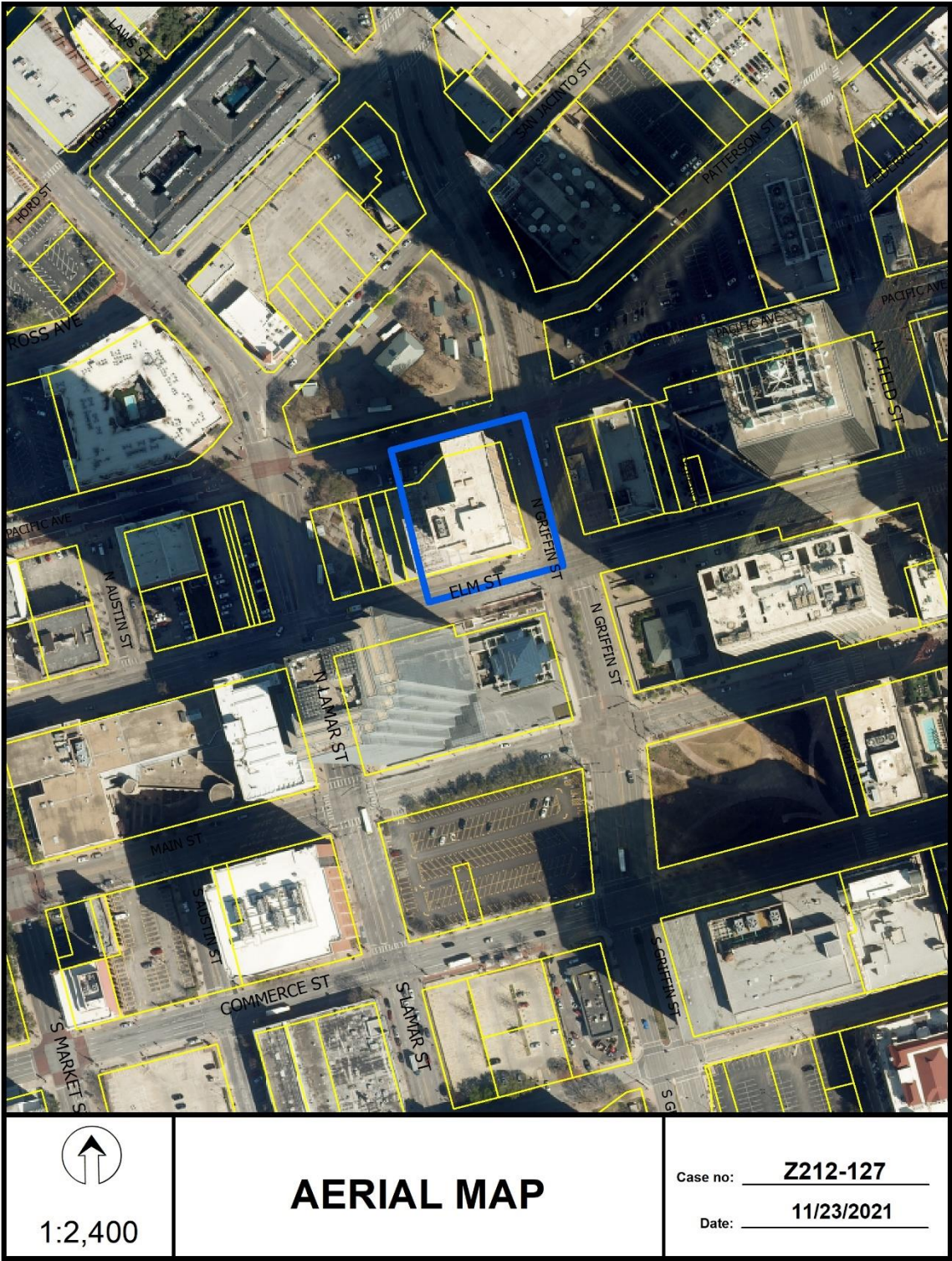
**CPC RECOMMENDED
SUP CONDITIONS**

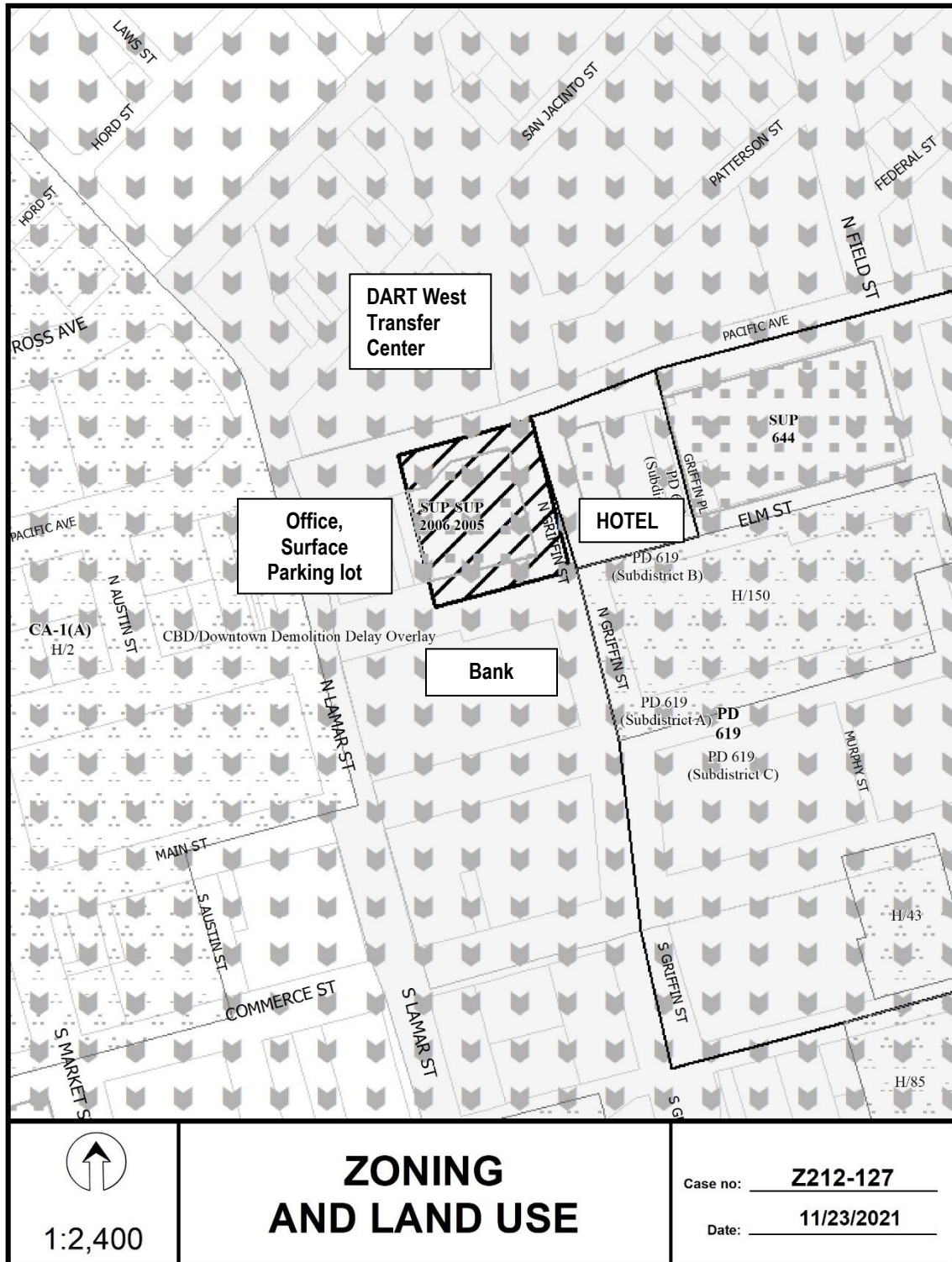
1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on_____, six-year period from the passage of this ordinance.
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

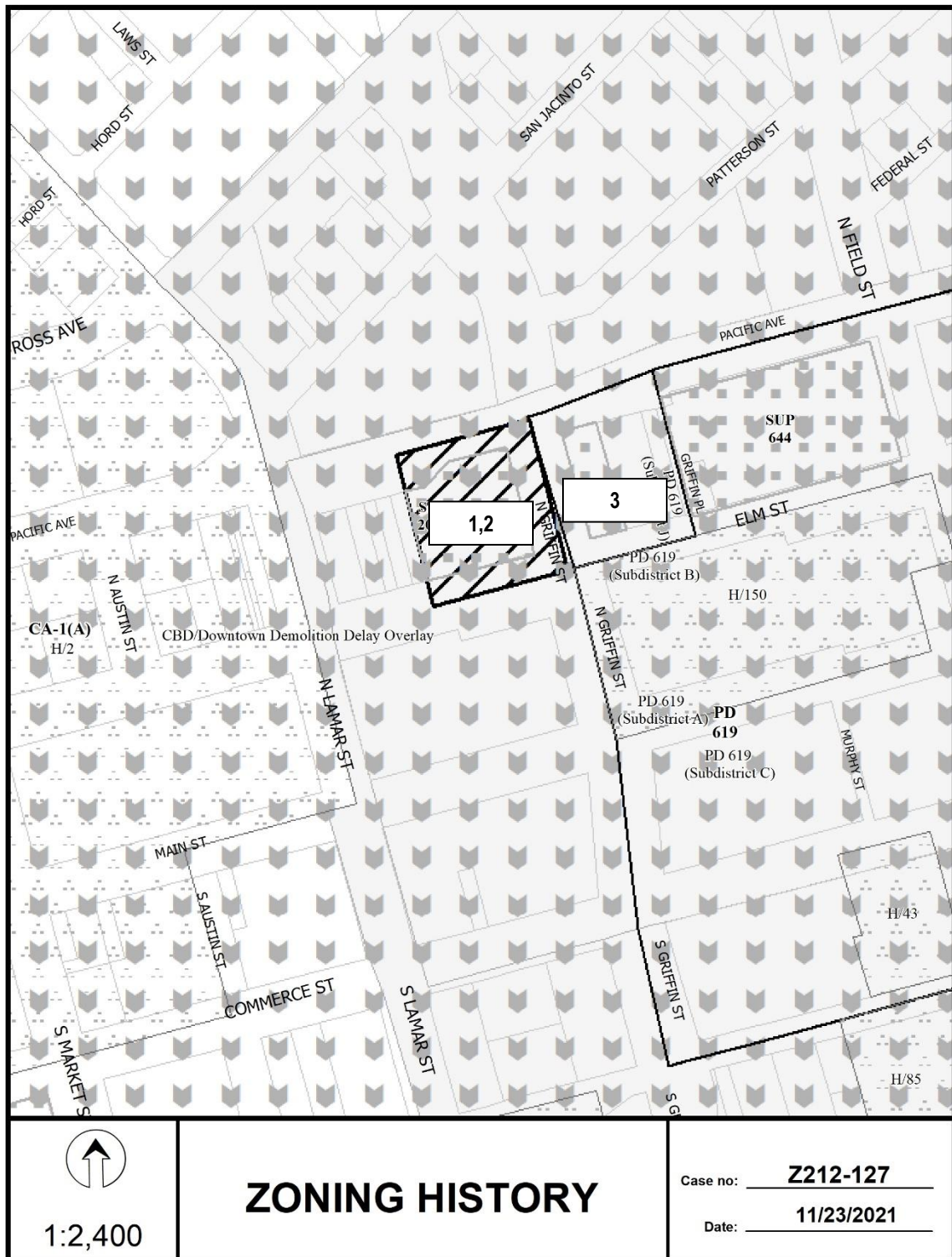
Existing Site Plan (no changes)



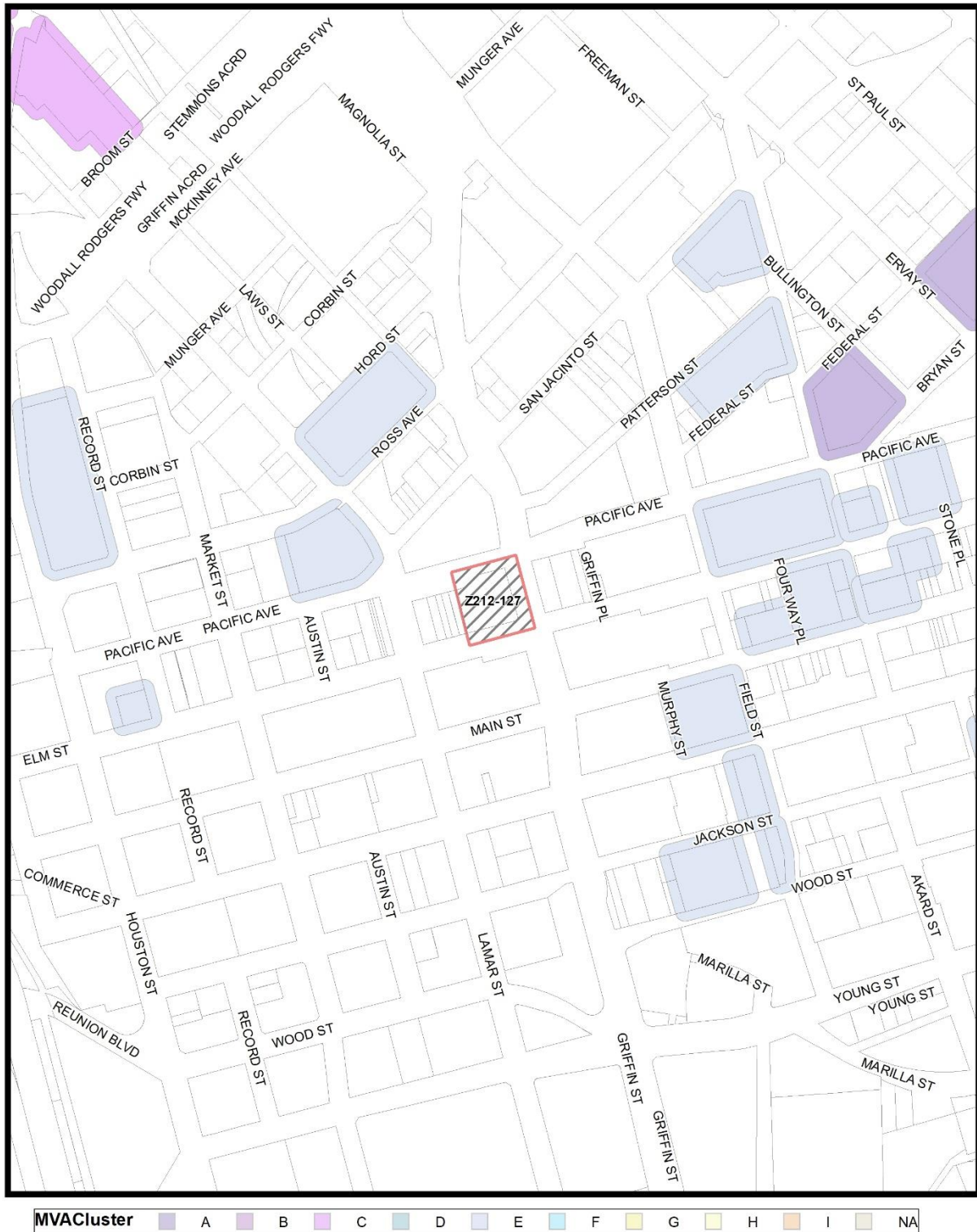








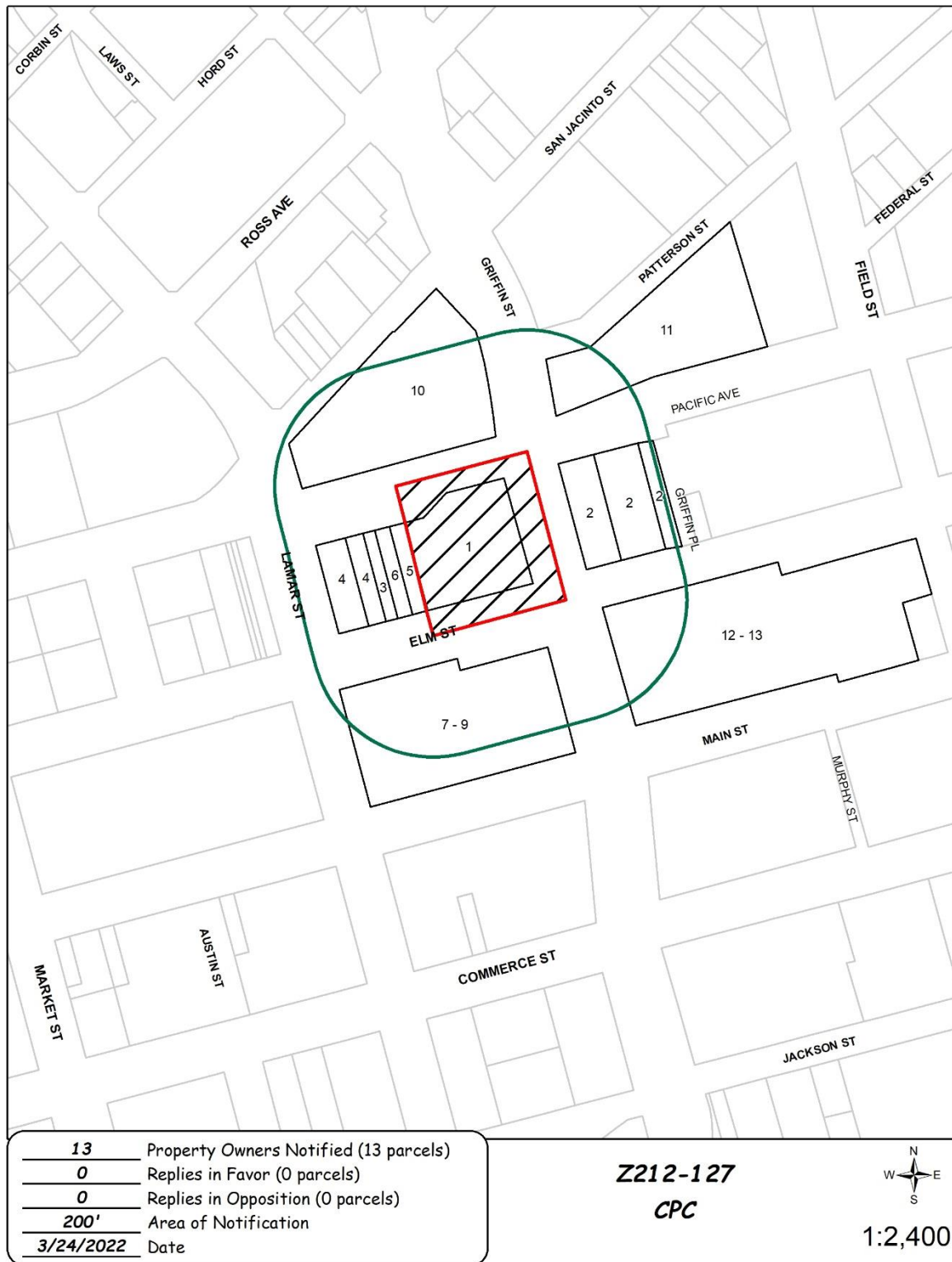
Z212-127(OA)



1:4,800

Market Value Analysis

Printed Date: 11/23/2021



03/23/2022

Reply List of Property Owners***Z212-127******13 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1015	ELM ST	TOG HOTELS DOWNTOWN
2	1025	ELM ST	APPLE TEN HOSPITALITY
3	907	ELM ST	HARMON FRANK G III ET AL
4	901	ELM ST	DART
5	911	ELM ST	TOG HOTELS DOWNTOWN DALLAS LLC
6	909	ELM ST	909 ELM STREET LLC
7	901	MAIN ST	DALLAS MAIN LP
8	101	S LAMAR ST	INTERFIRST BANK DALLAS
9	901	MAIN ST	INTERFIRST BANK DALLAS
10	202	N LAMAR ST	DALLAS AREA RAPID TRANSIT
11	1100	PATTERSON AVE	CHAVEZ LAND INCOME
12	1201	MAIN ST	ONE MAIN PLACE HOTEL LLC
13	1201	MAIN ST	ONE MAIN PLACE OFFICE LLC



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1013

Item #: Z4.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District, on the northwest corner of North Griffin Street and Elm Street

Recommendation of Staff: **Approval** for a six-year period, subject to conditions

Recommendation of CPC: **Approval** for a six-year period, subject to conditions

Z212-128(OA)

FILE NUMBER: Z212-128(OA) **DATE FILED:** November 3, 2021

LOCATION: Northwest corner of North Griffin Street and Elm Street

COUNCIL DISTRICT: 14

SIZE OF REQUEST: Approx. 0.69 acres **CENSUS TRACT:** 31.01

APPLICANT: Big Outdoor Texas, LLC

OWNER: TOG Hotels Downtown Dallas LLC

REPRESENTATIVE: Suzan Kedron, Jackson Walker LLP

REQUEST: An application for the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District.

SUMMARY: The applicant proposes to allow the display and operation of an attached projecting sign on the Elm Street (southeastern) façade of an existing structure housing a hotel use. [Crown Plaza]

CPC RECOMMENDATION: Approval for a six-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a six-year period, subject to conditions.

BACKGROUND INFORMATION:

- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for up to five non-premise district activity videoboard signs in the Downtown Special Provision Sign District. However, Ordinance No. 28347 was adopted by City Council on August 24, 2011, to increasing the maximum to 15 videoboards signs.
- Specific Use Permit No. 2006 for a videoboard sign was approved by City Council on January 23, 2013, for a six-year period and subsequently renewed for three years on April 10, 2019s.
- The request site is currently developed with a 444,675-square-foot hotel use [Crown Plaza]. The property has two attached projecting non-premise district activity videoboard signs. This SUP allows for the videoboard sign along Elm St.
- The existing sign attached projecting sign on the Elm Street (southeastern) façade is in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code.

Zoning History: There have been three zoning changes in the vicinity during the last five years.

1. **Z189-165:** On Wednesday, April 10, 2019, the City Council approved the renewal of Specific Use Permit No. 2005 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2005 [subject site western façade].
2. **Z189-164:** On Wednesday, April 10, 2019, the City Council approved the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 2006 [subject site, e].
3. **Z178-241:** On August 8, 2018, the City Council denied an application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property Planned Development District No. 619 with Specific Use Permit No. 2007, located on the northeast corner of the intersection of Griffin Street and Elm Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Required ROW
Elm Street	One-way Street per CBD	80 feet
N. Griffin Street	Two-way Street per CBD	100 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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 can 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 1.1.3 Build a dynamic and expanded Downtown.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN.

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

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

Videoboard Signs:

Currently, there are 11 active Specific Use Permits for videoboard signs since four of Specific Use Permits have expired. Should this SUP renewal be approved, the number of active videoboard signs in the Downtown SPSP District would not change. The SPSP only allows 15 videoboard signs within the district. Exhibit "A" shows a map with the status of the approved videoboard signs within the district.

No.	SUP No.	Location	Case No.	Approved	Expiration	ORD. #	Sign Installed (permit #)
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2							0910095006
3	1788	1321 Commerce (south façade)	Z145-277 (Renewal)	9/9/2015	10/13/2027	32029	0912305001
4	1791	1502/1509 Main St (West façade)	Z145-278 (Renewal)	9/9/2015	12/8/2027	32074	1104055002
5	1796	1530-1608 Main St (north façade)	Z189-298 (Renewal)	10/23/2019	10/23/2025	31367	1709191108
6	1957	1700 Pacific Ave (south façade)	Z178-123 (Renewal)	6/13/2018	6/13/2028	30881	1403311122
7	1958	1517 Main St (south façade)	Z178-124 (Renewal)	2/14/2018	2/14/2028	30781	1403311124
8	1959	1302 Elm St. (north façade)	Z178-214 (Amendment/Renewal)	6/27/2018	6/27/2024	30919	2003234008
9	2005	1015 Elm St (west façade)	Z189-165 (Renewal)	4/10/2019	4/10/2022	31172	2009161008
10	2006	1015 Elm St (south façade)	Z189-164 (Renewal)	4/10/2019	4/10/2022	31171	2009161012
11	2007	200 N Griffin St (south façade)	Z189-148 (renewal)	5/22/2019	5/22/2025	31228	1403311118
12	2008	1600 Commerce St (east façade)	Z189-147 (Renewal)	4/10/2019	4/10/2025	31165	1403311114
13	2009	1600 Commerce St (north façade)	Z189-146 (Renewal)	4/10/2019	4/10/2025	31164	1403311109
14	2302	2201 Main St (west façade)	Z178-242 (new SUP)	9/26/2018	9/26/2024	31010	1912194010
15	2411	1511 Elm Street	Z190-370 (new SUP)	3/24/2021	3/24/2027	31812	1403311114
*Includes 2 videoboard signs							

Land Use:

	Zoning	Land Use
Site	CA-1(A)	Hotel, [Crown Plaza]
North	CA-1(A)	DART West Transfer Center
East	PDD No. 619	Hotel [Hilton]
South	CA-1(A)	Financial Institution
West	PDD No. 619, H/2	Office, Surface Parking Lot

Land Use Compatibility:

The approximate 0.69-acre area of request is zoned a CA-1(A) Central Area District with SUP No. 2005 and SUP No. 2006. The request site is developed with a 23-story, 444,675-square-foot hotel use [Crown Plaza] with parking garage. The applicant is seeking the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign on the Elm Street façade of the hotel.

Uses surrounding the area of request include the DART West Transfer Center to the north, a hotel use [Hilton] to the east, a bank use to the south and an office and surface parking lot to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The existing projecting sign is consistent with the general provision for a Specific Use Permit and with the provisions for attached non-premise district activity videoboard signs in Section 51A-7.909 as they pertain to content, location and number, size, SUP requirement, installation, projecting, and building occupancy requirements. Therefore, staff supports the request and recommends approval for a six-year period subject to conditions.

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted within the Downtown SPSP and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum a of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP.

Projecting non-premise activity videoboard signs:

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio.
- may project a maximum of 12 feet into the right-of-way.
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction.
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
 - the ambient light level measure in lux, divided by 256 and then rounded down to the nearest whole number, equals the dimming level: then
 - the dimming level, multiplied by .0039 equal the brightness level: then
 - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades: and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds.
- Changes of message must be accomplished within two seconds.
- Changes of message must occur simultaneously on the entire sign face; and
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

Landscaping:

The Dallas Development Code does not require any landscaping for videoboard signs in addition to the requirements applicable to the base use on the site.

Parking:

The Dallas Development Code does not require any parking spaces for videoboard signs in addition to the requirements applicable to the base use on the site.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not located an “E” MVA cluster.

LIST OF OFFICERS

Big Outdoor Texas, LLC

Brad Berkley, CEO

Erin Watkins, Secretary

TOG Hotels Downtown Dallas LLC

Terry Tagnazzini, President

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2006 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned a CA-1(A) Central Area District, on the northwest corner of North Griffin Street and Elm Street.

Maker: Rubin
Second: Hampton
Result: Carried: 12 to 0

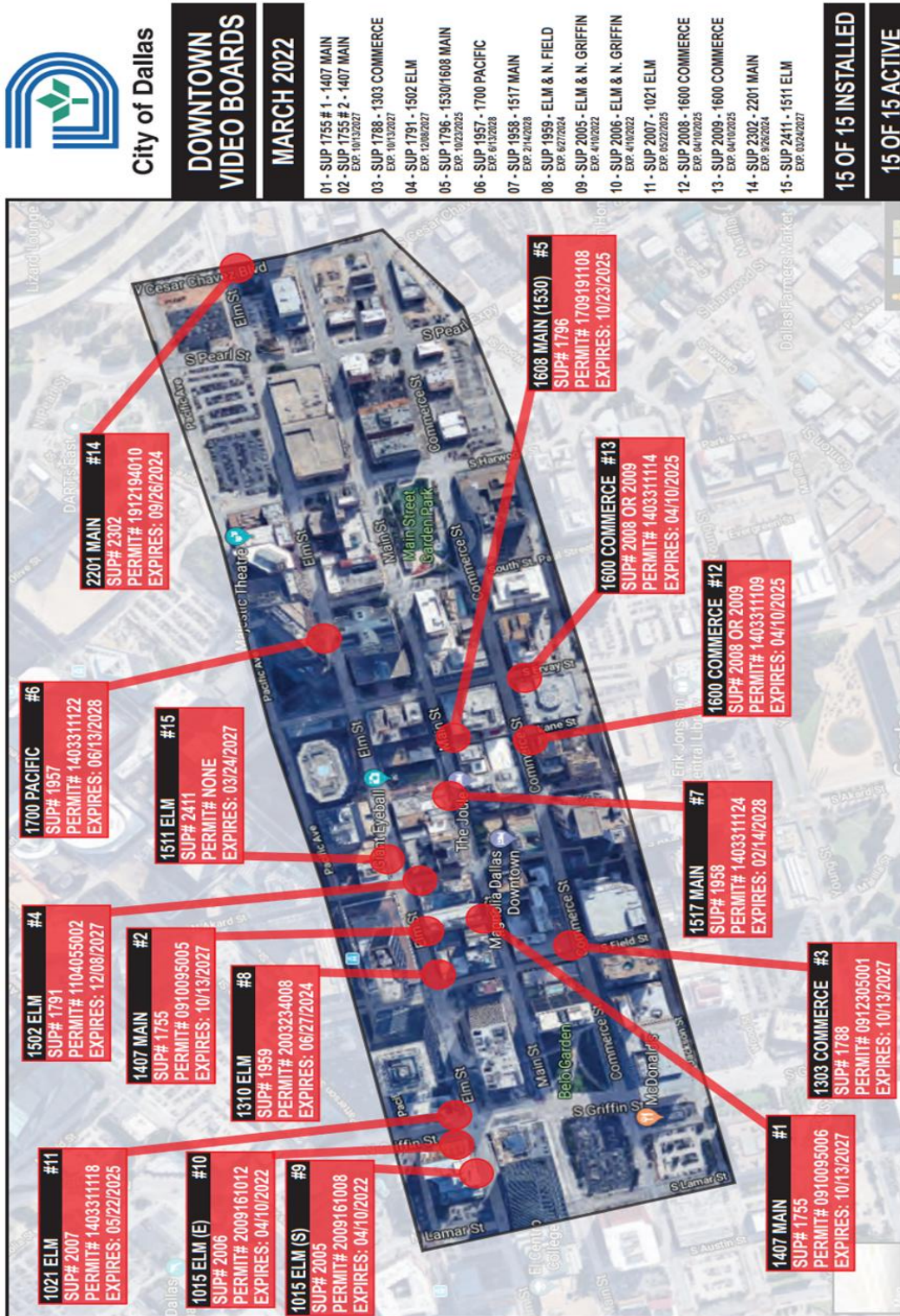
For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Popken
Vacancy: 2 - District 3, District 7

Notices:	Area: 200	Mailed: 13
Replies:	For: 0	Against: 0

Speakers: None

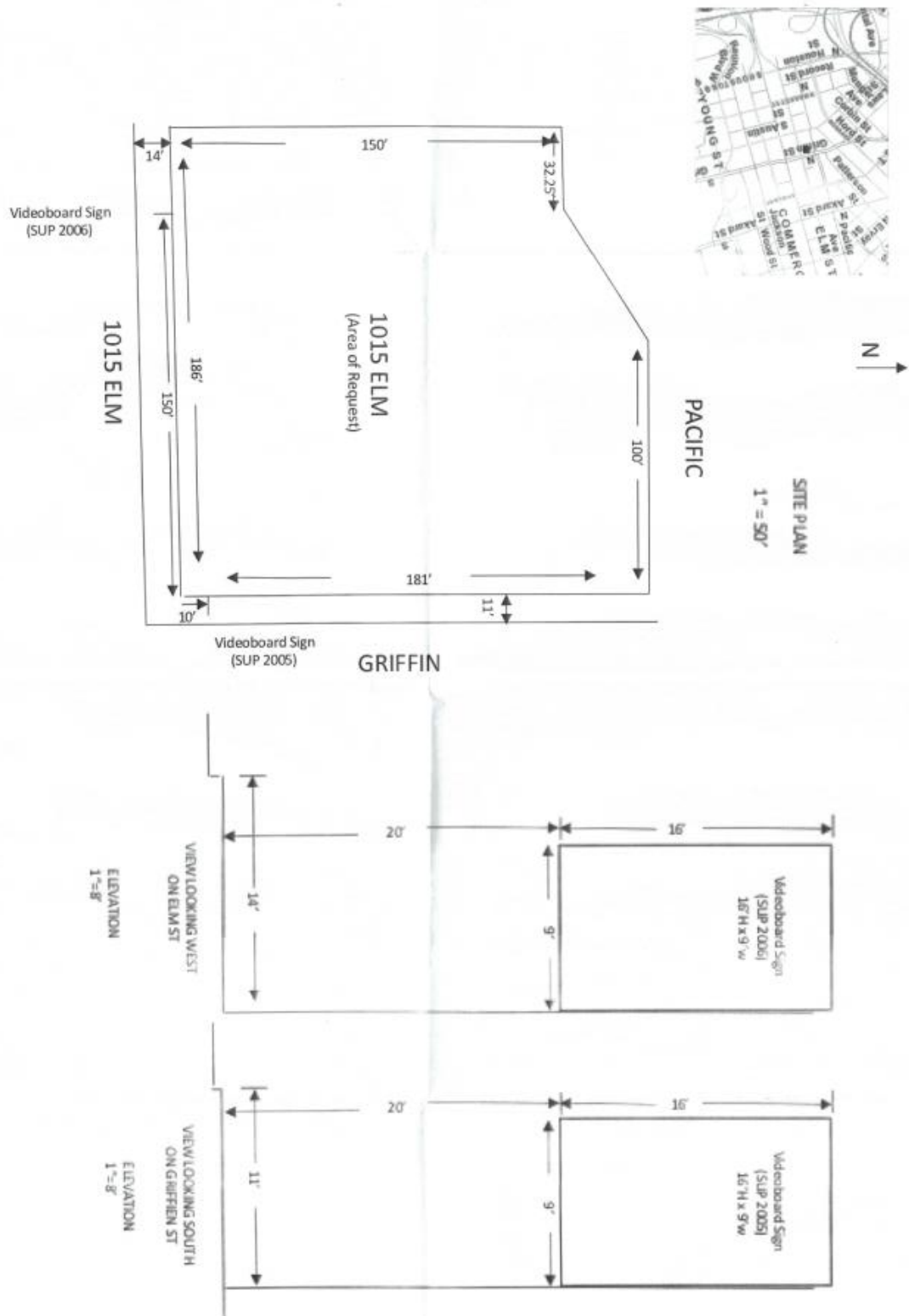
**Videoboards Current & Renewals
(Exhibit A)
July 21**

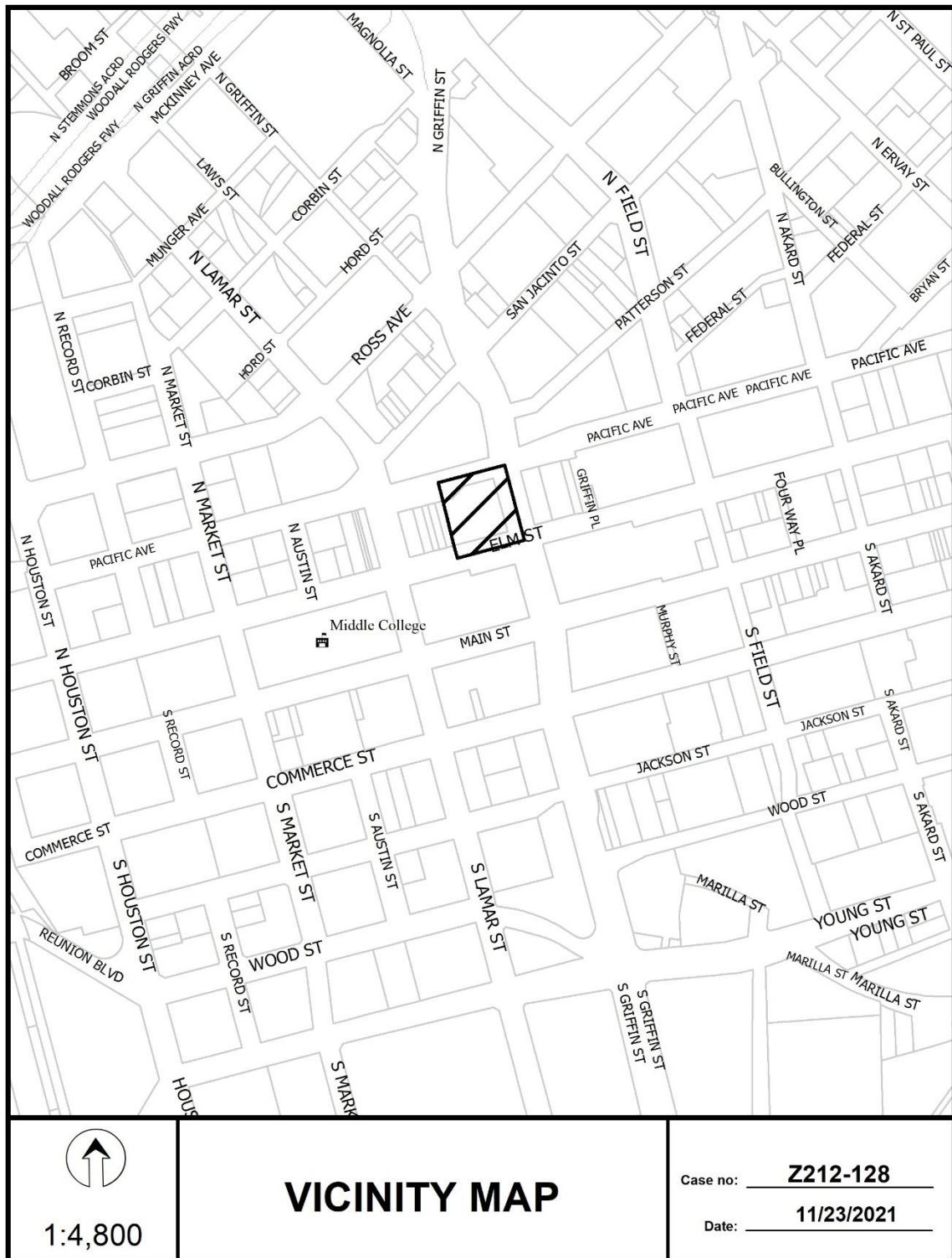


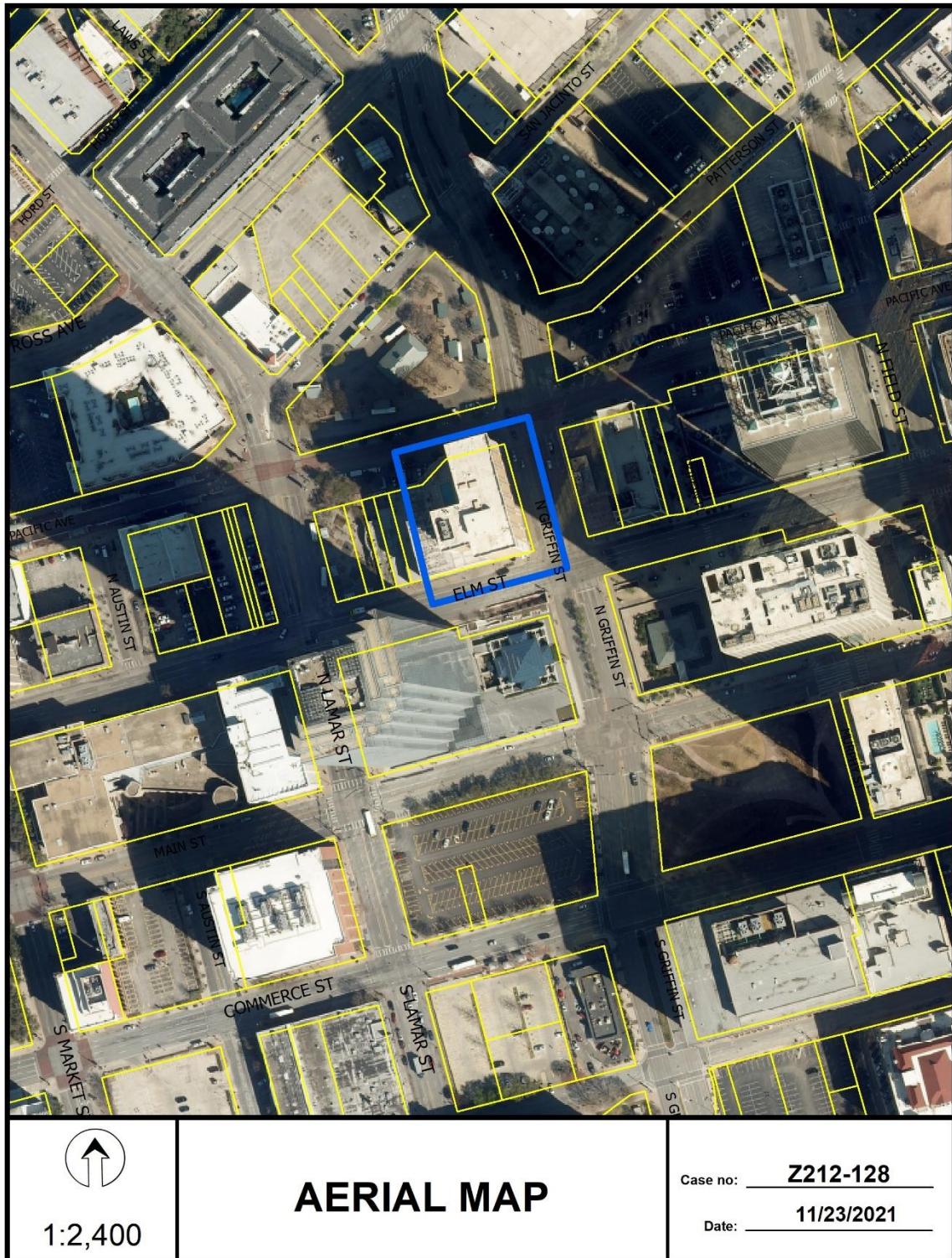
CPC RECOMMENDED SUP CONDITIONS

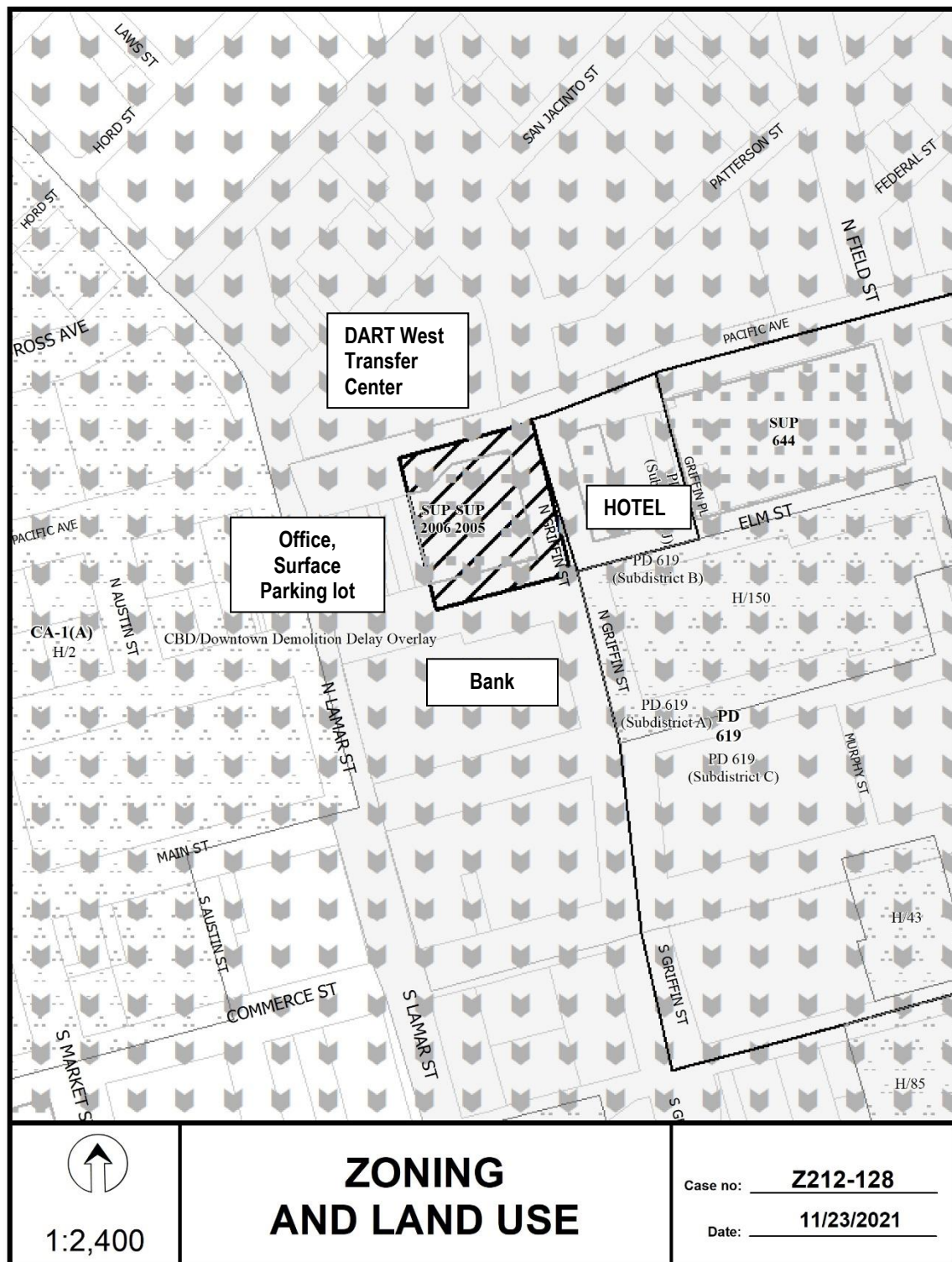
1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on_____, six-year period from the passage of this ordinance.
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

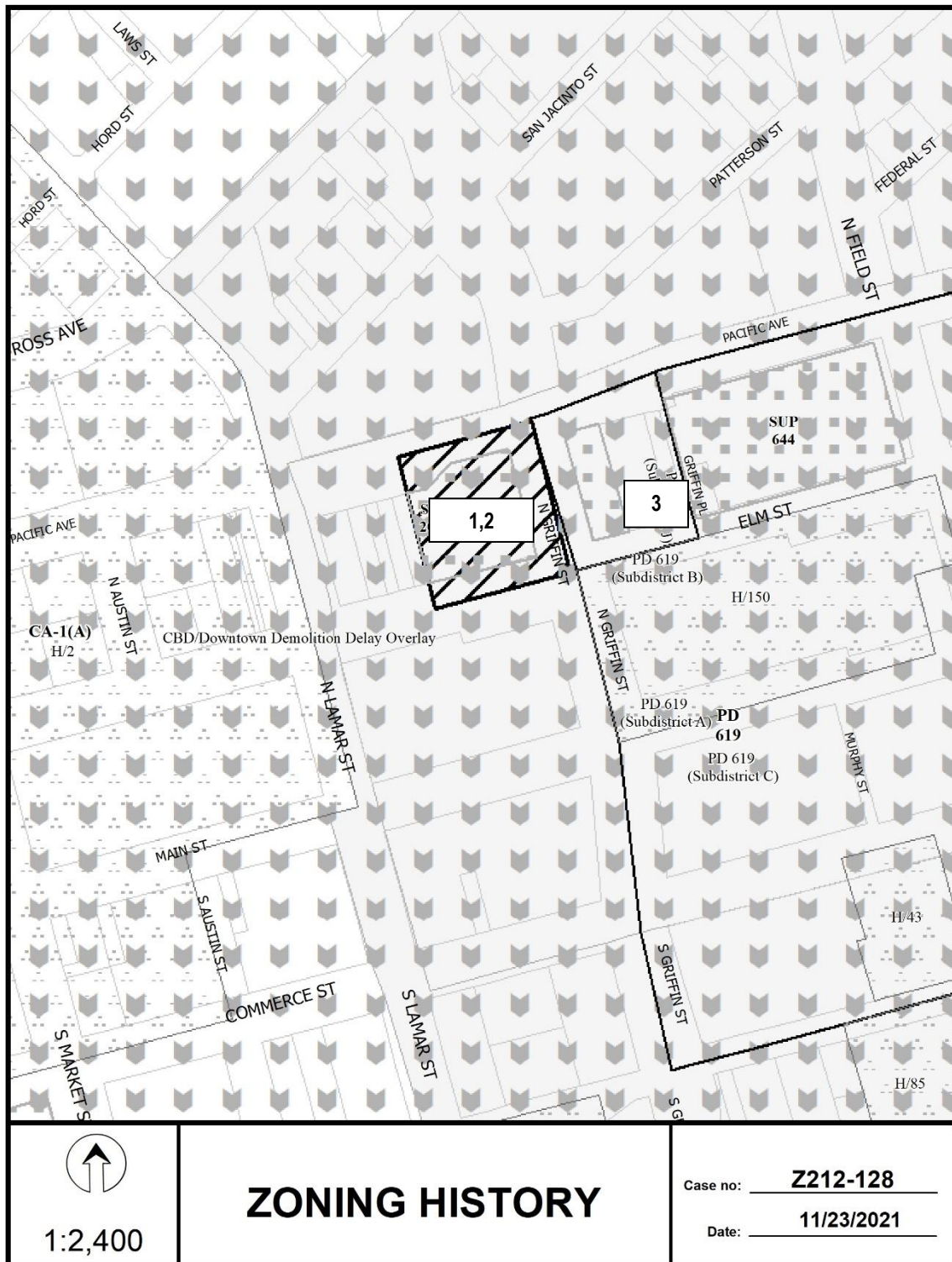
EXISTING SITE PLAN (no changes)

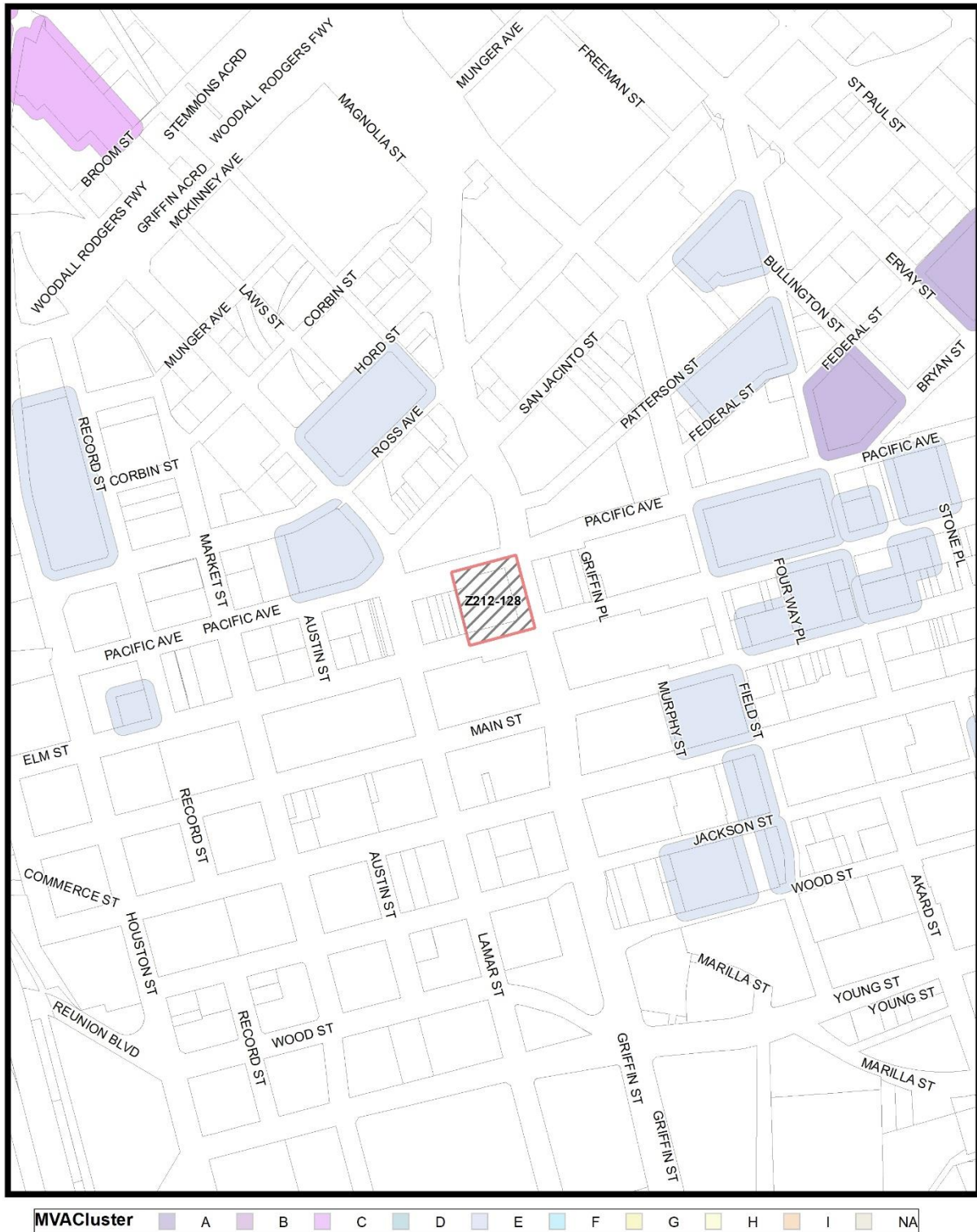








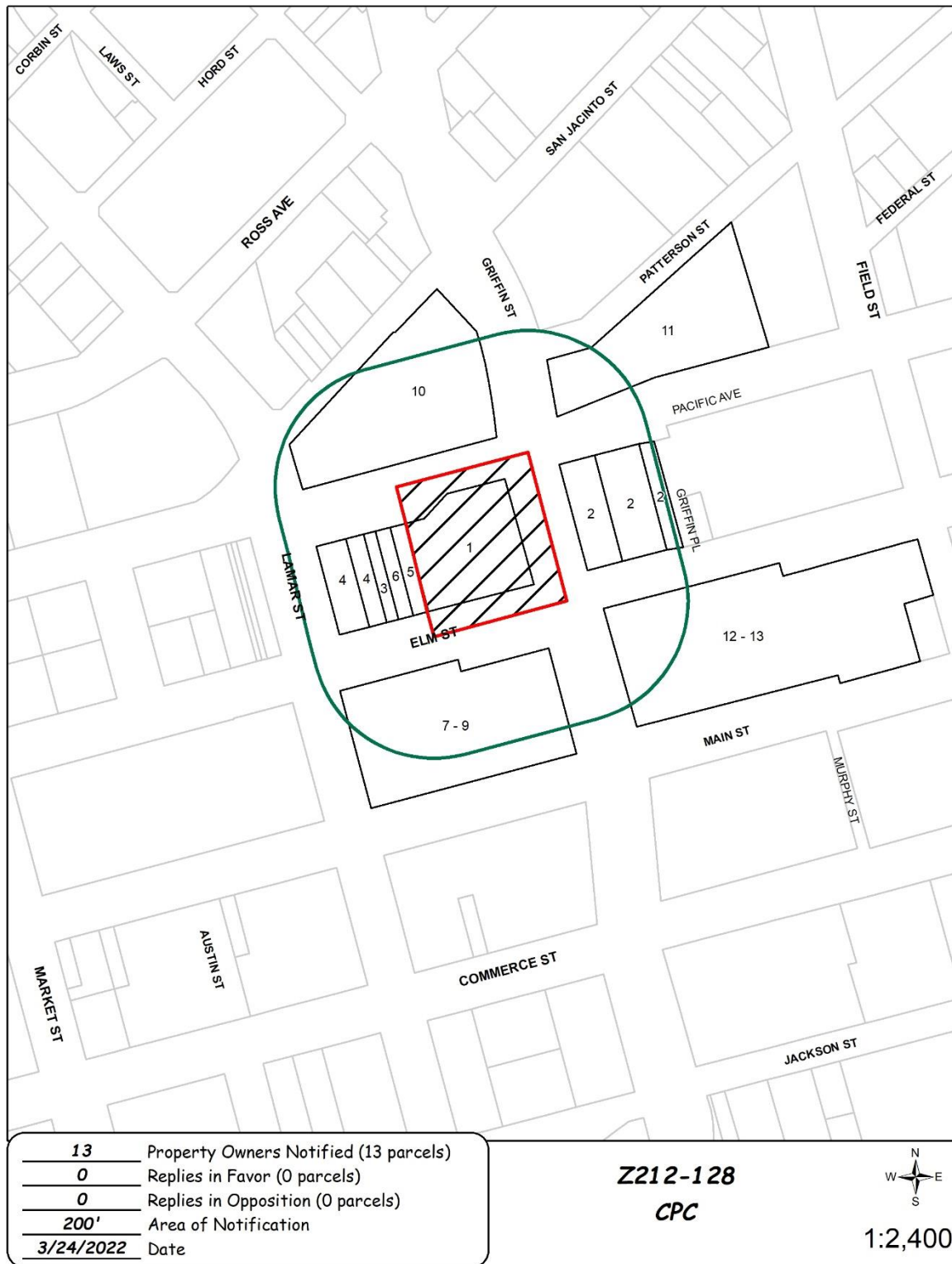




1:4,800

Market Value Analysis

Printed Date: 11/23/2021



03/23/2022

Reply List of Property Owners***Z212-128******13 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1015	ELM ST	TOG HOTELS DOWNTOWN
2	1025	ELM ST	APPLE TEN HOSPITALITY
3	907	ELM ST	HARMON FRANK G III ET AL
4	901	ELM ST	DART
5	911	ELM ST	TOG HOTELS DOWNTOWN DALLAS LLC
6	909	ELM ST	909 ELM STREET LLC
7	901	MAIN ST	DALLAS MAIN LP
8	101	S LAMAR ST	INTERFIRST BANK DALLAS
9	901	MAIN ST	INTERFIRST BANK DALLAS
10	202	N LAMAR ST	DALLAS AREA RAPID TRANSIT
11	1100	PATTERSON AVE	CHAVEZ LAND INCOME
12	1201	MAIN ST	ONE MAIN PLACE HOTEL LLC
13	1201	MAIN ST	ONE MAIN PLACE OFFICE LLC



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1009

Item #: Z5.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Bruton Road and South Buckner Boulevard

Recommendation of Staff: **Approval**, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: **Approval**, for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z201-290(OA)

FILE NUMBER: Z201-290(OA)

DATE FILED: June 25, 2021

LOCATION: Southwest corner of Bruton Road and South Buckner Boulevard

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ±0.957

CENSUS TRACT: 91.04

OWNER/APPLICANT: Casa Rock Partners, Ltd.

REPRESENTATIVE: Kendra Larach, La Sierra PG

REQUEST: An application for the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to continue to allow the sale of alcoholic beverages in conjunction with a general merchandise or food store and a fueling station [7-Eleven] to sell alcoholic beverages for off-premises consumption.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

PLANNED DEVELOPMENT DISTRICT NO. 366:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=366>

BACKGROUND INFORMATION:

- Planned Development District No. 366, the Buckner Boulevard Special Purpose District, was adopted in 1992 and contains nine subareas within approximately 407.945 acres.
- The subject site lies within Subarea 2 of PDD No. 366, which allows the general merchandise or food store less than 3,500 square feet and motor vehicle fueling station uses by right; however, the D-1 liquor Control Overlay requires for an approved SUP to allow the sale of alcoholic beverages.
- On December 12, 2018, City Council approved Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period, subject to a site plan and conditions. The applicant proposes to continue this use.

Zoning History:

There have been two zoning changes in the area within the last five years.

1. **Z167-192:** On May 18, 2017, the City Plan Commission recommended denial without prejudice of an application for a Planned Development District for NS(A) Neighborhood Service district uses and an auto service center, a motor vehicle fueling station, and a restaurant with drive-in or drive-through service by right, on property zoned an R-7.5(A) Single Family District and Subarea 2 within PDD No. 366, the Buckner Boulevard Special Purpose District, located on the southeast corner of Bruton Road and Shortal Drive and the southwest corner of Bruton Road and South Buckner Boulevard. Application was not appealed. *[This includes the subject site, as well as property zoned an R-7.5(A) District to the north.]*
2. **Z178-318:** On December 12, 2018, The City Council approved an ordinance granting a D-1 Liquor Control Overlay and granting Specific Use Permit No. 2312, located on the southwest corner of Bruton Road and South Buckner Boulevard, for a three-year period, subject to a site plan and conditions. *[subject site]*

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing/ proposed ROW
Bruton Road	Principal Arterial	100 feet
S. Buckner Boulevard (Loop 12)	Principal Arterial	107 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

The proposed use complements the neighborhood by adding a convenient option within walking distance from residential properties. Additionally, S. Buckner Boulevard is a retail hub. Such reinvestment in commercial properties benefits the surrounding neighborhood.

Surrounding Land Uses

	Zoning	Land Use
Site	Specific Use Permit No. 2312 Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay	General merchandise or food store 3,500 square feet or less and a fueling station
North	Tract 3, Subarea 2, PD No. 366 w/D Overlay	Retail, financial institution without drive in window, and auto service center
East	Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay, SUP No. 1973	General merchandise or food store 3,500 square feet or less
South	Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay	Retail, personal service, vehicle display, sales, or service and single family
West	R-7.5(A)	Undeveloped and single family.

Land Use Compatibility

The property contains less than one acre with general merchandise or food store with 3,062 square feet of floor area and a fueling station [7-Eleven]. The purpose of this request is to renew Specific Use Permit No. 2312 to continue the sale of alcoholic beverages for off-premises consumption.

The subject site lies within Subarea 2 of PD No. 366, which allows the general merchandise or food store less than 3,500 square feet and motor vehicle fueling station uses by right; however, the D-1 Liquor Control Overlay prohibits the sale of alcohol unless a specific use permit has been granted by the city council.

Surrounding uses include retail, financial institution without drive in window, and auto service center to the north; general merchandise or food store 3,500 square feet or less to the east; retail, personal service, vehicle display, sales, and service, and single family to the south; and undeveloped land and residential to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public

health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. Staff has obtained confirmation that the applicant is in compliance with Chapter 12B and maintains a current registration.

The proposed continued sale of alcoholic beverages in conjunction with a general merchandise or food store is complementary to the area. Having neighborhood establishments with a variety of shopping and dining opportunities add to the quality of life for the neighborhood residents. The continued sale of alcoholic beverages in conjunction with a general merchandise or food store and fueling station should not be a detriment to the adjacent properties. Therefore, staff supports the request for a renewal of a two-year period, with eligibility for automatic renewals for additional five-year periods.

Parking

PD No. 366 refers to the Dallas Development Code for required parking. Off-street parking for a general merchandise or food store 3,500 square feet or less is required at a ratio of one space for each 200 square feet of floor area. The building contains 3,062 square feet of floor area requiring 15 off-street spaces. Additionally, two parking spaces are required for a motor vehicle fueling station. The proposed SUP site plan indicates that 17 parking spaces are provided, including one accessible space. This meets the minimum parking requirement.

Landscaping

No new construction or pavement is proposed by this application. New construction will require landscaping per the privation of Article X.

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. While the subject site is not located within an identified market type category, it is closest to Category F to the west along Shortal Drive.

Crime Report:

From March 2020 to August 2021, 81 calls, 14 offenses, three arrests were placed to the Dallas Police Department (DPD) with the location 2975 S. Buckner Boulevard.

Calls:

ID	Date of Resp.	Jurisdiction	Problem
068034-2021	4/20/2021	DALLAS POLICE	UUMV
144239-2021	8/12/2021	DALLAS POLICE	SIMPLE ASSAULT
053997-2021	3/30/2021	DALLAS POLICE	ALL OTHER LARCENY
033945-2021	2/27/2021	DALLAS POLICE	INTIMIDATION
033332-2021	2/26/2021	DALLAS POLICE	COUNTERFEITING / FORGERY
060147-2021	4/6/2021	DALLAS POLICE	EMBEZZELMENT
087313-2021	5/9/2021	DALLAS POLICE	EMBEZZELMENT
170667-2020	9/24/2020	DALLAS POLICE	DRUG EQUIPMENT VIOLATIONS
215669-2020	12/3/2020	DALLAS POLICE	SIMPLE ASSAULT
049532-2020	3/11/2020	DALLAS POLICE	ALL OTHER LARCENY
087991-2021	5/20/2021	DALLAS POLICE	DRUG/ NARCOTIC VIOLATIONS
231789-2020	12/29/2020	DALLAS POLICE	SHOPLIFTING
212523-2020	11/27/2020	DALLAS POLICE	SIMPLE ASSAULT
189171-2020	10/23/2020	DALLAS POLICE	ROBBERY-BUSINESS
079620-2021	4/28/2021	DALLAS POLICE	EMBEZZELMENT
079622-2021	5/1/2021	DALLAS POLICE	EMBEZZELMENT

Offenses:

Offense Type	Count of IncidentNum
ASSAULT -BODILY INJURY ONLY	1
ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	1
ASSAULT -OFFENSIVE CONTACT	1
FORGERY GOVT/NATIONAL INST/MONEY/SECURITY	1
HARASSMENT-REPEATED ELECTRONIC COMMUNICATION	1
POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G	1
POSSESSION OF DRUG PARAPHERNALIA	1
ROBBERY OF BUSINESS (AGG)	1
THEFT OF PROP > OR EQUAL \$100 <\$750 (EMPLOYEE) PC31.03(e2A)	2
THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)	1
THEFT OF PROP > OR EQUAL \$100 <\$750 (SHOPLIFT-NOT EMP) PC31.03(e2A)	1
THEFT OF PROP > OR EQUAL \$2,500 <\$30K (NOT SHOPLIFT) PC31.03(e4A)	1
THEFT OF PROP > OR EQUAL \$750 <\$2,500 (EMPLOYEE) PC 31.03(e3)	2
UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	1
Grand Total	16

Arrests:

IncidentNum	ArLAddress	ChargeDesc
125095-2020	2075 S BUCKNER BLVD	APOWW (SOCIAL SERVICES REFERRAL)
142404-2020	2075 S BUCKNER BLVD	ASSAULT (AGG) FAM VIO DEADLY WEAPON- NO SBI
142404-2020	2075 S BUCKNER BLVD	POSS MARIJUANA <20Z
142404-2020	2075 S BUCKNER BLVD	UNLAWFUL POSS FIREARM BY FELON
142404-2020	2075 S BUCKNER BLVD	EVADING ARREST DETENTION
142404-2020	2075 S BUCKNER BLVD	WARRANT DALLAS PD (ALIAS/CAPIAS)
170667-2020	2075 S BUCKNER BLVD	POSSESSION OF DRUG PARAPHERNALIA
170667-2020	2075 S BUCKNER BLVD	CRIMINAL TRESPASS
170667-2020	2075 S BUCKNER BLVD	OTHER OFFENSE - MISDEMEANOR
179748-2020	2075 S BUCKNER BLVD	FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO
179748-2020	2075 S BUCKNER BLVD	POSS MARIJUANA <20Z
179748-2020	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
212523-2020	2075 S BUCKNER BLVD	ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)
087991-2021	2075 S BUCKNER BLVD	POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G
087991-2021	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
087889-2021	2075 S BUCKNER BLVD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE
087889-2021	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
087889-2021	2075 S BUCKNER BLVD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE

LIST OF OFFICERS

- 1 Name of Partnership: **CASA ROCK PARTNERS, LTD.**
- 2 Address of Principal Office: 9111 East R.L. Thornton Freeway
Dallas, Texas 75228
- 3 Name and Address of Registered Agent:
Larry D. Smith
9111 East R.L. Thornton Freeway
Dallas, Texas 75228
- 4 General Partner:


Name: **TICAN, Inc.**

Mailing Address: 9111 East R.L. Thornton Freeway
Dallas, Texas 75228

EXECUTED this 1st day of May, 1998.

GENERAL PARTNER:

TICAN, Inc.

By: 
Larry D. Smith, President

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay at the southwest corner of Bruton Road and South Buckner Boulevard.

Maker: Rubin
Second: Hampton
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Popken
Vacancy: 2 - District 3, District 7

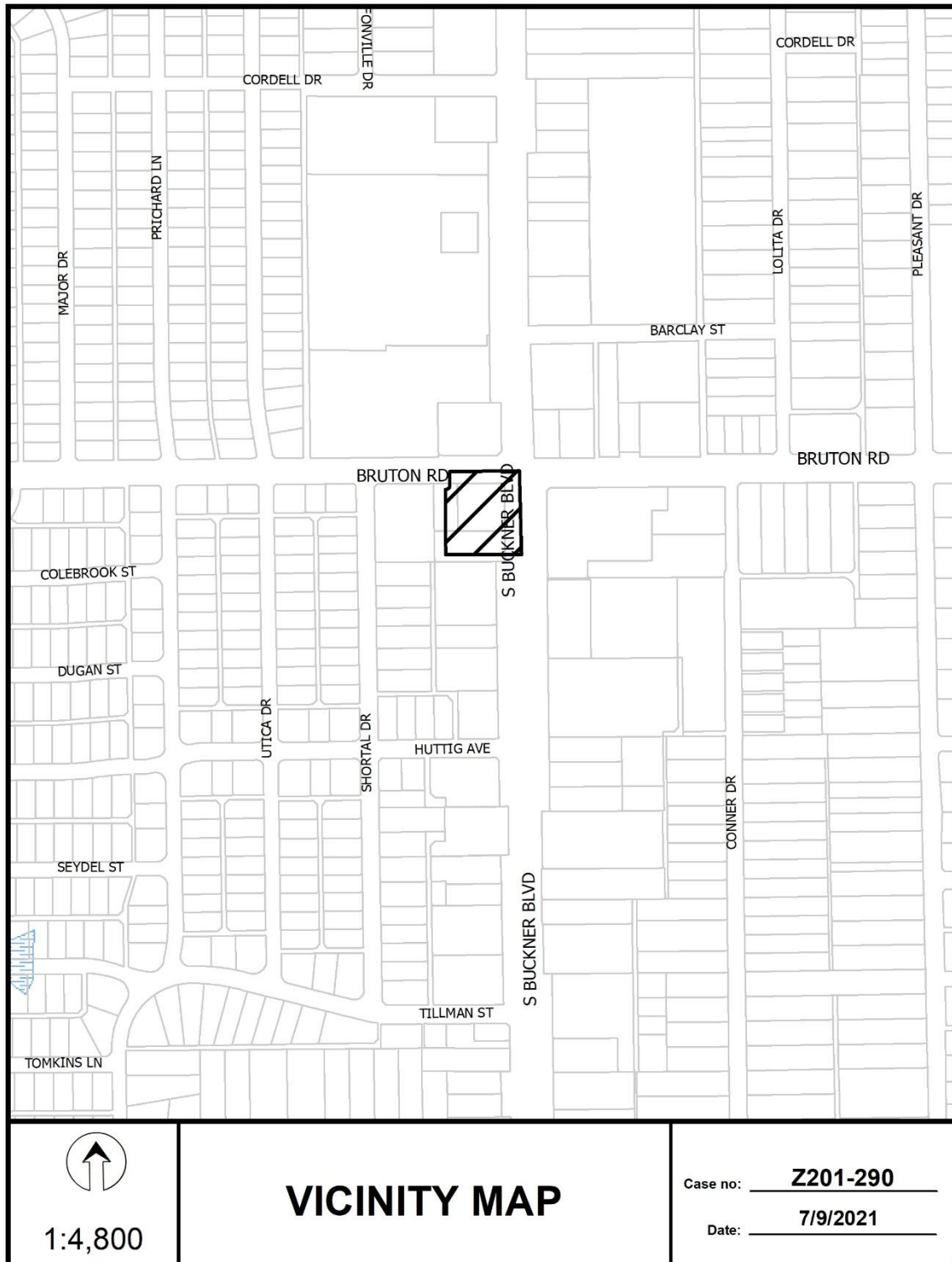
Notices: Area: 200 Mailed: 11
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Kendra Larach, 3904 Elm St., Dallas, TX, 75226
Against: None

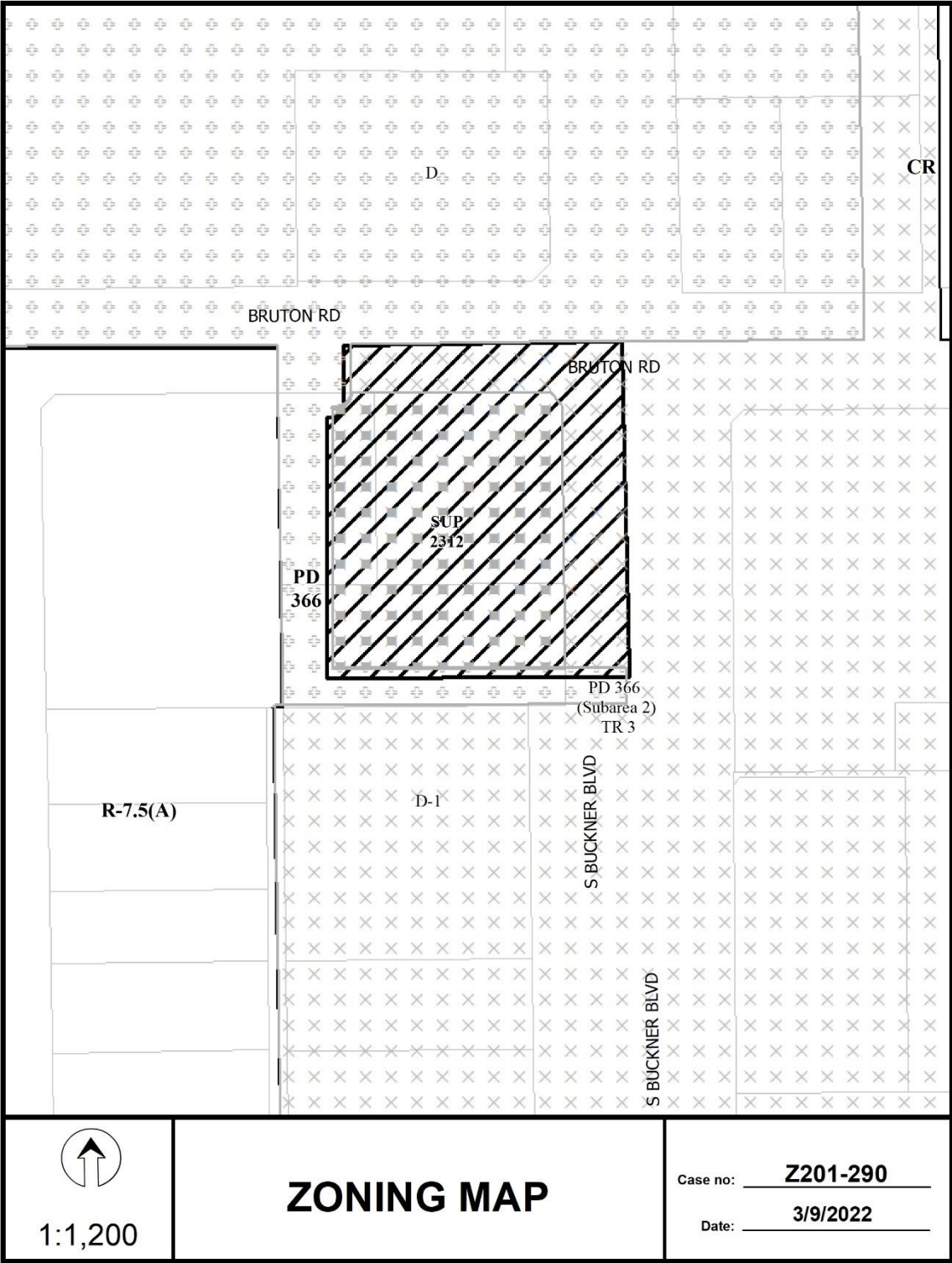
**CPC RECOMMENDED
SUP CONDITIONS**

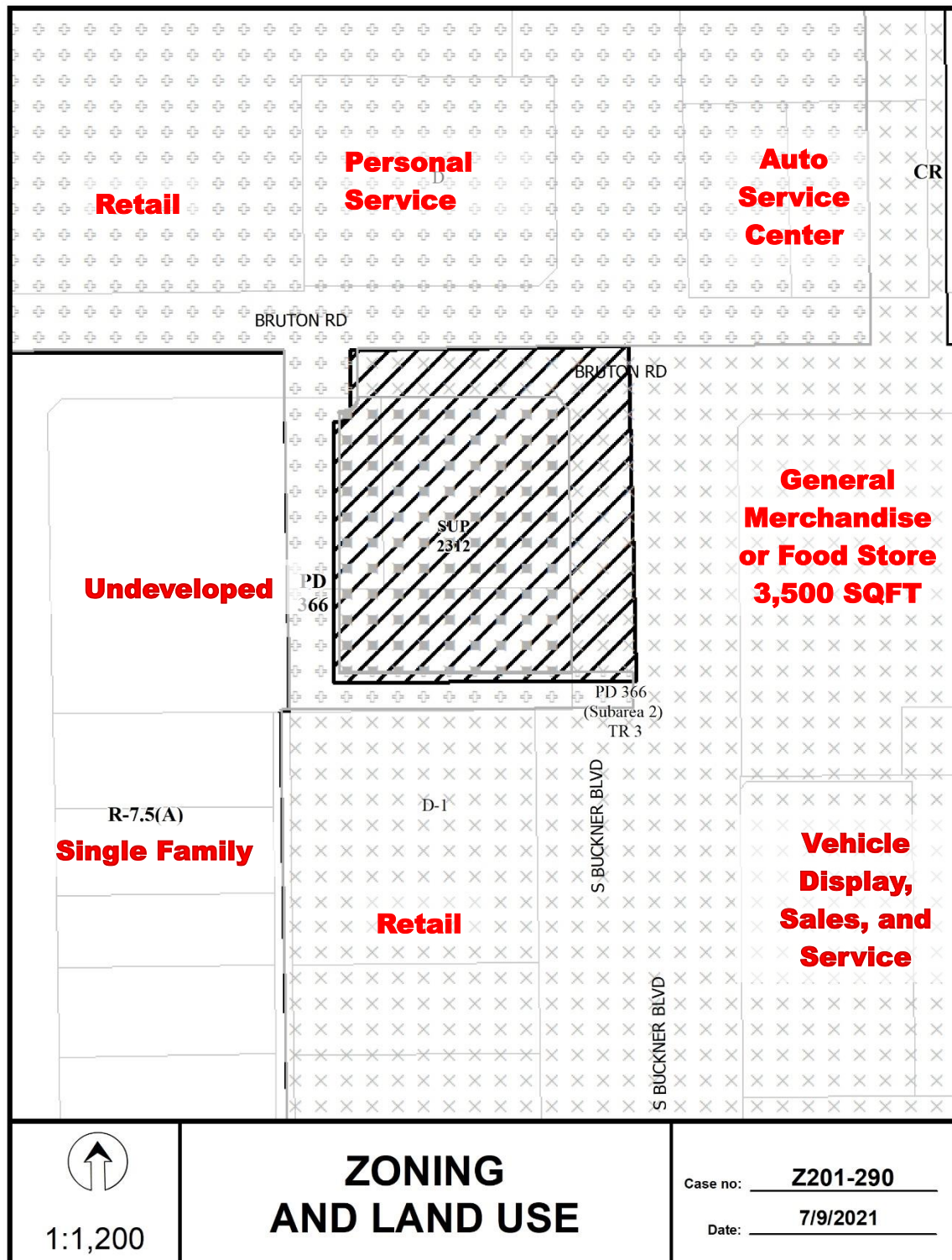
1. USE: The only use authorized by this specific use permit is for the sale of alcoholic beverages for off-premises consumption in conjunction with a general merchandise or food store with less than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 12, 2021~~ (two years from passage of this ordinance) but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

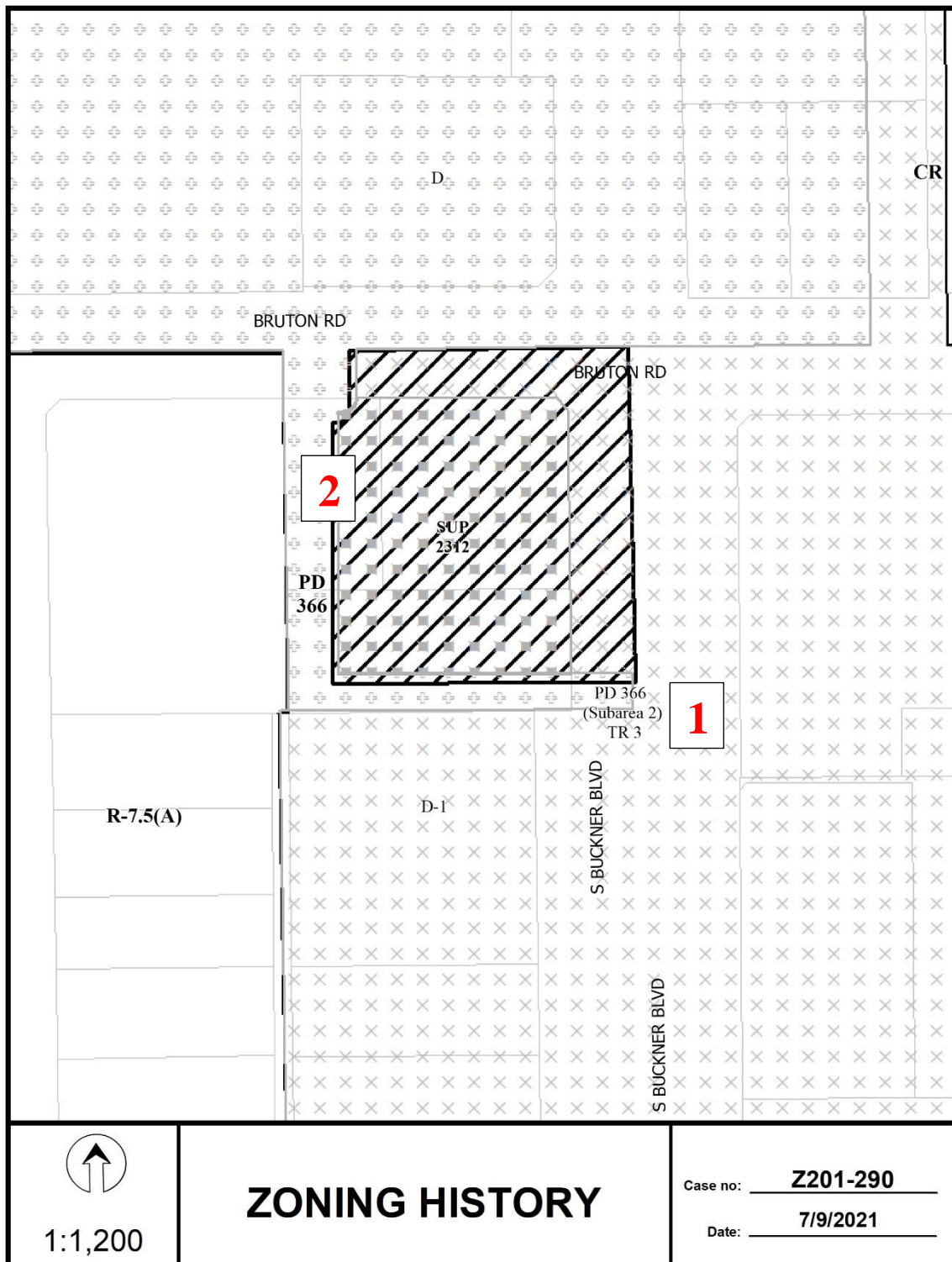


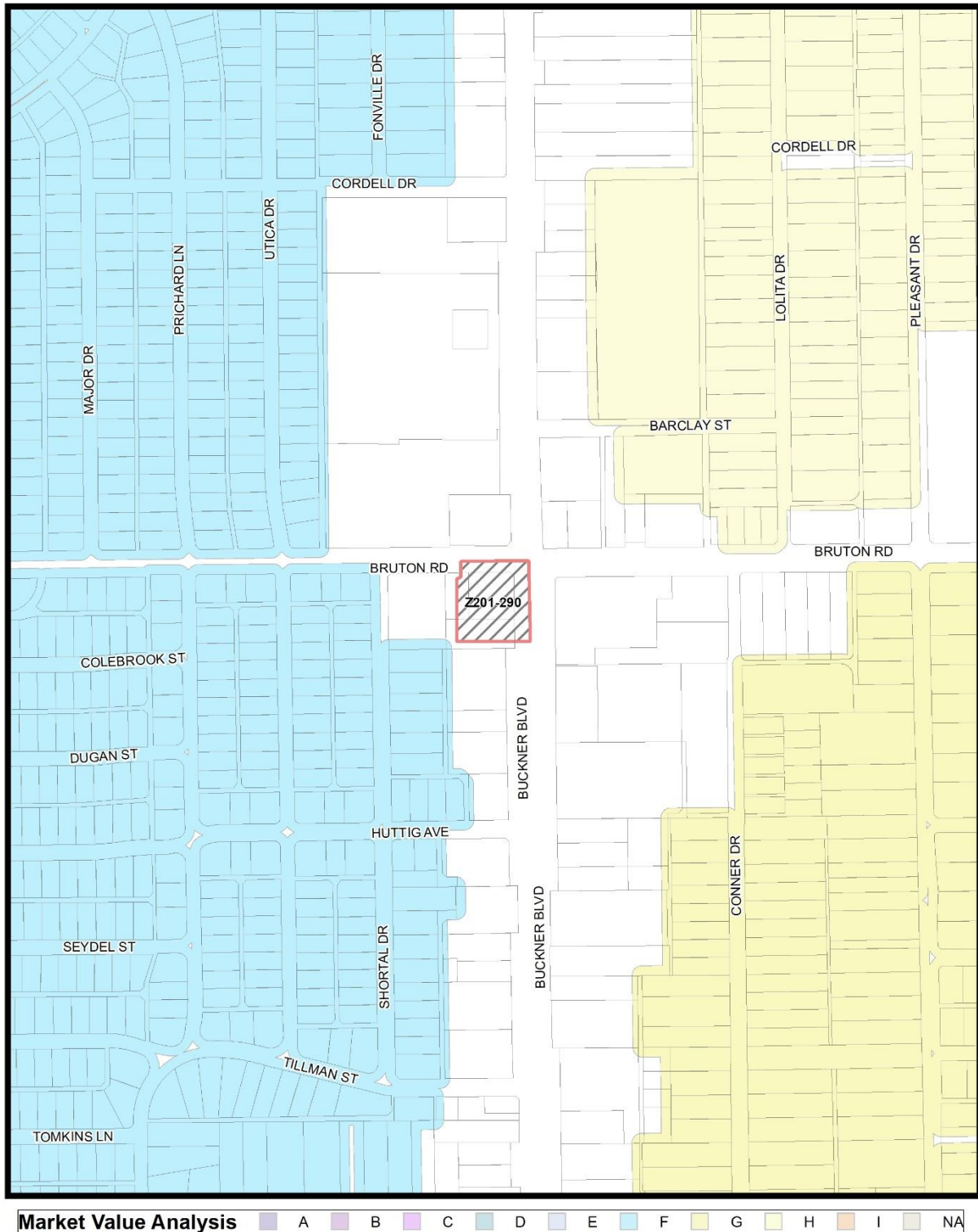






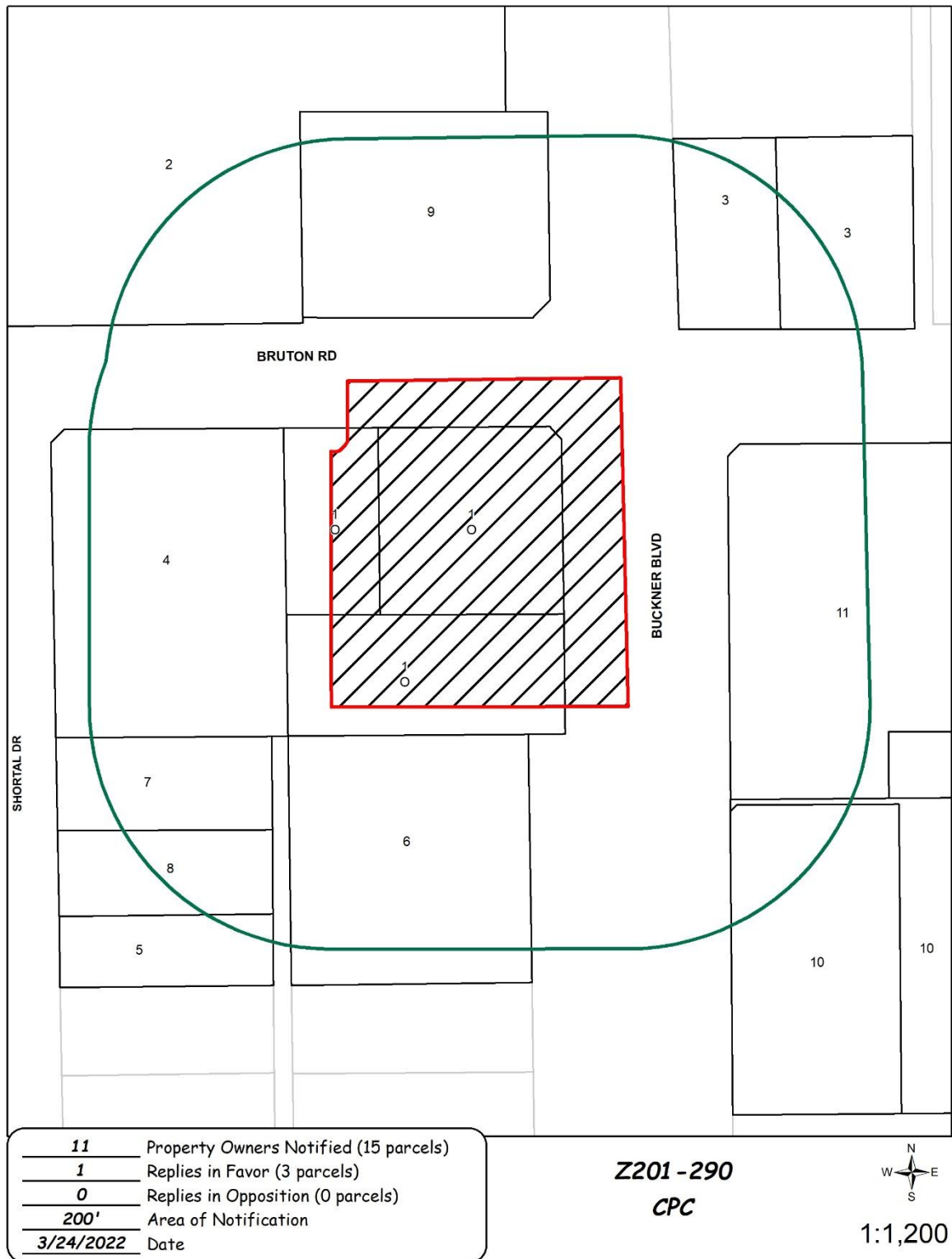






Market Value Analysis

Printed Date: 7/9/2021



03/23/2022

Reply List of Property Owners***Z201-290******11 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2075 S BUCKNER BLVD	CASA ROCK PARTNERS LTD &
	2	2109 S BUCKNER BLVD	EASTERN COLUMBIA ASSO LLC
	3	2104 S BUCKNER BLVD	BRUTON FAMILY LLC
	4	8040 BRUTON RD	Taxpayer at
	5	2030 SHORTAL DR	HALL ROY J
	6	2029 S BUCKNER BLVD	K & O INVESTMENTS INC
	7	2042 SHORTAL DR	HARPER KENNETH L &
	8	2036 SHORTAL DR	GONZALEZ OSCAR & DEIBI
	9	2101 S BUCKNER BLVD	PLS PPTY MGMT OF TX LP
	10	2030 S BUCKNER BLVD	MUELLER PROPERTIES LTD
	11	2060 S BUCKNER BLVD	EXCHANGERIGHT NET LEASED PORTFOLIO 40 DST



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1014

Item #: Z6.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for an ordinance granting a NS Neighborhood Service District with deed restrictions volunteered by the applicant, and a Specific Use Permit for a private recreation center, club, or area use, on property zoned an R-7.5(A) Single Family District on the south line of East Camp Wisdom Road, west of University Hills Boulevard

Recommendation of CPC: **Approval** of an NS(A) Neighborhood Service District subject to deed restrictions volunteered by the applicant; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

Recommendation of Staff: **Approval** of an NS(A) Neighborhood Service District; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

Z201-326(MP)

FILE NUMBER: Z201-326(MP)

DATE FILED: August 27, 2021

LOCATION: South line of East Camp Wisdom Road, west of University Hills Boulevard

COUNCIL DISTRICT: 8

SIZE OF REQUEST: ±4.43 acres

CENSUS TRACT: 112.00

REPRESENTATIVE: Michael Westfall, P.E., Westfall Engineering

OWNER: Cornerstone Christian Church

APPLICANT: 3Hunnid Fitness

REQUEST: An application for a NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant, and a Specific Use Permit for a private recreation center, club, or area use on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for a personal service use and a private recreation center, club, or area use on the site [3Hunnid Fitness].

STAFF RECOMMENDATION: **Approval** of an NS(A) Neighborhood Service District; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

CPC RECOMMENDATION: **Approval** of an NS(A) Neighborhood Service District subject to deed restrictions volunteered by the applicant; and **approval** of a Specific Use Permit for a four-year period, subject to a site plan, landscape plan, and conditions.

BACKGROUND INFORMATION:

- The area of request is currently undeveloped and consists of approximately 4.43 acres.
- The applicant proposes to develop the site with a recreational facility. The two proposed members-only sport courts are considered under the private recreation center, club, or area use. The indoor fitness center is classified as a personal service use.
- To develop the property with the proposed combination of uses, the applicant is requesting a general zoning change to an NS(A) Neighborhood Service District that allows the personal service use by right and the private recreation center, club, or area use subject to a Specific Use Permit. A request for an SUP for private recreation center, club, or area is also included with this request.
- Since the previous hearing the applicant has submitted deed restrictions to restrict against industrial uses, any and all cemetery and mausoleum uses, any and all motor vehicle fueling station uses, any and all utility and public service uses, and any and all wholesale, distribution, and storage uses. However, the deed restrictions volunteered are still under review.
- The applicant has added a condition restricting lighting types on the ball field.

Zoning History:

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

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Camp Wisdom Road	Principal Arterial	107 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.3 Attract desired development to the UNT campus area.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Surrounding Land Use(s):

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped
North	PD 49 Tract 2	Natural Area
East	R-7.5(A)	Child Care Facility
South	R-7.5(A) with SUP No. 885 for a Private Recreation Club or Area	Agricultural, Private Recreation Club or Area
West	R-5(A)	Detention Pond

Land Use Compatibility:

The approximate 4.42-acre-site is currently undeveloped. The property is zoned an R-7.5(A) Single Family District. The site has one access point from Camp Wisdom Road.

Located north of the property is a large undeveloped parcel. To the west is a detention pond for a single-family subdivision. South and east of the site are agricultural estates.

The proposed NS(A) Neighborhood Service District is appropriate along main corridors, such as Camp Wisdom Road. The NS(A) District would provide compatible retail and personal service uses within walking distance of area homes while providing a buffer for the neighborhood from the higher speed roadway. North of the site is Planned Development District No. 49 Tract II and Tract I. These properties are currently undeveloped, but would allow office and retail uses, which would, if developed, remain compatible with the subject site's proposed NS(A) and SUP.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

In general, the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit, and is not foreseen to have a negative impact on the surrounding properties, due to the limitations of the SUP conditions and site plan, and the limited uses allowed in the NS(A) District base.

Development Standards

DISTRICT	SETBACKS		Height	FAR	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: R-7.5(A)	25'	5' For single family structures 10' for others	30'	No Max	45%	Single Family
Proposed: NS(A)	15' (Blockface continuity to match 25')	0' 20' adj Residential	35' RPS applies	0.5	40%	Personal Service Uses, Office

The proposed SUP site plan complies with the development standards of the NS(A) District. The site plan calls for a one-story building generally located on the eastern half of the property, with parking located to the north and east of the primary structure. This structure would be situated well outside of the required front, side, and rear yards required by the NS(A) District. To the west of the recreation center facility would be the athletic field. This field would be separated from the residential subdivision to the west by an additional 150 feet.

The requested NS(A) District requires additional setbacks which would separate any development from adjacent property by 20 feet at a minimum. The NS(A) District limits height to 35 feet in addition to residential proximity slope, which combined will keep development on the property in scale with nearby residential properties.

Staff recommends approval for a four-year period, based on the potential benefit of recreation space and the compatibility of the development with surrounding properties. The four-year time period would allow time for construction of the new business while allowing for review of the use to ensure operations, once begun, are compatible with the surrounding area. The application of a site plan allows for increased oversight than would typically be allowed under the NS(A) District.

Land Uses:

LEGEND	
	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200

	Existing	Proposed
Use	R-7.5(A)	NS(A)
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
Bus or rail transit vehicle maintenance or storage facility		
Catering service		
Commercial cleaning or laundry plant		
Custom business services		
Custom woodworking, furniture construction, or repair		
Electronics service center		
Job or lithographic printing		
Labor hall		
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory		
Technical school		
Tool or equipment rental		
Vehicle or engine repair or maintenance		
INDUSTRIAL USES		
Alcoholic beverage manufacturing		
Gas drilling and production	S	S
Gas pipeline compressor station		
Industrial (inside)		
Industrial (inside) for light manufacturing		
Industrial (outside)		
Medical/infectious waste incinerator		
Metal salvage facility		
Mining		
Municipal waste incinerator		

	Existing	Proposed
Use	R-7.5(A)	NS(A)
Organic compost recycling facility		
Outside salvage or reclamation		
Pathological waste incinerator		
Temporary concrete or asphalt batching plant	D	D
INSTITUTIONAL AND COMMUNITY SERVICE USES		
Adult day care facility	S	•
Cemetery or mausoleum	S	S
Child-care facility	S	•
Church	•	•
College, university, or seminary	S	S
Community service center	S	S
Convalescent and nursing homes, hospice care, and related institutions		
Convent or monastery	S	•
Foster home	S	S
Halfway house		
Hospital		
Library, art gallery, or museum	S	•
Public or private school	S	R
LODGING USES		
Extended stay hotel or motel		
Hotel or motel		
Lodging or boarding house		
Overnight general purpose shelter		
MISCELLANEOUS USES		
Carnival or circus (temporary)	D	D
Hazardous waste management facility		
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment		
Financial institution without drive-in window		•
Financial institution with drive-in window		
Medical clinic or ambulatory surgical center		•
Office		•
RECREATION USES		
Country club with private membership	S	•
Private recreation center, club, or area	S	S
Public park, playground, or golf course	•	•

	Existing	Proposed
Use	R-7.5(A)	NS(A)
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house		S
Duplex		
Group residential facility		
Handicapped group dwelling unit	S	
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		
Residential hotel		
Retirement housing		
Single family	•	
RETAIL AND PERSONAL SERVICE USES		
Ambulance service		
Animal shelter or clinic without outside runs		
Animal shelter or clinic with outside runs		
Auto service center		
Business school		
Car wash		
Commercial amusement (inside)		
Commercial amusement (outside)		
Commercial motor vehicle parking		
Commercial parking lot or garage		
Convenience store with drive-through		
Dry cleaning or laundry store		•
Furniture store		
General merchandise or food store 3,500 square feet or less		•
General merchandise or food store greater than 3,500 square feet		
Home improvement center, lumber, brick or building materials sales yard		
Household equipment and appliance repair		
Liquefied natural gas fueling station		
Motor vehicle fueling station		S
Nursery, garden shop, or plant sales		
Outside sales		
Paraphernalia shop		
Pawn shop		
Personal service use		•
Restaurant without drive-in or drive-through service		R

	Existing	Proposed
Use	R-7.5(A)	NS(A)
Restaurant with drive-in or drive-through service		
Surface parking		
Swap or buy shop		
Taxidermist		
Temporary retail use		
Theater		
Truck stop		
Vehicle display, sales, and service		
TRANSPORTATION USES		
Airport or landing field		
Commercial bus station and terminal		
Heliport		
Helistop		
Private street or alley	S	S
Railroad passenger station		
Railroad yard, roundhouse, or shops		
STOL (short take-off or landing port)		
Transit passenger shelter	•	•
Transit passenger station or transfer center	S	S
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station		
Electrical generating plant		
Electrical substation	S	S
Local utilities	S / R	S / R
Police or fire station	S	S
Post office		S
Radio, television, or microwave tower	S	S
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		
Tower/antenna for cellular communication	•	•
Utility or government installation other than listed	S	S
Water treatment plant		
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal		
Livestock auction pens or sheds		

	Existing	Proposed
Use	R-7.5(A)	NS(A)
Manufactured building sales lot		
Mini-warehouse		
Office showroom/warehouse		
Outside storage		
Petroleum product storage and wholesale		
Recycling buy-back center		
Recycling collection center		
Recycling drop-off container	•	•
Recycling drop-off for special occasion collection	•	•
Sand, gravel, or earth sales and storage		
Trade center		
Vehicle storage lot		
Warehouse		

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for each use.

The parking requirement for private recreation centers, clubs, or areas is typically three spaces per game court, and one space per 150 square feet of additional building area. The applicant is proposing two game courts and a 3,900-square-foot facility. This requires 32 spaces total. The SUP site plan indicates the inclusion of 34 total spaces.

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Tree preservation is also required in accordance with Article X. The proposed landscape plan is compliant with Article X and additionally proposes the preservation of several existing trees.

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 target intervention strategies more precisely 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 Site is not within an identifiable MVA Category; however, it is in proximity to a “F” MVA Cluster to the west.

List of Officers

Cornerstone Christian
Peter and Rita Hicks

3Hunnid Fitness LLC
Josh Hicks
David Hargrove

CPC Action
JANUARY 6, 2022

Motion: In considering an application for a NS(A) Neighborhood Service District and a Specific Use Permit for a private recreation center, club, or area use on property zoned an R-7.5(A) Single Family District, on the south line of East Camp Wisdom Road, west of University Hills Boulevard, it was moved to **hold** this case under advisement until February 3, 2022.

Maker: Blair
Second: Rubin
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Anderson, Shidid,
Carpenter, Blair, Jung, Suhler, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Jackson
Vacancy: 2 - District 3, District 10

Notices: Area: 300 Mailed: 13
Replies: For: 0 Against: 0

Speakers: For: Heath Voyles, 1719 Angel Parkway, Allen, TX, 75002
Josh Hicks, 204 Alpine Dr., Desoto, TX, 75115
Peter Hicks, 221 Tranquility Ln., Cedar Hill, TX, 75104
For (Did not speak): Taylor Toyne, 907 E. Ledbetter Dr., Dallas, TX, 75216
David Hargrove, 1450 Harrington Rd., Waxahachie, TX, 75165
Against: None

CPC Action
MARCH 10, 2022

Motion: It was moved to recommend **approval** of a NS(A) Neighborhood Service District, subject to deed restrictions volunteered by the applicant **approval** of a Specific Use Permit for a private recreation center, club, or area use for a four-year period, subject to a site plan, landscape plan, and conditions on property zoned an R-7.5(A) Single Family District, on the south line of East Camp Wisdom Road, west of University Hills Boulevard.

Maker: Blair
Second: Hampton
Result: Carried: 10 to 0

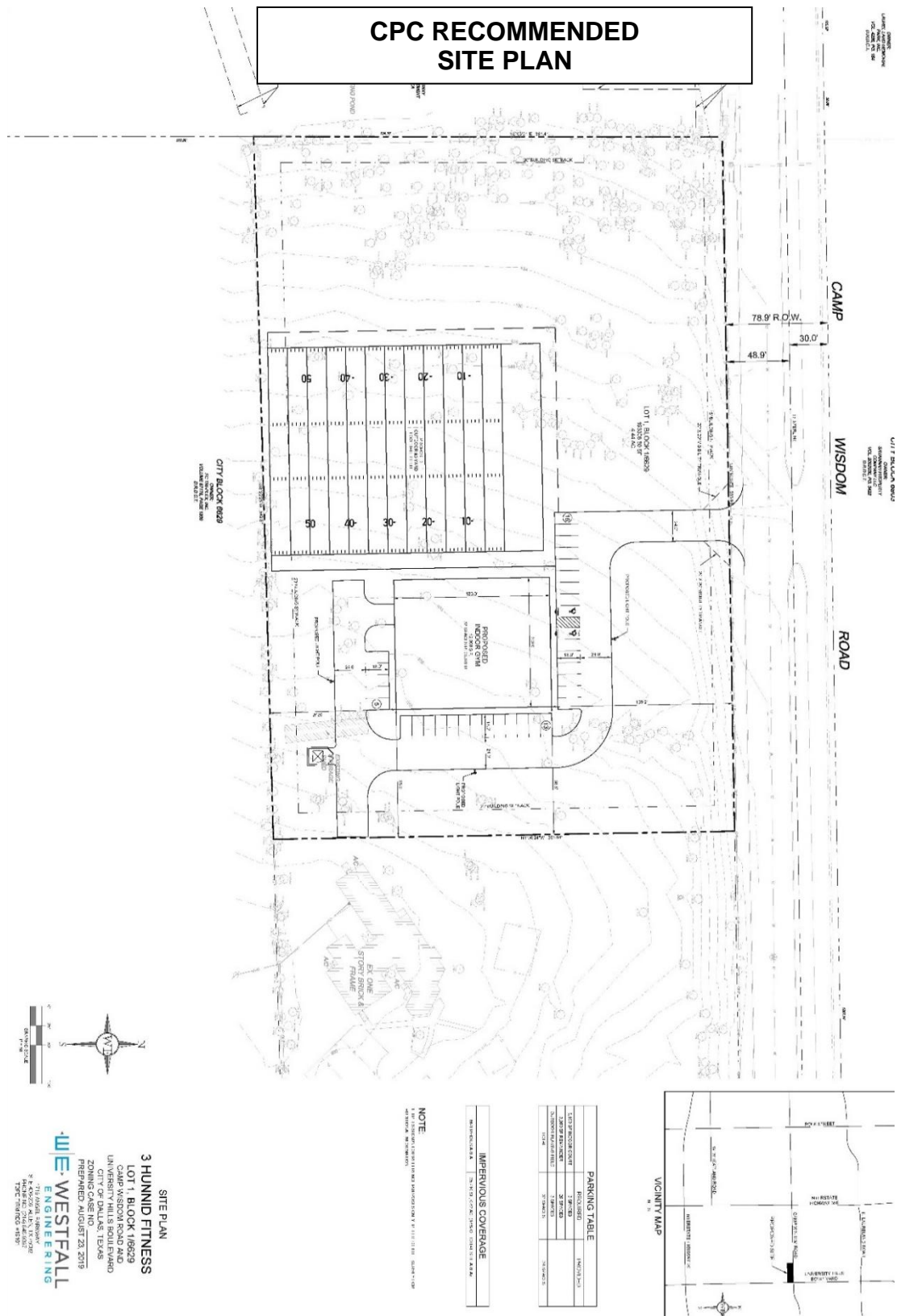
For: 10 - Popken, Hampton, Anderson, Shidid,
Carpenter, Blair, Housewright, Stanard,
Kingston, Rubin
Against: 0
Absent: 3 - Jung, Wade, Haqq
Vacancy: 2 - District 3, District 7

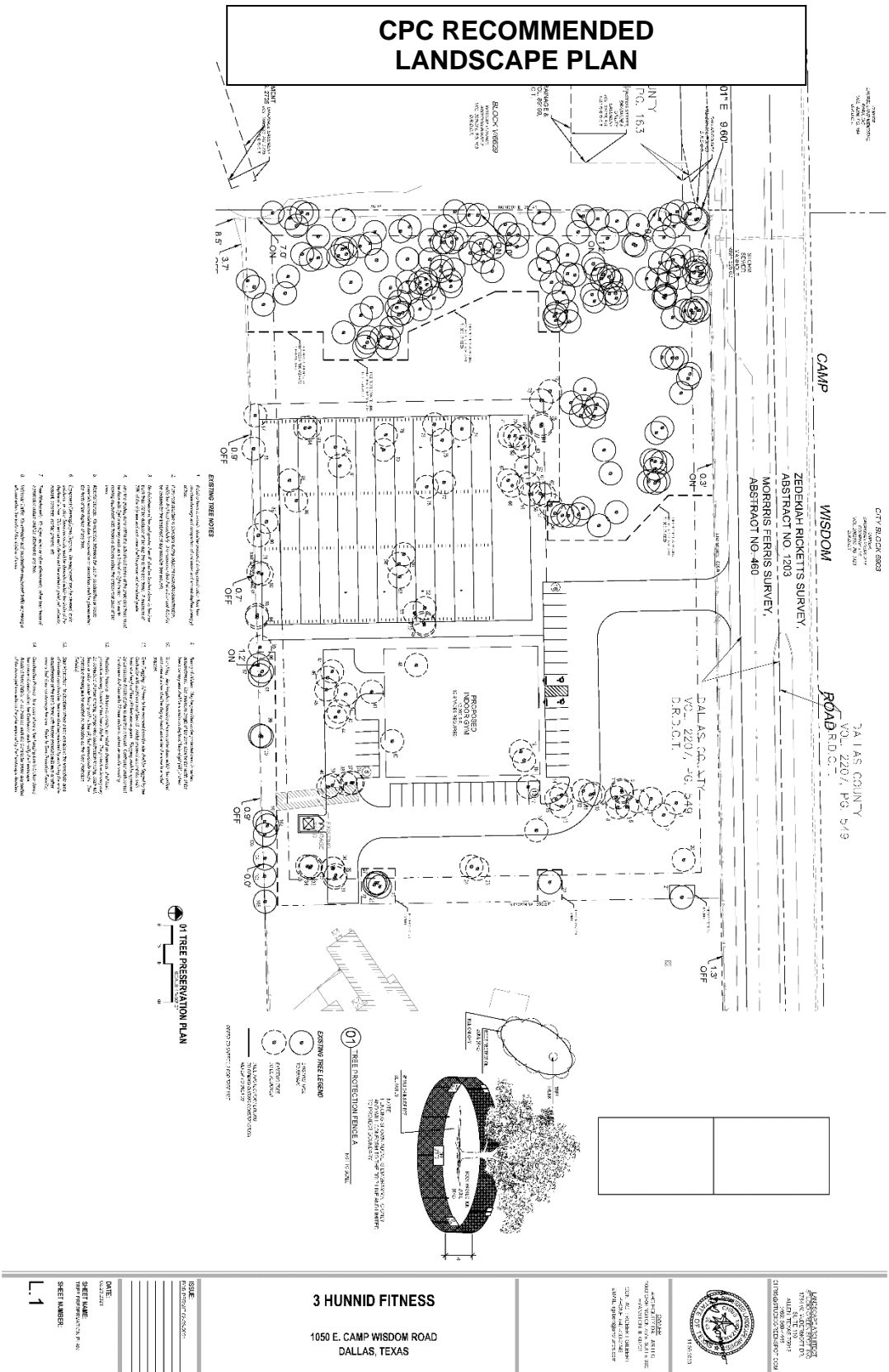
Notices: Area: 300 Mailed: 13
Replies: For: 0 Against: 0

Speakers: For: Heath Voyles, 1719 Angel Parkway, Allen, TX, 75002
Against: None

CPC RECOMMENDED
SUP CONDITIONS

1. **USE**: The only uses authorized by this specific use permit is a private recreation center, club or area for an outdoor game court area.
2. **SITE PLAN**: Use of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on four years from the passage of this ordinance.
4. **HOURS OF OPERATION**: The outdoor game court area may only operate between 5:00 a.m. to 8:00 p.m., Sunday through Saturday
5. **LIGHTING**: Illumination of the game court area by pole mounted lights is prohibited.
6. **LANDSCAPING**: Landscaping must be provided as shown on the attached landscape plan.
7. **OUTDOOR SPEAKERS**: Operation of outdoor speakers and other forms of amplification is prohibited.
8. **INGRESS-EGRESS**: Ingress and egress must be provided as shown on the attached site plan. No other ingress and egress is permitted.
9. **OFF-STREET PARKING**: Off-street parking must be located as shown on the attached site plan. No other off-street parking is required.
10. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
11. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





CPC Recommended
Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF Dallas)

I.

The undersigned, The Cornerstone Christian Learning Center, Inc. d/b/a The Ranch, a Texas non-profit corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Morris Ferris Survey, Abstract No. 460, City Block 6629, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Harold Norman Lindley, by deed dated April 1, 1994, and recorded in Volume 94132, Page 514, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

All that certain tract or parcel containing 4.438 acres of land in the Morris Ferris Survey, Abstract No. 460, Dallas County, Texas, being a portion of a tract conveyed to Cornerstone Christian Learning Center, Inc. DBA The Ranch, by an instrument of record in Volume 94132, Page 514, Deed Records, Dallas County, Texas, said 4.438 acres being more particularly described by metes and bounds as follows:

COMMENCING at a 3 1/4 aluminum disk stamped "THREE HUNNID & RPLS 5299" set on a 1/2 inch iron rod for the northeast corner of the Floodway Management Area, Block V/6629, Wisdom Terrace Addition, Phase 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 2001084, Page 163, Deed Records, Dallas County, Texas, same being the southeast corner of a right-of-way dedication by said plat, from which a 5/8 inch iron rod found bears South 71 degrees 06 minutes 45 seconds West, a distance of 2.16 feet, and lying in the current south right-of-way line of Camp Wisdom Road (variable width right-of-way);

THENCE North 00 degrees 03 minutes 01 seconds East, along said south right-of-way line of Camp Wisdom, a distance of 9.60 feet to a 3 1/4 aluminum disk stamped "THREE HUNNID & RPLS 5299" set on a 1/2 inch iron rod, for the northwest corner of the subject tract, same being the POINT OF BEGINNING;

THENCE North 88 degrees 59 minutes 36 seconds East, a distance of 535.91 feet along the south right-of-way line of said Camp Wisdom Road, and along the northern property line of said Cornerstone Christian Learning Center, Inc. DBA The Ranch, to a point for corner;

THENCE South 01 degrees 00 minutes 24 seconds East, a distance of 355.64 feet to a point for corner lying in the northern property line of FC Tri-Plex, Inc. by a deed recorded in Volume 87178, Page 1309, Deed Records, Dallas County, Texas, said point lying in the southern property of said Cornerstone Christian Learning Center, Inc. DBA The Ranch;

THENCE South 88 degrees 23 minutes 25 seconds West, along the north line of said RFC TRI-
PLEX, INC. tract, passing a 3 1/4 aluminum disk stamped "THREE HUNNID & RPLS 5299"
set on a 1/2 inch iron rod for a point on-line at a distance 532.61 feet, and continuing for a total
distance of 542.61 feet to a point for corner currently in a water feature and in the east line of
said Floodway Management Area, Block V/6629;

THENCE North 00 degrees 03 minutes 01 seconds East, along the east line of said Floodway
Management Area, Block V/6629, passing at a distance of 341.41 feet a 3 1/4 aluminum disk
stamped "THREE HUNNID & RPLS 5299" set on a 1/2 inch iron rod for the southeast corner of
said Wisdom Terrace Addition, Phase 2 plat right-of-way dedication and continuing for a total
distance of 361.41 feet to the POINT OF BEGINNING containing 4.438 acres of land, more or
less.

Bearing system for this survey is based on the State Plane Coordinate System, North American
Datum of 1983 (2011), Texas North Central Zone 4202.

II.

The Owner does hereby impress all of the Property with the following deed restrictions
("restrictions"), to wit:

The Cornerstone Christian Learning Center, Inc. d/b/a The Ranch, a Texas non-profit
corporation ("Cornerstone"), is the current owner of the real property located in Dallas County,
Texas, which is more particularly described in Exhibit "A" attached hereto and incorporated
herein for all purposes ("Property"). In accordance with the City of Dallas zoning case number
Z201-326, Cornerstone hereby impresses the Property described herein with the following use
restrictions:

Prohibited uses of the Property shall include any and all of the following, and at no time
will any owner of the Property use all or any portion of the Property for any of these delineated
purposes:

- Industrial use;
- Cemetery and mausoleum use;
- Motor vehicle fueling station use;
- Utility and public service use;
- Wholesale, distribution, and storage use;
- Gas drilling and production use;
- Temporary concrete or asphalt batching plant use;
- Commercial radio and television transmitting station use;
- Electrical substation use;
- Local utility use;
- Police or fire station use;
- Post office use;
- Radio, television or microwave tower use;
- Tower/antenna for cellular communication use;
- Utility or government installation use;

Mini-warehouse use;
Recycling buy-back center use;
Recycling collection center use;
Recycling drop-off container use;
Recycling drop-off for special occasion collection use;
Tattoo parlor use; or
Massage parlor use.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

If any person or persons shall violate or attempt to violate any of the restrictions and covenants herein, it shall be lawful for any person or persons owning the above-described Property to prosecute proceedings at law or in equity against the person violating or attempting to violate such restriction and covenant, either to prevent the violator from so doing or to correct such violation or to recover damages or other relief for such violation. Invalidity of any one or any part of these restrictions by judgment or court order shall in no way affect any other provision or part of provisions which shall remain in full force and effect.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

The owner agrees that these restrictions inure to the benefit of the City. The owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

The owner understands and agrees that this document shall be governed by the laws of the State of Texas.

The owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

THE OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THE PROVISIONS OF THIS DOCUMENT.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

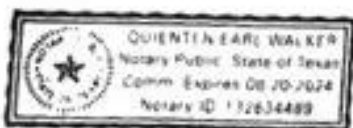
XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 8 day of APRIL, 2022

The Cornerstone Christian Learning Center, Inc.
d/b/a The Ranch a Texas non-profit corporation.
Owner

By: [Signature]
Printed Name: Peter H. Hicks, Jr.
Title: President



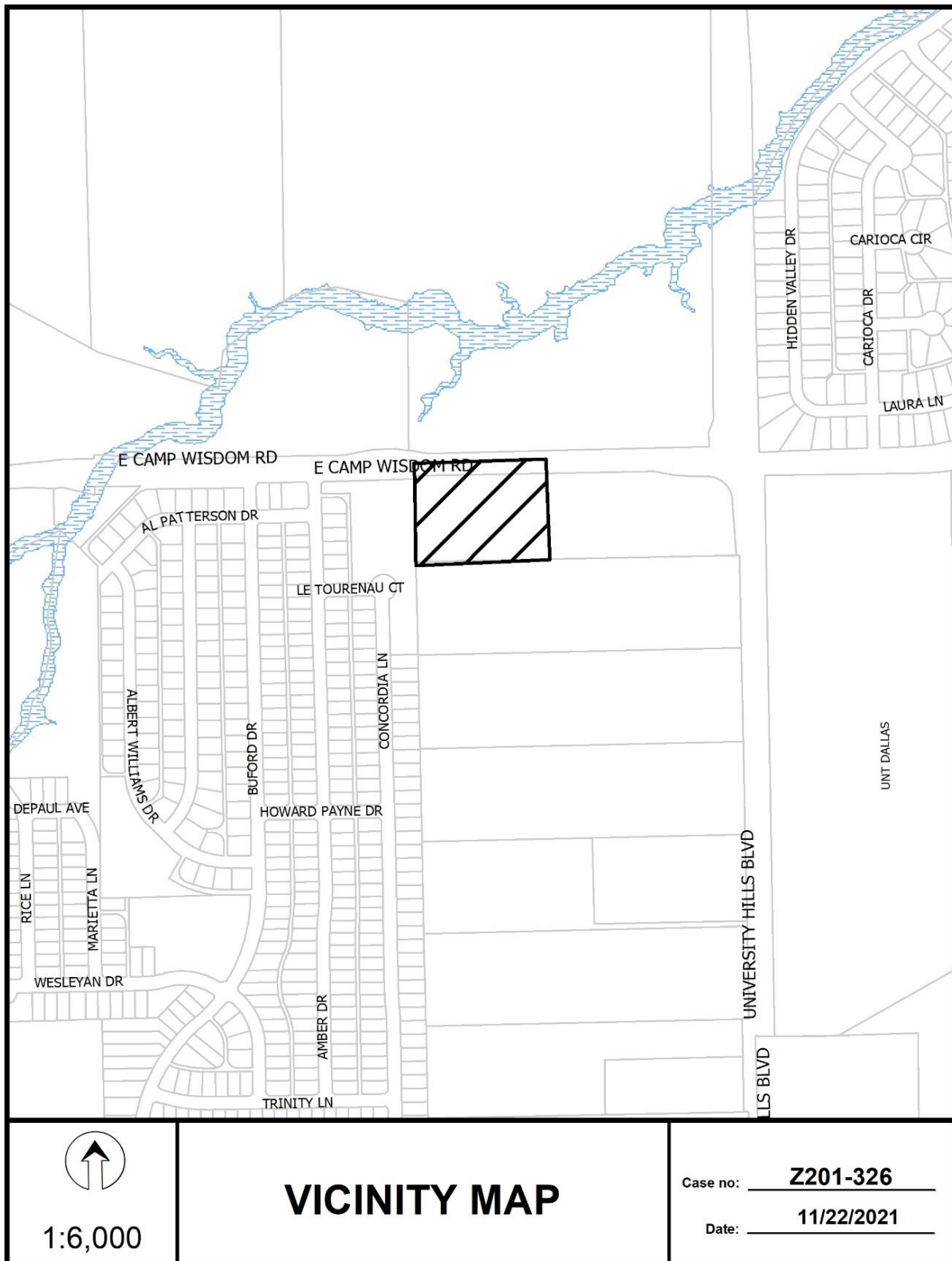
Quenton Walker
[Signature] 4/8/22

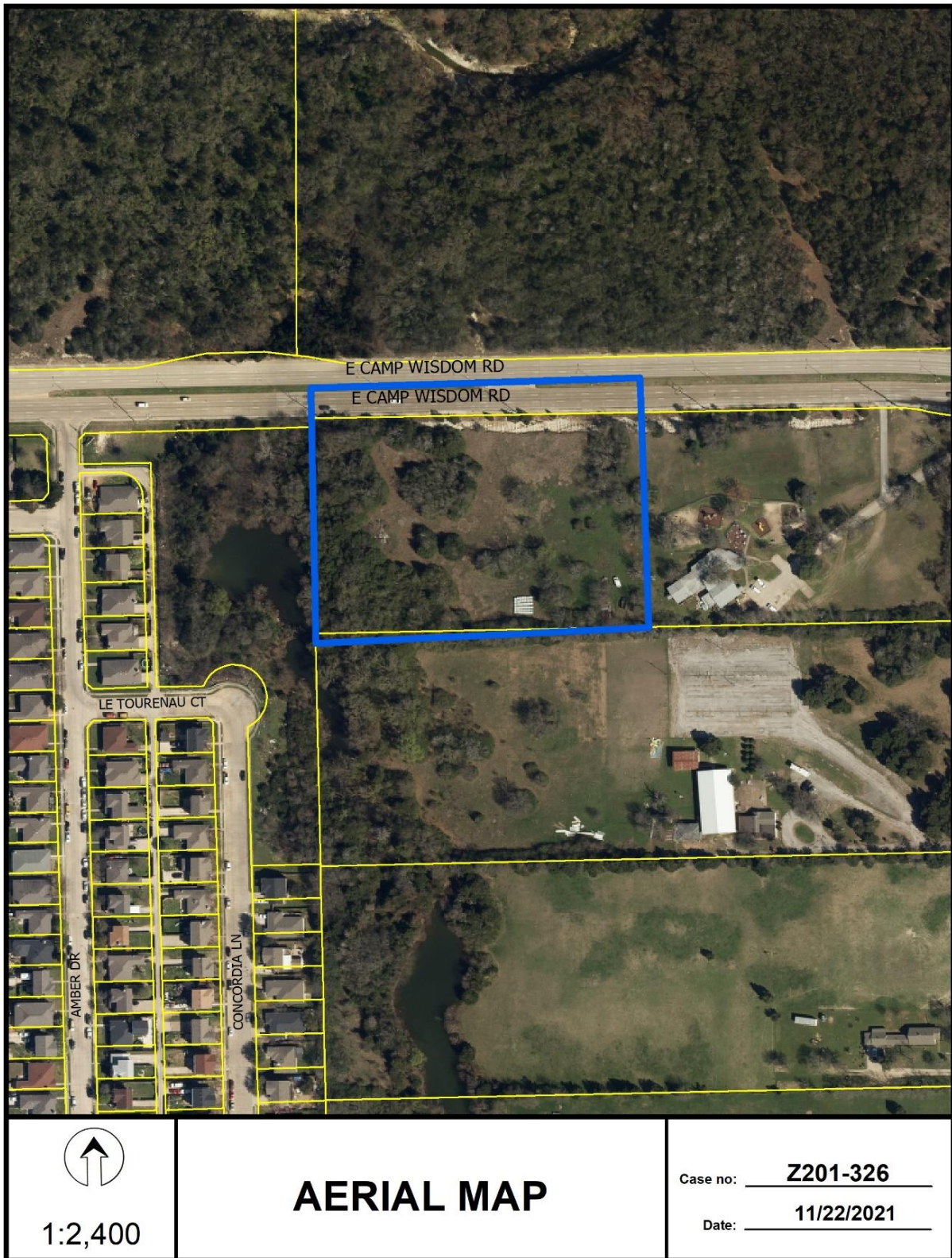
CONSENT AND CONCURRENCE OF

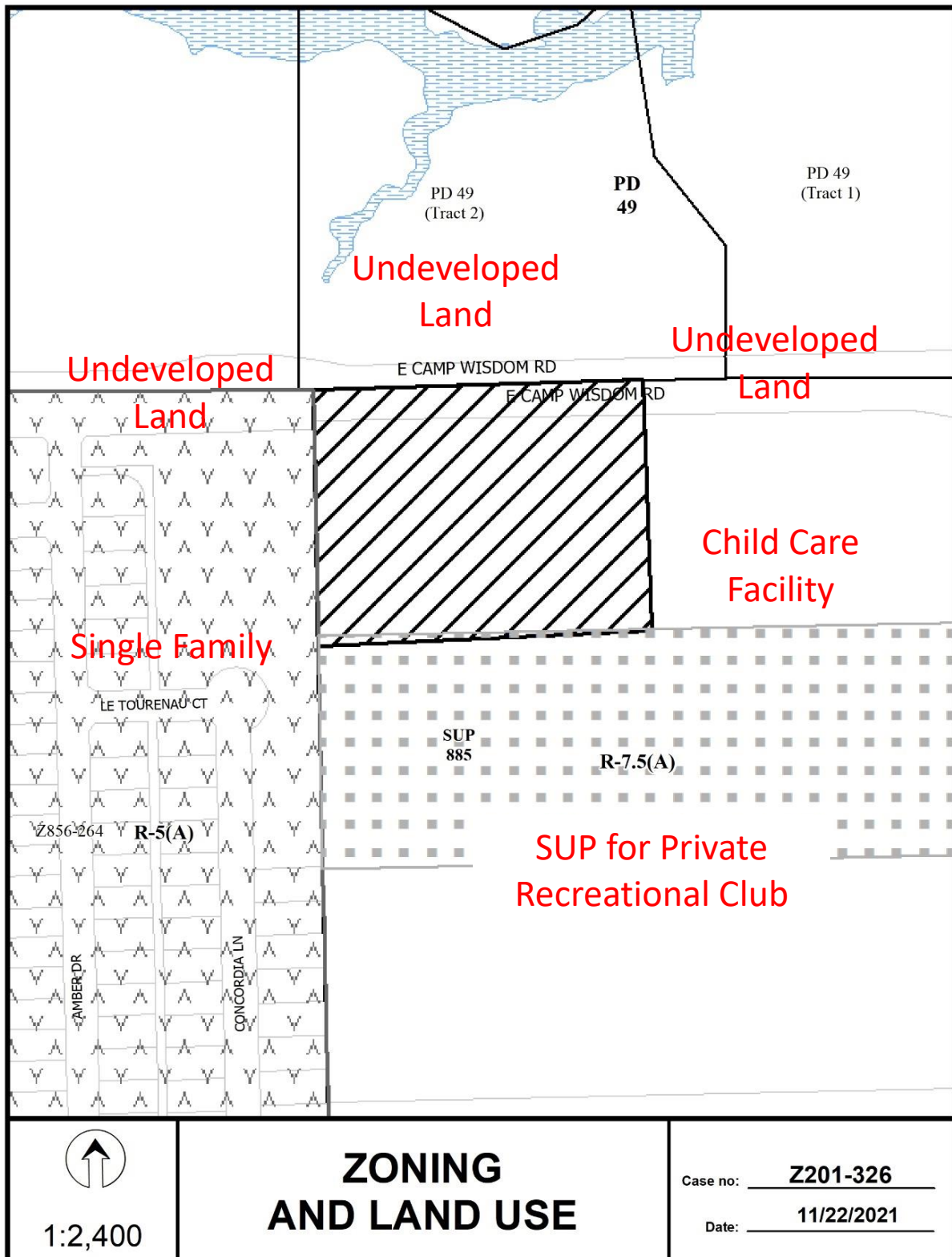
APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

By: _____
Assistant City Attorney

[Attach an acknowledgment for each signer]









MVACluster A B C D E F G H I NA

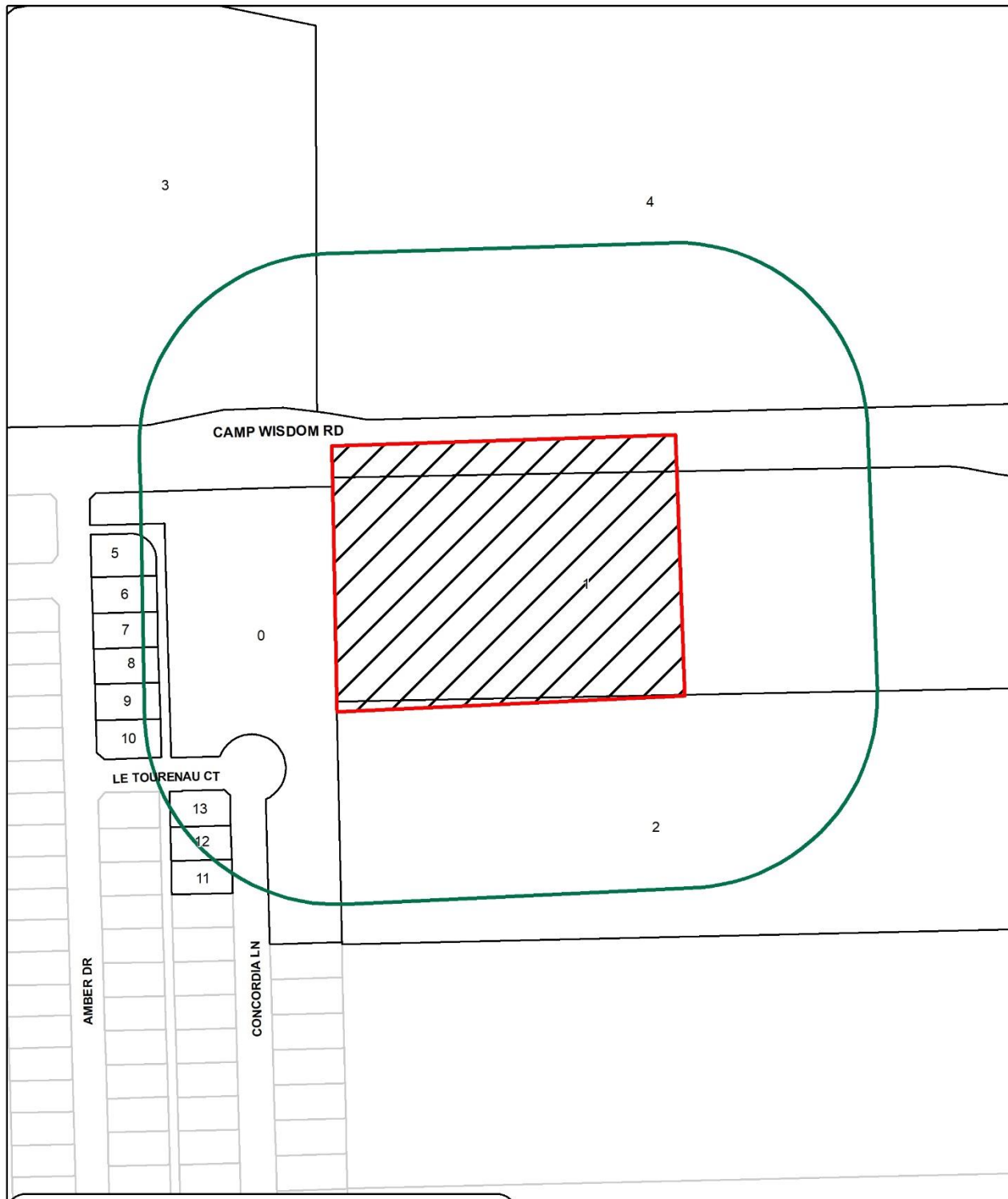


1:6,000

Market Value Analysis

Printed Date: 12/21/2021

CPC RESPONSES



<u>13</u>	Property Owners Notified (14 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>3/10/2022</u>	Date

Z201 - 326
CPC



1:2,400

03/09/2022

Reply List of Property Owners

Z201-326

13 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1050 E CAMP WISDOM RD	CORNERSTONE CHRISTIAN
	2	7225 UNIVERSITY HILLS BLVD	RFC TRI PLEX INC
	3	1101 E CAMP WISDOM RD	LAURELAND MEMORIAL PARK
	4	6400 UNIVERSITY HILLS BLVD	SAVANNAH PROPERTY CO LLC
	5	7110 AMBER DR	RICELARRY DIANN
	6	7114 AMBER DR	TAYLOR RENEKA
	7	7118 AMBER DR	SANCHEZ JESSICA A
	8	7122 AMBER DR	DALLAS THREE STAR PROPERTIES
	9	7126 AMBER DR	LARIZ GEORGIA
	10	7130 AMBER DR	AUTHORITY REAL ESTATE SW LLC
	11	7221 CONCORDIA LN	CERBERUS SFR HOLDINGS II LP
	12	7217 CONCORDIA LN	DIXSON EDITH L LIFE ESTATE
	13	7213 CONCORDIA LN	PEREZ JUAN



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1017

Item #: Z7.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the Southeast line of Ferguson Road, southwest of North Buckner Boulevard

Recommendation of Staff: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Z212-152(RM)

FILE NUMBER: Z212-152(RM) **DATE FILED:** December 22, 2021

LOCATION: Southeast line of Ferguson Road, southwest of North Buckner Boulevard

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 0.39 acres **CENSUS TRACT:** 122.10

APPLICANT: Maetzi Miller, Cosmos Montessori

OWNER: First Community Church

REQUEST: An application for a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to allow a child-care facility on the site.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently developed with a church. In addition to this use, the applicant proposes a child-care facility for the site.
- The proposed child-care facility would operate between 7:00 a.m. and 7:00 p.m., Monday through Friday. The church would continue to operate on Saturdays and Sundays.

Zoning History:

There have been no zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Ferguson Road	Principal Arterial	100 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use:

	Zoning	Land Use
Site	R-7.5(A) Single Family District	Church
Northwest	R-7.5(A) Single Family District	Church
Northeast	R-7.5(A) Single Family District	Church
Southeast	R-7.5(A) Single Family District, SUP No 1815	Single-family and library, art gallery or museum
Southwest	R-7.5(A) Single Family District	Church

Land Use Compatibility:

The area of request is currently surrounded by other churches as well as single-family and an SUP for a library, art gallery or museum to the southeast. Staff finds the applicant's proposal compatible with these surrounding uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties. Staff also finds the proposed time limit of five years with eligibility for automatic renewal for additional five-year periods appropriate for this site.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

The existing church building totals 14,366 square feet. The applicant proposes that between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, this entire floor area will be used for the proposed child-care facility. At other times, the total floor area will be used for the existing church use.

Pursuant to the Dallas Development Code, the off-street parking requirement for a child-care facility is one space per 500 square feet of floor area. For 14,366 square feet of floor area, this equates to 29 required parking spaces. As demonstrated on the site plan, the applicant will be providing 96 spaces for this use.

The off-street parking requirement for a church is one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

Per the site plan, the sanctuary of the church is 2,660 square feet, and it is not equipped with fixed seats, benches, or pews. This equates to a total of 95 parking spaces. The applicant will be providing 96 spaces for this use.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. To the northwest and southeast are "D" MVA clusters. To the east is a "G" MVA cluster.

List of Officers

Cosmos Montessori

Maetzi Miller, Owner and Director
Juan Caminos, Manager

First Community Church

Ray Jordan, Reverend
Steven Robinson, General Board Chair
Stand Naedors, Co-Chair
Joe Smith, Administrative Department Chair
Rosan Naim, Secretary
Jennifer Radflit, Treasure
Pat Fugat, Christian Nurture

CPC ACTION
MARCH 24, 2022

Motion: It was moved to recommend approval of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District, on the southeast line of Ferguson Road, southwest of North Buckner Boulevard.

Maker: Rubin
Second: Hampton
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung,
Housewright, Gibson, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Popken, Anderson, Stanard
Vacancy: 2 - District 3, District 7

Notices:	Area: 200	Mailed: 15
Replies:	For: 0	Against: 1

Speakers: For: Maetzi Miller, 9120 Ferguson Rd., Dallas, TX, 75228
Against: None

CPC ACTION
MARCH 3, 2022

Motion: In considering an application for a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the southeast line of Ferguson Road, southwest of North Buckner Boulevard, it was moved to **hold** this case under advisement until March 24, 2022.

Maker: Rubin
Second: Housewright
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Anderson
Vacancy: 2 - District 3, District 7

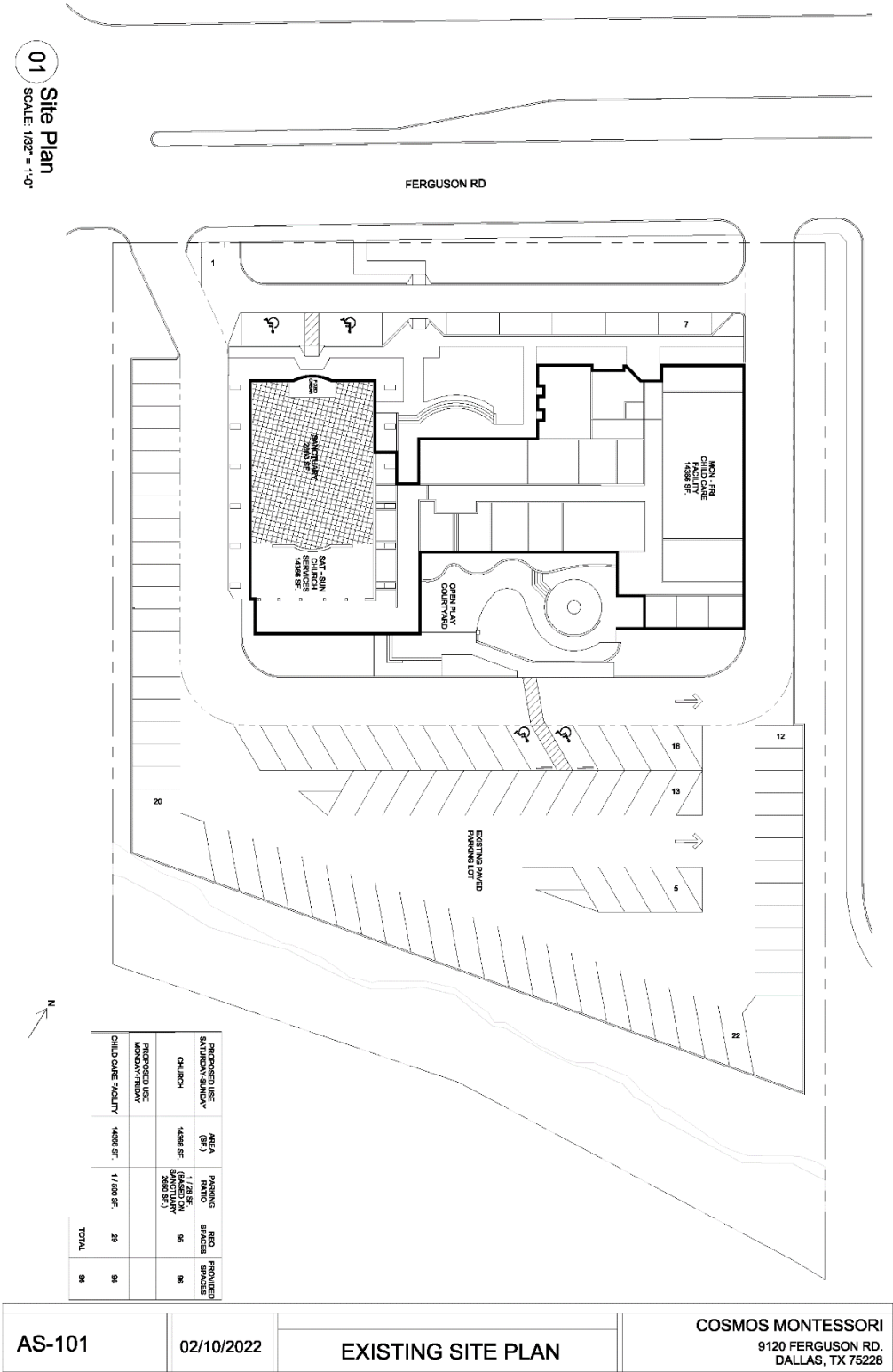
Notices:	Area: 200	Mailed: 16
Replies:	For: 0	Against: 1

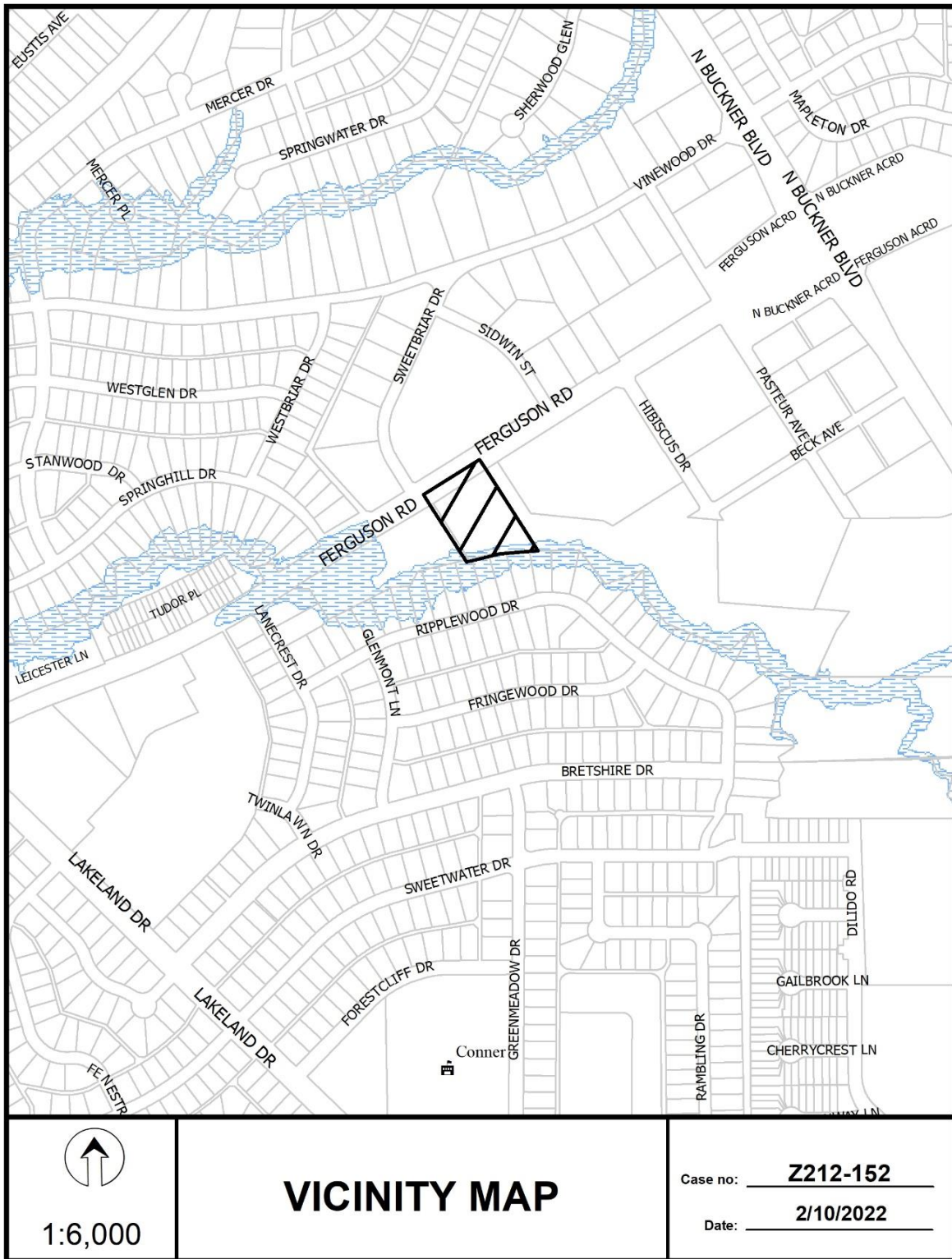
Speakers: None

CPC RECOMMENDED CONDITIONS

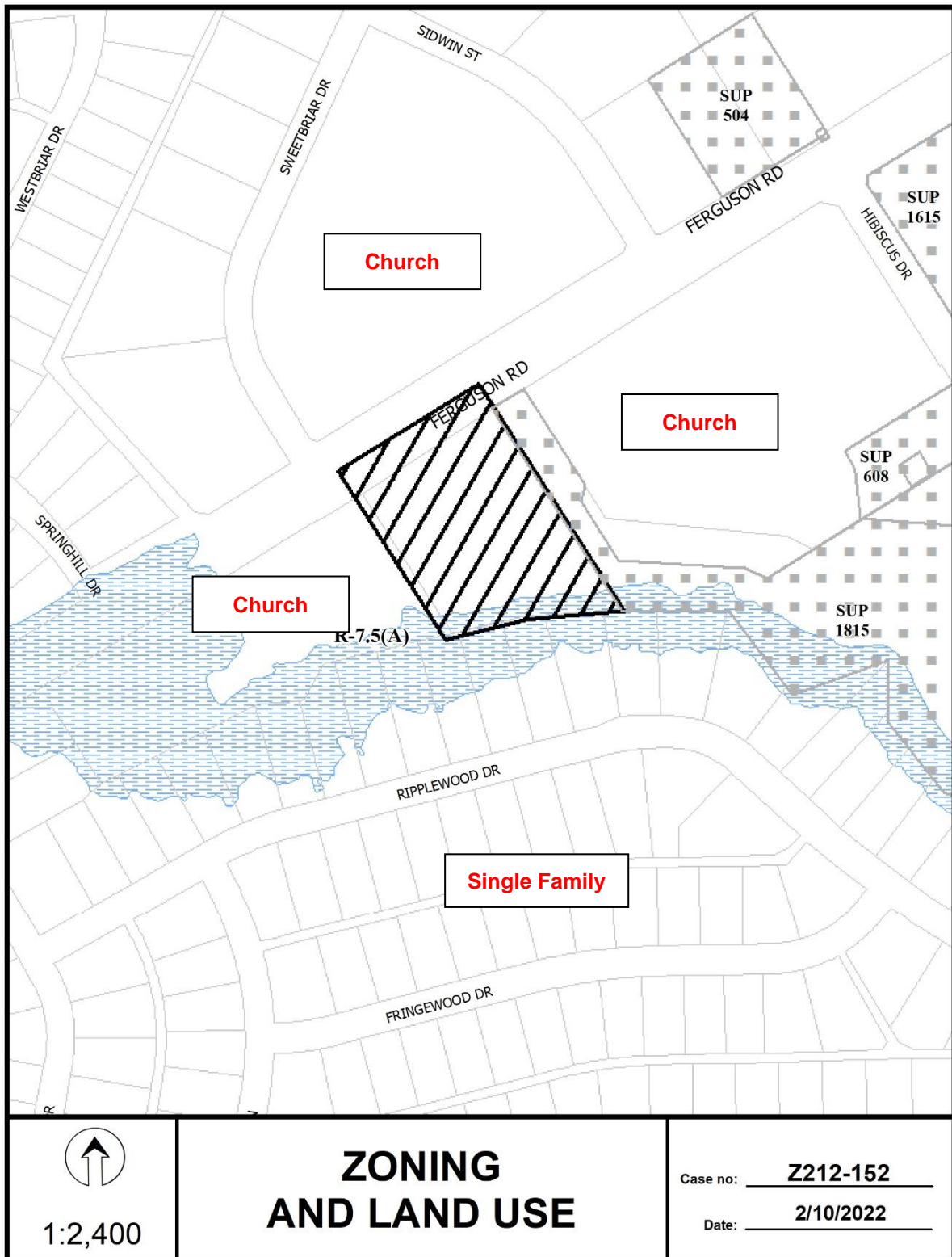
1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 7:00 p.m., Monday through Friday.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

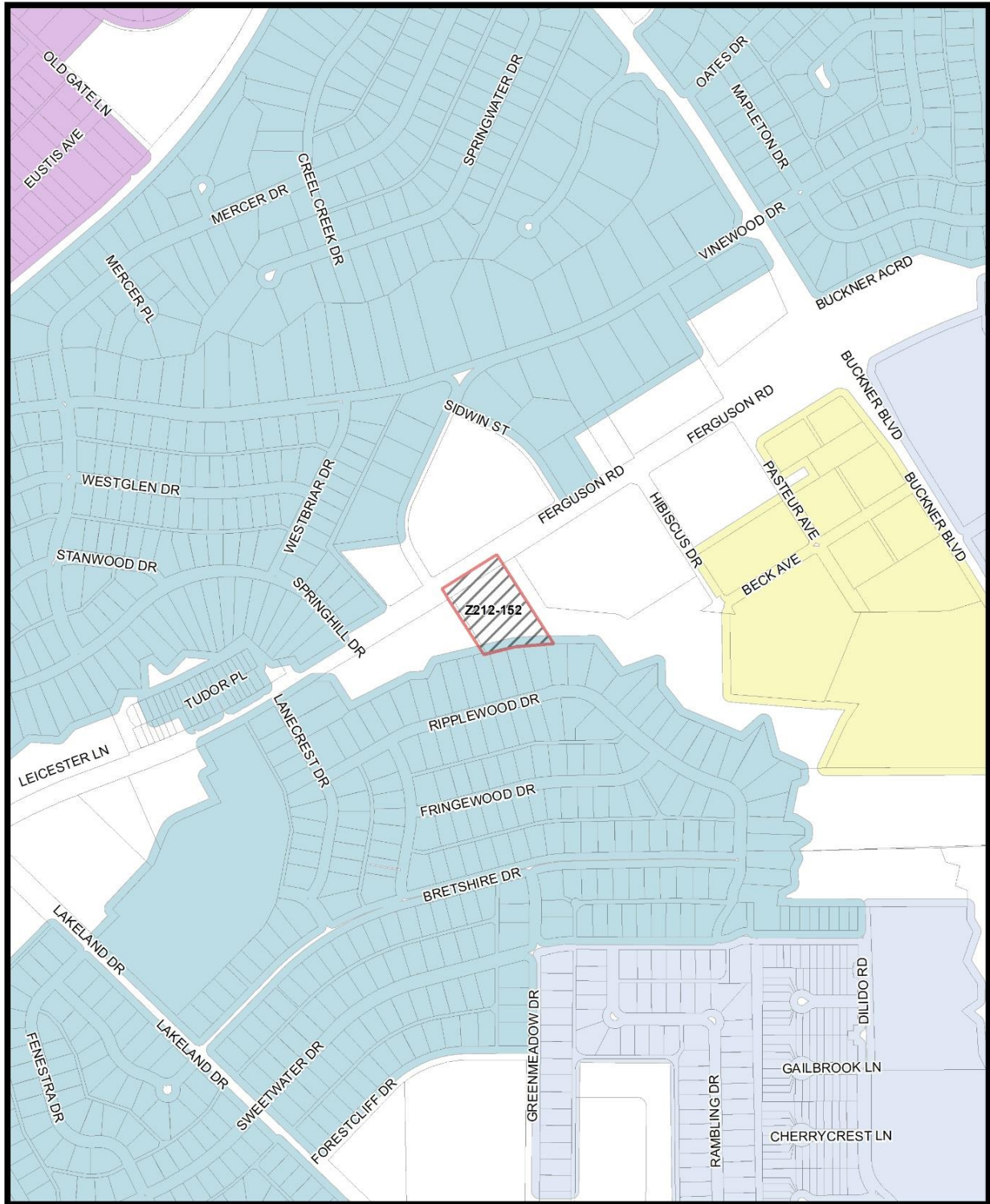
CPC RECOMMENDED SITE PLAN











Market Value Analysis A B C D E F G H I NA



1:6,000

Market Value Analysis

Printed Date: 2/10/2022



03/23/2022

Reply List of Property Owners***Z212-152******15 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9028 FERGUSON RD	NEW CREATION BIBLE CHURCH
	2	2732 RIPPLEWOOD DR	TONE THOMAS N &
	3	2736 RIPPLEWOOD DR	FARINA MELISSA A
	4	2742 RIPPLEWOOD DR	MEEK TAYLOR W
	5	2746 RIPPLEWOOD DR	KIRKLAND CYNTHIA
	6	2750 RIPPLEWOOD DR	SHANKLE LAURIE A
	7	9120 FERGUSON RD	FIRST COMMUNITY CHURCH
	8	2716 RIPPLEWOOD DR	PIERCE EMILY L & HAYDEN B
	9	2722 RIPPLEWOOD DR	HIGGINBOTHAM LONNIE
X	10	2726 RIPPLEWOOD DR	CROWDER WADE ALLEN JR
	11	2756 RIPPLEWOOD DR	BLACKBURN LISA
	12	2760 RIPPLEWOOD DR	SMITHSON ERIN KAY DAVIS &
	13	9121 FERGUSON RD	INDIAN PENTECOSTAL CHURCH
	14	9220 FERGUSON RD	WHITE ROCK CHURCH
	15	2557 SWEETBRIAR DR	CENTRAL CONGREGATION OF



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1019

Item #: Z8.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 9
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family uses and public school uses on property zoned an R-7.5(A) Single Family District, on the southwest corner of Sunland Drive and Lippitt Avenue

Recommendation of Staff: Approval subject to a development plan, a revised traffic management plan, and conditions.

Recommendation of CPC: Approval subject to a development plan, a revised traffic management plan, and conditions.

Z212-157(MP)

FILE NUMBER: Z212-157(MP) **DATE FILED:** December 30, 2021

LOCATION: On the southwest corner of Sunland Drive and Lippitt Avenue

COUNCIL DISTRICT: 9

SIZE OF REQUEST: 9.6 acres **CENSUS TRACT:** 128.00

REPRESENTATIVE: Karl Crawley, MASTERPLAN

OWNER/APPLICANT: Dallas Independent School District

REQUEST: An application for a Planned Development District for R-7.5(A) Single Family uses and public school uses on property zoned an R-7.5(A) Single Family District

SUMMARY: The purpose of the request is to permit the redevelopment of the site with a new public school.

CPC RECOMMENDATION: Approval, subject to a development plan, a revised traffic management plan, and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, a revised traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned an R-7.5(A) Single Family District and is currently developed with a public school other than an open enrollment charter school. The area of request is currently developed as a Public School (Martha Turner Reilly Elementary School).
- The applicant is proposing to construct a new elementary school on the western side of the site, and then remove the existing school upon completion.
- The school will serve elementary students, with 33 total classrooms.
- The TMP proposes a queue entering and exiting off Lippitt Avenue.
- The use is permitted in the existing R-7.5(A) District only with a specific use permit.
- To allow the proposed use by right, the applicant proposes a Planned Development District for R-7.5(A) Single Family District uses with a public school other than an open enrollment charter school permitted by right. All other permitted uses will default to those on an R-7.5(A) District.
- The applicant also proposes modified development standards primarily related to floor area, height, setbacks, and lot coverage.

Zoning History:

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

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing / Proposed ROW
Lippitt Avenue	Local	-
Sunland Street	Local	-
Neering Drive	Local	-
Flamingo Lane	Local	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

The development plan and traffic management plan maintain the general position of the car queue (off of Lippitt Avenue) but includes space for onsite queuing for up to 70 vehicles, which is projected to accommodate the maximum queue accumulation. The accumulation is also mitigated through staggered release between Pre-K and Grades 1 through 5.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006 and outlines several goals and policies which can 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 OPPORTUNITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries, and schools.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Public School
North	R-7.5(A)	Single Family
East	R-7.5(A)	Single Family
South	R-7.5(A)	Single Family
West	R-7.5(A)	Single Family

Land Use Compatibility:

The area of request is currently developed as a 67,000-square-foot public school, with a drop off queue accessed from Lippitt Avenue. The current building is generally oriented toward the northeast portion of the site. The south side of the property is currently used as a ball field for the school. The site fronts streets on all four sides, all of which have single-family homes on the opposite side.

The proposed school will include elementary grades including Pre-K and Grades 1 through 5, with 33 classrooms.

Staff supports the proposed PD because the proposed use is consistent with the character of the surrounding area and is not foreseen to be detrimental to adjacent properties. The conditions, development plan and traffic management plan limit the use and potential development in a manner that is compatible with the surrounding single-family area. The development plan grants additional oversight to building siting and traffic flow, while providing space for onsite queuing, loading, and unloading.

The development plan situates the primary massing of the new school on the southwestern portion of lot, while still maintaining the proposed setbacks and distance from nearby homes. This siting is necessary to accommodate the construction of the new school while maintaining the existing school to allow for uninterrupted operations. The development plan generally matches the existing queue entrance location but adds onsite queuing space within the interior of the site.

Additionally, the request is consistent with the Comprehensive Plan and Neighborhood Plus plan goals to provide greater access to schools and to support the improvement of school facilities. The traffic management plan allows for continued monitoring of the site in the future. The large area of the site and the access to multiple streets help accommodate the school's operation and queuing while limiting impact to nearby residential properties. The proximity to homes makes the school accessible on foot and by bike to area students.

<u>DISTRICT</u>	SETBACKS		Height	Lot Coverage	Special Provisions	Primary Uses
	Front	Side/Rear				
Existing R-7.5(A)	25'	5'	30'	45%	Structures for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions, and the building code. Institutional buildings may cover a maximum of 60 percent of the lot	Single Family
Proposed PD	25'	10'/15'	40'	30%		Single Family, Public School

Development Standards:

Landscaping:

Landscaping must be provided in accordance with Article X, as amended. Staff recommends the inclusion of a tree preservation zone, as noted in the conditions. Although general tree protection is required under Section 10.136 of the Dallas Development Code, the inclusion of this provision could ensure the protection of certain trees located in the northeast of the site, between the wings of the current school. The provision in this PD is to assure the protection of these trees during all phases of demolition and construction.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a public school is one-and-one-half spaces per elementary classroom. Therefore, the site is

required to have a minimum of 50 spaces for the 33 classrooms proposed. As illustrated on the development plan, the site provides 66 parking spaces.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not within an MVA cluster. Areas to the east, west, south, and north of the site are "D".

List of Officers

Dallas Independent School District

Board of Trustees

District 1	Edwin Flores, First Vice President
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Susana Cordova, Deputy Superintendent
Libby Daniels, Chief of Communication
Tiffany Huitt, Chief of School Leadership
Jack Kelanic, Chief Technology Officer
Dr. Pamela Lear, Chief of Staff and Racial Equity
Dr. Brian C. Lusk, Chief of Strategic Initiatives
Dwayne Thompson, Chief Business Officer
Shannon Trejo, Chief Academic Officer
Brent Alfred, Deputy Chief Construction Services

CPC Action
March 24, 2022

Motion: It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family uses and public school uses, subject to a development plan, revised traffic management plan (submitted on March 21, 2022) and staff's recommended conditions with a typographical correction to Sec.51P-xxx.11X, SIDEWALKS. (b) staff's recommendation: insert the word "feet" after "four (4)" on property zoned an R-7.5(A) Single Family District, on the southwest corner of Sunland Drive and Lippitt Avenue.

Maker: Jung
Second: Hampton
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung, Housewright,
Gibson, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Popken, Anderson, Stanard
Vacancy: 2 - District 3, District 7

Notices: Area: 500 Mailed: 193
Replies: For: 11 Against: 1

Speakers: For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Against: None

CPC RECOMMENDED PD CONDITIONS
ARTICLE XXX

SEC. 51P-xxx.101. LEGISLATIVE HISTORY.

PD XXX was established by Ordinance No. XXXX, passed by the Dallas City Council on XXXX

SEC. 51P-XXX.102. PROPERTY LOCATION AND SIZE.

PD XXX is established on property generally located on Lippitt Avenue. The size of PD XXX is approximately 9.6 acres.

SEC. 51P-xxx.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. 27296)

SEC. 51P-xxx.104. EXHIBIT.

The following exhibit is incorporated into this article:

(1) Exhibit xxxA: development plan.

SEC. 51P-xxx.105. DEVELOPMENT PLAN.

(a) For a public school other than an open enrollment charter school, development and use of the Property must comply with the development plan (Exhibits xxxA). If there is a conflict between the text of this article and the development plans, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A.4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-xxx.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district, etc.

(b) The following additional main use is permitted by right:

-- Public school other than an open enrollment charter school.

SEC. 51P-xxx.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-xxx.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Public school other than an open-enrollment charter school.

(1) Floor area. Maximum floor area is 80,000 square feet. The existing school located on the Property at the time of adoption of this ordinance is not counted towards the maximum floor area allowed. Removal of the existing school on the Property must begin within 180 days of the issuance of a permanent certificate of occupancy for the public school other than an open-enrollment charter school or by January 1, 2025, whichever comes earlier.

(2) Height.

(A) Maximum structure height is 40 feet.

(B) Light poles are allowed a maximum height of 30 feet.

(3) Setbacks. Steps, handrails and light poles are allowed in the required setbacks. Solid screening walls are allowed in the required side yard. Parking for a public school other than an open enrollment charter school is allowed in the required yard.

(4) Lot coverage. Maximum lot coverage is 30 percent.

SEC. 51P-xxx.109. OFF STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-xxx.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-xxx.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a public school other than an open-enrollment charter school, any landscaping required within the area designated phase line as shown on the development/landscape plan must be planted within 180 days of the removal of the existing school.

(c) Tree protection zones must be designated on the development plan. A tree protection plan must be approved by the building official and fully implemented prior to any construction activity or other disturbance on site. Construction staging and materials are prohibited from tree protection zones.

(d) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-xxx.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P-xxx.113 TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit ____C).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

- (2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P- xxx.114. SIDEWALKS.

- (a) at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.
- (b) minimum sidewalk width is five (5) feet except the width can be reduced to a minimum of four (4) feet in order to save an existing tree.

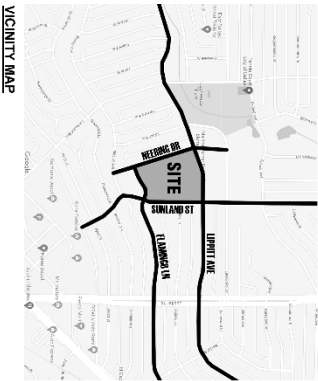
SEC. 51P-xxx.115. ADDITIONAL PROVISIONS.

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) Fencing and playground equipment. For a public school other than an open enrollment charter school use, fencing may be provided in the required yards with a maximum height of six feet. Playground equipment and athletic backstops and similar structures need not be shown on an approved development plan.

SEC. 51P-xxx.116 COMPLIANCE WITH CONDITIONS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

CPC RECOMMENDED DEVELOPMENT PLAN



ZONING DATA
BASE ZONING: RT 5(A)
USE: PUBLIC SCHOOL
LAND AREA: 4.8 ACRES
SETBACKS: FRONT - 25', SIDE - 5'
MAX HEIGHT: 35'
LOT COVERAGE: 25%

PARKING DATA
REQUIRED: 11.5 SPACES PER CLASSROOM X
33 CLASSROOMS = 49.5 PS
TOTAL REQUIRED 50 SPACES
TOTAL PROVIDED 66 SPACES



10/20/2022 1:45:52 PM
A015
DEVELOPMENT PLAN

DALLAS INDEPENDENT SCHOOL DISTRICT
ORG 198 - MARTHA TURNER REILLY ELEMENTARY SCHOOL
11230 LIPPITT AVENUE, DALLAS, TEXAS 75218
50% CONSTRUCTION DOCUMENTS

1023 DRAGON STREET, DALLAS, TEXAS 75207
WWW.MANNING2022

CPC RECOMMENDED TRAFFIC MANAGEMENT PLAN

March 21, 2022

PK# 2380-21.431

TRAFFIC MANAGEMENT PLAN

Z212-157



Dallas Independent School District Martha Turner Reilly Elementary School
CITY OF DALLAS

A handwritten signature in blue ink that reads "Hunter W. Lemley".

Introduction

The services of **Pacheco Koch** (PK) were retained by **Masterplan** on behalf of **Dallas Independent School District** to prepare a Traffic Management Plan (TMP), as requested by the City of Dallas, for the existing Martha Turner Reilly Elementary School described below. The existing elementary school will be demolished, and a new school will be built on the same property.

As described in Appendix A6 of the City of Dallas *Street Design Manual*, a school Traffic Management Plan is a "site-specific plan providing guidelines to coordinate traffic circulation during school peak hours. TMPs should promote strategies to manage all modes of transportation and maintain student safety paramount at all times. An effective plan requires continual planning, renewed understanding and coordinated efforts by city staff, school administration and staff, neighbors, parents, and students.

This TMP was prepared by registered engineers at Pacheco Koch who are experienced in transportation and traffic engineering (the "Engineer"). Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional engineering and related services.

The engineer performed most recent on-site dismissal field observations on December 8th, 2021, that validates all information in this report.

1. TMP EXHIBIT

(See attached Exhibit 1 - Traffic Management Plan)



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

March 21, 2022



2. SCHOOL LOCATION AND DESCRIPTION

- **School site location:** 11230 Lippitt Avenue, Dallas, Texas
- **Description of adjacent roadways:**
 - Adjacent Streets:
 - Lippitt Avenue:
 - Cross-section: Two lanes, two-way operation [eastbound one-way operational during school hours], undivided.
 - Sidewalk connectivity evident along frontage of school. [School Zone]
 - Speed Limit: 30 mph [School Zone of 20 mph]
 - Neering Drive:
 - Cross-section: Two lanes, two-way operation, undivided.
 - Sidewalk connectivity evident along frontage of school. [School Zone]
 - Speed Limit: 30 mph [School Zone of 20 mph]
 - Sunland Street:
 - Cross-section: Two lanes, two-way operation [southbound one-way operational during school hours], undivided.
 - Sidewalk connectivity evident along frontage of school. [School Zone]
 - Speed Limit: 30 mph [School Zone of 20 mph]
 - Flamingo Lane:
 - Cross-section: Two lanes, two-way operation [northbound one-way operational during school hours], undivided.
 - Sidewalk connectivity evident along frontage of school. [School Zone]
 - Speed Limit: 30 mph

March 21, 2022



○ **Adjacent Intersections:**

- Lippitt Avenue and Neering Drive - Marked crosswalks on northbound, westbound, and southbound approaches, with barrier free ramps provided on all corners.
- Lippitt Avenue and Sunland Street - Marked crosswalks on all approaches, no barrier free ramps provided on any corners. One crossing guard was present for the intersection.
- Sunland Street and Flamingo Lane - Marked crosswalks (old and faded) on all approaches, no barrier free ramps provided on any corners.
- Sunland Street and Rupley Lane - Marked crosswalks on all approaches, with barrier free ramps provided on all corners.
- Neering Drive and Flamingo Lane - Marked crosswalk on westbound approach, no barrier free ramps provided on any corners.

NOTE: It is generally recommended that all applicable crosswalks/barrier free ramps/sidewalks comply with current ADA accessibility requirements. Pacheco Koch is not certified to provide a full ADA compliance inspection, which is performed by licensed inspectors during the design and permitting process. All pavement markings, traffic signs, school zones, and pedestrian infrastructure improvements are recommended to be upgraded at permitting as applicable and meet current city and TMUTCD standards.

3. INGRESS/EGRESS POINTS OF ACCESS

• **Vehicular Ingress/Egress Points:**

- Lippitt Avenue: One Driveway
- Flamingo Lane: One Driveway
- Sunland Street: One Driveway

• **Student (Building) Ingress/Egress Points:**

- Main student pedestrian access will be located at the main entrance on the north side of the school building. Additional access will be provided at the back access point, south of the building.

March 21, 2022



4. QUEUING SUMMARY TABLE

The following table presents the projected queuing vehicle accumulation for the subject campus. The calculations for vehicle accumulation and parking are based upon estimated ratios – estimated linear feet of queue per student – along with the assumptions provided by Dallas Independent School District for this campus have been validated by on-site dismissal observations conducted on December 8th, 2021. All information provided in the table below is strictly for the afternoon student pick-up release period.

See Section 12(b) for specific information on the methodology and calculations used in the table below. Specific separation of modes of transportation was provided by DISD and is provided in Section 6.

Table 1. Queuing Summary Table

Dismissal Period (Loading Zone)	Grades	Start/End Times	Total Enrollment (Approx.)	Maximum Vehicle Accumulation	(On-Site) Storage Capacity (veh)	Surplus /Deficit (veh)
1A	Pre-K – Kinder	7:45 AM – 2:45 PM	130	24	70	46
2A	1st	7:45 AM – 3:00 PM	55	10	10	0
2B	2 nd – 5 th		325	60	60	0

5. CIRCULATION

This section provides on-site traffic circulation, including any temporary traffic control devices.

- Description of Existing Conditions

On-Site Circulation:

Parent traffic enters the area traveling along Lippitt Avenue and queues/stands along both curbsides of Lippitt Avenue and Sunland Street.

School buses load and unload students along Sunland Street.

Staff and visitor parking lots are provided northwest of the building.

March 21, 2022



Temporary traffic control devices:

- Cones are not utilized as part of the existing conditions for traffic management.

- Description of Proposed Conditions

On-Site Circulation:

- Pre-K – Kinder and 1st Grade:

Parent traffic is to enter the area traveling along Lippitt Avenue and enter the site via the driveway on Sunland Street.

Circulation is provided on-site and to circulate in a counterclockwise traffic flow. (See **Exhibit 1**).

Traffic is to exit the queueing area continuing south for the south queue after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle. Traffic is then to exit the site onto Flamingo Lane.

- 2nd Grade – 5th Grade:

Parent traffic is to enter the area traveling along Lippitt Avenue and enter the site via the driveway on Lippitt Avenue between Neering Drive and Sunland Street.

Circulation for the north queueing area is provided on-site and to circulate in a counterclockwise traffic flow. (See **Exhibit 1**).

Traffic is to exit the queueing area continuing north for the north queue after the vehicle has sufficiently unloaded/loaded the student(s) exiting/entering the vehicle. North queue traffic is then to exit the site onto Lippitt Avenue.

School buses load and unload students within the south parking lot on-site (as shown in **Exhibit 1**).

Staff and visitor parking lots are provided north of the building. The parking lot west of the school building along the south of the building will provide additional parking, as well.

Temporary traffic control devices:

- Cones are to be placed along the northern parking lot (as shown in **Exhibit 1**) to redirect traffic.

NOTE: No changes are proposed to existing school zones and temporary one-way streets

March 21, 2022



6. DROP-OFF/PICK-UP COORDINATION

This section provides proposed student drop-off/pick-up coordination information.

- **Passenger ID system:**

- Managed Loading System

NOTE: A "managed loading system" at schools refers to the established protocol for picking up passengers at a specific release time. Passenger loading and vehicle departures are sequential based upon order of arrival. During a prior coordination phase, drivers are provided with some form of identification that school personnel observe upon arrival so that the corresponding passenger is prepped for loading before the vehicle arrives at the designated loading area.

- **Separation of modes of transportation:**

- Bus: 10%
- Walk: 5%
- Picked Up by Parent: 85%

NOTE: Information provided by Dallas Independent School District and validated with field observations

- **Staggered times:**

- 7:45 AM – 2:45 PM (Pre-Kindergarten - Kinder)
- 7:45 AM – 3:00 PM (1st - 5th)

7. SCHOOL STAFF ASSISTANCE

- **Number:**

- Observed: 2 - 5 staff members
- Desired: 2 - 5 staff members

- **Location:**

- Observed: Beginning of queue line
- Desired: Beginning of queue line

- **Staff Requirements and expectations:**

- Staff assistance shall be present to allow students to enter and exit the school building in a safe and efficient manner.

March 21, 2022



8. ADULT SCHOOL CROSSING GUARDS AND/OR OFF-DUTY DEPUTIZED OFFICERS

- Number:
 - Observed: 1 crossing guard
 - Desired: 1 crossing guard
- Location:
 - Observed: Intersection of Lippitt Avenue and Sunland Street
 - Desired: Intersection of Lippitt Avenue and Sunland Street

March 21, 2022



9. SCHOOL ADMINISTRATION INPUT STATEMENT

The engineer collaborated with both the School District personnel and on-site staff/principal and Student Transportation Services as needed, before and during the process of creation of the Traffic Management Plan.

The site engineer, the architect and the traffic engineer have collaborated the traffic patterns of parent routes, bus routes, and recommendations of the TMP with the on-site and District personnel. The onsite and District personnel have completed a thorough review and any changes that have been discussed have been applied to this version of the plan.

REVIEW AND COMMITMENT

This school traffic management plan (TMP) for Martha Turner Reilly Elementary School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. This plan was developed with direct input from individuals familiar with the general characteristics of the traffic needs of the school. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate.

Principal Signature

Date

Name: _____

Title: _____

Police Department Signature

Date

Name: _____

Title: _____

10. ENGINEER SEAL

This report is signed, stamped, and dated by a licensed Professional Engineer in the State of Texas with specific expertise in transportation and traffic engineering.

*Traffic Management Plan
Martha Turner Reilly Elementary School
Page 8*

March 21, 2022



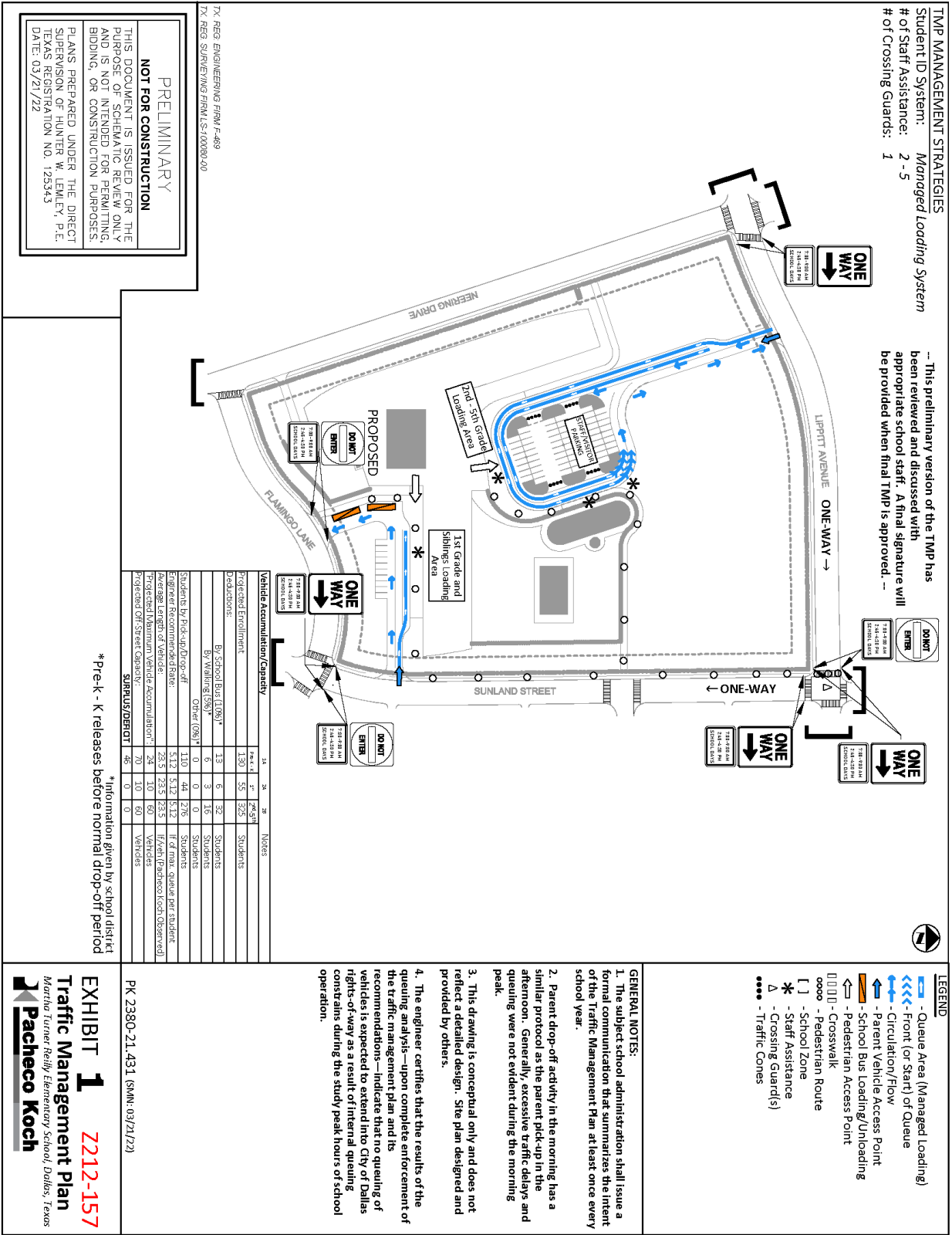
11. REPORT FORMAT

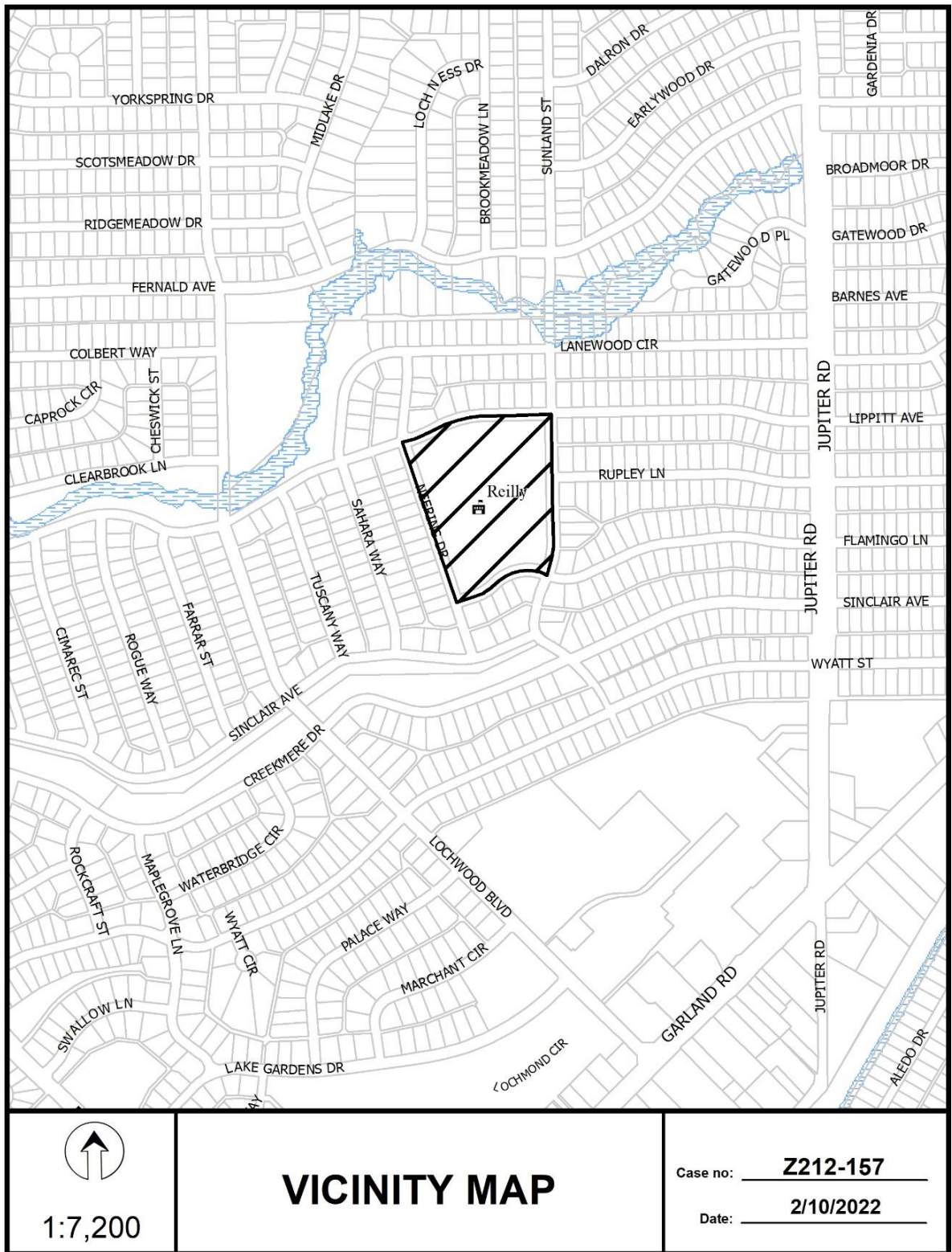
This report follows the City of Dallas Traffic Management Plan format as described in Appendix A6 of the City of Dallas *Street Design Manual*.

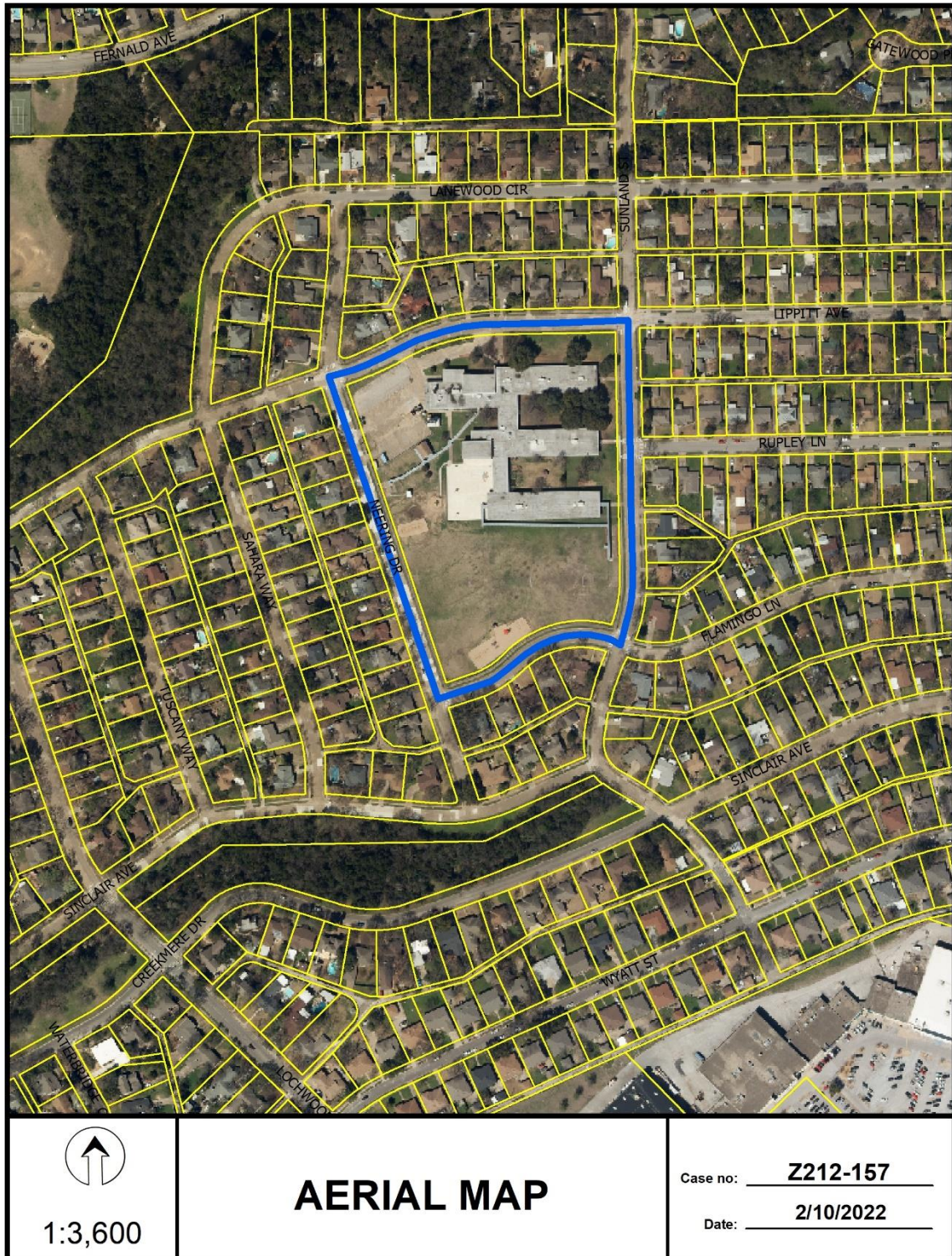
12. OTHER ITEMS WHERE APPLICABLE

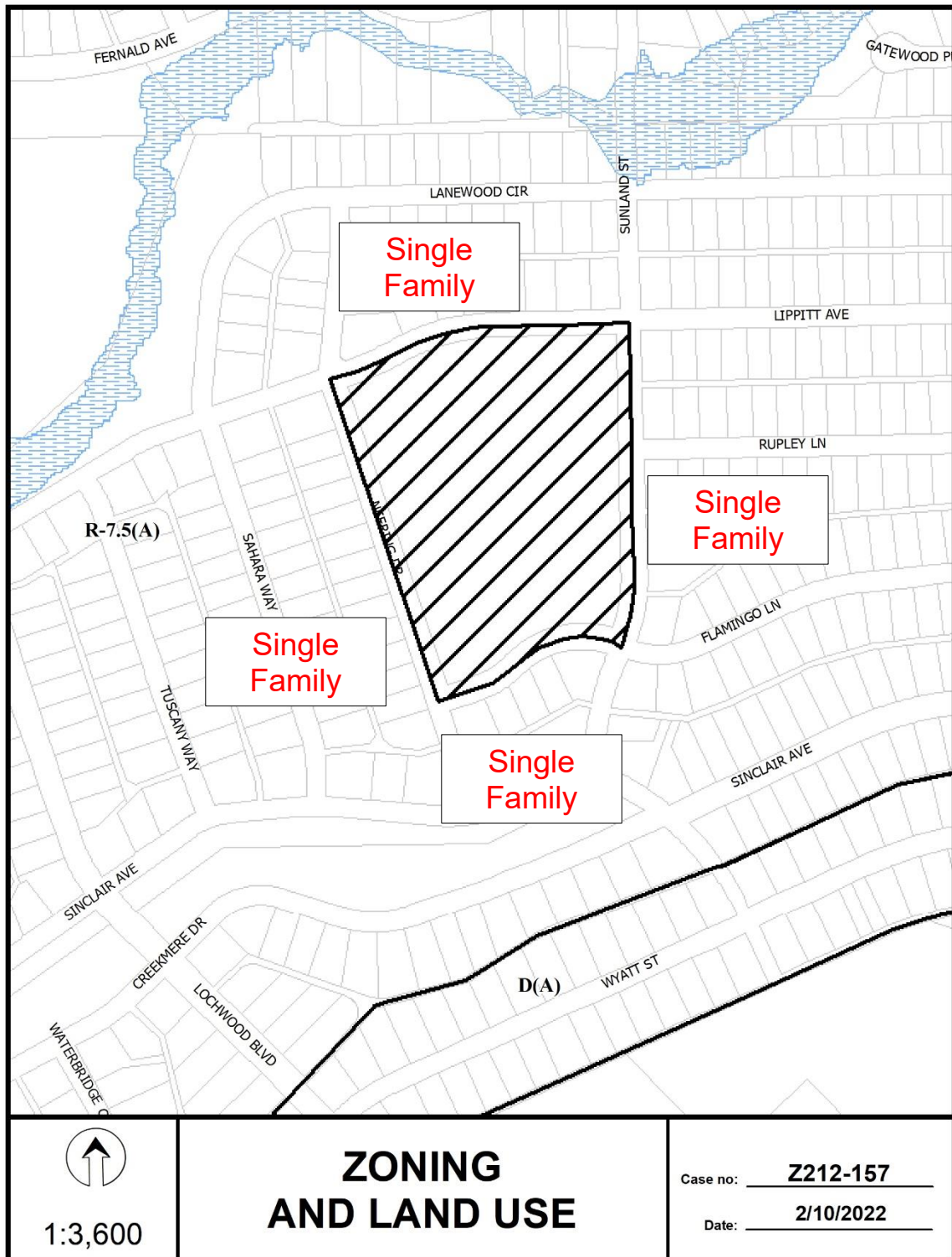
- a) School Bus Operations: (See Section 5)
- b) Methodology:
 - a. Engineer Recommended Rate: 5.12 linear feet per student
 - b. Average Length of Vehicle: 23.5 feet
 - c. Separation of modes of transportation:
 - i. Bus: 10%
 - ii. Walk: 5%
 - iii. Picked Up by Parent: 85%
- NOTE: Information provided by Dallas Independent School District and validated with field observations
- d. Projected maximum vehicle accumulation: 70
- e. Projected on-site storage capacity: 70
- f. Surplus/Deficit: 0
- c) Pedestrian Routes: The pedestrian routes are based on the attendance zone map when finalized. The attendance zone was not provided at the time of this study however, the anticipated (and observed) pedestrian routes include the sidewalk paths along Sunland Street and Lippitt Avenue.
- d) Parking Management Strategies:
 - a. On-street parking restrictions: none
 - b. Faculty Parking: on-site
 - c. Visitor Parking: on-site
- e) Recommendations for walking/biking: (See **Exhibit 1**)
- f) Other Recommendations (if applicable) : (See **Exhibit 1**)
- g) Traffic Control (Signage) Plan: Not Applicable

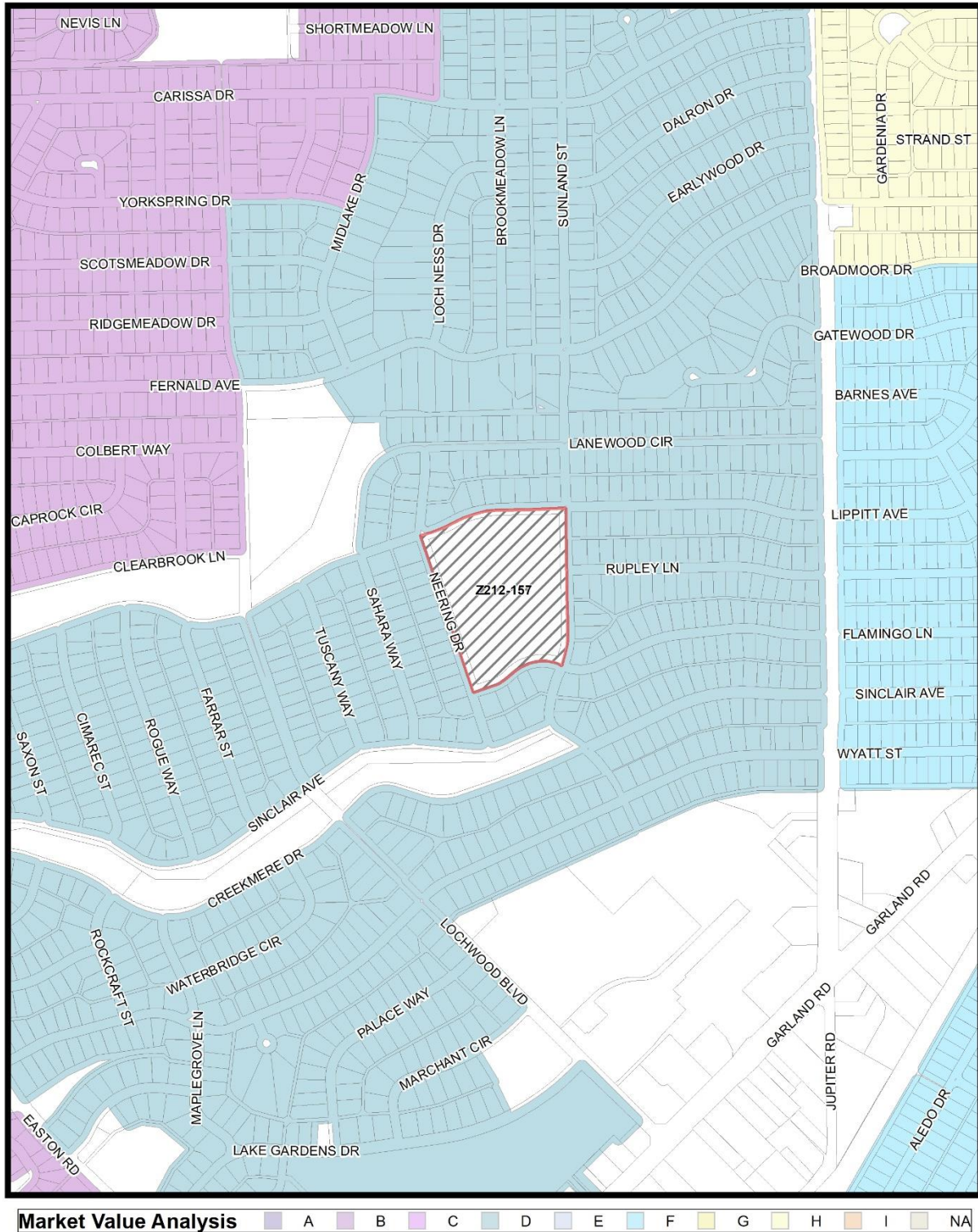
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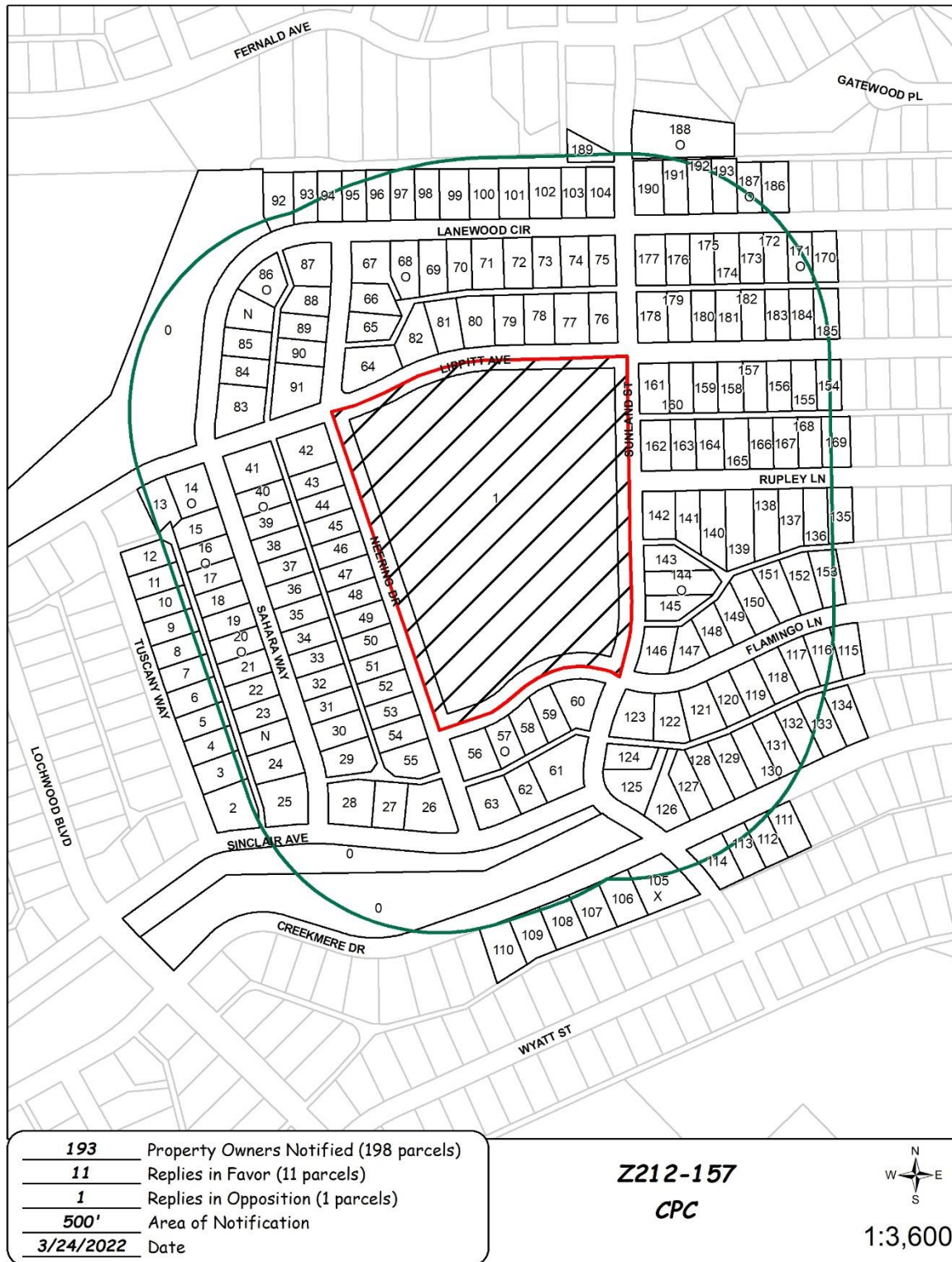




1:7,200

Market Value Analysis

Printed Date: 2/10/2022



03/23/2022

**Reply List of Property Owners
Z212-157**

**193 Property Owners Notified 11 Property Owners in Favor
1 Property Owners Opposed**

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	11230 LIPPITT AVE	Dallas ISD
	2	11606 TUSCANY WAY	MCCASLAND HEATH TITUS &
	3	11610 TUSCANY WAY	ARCHER JUDITH SULTENFUSS
	4	11616 TUSCANY WAY	SIAMRO KATELIN &
	5	11620 TUSCANY WAY	THOMPSON SUSAN T
	6	11624 TUSCANY WAY	MCINTOSH THOMAS O III
	7	11630 TUSCANY WAY	SMITH CARL G
	8	11702 TUSCANY WAY	CARRINGTON HILLARY M
	9	11708 TUSCANY WAY	BARRY PAUL NICHOLAS &
	10	11714 TUSCANY WAY	TUCKER JOHN WELLS &
	11	11718 TUSCANY WAY	LANGREHR LISA M
	12	11724 TUSCANY WAY	EDE TREVOR ALDEN &
	13	11034 LIPPITT AVE	BOWMAN JAMES R
<i>O</i>	14	11040 LIPPITT AVE	Taxpayer at
	15	11729 SAHARA WAY	MILNE RICHARD A & REBECCA
<i>O</i>	16	11725 SAHARA WAY	COMPTON WEST LINDSAY G
	17	11719 SAHARA WAY	ANDERSON LINDA RUDA
	18	11715 SAHARA WAY	BICKHAM JOSEPH &
	19	11709 SAHARA WAY	OVCARIK JAMES M
<i>O</i>	20	11703 SAHARA WAY	JACKSON PAULA STEPHENSON
	21	11635 SAHARA WAY	SASSEVILLE GRACE B
	22	11631 SAHARA WAY	SERDAR THOMAS JAMES
	23	11625 SAHARA WAY	WEISS DIANE T
	24	11615 SAHARA WAY	WOLDEZGHI TEKESTE &
	25	11609 SAHARA WAY	MYERS CHRISTOPHER
	26	11119 SINCLAIR AVE	NERIOS KATHERINE PAIGE

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	11111 SINCLAIR AVE	YEAGER ROBERT L IV
	28	11105 SINCLAIR AVE	YORK GARY LEE LIFE ESTATE
	29	11612 SAHARA WAY	MCNUTT R A
	30	11618 SAHARA WAY	MCCREARY JONATHAN &
	31	11622 SAHARA WAY	KOCH AMANDA M
	32	11628 SAHARA WAY	DONATI MATTHEW JOHN HENRY
	33	11632 SAHARA WAY	PERKINS GEORGE D JR
	34	11636 SAHARA WAY	MOORMAN AUSTIN &
	35	11704 SAHARA WAY	PRIEN PAUL & JACKY
	36	11710 SAHARA WAY	MEYER CAITLIN B &
	37	11716 SAHARA WAY	ONTIVEROS SUSANA M
	38	11720 SAHARA WAY	WILSON KATHLEEN
	39	11726 SAHARA WAY	MCKERROW TERESA K
O	40	11730 SAHARA WAY	NOLLEN BARRY NICHOLAS
	41	11738 SAHARA WAY	SHIPLEY HOLLY DYAN
	42	11761 NEERING DR	GHAZI ALEXIA & ADAM WALLER
	43	11753 NEERING DR	PAUL ELVELLA M
	44	11749 NEERING DR	PAUL MELISSA A
	45	11743 NEERING DR	STOEBER EVAN KENNETH &
	46	11737 NEERING DR	TREVINO MARY R
	47	11733 NEERING DR	LEMAR HOMER JESS III
	48	11729 NEERING DR	GOMEZ CRYSTAL LYNN &
	49	11725 NEERING DR	PARMAN BRIAN SCOTT
	50	11719 NEERING DR	WILLIAMS WARREN W &
	51	11715 NEERING DR	SHARR JOHN & DEBORAH
	52	11709 NEERING DR	BROWNELL FREDERIC DELANO
	53	11703 NEERING DR	ROSE KATHERINE GRACE
	54	11625 NEERING DR	DELATOUR WILLIAM EDWARD &
	55	11621 NEERING DR	JONES HILARI S
	56	11104 FLAMINGO LN	HIGGINS MARK
O	57	11110 FLAMINGO LN	MATHEWS KRISTINA

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	11116 FLAMINGO LN	GRIGGS JOYCE J
	59	11122 FLAMINGO LN	TRUSSELL SHARI ANNE
	60	11130 FLAMINGO LN	TALLIS SCOTT PHILIP
	61	11145 SINCLAIR AVE	PRYOR KIM & LINDSEY
	62	11137 SINCLAIR AVE	WINDLAND PEPSI
	63	11131 SINCLAIR AVE	ELLIS BILLIE RUTH
	64	11810 NEERING DR	MITCHELL TODD ALAN &
	65	11816 NEERING DR	RUSTEBERG FAMILY LIVING
	66	11822 NEERING DR	BANDA MABEL
	67	11208 LANEWOOD CIR	PERKINS ROBERT &
O	68	11214 LANEWOOD CIR	JUVENAL JAMES P &
	69	11218 LANEWOOD CIR	SULLIVAN HILARY C
	70	11222 LANEWOOD CIR	PATRANELIA PPTIES LLC
	71	11228 LANEWOOD CIR	Taxpayer at
	72	11232 LANEWOOD CIR	DESUTTER STEVEN C & NANCY A
	73	11236 LANEWOOD CIR	RAINTREE ASSET MANAGEMENT
	74	11242 LANEWOOD CIR	COLLINS BETTYE C
	75	11246 LANEWOOD CIR	BAKER CURT
	76	11261 LIPPITT AVE	THURMOND JERRY TR
	77	11255 LIPPITT AVE	PHILLIPS LIVING TRUST
	78	11249 LIPPITT AVE	BROOKS JOHN MASON TR &
	79	11245 LIPPITT AVE	COLLEY CAROL ELIZABETH
	80	11239 LIPPITT AVE	FULTS TRAVIS & MANDY
	81	11235 LIPPITT AVE	FULTS JUDY RAE LIFE ESTATE
	82	11219 LIPPITT AVE	KINGSLEY MATTHEW JACOB &
	83	11110 LANEWOOD CIR	ROBSON SCOTT P & BRENDA R
	84	11116 LANEWOOD CIR	SCHAEFERS JENNIFER &
	85	11122 LANEWOOD CIR	Taxpayer at
O	86	11140 LANEWOOD CIR	CROSS DANIEL G & AIMEE M
	87	11156 LANEWOOD CIR	SAUER EVAN & MEREDITH
	88	11821 NEERING DR	ADAMS JOHN & LORI EVANSON

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	11815 NEERING DR	DISLER JENESSA A
	90	11811 NEERING DR	OLSON LARA & SETH
	91	11805 NEERING DR	COWDIN ADAM H
	92	11149 LANEWOOD CIR	GOOD TAYLOR MARIE
	93	11153 LANEWOOD CIR	PARMER JUSTIN & MEGHAN
	94	11157 LANEWOOD CIR	HUEHOLT LESLIE ANNE
	95	11203 LANEWOOD CIR	MCCOY ANNE LF EST &
	96	11209 LANEWOOD CIR	MORAN WILLIAM DANIEL
	97	11215 LANEWOOD CIR	CASAVANTES DAVID
	98	11219 LANEWOOD CIR	NANCE SCOTT & MARIA
	99	11223 LANEWOOD CIR	KILLAM DEVON J
	100	11229 LANEWOOD CIR	NEWELL WHITNEY S
	101	11233 LANEWOOD CIR	GORMAN KELLY K
	102	11237 LANEWOOD CIR	JOHNSON BARBARA
	103	11243 LANEWOOD CIR	AVAROB REAL ESTATE LLC
	104	11247 LANEWOOD CIR	WIDHELM CHRISTOPHER J &
X	105	11136 CREEKMERE DR	DIXON BOBBY G REVOCABLE
	106	11130 CREEKMERE DR	CIVELLO MARY E
	107	11126 CREEKMERE DR	PROPERTIES BY DB LLC
	108	11120 CREEKMERE DR	TUNELL KENNETH L &
	109	11116 CREEKMERE DR	HUGO MARTIN E & KAREN J
	110	11110 CREEKMERE DR	JANOWSKI DOUGLAS &
	111	11218 SINCLAIR AVE	Taxpayer at
	112	11214 SINCLAIR AVE	NICHOLS KENDRA
	113	11210 SINCLAIR AVE	RAMSEY BRENT EDWARD
	114	11206 SINCLAIR AVE	CRANE MARY HELEN
	115	11304 FLAMINGO LN	GARTON GARY W
	116	11240 FLAMINGO LN	HAZEN KELLY & NEILS
	117	11234 FLAMINGO LN	BRINCKERHOFF WILLIAM W &
	118	11230 FLAMINGO LN	MARKEY BRIAN
	119	11224 FLAMINGO LN	HOLDEN JENNIE H

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	11220 FLAMINGO LN	JAMES BRENDA M
	121	11216 FLAMINGO LN	QUINTANILLA LINDA
	122	11210 FLAMINGO LN	THOMPSON STEPHEN R
	123	11206 FLAMINGO LN	HOLDER THOMAS
	124	11642 SUNLAND ST	HALE VIRGINIA L LIFE ESTATE
	125	11634 SUNLAND ST	ROBINSON HEATHER
	126	11626 SUNLAND ST	JALILVAND NILOOFAR
	127	11207 SINCLAIR AVE	GREER CORBIN & KATHERINE
	128	11211 SINCLAIR AVE	BROWN PAULA GAIL
	129	11215 SINCLAIR AVE	EVANS DONNA
	130	11219 SINCLAIR AVE	JOHNSON RICHARD L
	131	11223 SINCLAIR AVE	HOAG JENNIFER
	132	11227 SINCLAIR AVE	POWELL ALTON KEITH
	133	11231 SINCLAIR AVE	HARMON MONA L
	134	11235 SINCLAIR AVE	RINER CARLA JEAN
	135	11332 RUPLEY LN	DAVIDSON KEVIN RANDEL
	136	11328 RUPLEY LN	HILL MADISON A
	137	11324 RUPLEY LN	HERNANDEZ REFUGIO
	138	11320 RUPLEY LN	RUIZ GILBERTO &
	139	11316 RUPLEY LN	WILSON JENNIFER MARIE
	140	11312 RUPLEY LN	<i>Taxpayer at</i>
	141	11308 RUPLEY LN	PAYMA EMILY R
	142	11304 RUPLEY LN	GAMELL TREVOR GRAYSON &
	143	11722 SUNLAND ST	WANG YUCHUN & LYNN CHUNG
O	144	11718 SUNLAND ST	DAVIS JESSICA
	145	11712 SUNLAND ST	COUZELIS ANTHONY B &
	146	11207 FLAMINGO LN	TR2 REALTY LLC
	147	11215 FLAMINGO LN	TREU LAUREN
	148	11221 FLAMINGO LN	HUGHES JONATHAN
	149	11225 FLAMINGO LN	FERGUSON PATRICK
	150	11231 FLAMINGO LN	JOHNSON DONNIE D

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	11235 FLAMINGO LN	HATFIELD NANCY L
	152	11241 FLAMINGO LN	WINTER DAVID & SHAWNA
	153	11303 FLAMINGO LN	HATFIELD JOSHUA
	154	11332 LIPPITT AVE	SIERRA AURELIO GUTIERREZ
	155	11328 LIPPITT AVE	GOMEZ JUAN & JUANA
	156	11324 LIPPITT AVE	NEAL CARLA
	157	11320 LIPPITT AVE	HANNAH MICHAEL BAKER &
	158	11316 LIPPITT AVE	RAUTER DAVID A & SHERRY
	159	11312 LIPPITT AVE	CHAPMAN HADLEY N &
	160	11308 LIPPITT AVE	SIERRA JOSEFINA
	161	11304 LIPPITT AVE	GONZALES AMANDA
	162	11303 RUPLEY LN	STINSON GARY CURTIS &
	163	11307 RUPLEY LN	REED PETER F
	164	11311 RUPLEY LN	BURAU BETH ANN
	165	11315 RUPLEY LN	HANCOCK ROBERT E
	166	11319 RUPLEY LN	WILLIAMS RHEA MARIE &
	167	11323 RUPLEY LN	COX MARGARET E
	168	11327 RUPLEY LN	LUTER SAMUEL & MARY
	169	11331 RUPLEY LN	Taxpayer at
	170	11332 LANEWOOD CIR	STEELE KATHY WHARTON &
O	171	11328 LANEWOOD CIR	ROZANICH VIRGINIA V
	172	11324 LANEWOOD CIR	DELGER JARED COLE
	173	11320 LANEWOOD CIR	PLACKER CHARLSA Y
	174	11316 LANEWOOD CIR	ANDERSON BENJAMIN G &
	175	11312 LANEWOOD CIR	CUNY AUSTIN TAYLOR
	176	11308 LANEWOOD CIR	SCOTT BROOKE & AARON
	177	11304 LANEWOOD CIR	RAMIREZ RICHARD & ANDREA
	178	11303 LIPPITT AVE	HENDERSON JACQUELINE S
	179	11307 LIPPITT AVE	BILES WELDON L
	180	11311 LIPPITT AVE	GERRON ALLISON R &
	181	11315 LIPPITT AVE	YOUNG JUDITH K

03/23/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	11319 LIPPITT AVE	Taxpayer at
	183	11323 LIPPITT AVE	Taxpayer at
	184	11327 LIPPITT AVE	HARRIS JESSICA
	185	11331 LIPPITT AVE	GARCIA JAVIER
	186	11323 LANEWOOD CIR	CHASE GABRIELLE &
<i>O</i>	187	11319 LANEWOOD CIR	HENDERSON ELIZABETH D
<i>O</i>	188	11832 SUNLAND ST	FARRELL HOLLY HUTCHESON
	189	11825 SUNLAND ST	WIDHELM JENNIFER L F &
	190	11303 LANEWOOD CIR	MARSHALL CHARLES VICTOR &
	191	11307 LANEWOOD CIR	STREUN NATHAN EDWARD
	192	11311 LANEWOOD CIR	SINCLAIR JUDSON I
	193	11315 LANEWOOD CIR	MORSE STEVEN



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1018

Item #: Z9.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a foster home on property zoned D(A) Duplex District on the northwest corner of Forney Road and Lomax Drive

Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions.

Z212-154(RM)

FILE NUMBER: Z212-154(RM) **DATE FILED:** December 27, 2021

LOCATION: Northwest corner of Forney Road and Lomax Drive

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 0.5 acre **CENSUS TRACT:** 122.07

OWNER/APPLICANT: Lilian Nyahwai [Sole Owner]

REQUEST: An application for a Specific Use Permit for a foster home on property zoned D(A) Duplex District.

SUMMARY: The purpose of the request is to allow a foster home on the site.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned a D(A) Duplex District and is developed with a residential structure that was previously used as a handicapped group dwelling unit.
- The applicant proposes to use the existing structure as a foster home. This use requires a Specific Use Permit in the D(A) District.
- Chapter 51A defines a foster home as a facility that provides room, board, and supervision to five or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility.
- No changes are proposed to the existing building footprint, parking, or driveways.

Zoning History:

There have been no zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Forney Road	Community Collector	80 feet
Lomax Drive	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use:

	Zoning	Land Use
Site	D(A) Duplex District	Vacant
North	D(A) Duplex District	Duplex
East	Planned Development District No. 822	Public or private school
South	R-7.5(A) Single Family District	Single family
West	D(A) Duplex District	Duplex

Land Use Compatibility:

North and west of the area of request are duplex uses. To the south across Forney Road are single-family uses. East of the request area across Lomax Drive is a public or private school. Staff finds the applicant's proposal compatible with these surrounding uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties, and it will provide foster care services in this area of the city. Staff also supports the proposed time limit of five years without eligibility for automatic renewal because this would be a new use of the property. A time limit without eligibility for automatic renewal will allow for continued monitoring of the site in the future.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a foster home is two spaces. As demonstrated on the proposed site plan, the site provides four parking spaces.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is currently within an “E” MVA cluster, which extends north and west of the site. South of the request area across Forney Road is an “H” MVA cluster.

CPC ACTION
MARCH 24, 2022

Motion: It was moved to recommend approval of a Specific Use Permit for a foster home for a five-year period, subject to a site plan and conditions on property zoned a D(A) Duplex District at the northwest corner of Forney Road and Lomax Drive.

Maker: Rubin
Second: Housewright
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung,
Housewright, Gibson, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Popken, Anderson, Stanard
Vacancy: 2 - District 3, District 7

Notices: Area: 200 Mailed: 21
Replies: For: 1 Against: 1

Speakers: For: Thornton Turner, 4073 Lomax Dr., Dallas, TX, 75227
For (Did not speak): Lilian Nyahwai, 4073 Lomax Dr., Dallas, TX, 75227
Against: None

CPC ACTION
MARCH 3, 2022

Motion: In considering an application for a Specific Use Permit for a foster home on property zoned a D(A) Duplex District at the northwest corner of Forney Road and Lomax Drive, it was moved to **hold** this case under advisement until March 24, 2022.

Maker: Rubin
Second: Blair
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Anderson
Vacancy: 2 - District 3, District 7

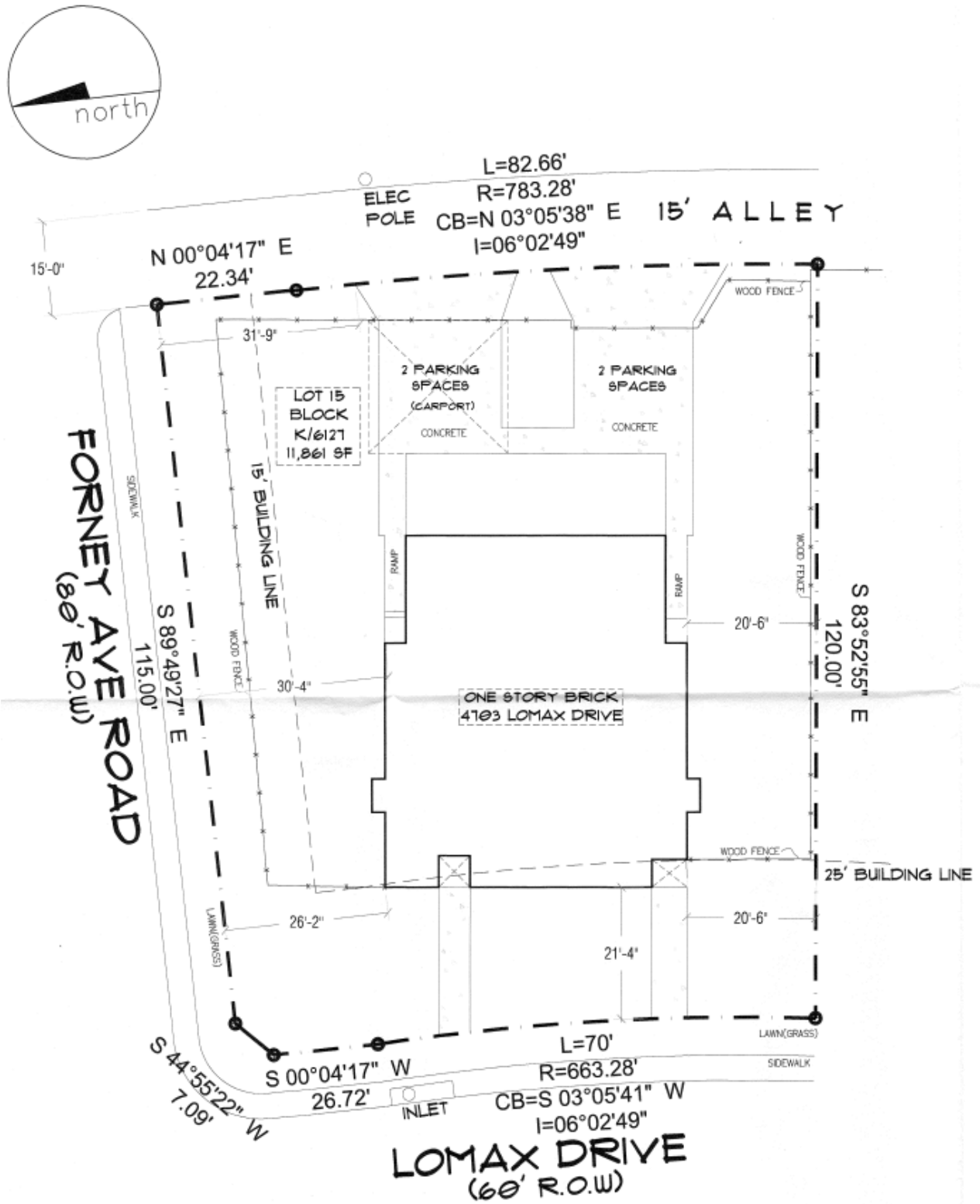
Notices:	Area: 200	Mailed: 21
Replies:	For: 0	Against: 1

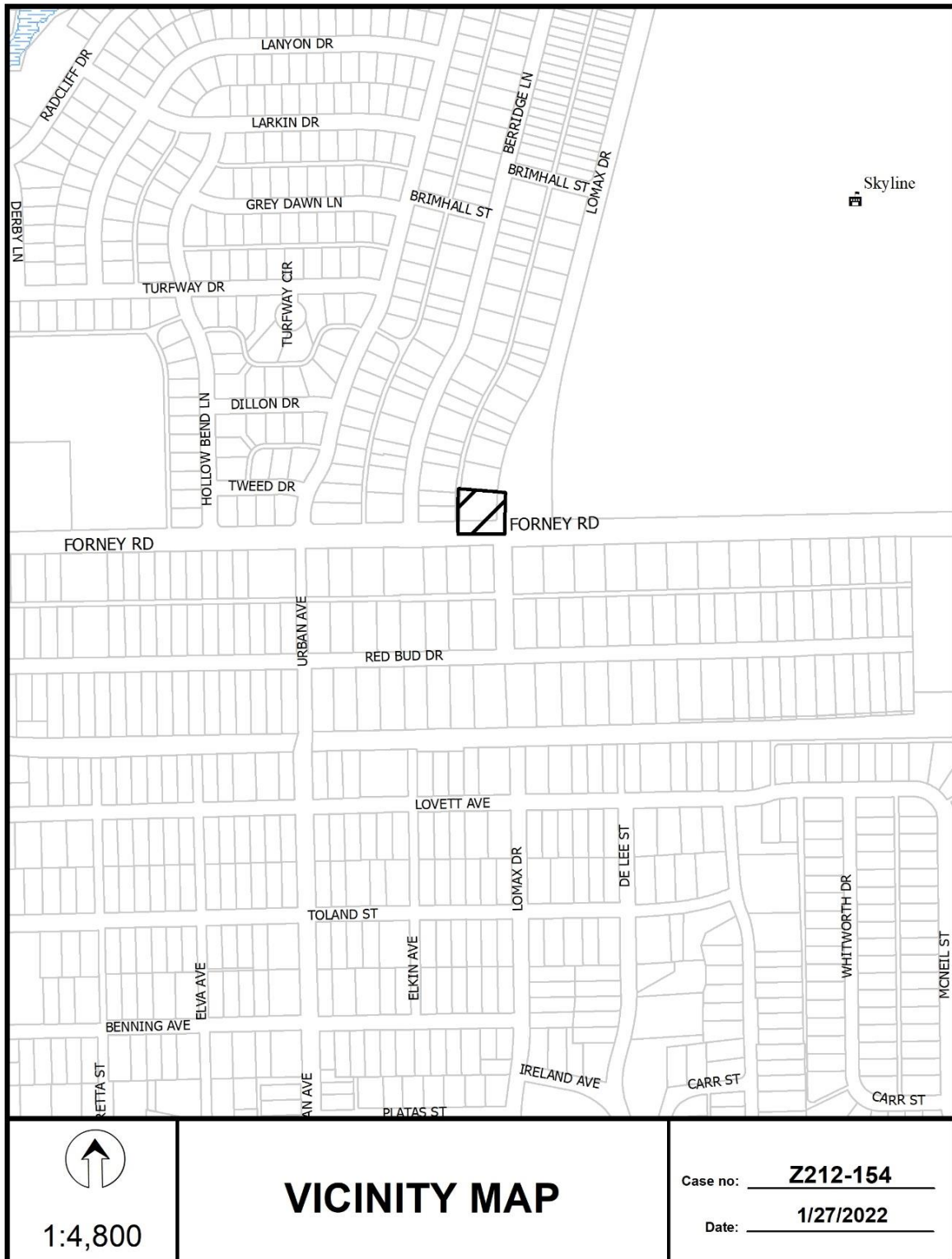
Speakers: For: Lilian Nyahwai, 4703 Lomax, Dr., Dallas, TX, 75227
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a foster home.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

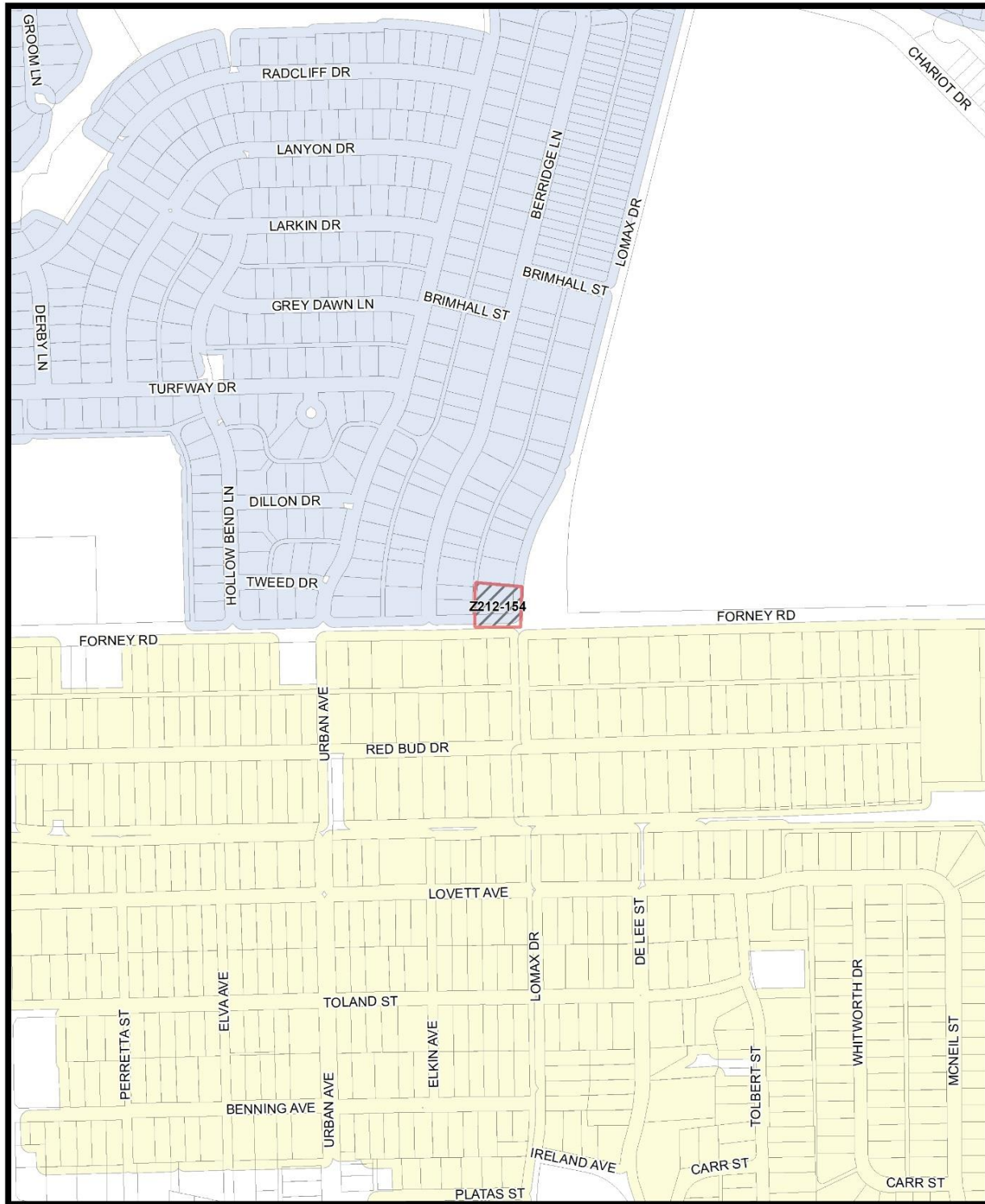
CPC RECOMMENDED SITE PLAN











Market Value Analysis

A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 1/27/2022



<u>21</u>	Property Owners Notified (22 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>3/24/2022</u>	Date

Z212-154
CPC



1:1,200

03/23/2022

Reply List of Property Owners***Z212-154******21 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4703 LOMAX DR	NYAHWAI LILIAN
	2	7222 FORNEY RD	HINOJOSA BEATRICE F
	3	7314 FORNEY RD	PRINCIPE MARIA L
	4	7310 FORNEY RD	VELARMINIO YOLANDA & MARCIANO FIGUEROA
	5	7322 FORNEY RD	RODRIGUEZ RAYMUNDO
	6	7402 FORNEY RD	RODRIGUEZ RAYMUNDO & GRISELDA
	7	7414 FORNEY RD	RUIZ EMELIA BLAS &
	8	4709 LOMAX DR	Taxpayer at
	9	4715 LOMAX DR	HEADWAY LLC
	10	4719 LOMAX DR	GEBREDINGIL TESFA
	11	4721 LOMAX DR	CARRANZA ROBERTO
	12	4724 BERRIDGE LN	LIU JIAN & YINGXIA HOU
	13	4718 BERRIDGE LN	JENNINGS SEBASTIAN
	14	4720 BERRIDGE LN	TSEGGAY HADDAS
	15	4708 BERRIDGE LN	4708 BERRIDGE LANE LLC
X	16	4706 BERRIDGE LN	VAQUERA RAUL
	17	4704 BERRIDGE LN	WIN CITYSCAPE LLC
	18	4705 BERRIDGE LN	BEST WAY PROPERTIES LLC
	19	4715 BERRIDGE LN	MEDALI INVESTMENT CORP
	20	4717 BERRIDGE LN	VEDDA JUDITH L
	21	7777 FORNEY RD	Dallas ISD



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1016
Z10.

Item #:

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, on the northeast side of C.F. Hawn Freeway, west of North Jim Miller Road

Recommendation of Staff: **Approval** for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions

Recommendation of CPC: **Approval** for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions.

Z212-150(OA)

FILE NUMBER: Z212-150(OA)

DATE FILED: December 17, 2021

LOCATION: Northeast side of C.F. Hawn Freeway, west of North Jim Miller Road

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ±0.5295 acres

CENSUS TRACT: 93.03

APPLICANT/OWNER: Heriberto Miranda “sole owner”

REQUEST: An application for a Specific Use Permit for a vehicle display, sales, and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1.

SUMMARY: The applicant proposes to continue to use the request site for vehicle display, sales, and service.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions.

Planned Development District No. 533:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=533>

BACKGROUND INFORMATION:

- On February 10, 1999, the City Council approved PD No. 533, and covers approximately 239.53 acres. The subject site is located within Subdistrict 3, which allows a commercial motor vehicle parking lot use subject to a Specific Use Permit.
- On October 12, 2009, the City Council approved Specific Use Permit No. 1771 for a vehicle display, sales, and service use for six years with eligibility for automatic renewals for additional three-year periods on the subject property.
- On December 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1771 for a vehicle display, sales, and service use for a three-year period with eligibility for automatic renewals for additional three-year periods. The SUP expired on December 9, 2018.

The applicant is currently pursuing a building permit for the additional structure located on the rear of the property. The permit application is under review with the Development Services Department.

Zoning History:

There has been one zoning request in the surrounding area in the past five years

1. Z178-311: Specific Use Permit No. 1771 for a vehicle, display, sales, and service use, has been automatically renewed for an additional three-year period, pursuant to Section 51A-4219 of Chapter 51A Part II of the Dallas Development Code, of the Dallas City Code, as amended.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
C.F. Hawn Freeway	Highway	±270 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Comprehensive Plan:

The *fowardDallas! 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 1.1.2 Focus on Southern Sector Development Opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.2.4 Focus on Logistics-related jobs for the expansion of employment opportunities, particularly in the Southern Sector.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 533, Subdistrict 3,	Vehicle display, sales, and service
North	R-7.5(A)	Dart Rail and Single family
West	PDD No. 533, Subdistrict 3	Auto service center
South	PDD No. 533, Subdistrict 3	Highway, Vehicle or engine repair, or maintenance
East	PDD No. 533, Subdistrict 3	Vacant

Land Use Compatibility:

The site is adjacent to the DART Light Rail and single family uses to the north; vehicle display, sales, and service to the east; auto-related uses and single family uses to the south (across C.F. Hawn Freeway) and with undeveloped property and an outside storage use to the west. The ±0.5295-acre request site is developed with a ±600-square-foot office, a 2,400-square-foot storage building, and a 1,777-square-foot vehicle display, sales, and service use.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant a SUP for use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Based on staff's analysis of the site, the existing built environment, and the specific detail of the operation in the locations noted on the site and landscape plan, staff has determined the SUP is consistent with the character of the neighborhood and conforms with all respects to all applicable zoning regulations and standards. Staff took into consideration the previous SUP No. 1771 for the same use at this property. Staff recommends approval for five-year period with eligibility for automatic renewal.

Parking:

Pursuant to §51A-4.210(31)(C), a vehicle display, sales, and service use requires one space per 500 square feet of floor area. The site plan includes a 600-square-foot office, a 2,400-square foot storage area, and a 1,777-square-foot display area requiring 10 spaces. Eleven (11) spaces are provided, as shown on the site plan

Landscaping:

Landscaping of any development will be in accordance with PDD No. 533. The applicant has met with the arborist to determine if the site meets the requirements, and the arborist has concluded the revised site and landscape plan complies.

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

strengths or weaknesses. 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 not located within an MVA cluster. However, an H MVA cluster is located to the northeast of the property.

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of a Specific Use Permit for a vehicle display, sales, and service use for a five-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, on the northeast side of C.F. Hawn Freeway, west of North Jim Miller Road.

Maker: Shidid
Second: Hampton
Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung,
Housewright, Gibson, Haqq, Kingston*, Rubin

Against: 0
Absent: 3 - Popken, Anderson, Stanard
Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 18
Replies:	For: 0	Against: 1

Speakers: For: Yamilet Velazquez, 1001 N. Masters Dr., Dallas, TX, 75217
Against: None

CPC Action

February 17, 2022

Motion: In considering an application for a Specific Use Permit for a vehicle display, sales, and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, on the northeast side of C.F. Hawn Freeway, west of North Jim Miller Road, it was moved to hold this case under advisement until March 24, 2022.

Maker: Shidid
Second: Hampton
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson* Shidid,
Carpenter, Jackson, Blair, Jung, Housewright,
Gibson*, Haqq, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 18
Replies:	For: 0	Against: 1

Speakers: None

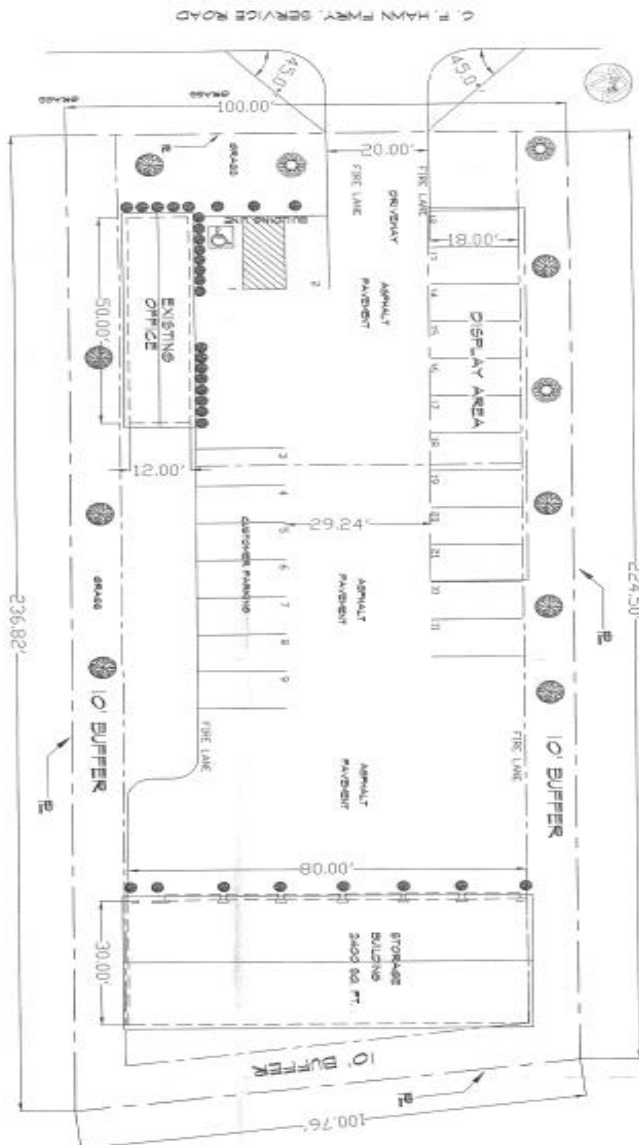
CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is vehicle display, sales, and service.
2. SITE PLAN: The use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use expires on _____ (five years) but is eligible for automatic renewal for additional three-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for an automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan.5.
5. PARKING: Parking must be located as shown on the attached site plan. Vehicle display is limited to the area shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations and with all ordinances, rules, and regulations of the City of Dallas.

**CPC Recommended
Site/Landscape Plan**

PARKING ANALYSIS FOR MIRANDA AUTO SALES			
SPACE	SQ. FT.	PARKING REQUIRED	PARKING PROVIDED
VEHICLE DISPLAY AND SALES	777	1500 ± 4	
OFFICE	600	1500 ± 1	
STORAGE	2400	1500 ± 3	
TOTAL	4777		TOTAL I TOTAL II

SITE PLAN
SCALE: 1" = 40'



APPROVAL
DATE: 06/11/98
BY: [Signature]
SHEA DESIGN & CONSTRUCTION
1001 N. W. 10th St.
Fort Lauderdale, FL 33304

122 686
28829

THIS DRAWING IS THE
PROPERTY OF SHEA DESIGN
& CONSTRUCTION. IT IS TO
BE USED FOR THE PROJECT
ONLY. NO PART OF THIS
DRAWING IS TO BE REPRODUCED
WITHOUT THE WRITTEN
PERMISSION OF
SHEA DESIGN & CONSTRUCTION.

REV.	DATE
1	
2	
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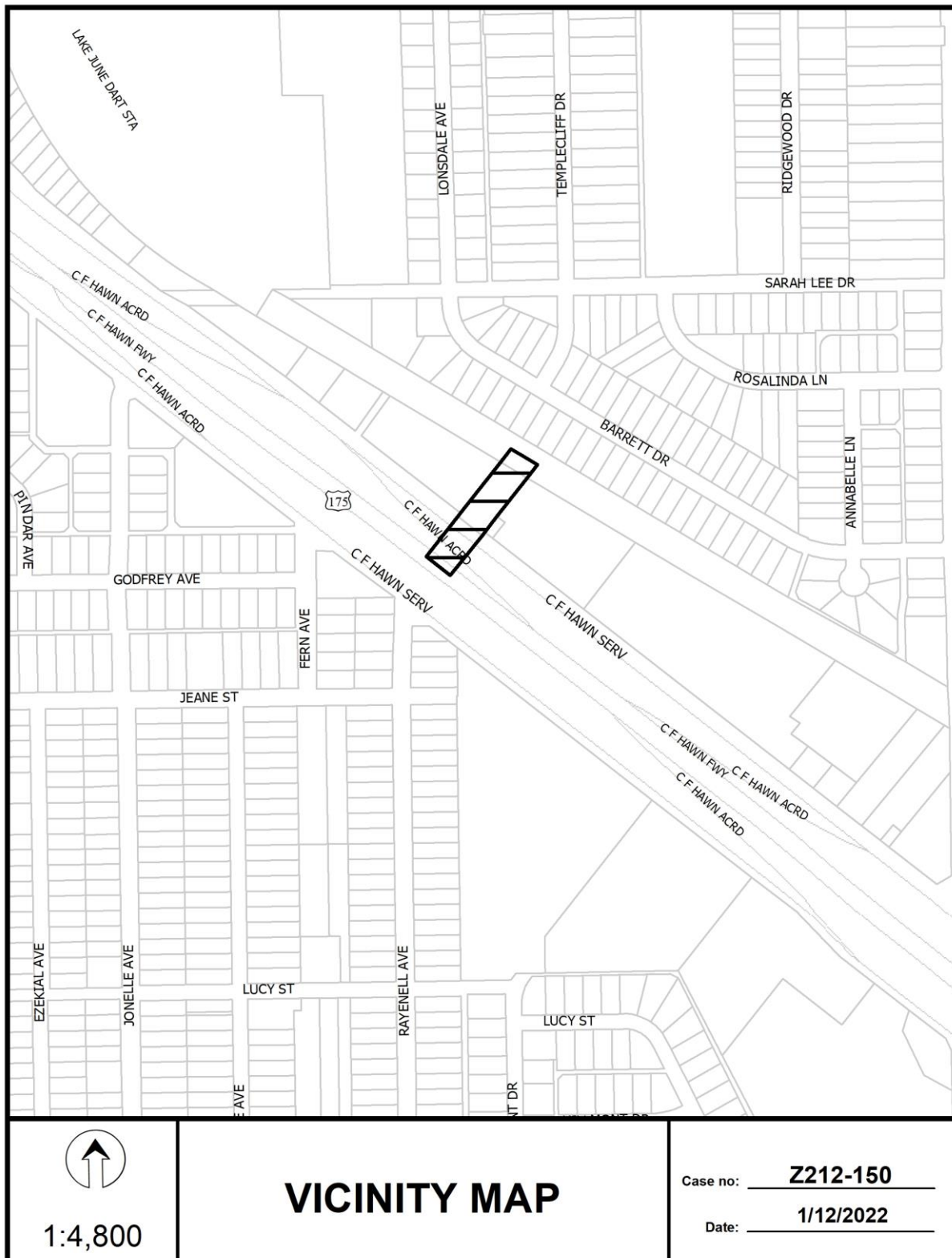
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MIRANDA AUTO SALES
6656 C F HAWN FERRY,
DALLAS, TEXAS
LOT: 3 BLK: 6246

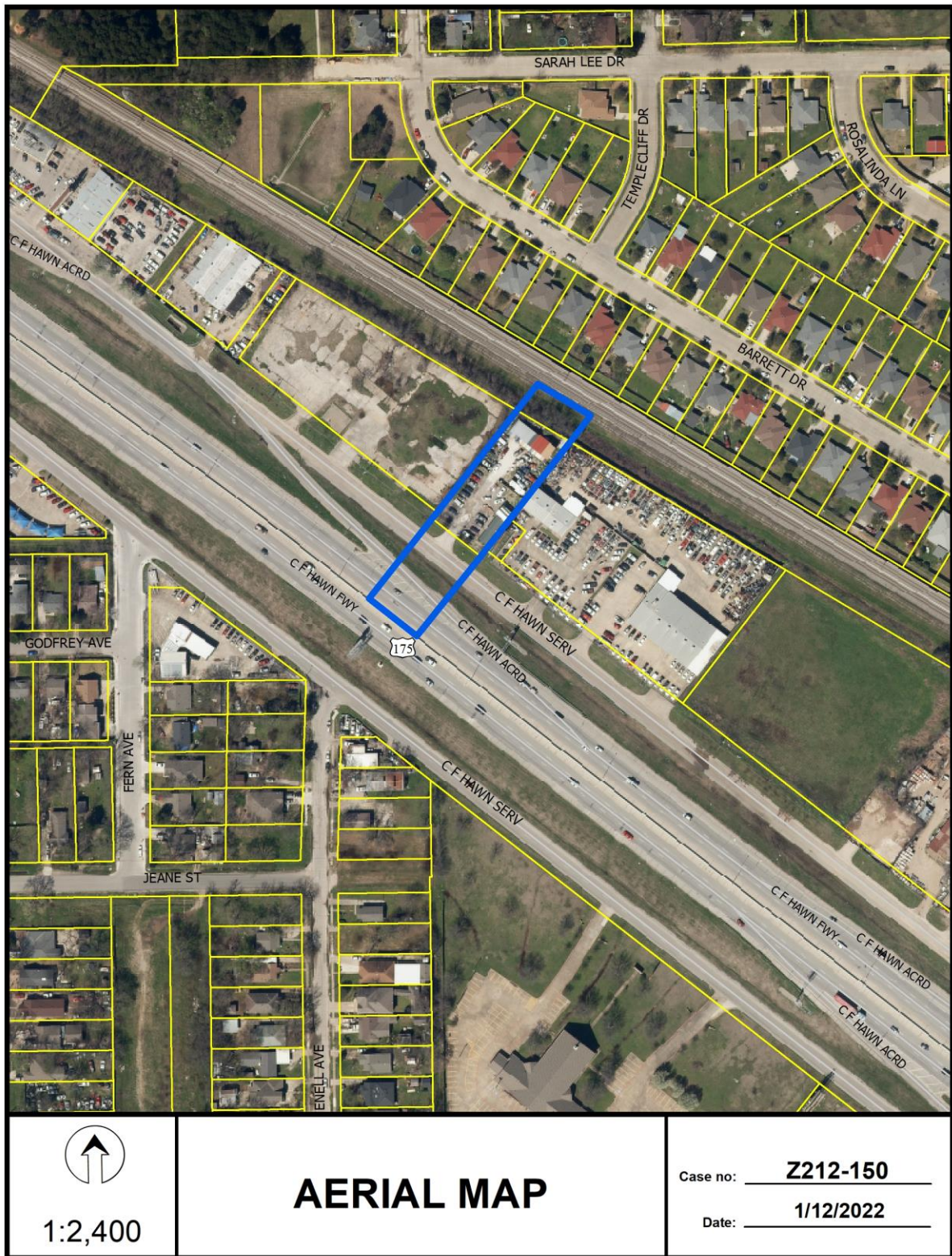
JOHN B. SHEA
OWNER
DATE: 06/11/98
BY: [Signature]
CPC

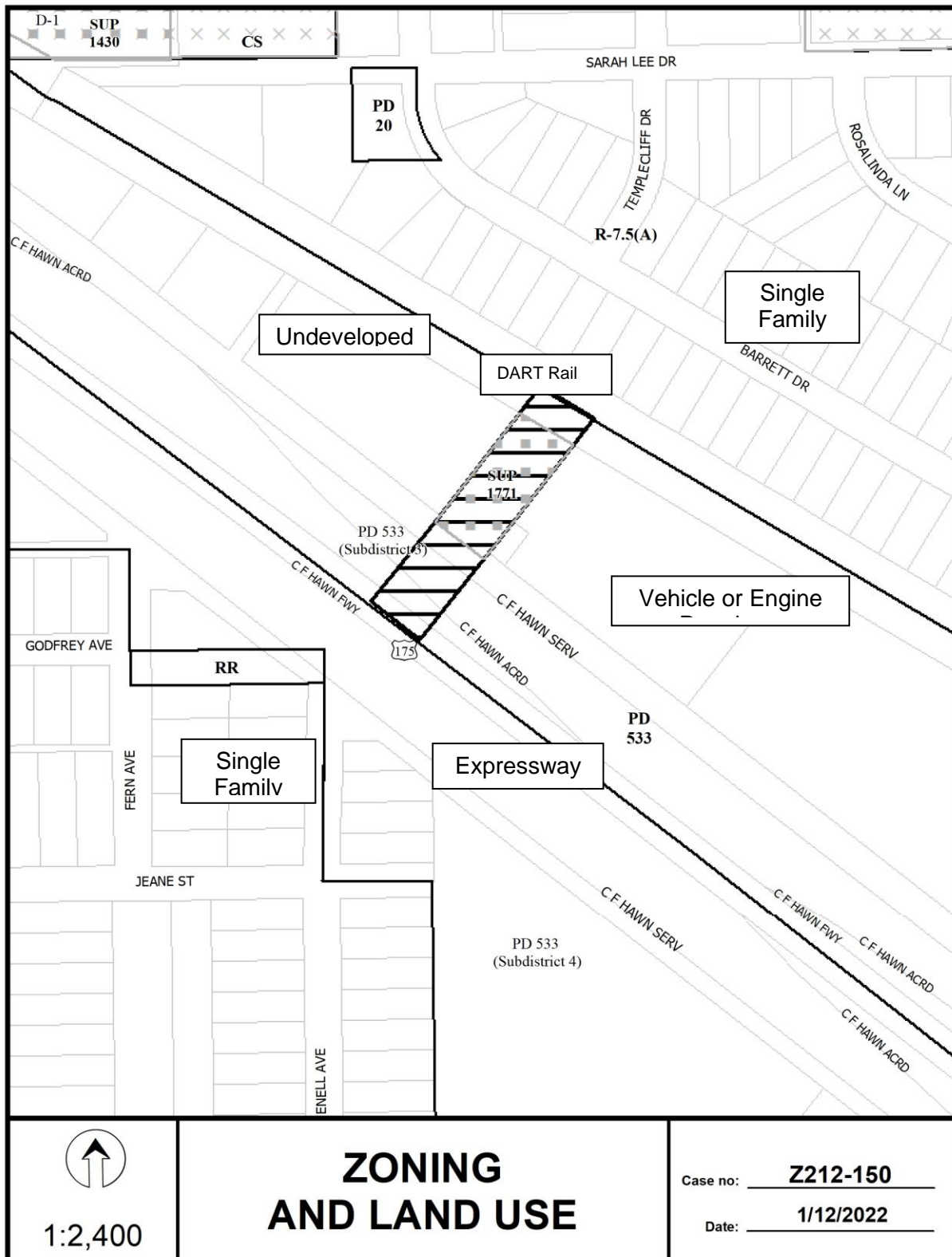
SHEA DESIGN
&
CONSTRUCTION
737 S. RL THORNTON FRWY
DALLAS, TEXAS 75203
CELL (214) 616-7087
FAX (214) 946-1196

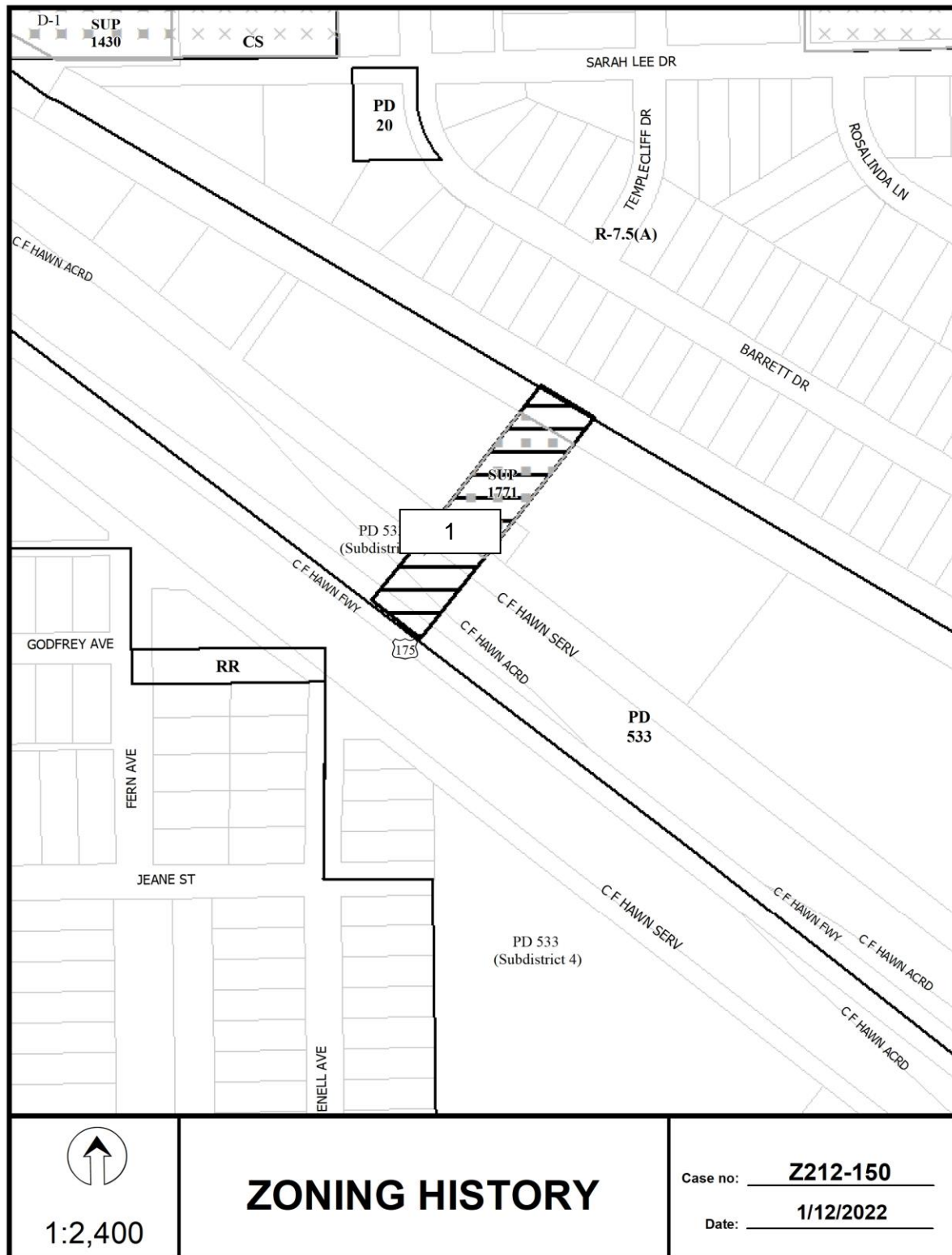
Shea
DESIGN &
CONSTRUCTION

Z212-304











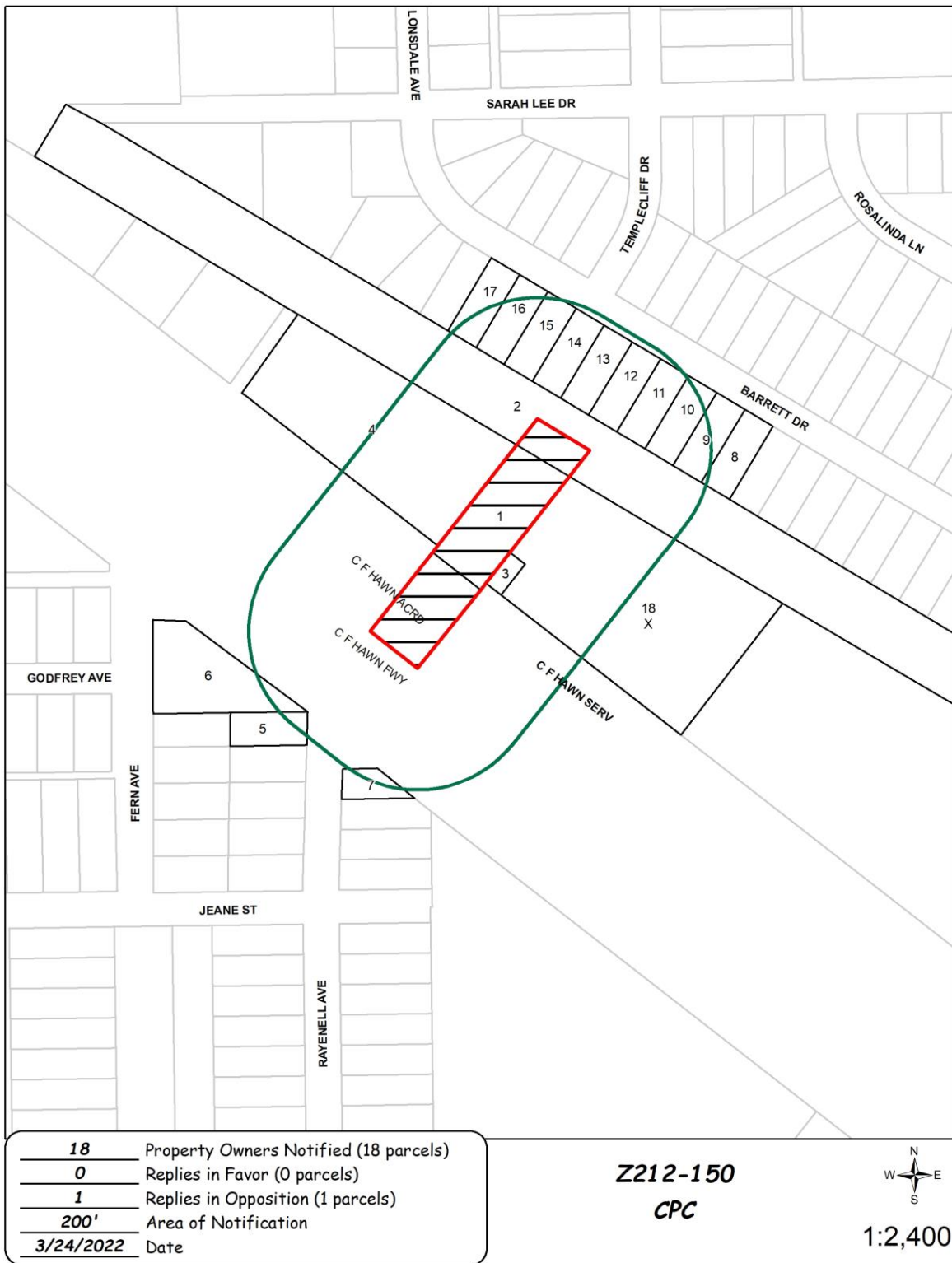
Market Value Analysis A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 1/12/2022



03/23/2022

Reply List of Property Owners***Z212-150******Owners in Favor******18 Property Owners Notified
1 Property Owners Opposed******0 Property***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6636 C F HAWN FWY	MIRANDA HERBERTO
	2	401 S BUCKNER BLVD	DART
	3	6700 C F HAWN FWY	QUALITY PROPERTY
	4	6626 C F HAWN FWY	Taxpayer at
	5	821 RAYENELL AVE	SMITH HUBERT W
	6	826 FERN AVE	INFINITIAUTO LLC
	7	814 RAYENELL AVE	ESTRADA MICHAEL JR
	8	6904 BARRETT DR	VAZQUEZ OSIRIS H
	9	6850 BARRETT DR	PATRICIO NORMA
	10	6846 BARRETT DR	CASTRO RODOLFO H
	11	6842 BARRETT DR	SCOTT MARILYN R
	12	6838 BARRETT DR	QUINTERO ANTONIA
	13	6834 BARRETT DR	ERAZMO SERGIO &
	14	6830 BARRETT DR	BEARD LEON
	15	6826 BARRETT DR	FRAUSTO JOSE GUADALUPE
	16	6822 BARRETT DR	MOLINA NAZARIO U
	17	6818 BARRETT DR	ROMO JUAN
X	18	6768 C F HAWN FWY	USA MUSTANG SPECIALIST



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1015

Item #: Z11.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard

Recommendation of CPC: **Approval** for a two-year period, subject to conditions

Recommendation of Staff: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z201-351(OA)

FILE NUMBER: Z201-351(OA)

DATE FILED:

LOCATION: Southwest corner of Forney Road and South Buckner Boulevard

COUNCIL DISTRICT: 7

SIZE OF REQUEST: ±0.616 acres

CENSUS TRACT: 85.00

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER/APPLICANT: Trispeed Investment, INC.

REQUEST: An application for the renewal of Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue to allow the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on the site.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The 0.616-acre request site is zoned a LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a convenience store containing 2,400 square feet of floor area and a fueling station. The D-1 overlay requires a Specific Use Permit for the sale of alcoholic beverages.
- On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a two-year period at the subject site. On November 10, 2015, the City Council approved the renewal of SUP No. 2052 for a three-year period [Expiration date: November 10, 2018.] Note that SUP No. 2052 expired since a request to renew was never filed.
- On January 8, 2020, the City Council approved Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a two-year period subject to a site plan and conditions on the subject site.

Zoning History:

There have been two zoning cases in the area in the past five years.

1. **Z190-112** On February 26, 2020, City Council approved an application for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. **Z189-217** On January 8, 2020, City Council approved an application for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Buckner Boulevard	Principal Arterial	107 feet
Forney Road	Community Collector	80 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request 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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Surrounding Land Uses:

	Zoning	Land Use
Site	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	General merchandise or food store 3,500 square feet or less, Restaurant drive-through service, motor vehicle fueling station
North	MC-1 with D-1 Liquor Control Overlay	Undeveloped lots and food store with alcohol sales and a fueling station
East	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	industrial type of uses to the east
South	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Vacant Structure
West	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Office and retail uses

Land Use Compatibility:

The approximately 0.616-acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a 2,400 square-foot general merchandise or food store and a motor vehicle fueling station.

On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for a two-year period for the subject site. SUP No. 2052 expired on November 10, 2018. On January 8, 2020, the City Council approved Specific Use Permit No. 2359 for a two-year period. The request for a Specific Use Permit will allow the applicant to continue the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less use.

The adjacent land uses consist of an auto related use and office uses to the west, a large tract of undeveloped land to the north, industrial type of uses to the east, and a general merchandise or food store with alcohol sales and a fueling station to the northeast.

To the south and west there are church uses. Chapter 6 of City of Dallas Development Code for alcoholic beverages establishments specifies that no person may sell alcoholic beverages if the place of business is within 300 feet of a church. The measurement of the distance between the place of business where alcoholic beverages are sold and a church will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The applicant submitted a distance survey that shows a distance of 305.6 feet door to door from the convenience store to the church located to the south, and 533.5 feet door to door from the convenience store to the church located to the west.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. Staff has obtained confirmation that the applicant is in compliance with Chapter 12B and maintains a current registration.

The site has operated without issues in the past two years and complies with the conditions of the SUP. Additionally, the applicant is not requesting any changes to the existing site plan, so operation should continue as it has for the past few years. Staff does not see evidence of detriment to the adjacent properties, and as such recommends approval for two years with eligibility for automatic renewal for an additional five-year period

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area. The development requires 24 spaces with 25 being provided per the attached site plan.

Landscaping:

No new development or expansion is being proposed with this request. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

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. While the subject site is uncategorized, properties located in the general area surrounding the area of request are located within Category "H", to the west and further southeast, and Category E to the northeast.

Police Report:

From January 8, 2020 to November 2021, 1 offense, 5 calls, and 2 arrests were placed to the Dallas Police Department (DPD) record.

Offenses:

Date	Offense	Address
3/22/2020	POSS MARIJUANA <2OZ	4625 S BUCKNER BLVD

Calls:

Response	Problem	Address
1/16/2020	16 - Injured Person	4625 S Buckner Blvd
1/28/2020	6X - Major Dist (Violence)	4625 S Buckner Blvd
2/27/2020	21B - Business Hold Up	4625 S Buckner Blvd
3/9/2020	12B - Business Alarm	4625 S Buckner Blvd
3/17/2020	24 - Abandoned Property	4625 S BUCKNER BLVD

Arrest:

Arrest Date	Address	CRIME
3/22/2020	4625 S BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
3/22/2020	4625 S BUCKNER BLVD	ALL OTHER OFFENSES

LIST OF OFFICERS

Trispeed Investment, Inc.

1. Akram Alzoubi

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2359 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, at the southwest corner of Forney Road and South Buckner Boulevard.

Maker: Rubin
Second: Hampton
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Popken
Vacancy: 2 - District 3, District 7

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
Against: None

**CPC RECOMMENDED
SUP Conditions**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommendation

3. TIME LIMIT: This specific use permit expires on ~~January 8, 2022~~ (two years from the passage of this ordinance).

Staff recommendation

3. TIME LIMIT: This specific use permit expires on ~~January 8, 2022~~ (two years from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

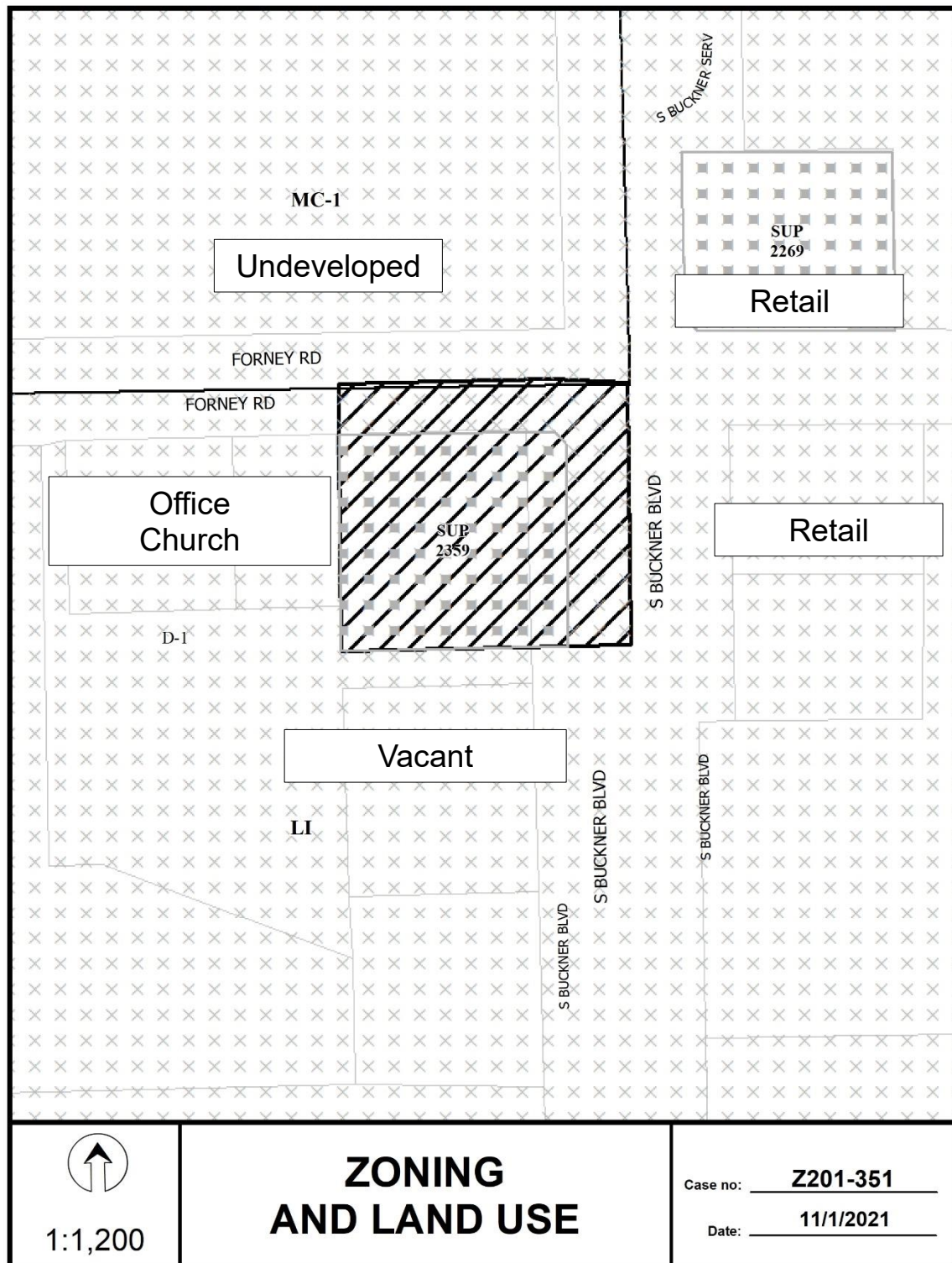
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



200162





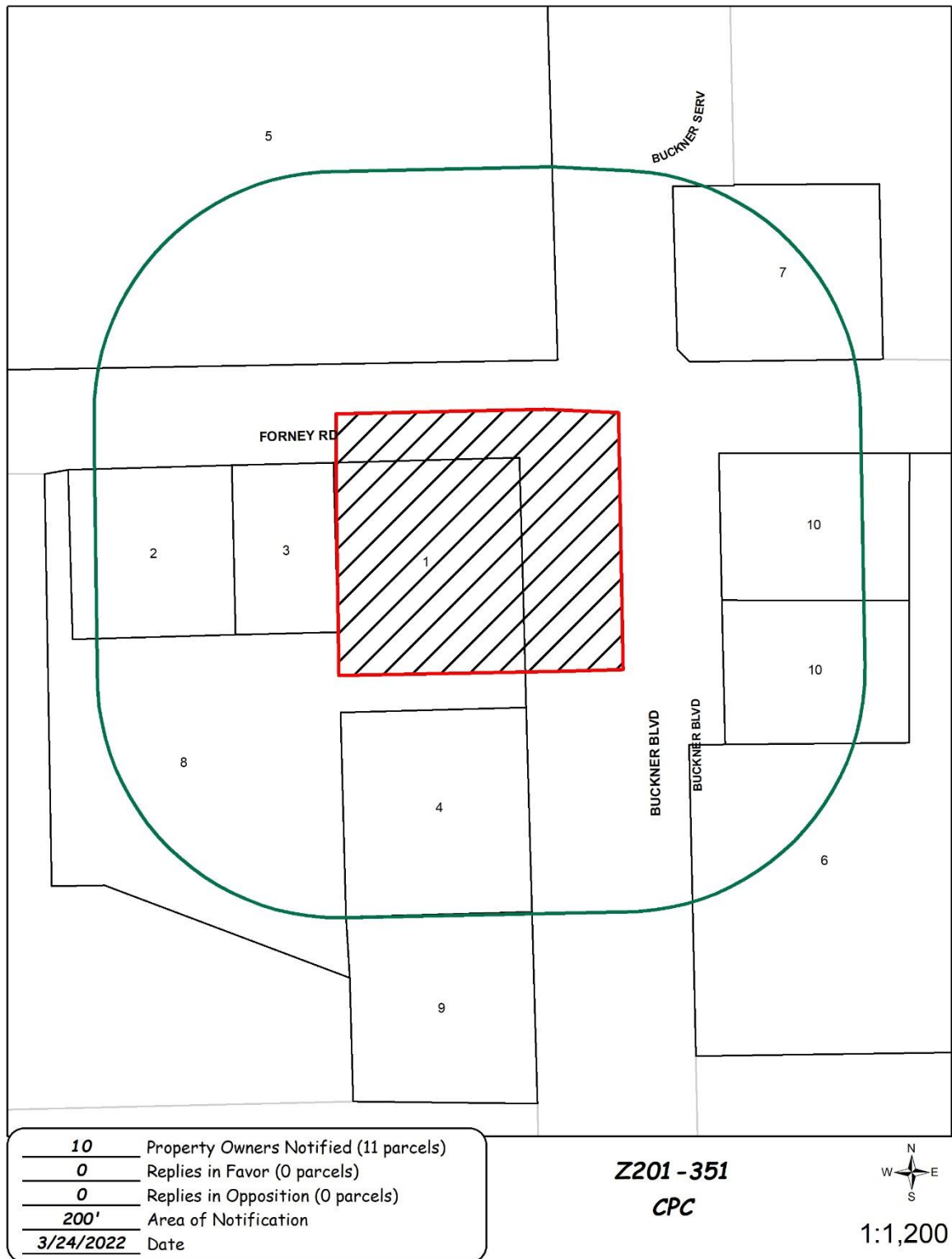




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Market Value Analysis

Printed Date: 11/1/2021



Z201-351(OA)

03/23/2022

Reply List of Property Owners

Z201-351

10 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4625 S BUCKNER BLVD	TRISPEED INVESTMENT INC
	2	8020 FORNEY RD	KINGDOM BUILDERS CHRISTIAN CENTER OF FAITH
	3	8050 FORNEY RD	SIX CONSTRUCT INC
	4	4545 S BUCKNER BLVD	FULL LIFE OUTREACH CENTER
	5	4700 S BUCKNER BLVD	MDJ BUCKNER LLC
	6	4520 S BUCKNER BLVD	WHEEL MART TEXAS INC
	7	4710 S BUCKNER BLVD	BERT & BOB INVESTMENT CO
	8	4617 S BUCKNER BLVD	PRUETT DARYL JEROME
	9	4509 S BUCKNER BLVD	TORRES JOSE IGNACIO
	10	4612 S BUCKNER BLVD	ZAXO GROUP INC



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-692
Z12.

Item #:

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for **(1)** a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within a D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and **(2)** the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District, on the southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road

Recommendation of Staff: Approval of the portion of the area of request currently zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay; and denial of the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District

Recommendation of CPC: **(1)** Denial without prejudice of a CS Commercial Service District; and **(2)** denial without prejudice of the termination of deed restrictions [Z889-170]

Z201-239(RM)

Note: This item was deferred by the City Council before opening public hearings on January 26, 2022, February 9, 2022, and March 9, 2022, and is scheduled for consideration on May 11, 2022

FILE NUMBER: Z201-239(RM) **DATE FILED:** April 19, 2021
LOCATION: Southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road
COUNCIL DISTRICT: 8 **MAPSCO:** 58 Z
SIZE OF REQUEST: Approx. 10.37 acres **CENSUS TRACT:** 116.02

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

OWNER: Progresso Farms, LLC

APPLICANT: JMV Transport Corp.

REQUEST: An application for 1) a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within a D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and 2) the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District.

SUMMARY: The purpose of the request is to develop the site with a freight terminal.

CPC RECOMMENDATION: 1) **Denial without prejudice** of a CS Commercial Service District; and 2) **denial without prejudice** of the termination of deed restrictions [Z889-170]

STAFF RECOMMENDATION: **Approval** of the portion of the area of request currently zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay; and **denial** of the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District.

BACKGROUND INFORMATION:

- The area of request is currently undeveloped. The majority of the area of request was previously used as a manufactured building sales lot.
- The applicant proposes to develop the site with a freight terminal. The site will include a building for offices and truck maintenance, as well as storage of trucks.
- The portion of the request area currently zoned a CS District has deed restrictions that prohibit all uses on the property except mobile home and recreational vehicle sales (Z889-170). The applicant proposes to terminate these deed restrictions as part of the request, as they restrict the proposed development of the property.
- Since the City Plan Commission hearing on November 4, 2021, the applicant has amended their area of request to remove the portion currently zoned an R-7.5(A) Single Family District. In addition to the request for terminating the existing deed restrictions, the applicant has volunteered new deed restrictions that would apply to the amended area of request. These restrictions would require the following:
 - A fence along the western boundary of the amended request area
 - Driveways are prohibited from Big Oaks Drive
 - A low-rise barrier a minimum of six feet from the required fence to prohibit vehicular access to the fence
 - A landscape height that grows to a height of eight feet on the outside of the required fence

Zoning History:

There have been two zoning cases in the area in the past five years.

1. **Z201-171:** On January 14, 2021, an application was submitted for 1) a new subdistrict; and 2) a Specific Use Permit for commercial motor vehicle parking on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay. The application is currently under review by staff.
2. **Z201-244:** On September 2, 2021, City Plan Commission recommend approval of an application for a Specific Use Permit for vehicle or engine repair or maintenance for a three-year period, subject to a site plan and conditions, on property zoned Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay at the northeast corner of San Marino Avenue and Turin Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
C.F. Hawn Freeway	Highway	-
Big Oaks Drive	Local Street	-

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request is consistent with the goals and policies marked with an asterisk (*). The applicant's request may be considered inconsistent with the goals and policies not marked with an asterisk and in *italics*.

LAND USE ELEMENT**GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities. *

ECONOMIC ELEMENT**GOAL 2.1** PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions. *

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector. *

Policy 2.2.4 Focus on logistics related jobs for the expansion of employment opportunities, particularly in the Southern Sector. *

TRANSPORTATION ELEMENT

GOAL 1.1 PROMOTE A VARIETY OF TRANSPORTATION OPTIONS

Policy 4.2.4 Promote the safe and efficient movement of goods. *

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 *Maintain neighborhood scale and character.*

Land Use:

	Zoning	Land Use
Site	Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2; Subdistrict 2 within PD 534 with a D-1 Liquor Control Overlay; R-7.5(A) Single Family District	Undeveloped
North	Subdistrict 1 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay	Auto service center; vehicle display, sales, and service
East	Subdistrict 2A within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay with SUP 1968 for an office showroom/warehouse	Warehouse, office showroom/warehouse
South	R-7.5(A) Single Family District	Single family
West	Subdistrict 3 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2; R-7.5(A) Single Family District	Outside salvage or reclamation, single family, undeveloped

Land Use Compatibility:

The area of request is currently undeveloped. North of the request area across C.F. Hawn Freeway is an auto service center as well as a vehicle display, sales, and service use. To the east is a warehouse, and to the west is an outside salvage or reclamation use. There

are also single family uses to the west of the request area, further away from the freeway. South of the area of request are more single family uses.

The area of request currently has a mix of zoning designations. The majority of the request area that fronts C.F. Hawn Freeway is zoned Subdistrict 2 within PD 534 with a D-1 Overlay. There is also a parcel at the southeast corner of C.F. Hawn Freeway and Big Oaks Drive zoned Subdistrict 2 within PD 534, without a D-1 Overlay.

Immediately south of this parcel along Big Oaks Drive is property zoned a CS District with deed restrictions that prohibit all uses on the property except mobile home and recreational vehicle sales (Z889-170). These existing deed restrictions also prohibit vehicular access to the property from Big Oaks Drive, require an eight-foot solid privacy fence adjacent to Big Oaks Drive, restrict the height of light fixtures and light poles to a maximum of 20 feet, and restrict the height of structures to a maximum of 20 feet. The applicant proposes to terminate these deed restrictions as part of the request, as they restrict the proposed development of the property.

The remainder of the area of request is zoned an R-7.5(A) District. This portion of the request area has substantial tree coverage, as well as existing floodplain in the southwest corner.

The applicant's request is to apply a CS District to the entire area. Staff has several concerns with this request. Staff does not support the rezoning of the portion zoned an R-7.5(A) District because of its adjacency to established residential areas. Staff believes the heavier commercial use would not be compatible with these surrounding residential uses. Additionally, staff does not support the rezoning of any property with frontage on Big Oaks Drive, as this is largely a residential street leading to the existing single-family homes along Royal Drive. While site issues such as tree preservation and floodplain can be addressed at permitting, it is also important to note that the entire area of request has extensive tree vegetation as well as floodplain.

Staff supports the rezoning of the portion of the request area currently zoned Subdistrict 2 within PD 534 with a D-1 Overlay. This portion has direct access to C.F. Hawn Freeway, which is an established truck route that will benefit the applicant's proposed development. Staff's recommendation is also in line with the established land use pattern along this section of C.F. Hawn Freeway, which generally shows more intense commercial development immediately abutting the freeway and less intense residential development further away from the freeway.

The applicant's request also includes the termination of deed restrictions that apply to the portion currently zoned a CS District, which has frontage onto Big Oaks Drive. Among other things, these deed restrictions prohibit all uses on the property except mobile home and recreational vehicle sales and prohibit vehicular access to the property from Big Oaks Drive.

However, staff does not support the applicant's proposed termination of deed restrictions that apply to the portion of the request area currently zoned a CS District because these deed restrictions lie outside the boundaries of the portion of which staff is recommending approval. Staff believes these deed restrictions should remain in effect until such time as this property is developed with uses other than mobile home and recreational vehicle sales.

Development Standards

Following is a comparison table showing differences in the development standards between the existing and proposed zoning districts.

District	Setback		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing 1: PD 534, SD 2	15'	20' adj to res Other: No min	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Commercial and retail uses
Existing 2: R-7.5(A)	25'	5'	1 du/7,500 sf	30'	45%		Single family
Proposed: CS	15' adj to expressway or thoroughfare Other: None	20' adj to res Other: No min	0.75 FAR overall 0.5 office/lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial and business service; supporting retail, personal service, and office

Land Use Comparison

Following is a comparison table showing differences in the permitted uses between the existing and proposed zoning districts.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
★	Consult the use regulations in Section 51A-4.200 or Section 51P-534.107(b) as applicable

Use	Existing		Proposed
	PD 534, SD 2	R-7.5(A)	CS
AGRICULTURAL USES			
Animal production			
Commercial stable			
Crop production		•	•
Private stable			
COMMERCIAL AND BUSINESS SERVICE USES			
Building repair and maintenance shop	S		R
Bus or rail transit vehicle maintenance or storage facility	R		R
Catering service	•		•
Commercial cleaning or laundry plant	R		R
Custom business services	•		•
Custom woodworking, furniture construction, or repair	•		•
Electronics service center	•		•
Job or lithographic printing	R		R
Labor hall	S		S
Machine or welding shop	S		R
Machinery, heavy equipment, or truck sales and services	S		R
Medical or scientific laboratory	S		•
Technical school	•		•
Tool or equipment rental	S		•
Vehicle or engine repair or maintenance	•		R
INDUSTRIAL USES			
Alcoholic beverage manufacturing			
Gas drilling and production		S	S
Gas pipeline compressor station			
Industrial (inside)			

Use	PD 534, SD 2	R-7.5(A)	CS
Industrial (inside) for light manufacturing	•		•
Industrial (outside)			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Municipal waste incinerator			
Organic compost recycling facility			
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant		★	★
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult day care facility	•	S	•
Cemetery or mausoleum		S	S
Child-care facility	•	S	•
Church	•	•	•
College, university, or seminary	•	S	•
Community service center	S	S	S
Convalescent and nursing homes, hospice care, and related institutions			
Convent or monastery		S	•
Foster home		S	
Halfway house			S
Hospital	S		R
Library, art gallery, or museum	•	S	
Public or private school	•	S	★
LODGING USES			
Extended stay hotel or motel			S
Hotel or motel	S		★
Lodging or boarding house			•
Overnight general purpose shelter			★
MISCELLANEOUS USES			
Carnival or circus (temporary)	★	★	★
Hazardous waste management facility			
Placement of fill material			
Temporary construction or sales office	•	•	•
OFFICE USES			
Alternative financial establishment			S
Financial institution without drive-in window	•		•
Financial institution with drive-in window	D		R
Medical clinic or ambulatory surgical center	S		•
Office	•		•

Use	PD 534, SD 2	R-7.5(A)	CS
RECREATION USES			
Country club with private membership	•	S	•
Private recreation center, club, or area	•	S	•
Public park, playground, or golf course	•	•	•
RESIDENTIAL USES			
College dormitory, fraternity, or sorority house			•
Duple			
Group residential facility			
Handicapped group dwelling unit		★	
Manufactured home park, manufactured home subdivision, or campground			
Multifamily			
Residential hotel			
Retirement housing			
Single family		•	
RETAIL AND PERSONAL SERVICE USES			
Ambulance service	R		R
Animal shelter or clinic without outside runs			R
Animal shelter or clinic with outside runs			★
Auto service center	S		R
Business school	•		•
Car wash			R
Commercial amusement (inside)	S		★
Commercial amusement (outside)	S		D
Commercial motor vehicle parking			★
Commercial parking lot or garage	R		R
Convenience store with drive-through			S
Dry cleaning or laundry store	•		•
Furniture store	S		•
General merchandise or food store 3,500 square feet or less	•		•
General merchandise or food store greater than 3,500 square feet	•		•
Home improvement center, lumber, brick or building materials sales yard	R		R
Household equipment and appliance repair			•
Liquefied natural gas fueling station			S
Motor vehicle fueling station	S		•
Nursery, garden shop, or plant sales	•		•
Outside sales			S
Paraphernalia shop			S
Pawn shop			•

Use	PD 534, SD 2	R-7.5(A)	CS
Personal service use	•		•
Restaurant without drive-in or drive-through service	D		R
Restaurant with drive-in or drive-through service	R		D
Surface parking			
Swap or buy shop			S
Taxidermist			•
Temporary retail use	•		•
Theater	•		•
Truck stop			S
Vehicle display, sales, and service	S		R
TRANSPORTATION USES			
Airport or landing field			
Commercial bus station and terminal	D		D
Heliport	S		S
Helistop	S		S
Private street or alley		S	
Railroad passenger station			S
Railroad yard, roundhouse, or shops			
STOL (short take off or landing port)			
Transit passenger shelter	•	★	•
Transit passenger station or transfer center	★	S	★
UTILITY AND PUBLIC SERVICE USES			
Commercial radio or television transmitting station	•		•
Electrical generating plant			
Electrical substation	•	S	•
Local utilities	•	★	★
Police or fire station	•	S	•
Post office	•		•
Radio, television, or microwave tower	S	S	R
Refuse transfer station			
Sanitary landfill			
Sewage treatment plant			
Tower/antenna for cellular communication	•	★	★
Utility or government installation other than listed	S	S	S
Water treatment plant			
WHOLESALE, DISTRIBUTION, AND STORAGE USES			
Auto auction			S
Building mover's temporary storage yard			S
Contractor's maintenance yard			R
Freight terminal			R
Livestock auction pens or sheds			

Use	PD 534, SD 2	R-7.5(A)	CS
Manufactured building sales lot	S		R
Mini-warehouse	S		•
Office showroom/warehouse	S		•
Outside storage			R
Petroleum product storage and wholesale			S
Recycling buy-back center			★
Recycling collection center			★
Recycling drop-off container		★	★
Recycling drop-off for special occasion collection		★	★
Sand, gravel, or earth sales and storage			S
Trade center			•
Vehicle storage lot			S
Warehouse			R

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a freight terminal is one space per 1,000 square feet of floor area. If the applicant proceeds to develop the site with the proposed freight terminal use, they will be required to adhere to this parking ratio.

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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not located within an MVA cluster. To the west and south are “H” MVA clusters. Further north of the request area is an “I” MVA cluster.

Z201-239(RM)

List of Partners/Principals/Officers

Progresso Farms, LLC

David Jasso, President

**CPC ACTION
NOVEMBER 4, 2021**

Motion: It was moved to recommend 1) **denial without prejudice** of a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and 2) **denial without prejudice** of the termination of deed restrictions [Z889-170], on property zoned a CS Commercial Service District, on the southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road.

Maker: Blair
Second: Hampton
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter,
Jackson, Blair, Jung, Suhler, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 3 - District 1, District 3, District 10

Notices: Area: 400 Mailed: 244
Replies: For: 1 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Mayra Velecela, 220 Franklin Rd., Randolph, NJ, 07869
Rudy Cerda, 435 Big Oaks Dr., Dallas, TX, 75217
Freddy Vestal, 379 Jim Jones Rd., Van Alstyne, TX, 75495

Against: None

**CPC ACTION
OCTOBER 7, 2021**

Motion: In considering an application for 1) a CS Commercial Service District on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, partially within D-1 Liquor Control Overlay, and an R-7.5(A) Single Family District; and 2) the termination of deed restrictions [Z889-170] on property zoned a CS Commercial Service District on the southwest line of C.F. Hawn Frontage Road, east of Dowdy Ferry Road, it was moved to **hold** this case under advisement until November 4, 2021.

Maker: Blair
Second: Suhler
Result: Carried: 11 to 0

For: 11 - MacGregor, Shidid, Carpenter*, Jackson, Blair,
Jung, Suhler, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Hampton
Vacancy: 3 - District 3, District 4, District 10

*out of the room, shown voting in favor

Notices:	Area: 400	Mailed: 244
Replies:	For: 0	Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

**APPLICANT'S PROPOSED DEED RESTRICTIONS
(CHANGE SINCE CPC)**

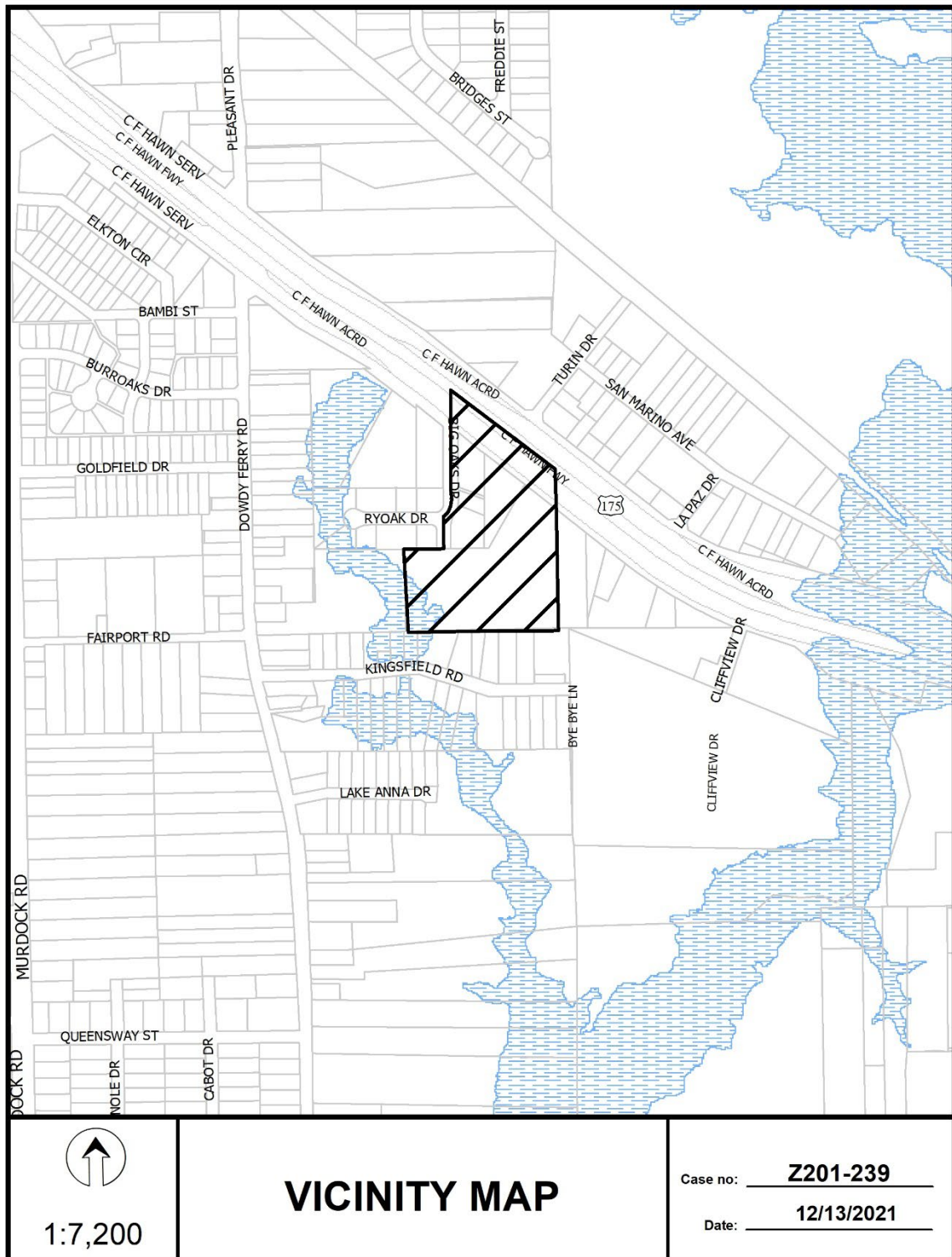
The Owner does hereby impress all of the Property with the following deed restrictions, to wit:

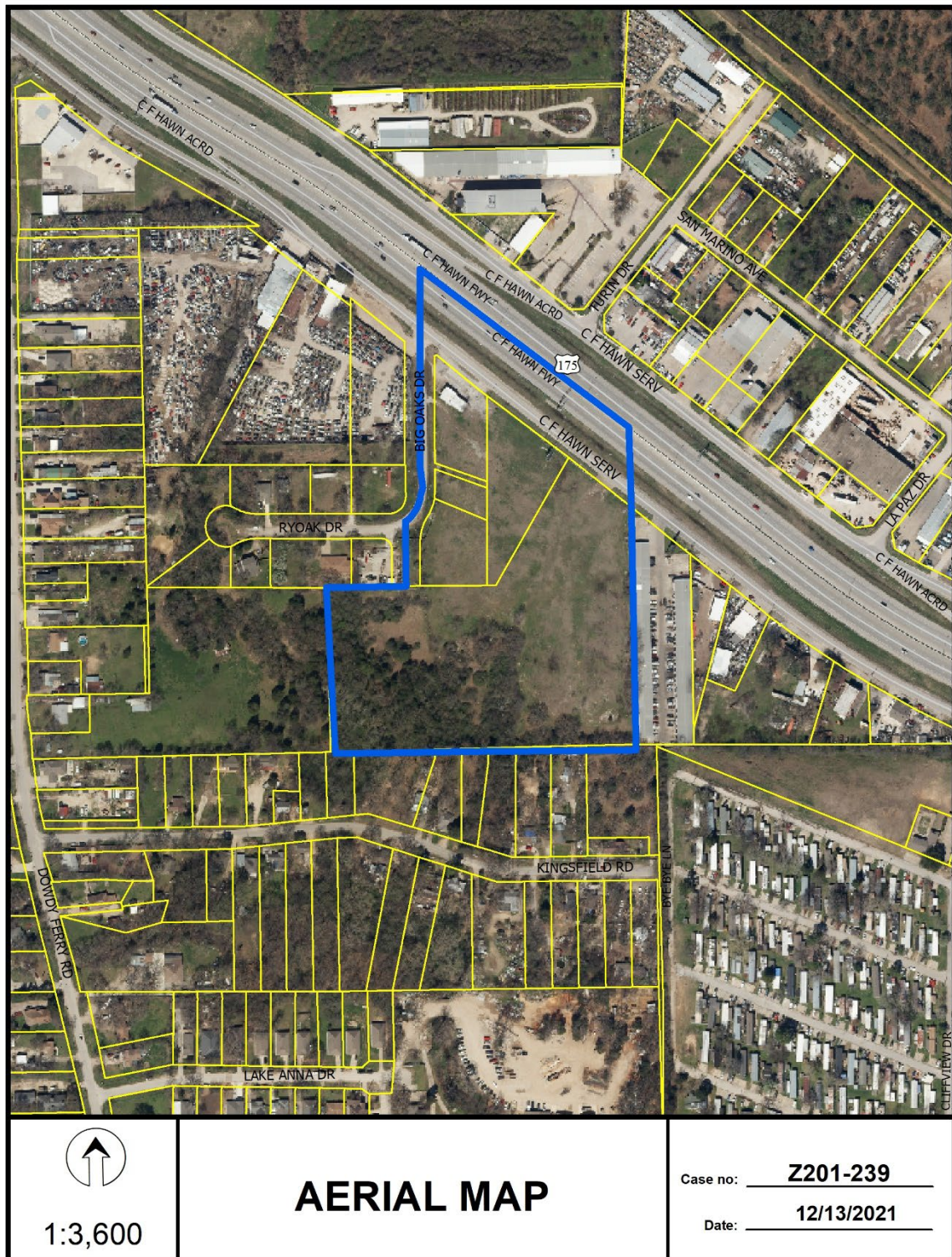
1. A solid metal fence eight feet in height must be built and maintained along the west lines of Lots 1A, 2A, and 3 in Block 1/7872 prior to a certificate of occupancy being issued for any structure on these lots or on the adjacent property to these lots described in Exhibit A. The north end of the fence at C.F. Hawn Service Road must begin at the south end of the required visibility triangle.
2. No driveways to Lots 1A, 2A, or 3 in Block 1/7872 are permitted from Big Oaks Drive.
3. A low-rise barrier must be installed a minimum of six feet from the fences adjacent to single family zoned property. The barrier will serve to keep vehicles from contacting the fences. The barrier will be constructed in all locations that provide for vehicle access to the fence.
4. A hedge consisting of Nellie R. Stevens Holly or Fraser's Photinia or another species of plant material that grows to a height of eight feet must be planted and maintained on the outside of the fence described in Restriction No. 1 above.

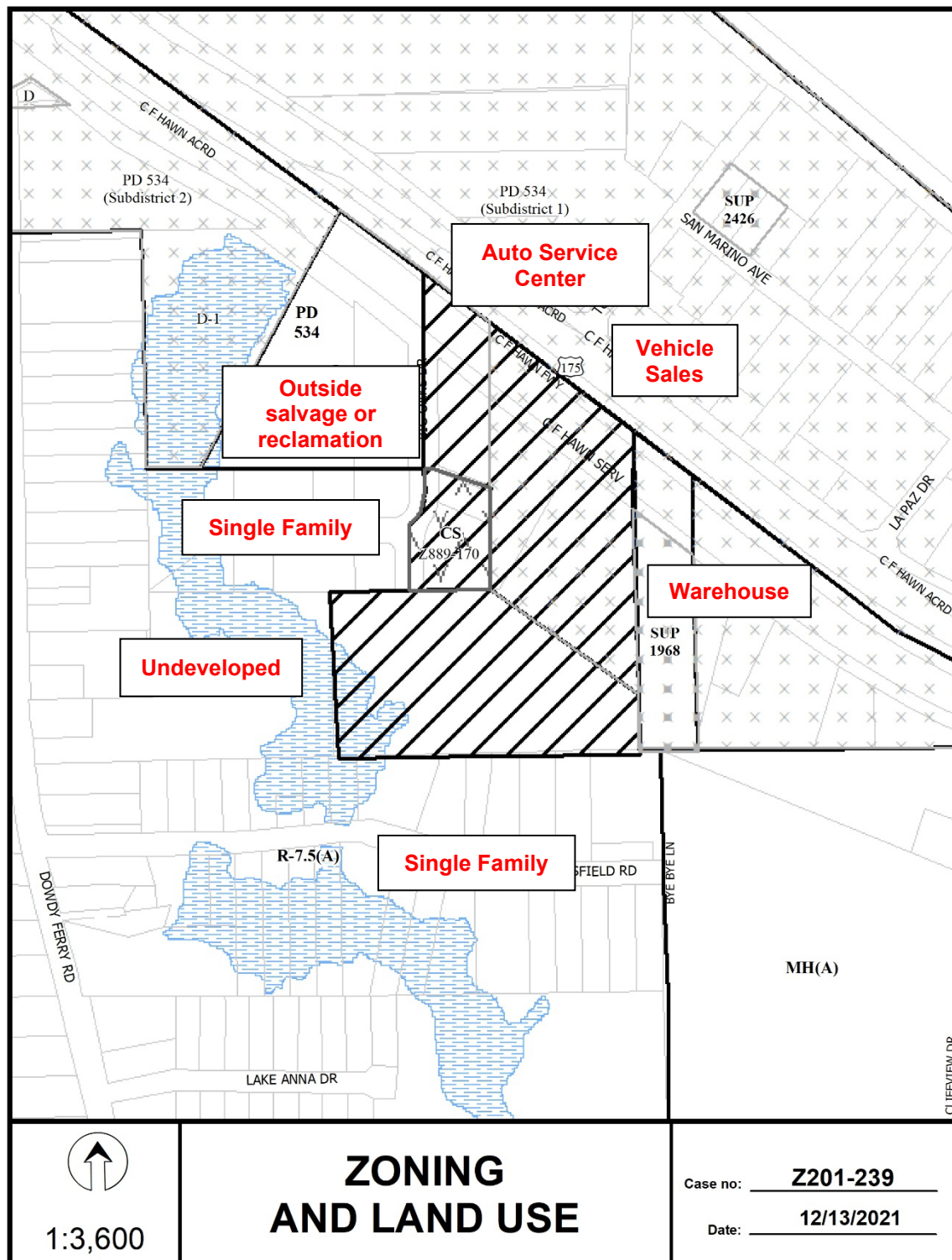
**APPLICANT'S PROPOSED TERMINATION OF
EXISTING DEED RESTRICTIONS [Z889-170]**

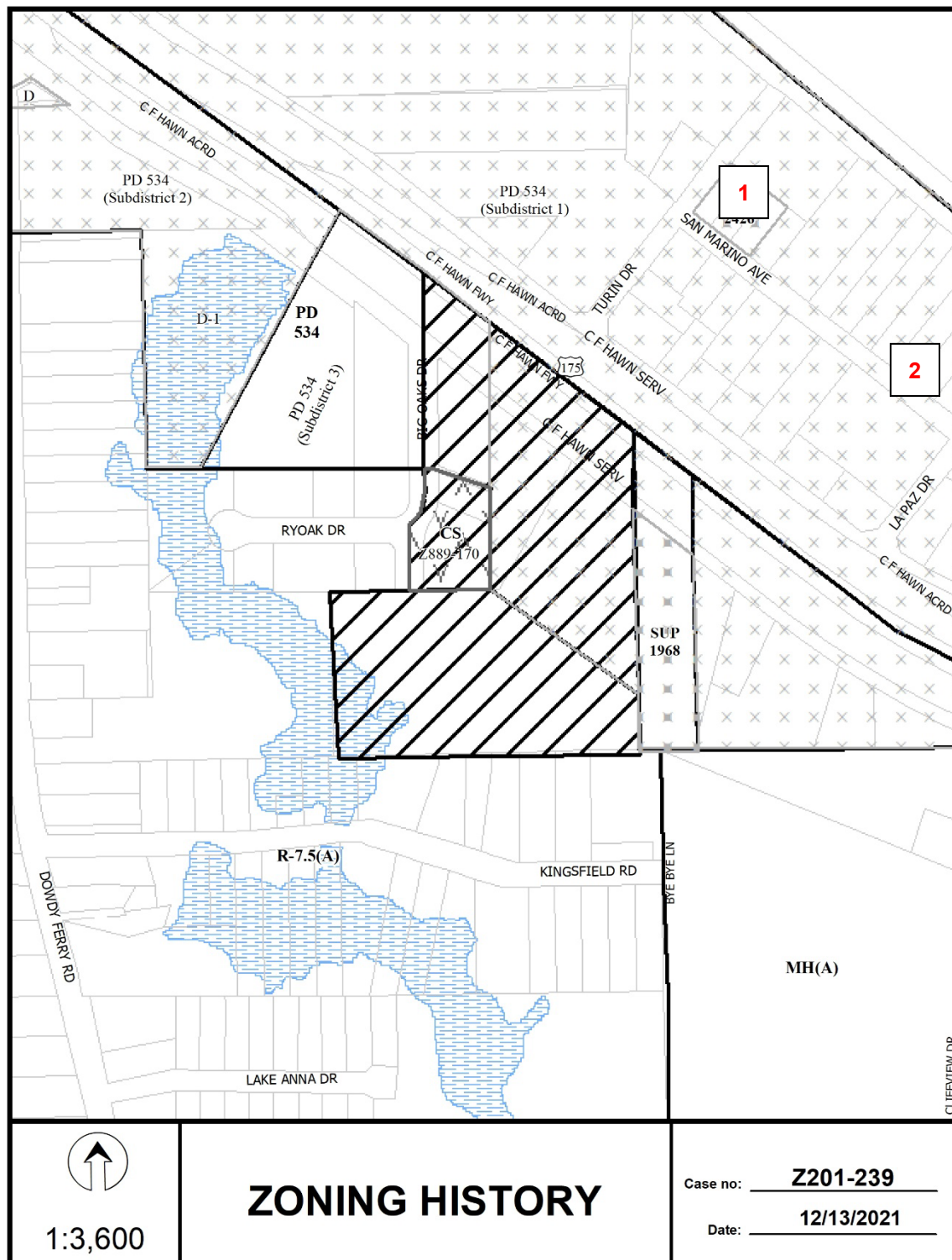
The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

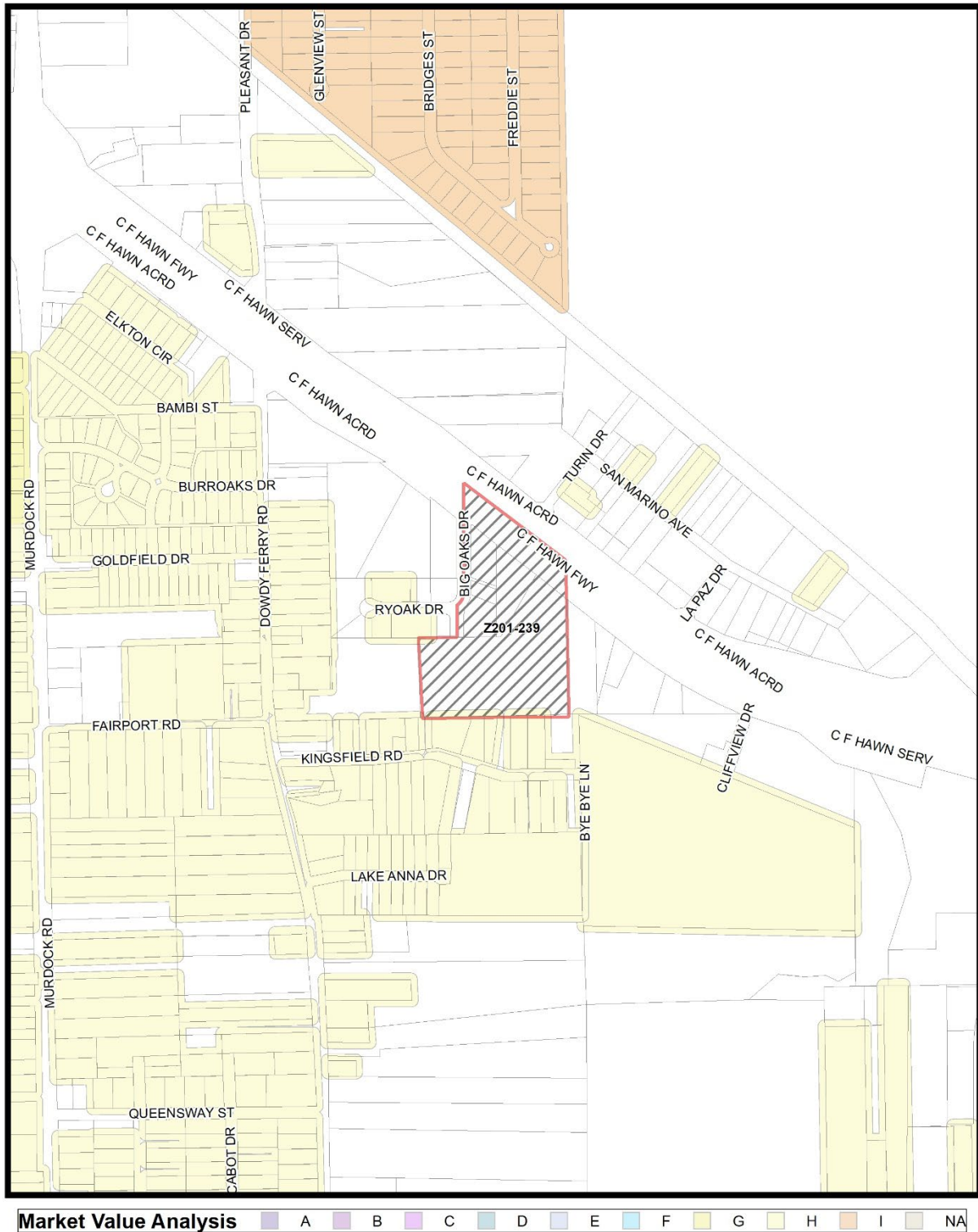
1. All uses except mobile home and recreational vehicle sales are prohibited on the property.
2. Vehicular access to the property from Big Oaks Drive is prohibited.
3. An 8-foot solid wood privacy fence adjacent to Big Oaks Drive must be constructed and maintained.
4. No light fixture or light pole may exceed a height of 20 feet.
5. Structures are restricted to a maximum height of 20 feet.











Market Value Analysis

Printed Date: 12/13/2021



11/03/2021

Reply List of Property Owners***Z201-239******244 Property Owners Notified 1 Property Owner in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8449	KINGSFIELD RD	BELITERE NICHOLAS SR
2	8425	KINGSFIELD RD	SALAZAR MARIA
3	8421	KINGSFIELD RD	CAZARES CASAS LLC
4	8409	KINGSFIELD RD	HUDSON NATALIE &
5	8405	KINGSFIELD RD	FLOWERS BILLY R
6	8357	KINGSFIELD RD	B & B HOME INVESTMENTS LLC
7	8353	KINGSFIELD RD	MALONE MRS DESSIE D
8	8405	C F HAWN FWY	PROGRESO FARMS LLC
9	8505	C F HAWN FWY	REEVES GROUP LTD
10	8360	C F HAWN FWY	HOPKINS STANLEY
11	8508	C F HAWN FWY	DELMARVA LLC
12	8506	SAN MARINO AVE	M G ENTERPRISES CONCRETE
13	120	TURIN DR	BANDA JOSE G &
14	8514	SAN MARINO AVE	ALLBRITTON MARY M
15	8510	SAN MARINO AVE	BANDA JOSE & MARIA
16	8428	C F HAWN FWY	FORD STEPHEN D
17	8524	C F HAWN FWY	HOUSE DEARL
18	8528	C F HAWN FWY	CERVANTES JOSE
19	121	LA PAZ DR	Taxpayer at
20	733	CLIFFVIEW DR	HENDRY ENTERPRISES INC
21	733	CLIFFVIEW DR	MUNOZ, JAZMIN
22	733	CLIFFVIEW DR	MARTINEZ JORGE
23	733	CLIFFVIEW DR	HENDRY AFFORDABLE HOUSING
24	733	CLIFFVIEW DR	RIDGECREST MHP
25	733	CLIFFVIEW DR	ARANDA AUGUSTIN
26	733	CLIFFVIEW DR	ESPINOZA ANTONIA

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	733	CLIFFVIEW DR	MARTINEZ MONICA
28	733	CLIFFVIEW DR	HERNANDEZ ALONDRA
29	733	CLIFFVIEW DR	SANCHEZ, MARTIN A.G.
30	733	CLIFFVIEW DR	RAMOS MARIA
31	733	CLIFFVIEW DR	RUELAS, SANDRA
32	733	CLIFFVIEW DR	LOPEZ HECTOR
33	733	CLIFFVIEW DR	RUIZ NANCY
34	733	CLIFFVIEW DR	VASQUEZ JUVENTINO
35	733	CLIFFVIEW DR	GALARZA JESUS
36	733	CLIFFVIEW DR	ADAME MARIA
37	733	CLIFFVIEW DR	ROJAS DAVID
38	733	CLIFFVIEW DR	ULLOA ISSELDA
39	733	CLIFFVIEW DR	MORALES PORFIRIO
40	733	CLIFFVIEW DR	GARZA TOMAS
41	733	CLIFFVIEW DR	CARRANZA, MATERESITA
42	733	CLIFFVIEW DR	DAGOBERTO MORENO
43	733	CLIFFVIEW DR	LOMELI JOSE
44	733	CLIFFVIEW DR	SANCHEZ, JUAN
45	733	CLIFFVIEW DR	CORTEZ EFREN & OLGA
46	733	CLIFFVIEW DR	RODRIGUEZ, DEMETRIO
47	733	CLIFFVIEW DR	ASTORGA VICTOR
48	733	CLIFFVIEW DR	VELASQUEZ MAGALY
49	733	CLIFFVIEW DR	ALDERETE FLORA
50	733	CLIFFVIEW DR	LICEA CANDIDO
51	733	CLIFFVIEW DR	GUDINO ESMERALDA
52	733	CLIFFVIEW DR	MEDELLIN MARIANA
53	733	CLIFFVIEW DR	MENDEZ JUAN
54	733	CLIFFVIEW DR	GALAN JUANITA
55	733	CLIFFVIEW DR	SOSA, MARIA
56	733	CLIFFVIEW DR	HURRERA LUIS
57	733	CLIFFVIEW DR	VASQUEZ MARIA LOURDES

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	733	CLIFFVIEW DR	VILLAGRAN JOEL
59	733	CLIFFVIEW DR	OLALDE JUAN
60	733	CLIFFVIEW DR	ROMO FERNANDO
61	733	CLIFFVIEW DR	DOMINGUEZ, GUADALUPE H
62	733	CLIFFVIEW DR	GARCIA AMALIO
63	733	CLIFFVIEW DR	SIMON MAURICO
64	733	CLIFFVIEW DR	REZA AMBROSIO
65	733	CLIFFVIEW DR	NINO JOSE C.
66	733	CLIFFVIEW DR	NINO MAURO
67	733	CLIFFVIEW DR	PATRON, LEONARD G
68	733	CLIFFVIEW DR	GUTIERREZ ROSA
69	733	CLIFFVIEW DR	AGUILERA SANTIAGO
70	733	CLIFFVIEW DR	HERNANDEZ PEDRO
71	733	CLIFFVIEW DR	DIAS ENRIQUE
72	733	CLIFFVIEW DR	SALAZAR TOBIAS
73	733	CLIFFVIEW DR	CASTRO, MARGARITA
74	733	CLIFFVIEW DR	GOMEZ, JOSE
75	733	CLIFFVIEW DR	ZUNIGA JAIME
76	733	CLIFFVIEW DR	FRIAS ERNESTO
77	733	CLIFFVIEW DR	ROMO ABEL
78	733	CLIFFVIEW DR	OVALLE JAIME
79	733	CLIFFVIEW DR	LOPEZ JOSE
80	733	CLIFFVIEW DR	MARTINEZ JESUS NOE
81	733	CLIFFVIEW DR	CARRANZA MIGUEL
82	733	CLIFFVIEW DR	MORALES ALMA
83	733	CLIFFVIEW DR	PEREZ WILSON
84	733	CLIFFVIEW DR	MUNOZ JOSE
85	733	CLIFFVIEW DR	PONCE, MARIBEL
86	733	CLIFFVIEW DR	CORTINA, LUCIA
87	733	CLIFFVIEW DR	MALDONADO ALFONSO
88	733	CLIFFVIEW DR	BAILON ANAL

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	733	CLIFFVIEW DR	RODAS, ALMA
90	733	CLIFFVIEW DR	PEREZ JUAN
91	733	CLIFFVIEW DR	RIOS FRANCISCO
92	733	CLIFFVIEW DR	ALVAREZ JOSE
93	733	CLIFFVIEW DR	BARAJAS ALFREDO
94	733	CLIFFVIEW DR	GARCIA JESSICA
95	733	CLIFFVIEW DR	RAMOS JOSE L
96	733	CLIFFVIEW DR	RODRIGUEZ SEVERIANO
97	733	CLIFFVIEW DR	VELAZQUEZ MARIA
98	733	CLIFFVIEW DR	BLAGBURN SANDRA
99	733	CLIFFVIEW DR	CASTRO MARIA
100	733	CLIFFVIEW DR	DELACRUZ UFRANO
101	733	CLIFFVIEW DR	HERNANDEZ GERARDO
102	733	CLIFFVIEW DR	IPINE LORENZO
103	733	CLIFFVIEW DR	RODRIQUEZ CELIA
104	733	CLIFFVIEW DR	DIAZ, PRIMITIVO M
105	733	CLIFFVIEW DR	VILLAGRAN MANUEL
106	733	CLIFFVIEW DR	PADRON CARDENAS VICTOR A & MONTROYA BRENDA
107	733	CLIFFVIEW DR	RIVAS JUAN
108	733	CLIFFVIEW DR	VAZQUEZ CARLOS
109	733	CLIFFVIEW DR	MALDONADO, SILVIA
110	733	CLIFFVIEW DR	MARTINEZ PABLO
111	733	CLIFFVIEW DR	PEREZ EUNICE
112	733	CLIFFVIEW DR	ALVAREZ, ANA
113	733	CLIFFVIEW DR	ZUNIGA MARTHA
114	733	CLIFFVIEW DR	FLORES ROBERT
115	733	CLIFFVIEW DR	GOMEZ JOSE
116	733	CLIFFVIEW DR	PONCE MARIBEL
117	733	CLIFFVIEW DR	PERAZA MARCOS
118	733	CLIFFVIEW DR	LOPEZ MACARIA
119	733	CLIFFVIEW DR	TORRES MANUEL

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	733	CLIFFVIEW DR	PARADA, GUADALUPE
121	733	CLIFFVIEW DR	HENDRY AFFORDABLE HOUSING LP
122	733	CLIFFVIEW DR	FRANCISCO VENCES LOPEZ
123	733	CLIFFVIEW DR	GONSALEZ MARIA
124	733	CLIFFVIEW DR	CHAVEZ, CHRISTAL
125	733	CLIFFVIEW DR	ARGUELLO MARCELA
126	733	CLIFFVIEW DR	ANTONIO ALBA
127	733	CLIFFVIEW DR	PERALES LORENA
128	733	CLIFFVIEW DR	RAMIREZ LUIS
129	733	CLIFFVIEW DR	RODRIGUEZ, OSCAR D
130	733	CLIFFVIEW DR	SERVIN AMANCIA
131	733	CLIFFVIEW DR	PEREZ FABIAN
132	733	CLIFFVIEW DR	YANEZ JUAN
133	733	CLIFFVIEW DR	ZAVALA ELIAS
134	733	CLIFFVIEW DR	CORTEZ, JUAN
135	733	CLIFFVIEW DR	DIXON JOHN L
136	733	CLIFFVIEW DR	HERNANDEZ ZAIDA
137	733	CLIFFVIEW DR	GARZA HERNALA
138	733	CLIFFVIEW DR	ROJAS SAUL
139	733	CLIFFVIEW DR	LOPEZ MONICA
140	733	CLIFFVIEW DR	HERNANDEZ ESTELA
141	733	CLIFFVIEW DR	TILERY SHAQUALA
142	733	CLIFFVIEW DR	SALGODO CESAR
143	733	CLIFFVIEW DR	LOPEZ, FABIAN
144	733	CLIFFVIEW DR	RUIZ, JUAN
145	733	CLIFFVIEW DR	MENDOZA ISRAEL
146	733	CLIFFVIEW DR	MULLER MARY
147	733	CLIFFVIEW DR	GONZALEZ, NORMA L
148	733	CLIFFVIEW DR	RODRIGUEZ PATSY
149	733	CLIFFVIEW DR	FRAYRE JESUS
150	733	CLIFFVIEW DR	LOPEZ MARTIN

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	733	CLIFFVIEW DR	LOPEZ MARTIN
152	733	CLIFFVIEW DR	GUADALUP JIMENEZ
153	733	CLIFFVIEW DR	CORDERO SOFIA
154	733	CLIFFVIEW DR	VARGAS, JOSE
155	733	CLIFFVIEW DR	YANEZ JUAN
156	733	CLIFFVIEW DR	ROMO JOSE
157	733	CLIFFVIEW DR	GARZA RUTH S.
158	733	CLIFFVIEW DR	MORIN MARTIN
159	733	CLIFFVIEW DR	VALENSIANA HORACIO
160	733	CLIFFVIEW DR	HERNANDEZ APOLINAR
161	733	CLIFFVIEW DR	OVALLE, MARTHA
162	733	CLIFFVIEW DR	NAVARRO ROMUALDA
163	733	CLIFFVIEW DR	FLORES, SANDRA
164	733	CLIFFVIEW DR	GONZALEZ ALICIA
165	733	CLIFFVIEW DR	ROMO TEODORO M
166	733	CLIFFVIEW DR	ROMO ANTONIO
167	733	CLIFFVIEW DR	MARTINEZ ANN
168	733	CLIFFVIEW DR	MIRIAM RODRIGUEZ
169	733	CLIFFVIEW DR	YALDIVIA FRANCISO
170	733	CLIFFVIEW DR	PEREZ JOSE
171	733	CLIFFVIEW DR	SANCHEZ EDUARDO G
172	733	CLIFFVIEW DR	CABRERA JONATHAN
173	733	CLIFFVIEW DR	GONZALEZ HUMBERTO
174	733	CLIFFVIEW DR	REYES MARICELA
175	733	CLIFFVIEW DR	AGUILAR FRANCISCO
176	733	CLIFFVIEW DR	MARTINEZ VICENTE
177	733	CLIFFVIEW DR	ROGELIO AUILA
178	733	CLIFFVIEW DR	LOPEZ, EDUARDO
179	733	CLIFFVIEW DR	MACIAS GILBERTO
180	733	CLIFFVIEW DR	BARAJAS YSIDRO
181	733	CLIFFVIEW DR	CRUZ MARIA GUADALUPE

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	733	CLIFFVIEW DR	HERNANDEZ, PRIMITIVO C
183	733	CLIFFVIEW DR	ESQUIVEL CYNTHIA R
184	733	CLIFFVIEW DR	JAIRO BENITO REYES
185	733	CLIFFVIEW DR	PEREZ MARCELINO
186	733	CLIFFVIEW DR	MARTINEZ MARIA
187	733	CLIFFVIEW DR	RUIZ JOSE
188	733	CLIFFVIEW DR	GARCIA LEONARD
189	733	CLIFFVIEW DR	JASSO PEDRO
190	733	CLIFFVIEW DR	NEAVE JORGE & RAMONA
191	733	CLIFFVIEW DR	ZUNIGA DERMIN DE JESUS
192	733	CLIFFVIEW DR	MENDOZA, MANUEL
193	733	CLIFFVIEW DR	ROMO JAVIER
194	733	CLIFFVIEW DR	PADILLA, ROSA
195	733	CLIFFVIEW DR	SOLIS, JULIO A
196	733	CLIFFVIEW DR	MARTINEZ CLEMENTE E
197	733	CLIFFVIEW DR	OCURA MARIA D
198	733	CLIFFVIEW DR	MARTINEZ ENRIQUE
199	733	CLIFFVIEW DR	SOTO CARLOS
200	733	CLIFFVIEW DR	BADILLO RAMON
201	733	CLIFFVIEW DR	MALDONADO ARNULFO
202	733	CLIFFVIEW DR	GALAN SUSAN C
203	733	CLIFFVIEW DR	PERAZA EDGAR
204	733	CLIFFVIEW DR	LLANAS MARIO
205	733	CLIFFVIEW DR	TAPIA JUANA
206	733	CLIFFVIEW DR	REYNA JOHNNY
207	733	CLIFFVIEW DR	ARRONA HUMBERTO
208	733	CLIFFVIEW DR	GAONA, DULCE
209	733	CLIFFVIEW DR	RODRIGUEZ HILDA
210	733	CLIFFVIEW DR	HENDRY AFFORDABLE HOUSING
211	8445	KINGSFIELD RD	HUERTA ROMAN
212	8349	KINGSFIELD RD	Taxpayer at

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	8341 KINGSFIELD RD	Taxpayer at
	214	8339 KINGSFIELD RD	BAHENA TAWRINA A
	215	8337 KINGSFIELD RD	HO JUI HUI
	216	8329 KINGSFIELD RD	FUENTES HERMELINDA RODRIGUEZ &
	217	8322 KINGSFIELD RD	QUINTERO SIDRONIO
	218	8330 KINGSFIELD RD	FLORES JUAN MANUEL
	219	8334 KINGSFIELD RD	MARQUEZ JESUS
	220	8336 KINGSFIELD RD	SANCHEZ JOHNIE &
	221	8346 KINGSFIELD RD	DIAZ SALVADOR SALAZAR &
	222	8354 KINGSFIELD RD	HERRERA FELIX
	223	8404 KINGSFIELD RD	GRANSFOUR PROPERTY LLC
	224	8408 KINGSFIELD RD	LOPEZ ESBEIDA JAIMES
	225	8416 KINGSFIELD RD	Taxpayer at
	226	8424 KINGSFIELD RD	JUAREZ CONRADO & VIRGINIA
	227	8440 KINGSFIELD RD	RAMOS MARTIN GARCIA &
	228	8371 C F HAWN FWY	Taxpayer at
	229	616 DOWDY FERRY RD	EASTERLING LYNNDILL
	230	8200 RYOAK DR	RODRIGUEZ SAUL MENDOZA
	231	8393 C F HAWN FWY	TSEGU RUSOM
	232	435 BIG OAKS DR	CERDA RUDY
	233	8325 RYOAK DR	CUELLAR RODOLFO CERDA &
	234	8309 RYOAK DR	ISELL JIMMY
	235	8310 RYOAK DR	FERMAN SANTOS YENIRA
	236	8324 RYOAK DR	REYES GUSTAVO JUAN &
	237	8330 RYOAK DR	RODRIGUES MARGARITO BELTRAN
	238	8523 C F HAWN FWY	PEREZ MARIA
	239	8525 C F HAWN FWY	MORALES JOSE
	240	8601 C F HAWN FWY	LINDSEY ROBERT ED
	241	110 TURIN DR	DIKEOCHA WILLIAM
	242	8388 C F HAWN FWY	NOVATECH LLC
O	243	8300 RYOAK DR	EASTERLING LYNNDILL &

Z201-239(RM)

11/03/2021

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	8365 C F HAWN FWY	Taxpayer at



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-1020
Z13.

Item #:

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding consideration of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code Chapter 51 and 51A

~~Recommendation of Staff and CPC:~~ **Approval**, as briefed per staff's recommendations

Recommendation of Staff and CPC: **Approval**

~~DCA201-003(LL)~~ DCA212-003(LL)

FILE NUMBER: DCA212-003(LL)

DATE FILED: Fall 2022

LOCATION: Citywide

COUNCIL DISTRICT: All

MAPSCO: All

SIZE OF REQUEST: Citywide

CENSUS TRACT: All

REQUEST: Consideration of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code.

SUMMARY: The proposed code amendments will align the Dallas Development Code Chapter 51A, Article IV Zoning Regulations to support and align with the Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

ZONING ORDINANCE ADVISORY COMMITTEE WEBPAGE:

[Planning & Urban Design Code Amendments \(dallascityhall.com\)](https://dallascityhall.com/planning-urban-design/code-amendments)

CODE AMENDMENT PROJECT WEBPAGE:

[Planning & Urban Design CABatchPlants \(dallascityhall.com\)](https://dallascityhall.com/planning-urban-design/cabatchplants)

BACKGROUND INFORMATION AND PROCESS:

- On November 12, 2021, staff prepared a memo at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee on strategies to effectively address batch plants.
- On January 28, 2022, staff prepared a memo on a phasing approach to address batching plant zoning regulations.
- On February 2, 2022, staff cancelled the February 3, 2022 scheduled Zoning Ordinance Advisory Committee (ZOAC) meeting due to inclement weather.
- On February 10, 2022, at the rescheduled special meeting, staff presented recommendations for temporary concrete and asphalt batching plants as part of Phase I of a two-phased approach to the Zoning Ordinance Advisory Committee (ZOAC).
- On March 3, 2022, staff presented recommendations for permanent concrete and asphalt batching plants as part of Phase I of a two-phased approach to the Zoning Ordinance Advisory Committee (ZOAC). Staff also provided feedback regarding direction from ZOAC for staff to consider as part of the future Phase II recommendations regarding: (1) Consider buffering and spacing of concrete or asphalt batching plants from sensitive land uses, such as residential, schools and parks, and using the Dallas Oil and Gas Drilling ordinance as a resource; (2) Consider requiring an environmental study to determine if the site is suitable for uses other than industrial after the concrete or asphalt batching plant operation ceases and is removed from the site; (3) Clarify and determine how SUP process would impact temporary batch plants not finished by 6-month time frame and how to limit extensions; and (4) Consider requirements for streets and other public infrastructure to be repaired or restored back to original condition from any damages.
- On March 24, 2022, CPC was briefed on the proposed amendments, held a public hearing, and voted to recommend approval, as briefed to City Council.

UPDATES FROM 3/3/2022 ZONING ORDINANCE ADVISORY COMMITTEE (ZOAC) BRIEFING AND PUBLIC HEARING

The following information is intended to provide clarity and additional information in response to direction from ZOAC at the 3/3/2022 Briefing and Public Hearing:

1. Buffering and spacing of concrete or asphalt batching plants from sensitive land uses, such as residential, schools and parks. The Dallas Oil and Gas Drilling ordinance was also suggested as a resource.

Staff will review the Dallas Oil and Gas Drilling Ordinance and continue to review other cities regulations, best management practices, health industry standards and seek public input to determine the appropriate buffer and spacing for Dallas and bring recommendations back to ZOAC as part of Phase II recommendations.

2. Consider requiring an environmental study to determine if the site is suitable for uses other than industrial after the concrete or asphalt batching plant operation ceases and is removed from the site.

Environmental assessments and studies are performed by trained environmental scientists or specialists and are often part of a lengthy and rigorous process required in certain states, such as California and Washington. Staff will review options that may be appropriate for Dallas to consider for language that can be included as part of the conditions for concrete or asphalt batching plants to ensure the site is restored back to its original condition when the operation ceases.

3. How would the Specific Use Permit (SUP) process impact those current temporary concrete or asphalt batching plants that are not finished work on the site by the 6 month temporary time frame and request an extension?

The required SUP process as proposed for Phase I would apply at the time of the effective date of ordinance approval, if approved by City Council for any new applications coming in on or after the effective date and would not be retroactive. The SUP process, including expirations and renewals would remain under the current SUP process. The length of time that the temporary concrete or asphalt batching plant would be allowed to operate would be determined at the time of and through the SUP process and within the parameters of the current temporary time frame of 6 months up to 3 yrs. In the event that the work to be performed is not completed and the applicant seeks an extension of time for the temporary concrete or asphalt batching plant, the applicant will be required to follow the current SUP process. Please see the attached 51A-4.219 Specific Use Permit (SUP) that has been added to the Appendix.

Auto Renewals (Current Process)

As part of an SUP ordinance or ordinance amendment, the City Council may declare that an SUP is eligible for automatic renewal. Under the current SUP process, if the applicant reapplies within 3 to 6 months prior to the expiration date as stated in the SUP for the use, the applicant becomes eligible for auto renewal, unless the SUP states otherwise, i.e. if the SUP states that it is not eligible for auto renewal.

Upon the filing of a complete application for automatic renewal, the director (of Planning & Urban Design – Current Planning) shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice. If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with 51A-4.219, the director shall forward the application to the City Plan Commission and City Council for further action.

The City Plan Commission or City Council may also call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal a SUP's eligibility

for automatic-renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance.

Staff will review options and bring back recommendations for a specified limit on the number of renewals, perhaps conditioned on performance regarding pollution and operating best management practices, as part of Phase II.

4. Requirements for streets and other public infrastructure to be repaired or restored back to original condition from any damages.

Staff will review options, such as performance bonds and other best management practices and bring recommendations forward as part of Phase II.

GENERAL INFORMATION ON TEMPORARY AND PERMANENT CONCRETE OR ASPHALT BATCHING PLANTS:

Currently, temporary concrete or asphalt batching plants are allowed in most of the zoning districts across the City, including residential districts with administrative approval by the Building Official and are approved if limited criteria such as screening and buffering can be met.

In response, Planning and Urban Design staff have initiated a zoning code amendment for concrete batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

Due to the urgency and increasing concerns about concrete or asphalt batching plant applications within the City; particularly with respect to residential adjacency, equitable justice, air quality, water quality and other potentially hazardous pollutant emissions, staff is recommending a two phased approach. A short-term approach (Phase I) as recommended in this report, and a long-term approach (Phase II) that staff will present at a future meeting.

The intent of the short-term approach is to immediately address the issue of the lack of public process for these intensive industrial land uses by removing the administrative and by-right approval process allowed by Code and adding in the Specific Use Permit (SUP) process that will require public hearings and City Plan Commission (CPC) and City Council approval.

Phase II – Long-term approach

A review of concrete or asphalt batching plant and similar industrial land uses will be reassessed for appropriateness and may need further changes to land use categories with

respect to land use intensity, and potential for residential and business adjacency, and other factors contributing to potentially incompatible industrial uses.

This may also include possible additional land use categories for alternative paving materials that are anticipated and encouraged in the future toward achieving CECAP goals.

Phase II, or the longer- term approach will entail a more comprehensive and holistic strategy that staff anticipates will take approximately 4 to 6 months.

Longer- term strategies will include, but not be limited to departmental coordination, including our legal team for consideration of implications on existing land uses with respect to code land use changes, public outreach meetings, meetings with industry and professional organizations, research of local and national cities regulations and best management practices, and external meetings and coordination with state and federal jurisdictions, such as Texas Commission on Environmental Quality (TCEQ).

Longer- term, Zoning Code change strategies may include, but not be limited to:

- ❖ Definitions for categories of land uses.
- ❖ Distances from residential, schools, daycares, parks, and other public spaces, and/or zoning districts other than industrial, or other incompatible uses (measurement from property line, zoning districts and/or structures to be determined).
- ❖ Distances to other concrete batching plants and similar uses, and/or other limits to the number of applications on an annual basis.
- ❖ Time limits or revised time limits for temporary concrete or asphalt batching plants, including renewals.
- ❖ Performance standards or revised standards based on best management practices for stormwater run-off and noxious pollutants and emissions.
- ❖ Standardized signs posted on the property with pertinent information.
- ❖ Additional application information.
- ❖ Additional notification requirements.
- ❖ Curb cuts and other roadway access.
- ❖ Outdoor storage.

Current and Ongoing Status of Concrete or Asphalt Batching Plants in Dallas

There are multiple data sets across different departments for concrete and asphalt batching plants with different data, different time periods and some missing addresses. Staff is continuing to consolidate and clean-up the data. The following status regarding the number of concrete and asphalt batching plants is a current **estimate** of that effort.

An approximately total (record) of Concrete or Asphalt Batching Plants for all years (1978-2021) is 94 [includes temporary, permanent and approved by SUP (1972-2021)]. Of this approximately 94:

Permanent Batch Plants

- 17; 1 of which was cancelled

- 15 of which appear to be operational
- Majority of which are zoned IR and IM

Temporary Batch Plants

- 77
- 45 of which are in the last 10 yrs. (1 of which was cancelled)
- 6 of which are in residential districts [1 TH-3A, 1 MF-3A, 1 A(A), 2 R-7.5(A), 1 R-5(A)]
- Majority of which are zoned PD, IR and IM
- 26 of which appear to be operational
- 7 of which are within the last 3 years; (2 no CO yet – pending inspection)

Batch Plants Approved by SUP

- 27; 3 of which are Asphalt batch plants
- 9 of which are permanent
- 1 of which is expired; 1 of which was terminated; 1 of which was repealed
- 23 of which appear to be operational
- Majority of which are zoned IR and IM

Overview of the Current Status of Concrete or Asphalt Batching Plants in Dallas

- Approx. 94 applications for concrete or asphalt batch plants since 1978
- Approx. 45 applications for temporary batch plants within last 10 yrs.
- Approx. 24 permanent appear operational
- Approx. 27 are by SUP
- Approx. 3 are Asphalt batch plants and all appear operational
- Approx. 53 batch plants (temporary and permanent) appear operational
- Majority of batch plants are zoned PD, IR, and IM

The proposed amendments to Ph. I are expected to remove all new applications for concrete or asphalt batching plants permitted by right or by authorization of the Building Official and only be permitted upon approval of an SUP process with public notification and public input in the coming years.

Overview of Current Div. 51A-4.110-4.117 Residential District Regulations

Div. 51A-4.110-4.117 regulates the land uses for the residential zoning districts and other regulations for land uses. This division regulates and includes the following:

- Purpose of the residential zoning district.
- Main uses permitted in each residential zoning district.
- Uses permitted by-right, by Specific Use Permit (SUP), by special authorization of the Building Official, and other requirements, such as Residential Adjacency Review (RAR), or Development Impact Review (DIR).
- Accessory uses allowed in each residential zoning district.

- Area regulations, and other design standards, including requirements for parking, environmental performance standards, landscape, and additional provisions.

Overview of Current Div. 51A-4.120-4.127 Nonresidential District Regulations

Div. 51A-4.120-4.127 regulates the land uses for the non-residential zoning districts and other regulations for land uses. This division regulates and includes the following:

- Purpose of the non-residential zoning district.
- Main uses permitted in each residential zoning district.
- Uses permitted by-right, by Specific Use Permit (SUP), by special authorization of the building official, and other requirements, such as Residential Adjacency Review (RAR), or Development Impact Review (DIR).
- Accessory uses allowed in each zoning district.
- Area regulations, and other design standards, including requirements for parking, environmental performance standards, landscape, and additional provisions.
- Other regulations, such as residential proximity slope, visual intrusion, garbage collection and mechanical equipment areas, screening surface parking lots from street, and screening side and rear yards from residential districts.

Overview of Use Chart 4.203 Industrial Uses

The Use Charts in Ch. 51A have not been formally adopted by City Council and are meant to serve as a guide. It is necessary to see the text in Ch. 51A for the zoning regulations. Use Chart 51A-4.203 serves as a guide or chart showing the industrial land uses permitted for both the residential zoning districts and the non-residential zoning districts. The industrial use charts show the following:

- The industrial uses permitted for the residential districts and the non-residential districts.
- • - symbol indicates if each of the industrial uses listed in the charts are permitted.
- **S** - symbol indicates if each of the industrial uses listed in the charts are permitted with a Specific Use Permit (SUP).
- **L** - symbol indicates if the use permitted by right is a limited use.
- **D** - symbol indicates if the use permitted is subject to a Development Impact Review (DIR).
- **R** - symbol indicates if the use permitted is subject to Residential Adjacency Review (RAR).
- **Rc** - symbol indicates if the use is permitted as a restricted component in the GO(A) district.
- ★ - symbol indicates to consult the use regulations in Div. 51A-4.200.

(Please see the proposed changes in the Use Charts in the proceeding pages with proposed amendments).

Overview of Sec. 51A-4.203 Industrial Uses

Sec. 51A-4.203 regulates the land uses for the industrial zoning districts and other regulations for land uses. This division regulates and includes the following:

- “Potentially incompatible industrial uses” are permitted by SUP only in the IM (Industrial Manufacturing) district.
- Main uses, activities, operations, and processes that are declared a “potentially incompatible industrial use”.
- Products manufactured by main uses that are declared a “potentially incompatible industrial use.”
- Specific uses and, whether, or not those uses are permitted by right, by SUP, with RAR required or if allowed with special authorization by the building official with additional provisions.
- Definition of the specific use.
- Area regulations, and other design standards, including requirements for parking, environmental performance standards, landscape, and additional provisions, such as a temporary certificate of occupancy.
- Additional provisions for issuance of the temporary certificate of occupancy by the building official, duration that certificate of occupancy is valid, determination for building official to deny the certificate, and when the building official may extend the certificate.
- Additional provisions for whom the temporary certificate of occupancy is issued.

PROPOSED AMENDMENTS TO CHAPTER 51A

The proposed amendments to the sections below in Chapter 51A are intended to address the urgency and increasing concerns of a lack of a public process by adding public notification and input for temporary and permanent concrete or asphalt batching plant applications within the City.

In this first, short-term approach to amending Concrete or Asphalt Batching Plant regulations, staff is recommending the following for CPC consideration and approval of Phase I:

1. Alignment of CECAP goals of ensuring new industries are an appropriate distance away from neighborhoods by:
 - a) Adding the public notification process and public input for temporary concrete or asphalt batching plants in all districts where allowed.
 - b) Removing the administrative approval process for temporary concrete or asphalt batching plants in all districts where allowed.
 - c) Adding the public notification process and public input for permanent concrete or asphalt batching plants in the IM (Industrial Manufacturing) district.

- d) Removing the “by-right” zoning designation for permanent concrete or asphalt batching plants in the IM (Industrial Manufacturing) district.
- e) Adding the public notification process and public input for temporary concrete or asphalt batching plants in the Use Charts for all districts where allowed.
- f) Removing the administrative approval process for temporary concrete or asphalt batching plants in the Use Charts for all districts where allowed.
- g) Adding the public notification process and public input for permanent concrete or asphalt batching plants in the Use Chart for the IM (Industrial Manufacturing) district.
- h) Removing the by-right designation in the IM (Industrial Manufacturing) district for permanent concrete or asphalt batching plants in the Use Chart.

Proposed Amendments

Note: Red [additions] and ~~strikethroughs~~ represent changes from the current ordinance. These changes were included in the 10 Feb 22 ZOAC approval and have not been modified since that meeting.

Division 51A-4.110. Residential District Regulations.

SEC. 51A-4.111. AGRICULTURAL [A(A)] DISTRICT.

...

- (2) Main uses permitted.

...

- (C) Industrial uses.

... -- Temporary concrete or asphalt batching plant. [SUP]

SEC. 51A-4.112. SINGLE FAMILY DISTRICTS.

- (a) R-1ac(A) district.

...

- (2) Main uses permitted.

...

- (C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

- (b) R-1/2ac(A) district.

...

- (2) Main uses permitted.

- ...
- (C) Industrial uses.
- ...
- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]
- ...
- (c) R-16(A) district.
- ...
- (2) Main uses permitted.
- ...
- (C) Industrial uses.
- ...
- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]
- ...
- (d) R-13(A) district.
- ...
- (2) Main uses permitted.
- ...
- (C) Industrial uses.
- ...
- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]
- ...
- (e) R-10(A) district.
- ...
- (2) Main uses permitted.
- ...
- (C) Industrial uses.
- ...
- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]
- ...
- (f) R-7.5(A) district.
- ...
- (2) Main uses permitted.
- ...
- (C) Industrial uses.
- ...
- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(g) R-5(A) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.113. DUPLEX [D(A)] DISTRICT.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.114. TOWNHOUSE [TH-1(A), TH-2(A), and TH-3(A)] DISTRICTS.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.115. CLUSTERED HOUSING (CH) DISTRICT.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.

(a) MF-1(A) and MF-1(SAH) districts.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(b) MF-2(A) and MF-2(SAH) districts.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(c) MF-3(A) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(d) MF-4(A) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.117. MANUFACTURED HOME [MH(A)] DISTRICT.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.121. OFFICE DISTRICTS.

(a) Neighborhood office [NO(A)] district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(b) LO(A) districts (LO-1, LO-2, and LO-3).

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(c) MO(A) districts (MO-1 and MO-2).

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(d) General office [GO(A)] district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.122. RETAIL DISTRICTS.

(a) Neighborhood service [NS(A)] district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(b) Community retail (CR) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(c) Regional retail (RR) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.123. COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS.

(a) Commercial service (CS) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(b) Light industrial (LI) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(c) Industrial/research (IR) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(d) Industrial manufacturing (IM) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Industrial (outside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

SEC. 51A-4.124. CENTRAL AREA DISTRICTS.

(a) CA-1(A) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. [~~By special authorization of the building official.~~ SUP]

...

(b) CA-2(A) district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...
-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.125. MIXED USE DISTRICTS.

...
(d) MU-1 and MU-1(SAH) districts.

...
(2) Main uses permitted.

...
(C) Industrial uses.

...
-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...
(e) MU-2 and MU-2(SAH) districts.

...
(2) Main uses permitted.

...
(C) Industrial uses.

...
-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...
(f) MU-3 and MU-3(SAH) districts.

...
(2) Main uses permitted.

...
(C) Industrial uses.

...
-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.126. MULTIPLE COMMERCIAL DISTRICTS.

...
(d) MC-1 district.

...
(2) Main uses permitted.

...
(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(e) MC-2 district.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

...

(f) MC-3 and MC-4 districts.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.127. URBAN CORRIDOR DISTRICTS.

...

(c) UC districts.

...

(2) Main uses permitted.

...

(C) Industrial uses.

...

-- Temporary concrete or asphalt batching plant. ~~[By special authorization of the building official. SUP]~~

SEC. 51A-4.203. INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

...

(1) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses

...

- Concrete batching
- Asphalt batching

- ...
- (b) Specific uses.
- ...
- (6) Temporary concrete or asphalt batching plant.

...

(B) Districts permitted: ~~Special authorization by the building official is required in accordance with the additional provisions for this use.~~ By SUP only in all districts.

Note: The following language has been included by staff and reviewed by legal to further clarify that an SUP is needed for all temporary concrete or asphalt batching plants.

SEC. 51A-4.203. INDUSTRIAL USES.

- (b) Specific uses.
- ...
- (6) Temporary concrete or asphalt batching plant.
- ...
- (E) Additional provisions:
- (i) ~~[An application for specific use permit must consider if] A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project. The certificate is valid for six months. The building official shall deny the certificate if he determines that~~ on-site fencing, screening, or buffering elements ~~do not~~ provide adequate protection for adjacent property. ~~If the project is not completed within six months, the building official may extend the certificate to complete the project].~~
- (ii) ~~[This use must] A person to whom a temporary certificate of occupancy is issued shall:~~
- (aa) comply with city, state and federal laws at the batching plant site;
- (bb) clear the site of equipment, material and debris upon completion of the project;
- (cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and
- (dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).
- (iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the ~~[specific use permit] temporary certificate of occupancy~~ is issued.
- (iv) ~~Reserved The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties.~~

[Chart 4.203]

Dallas Development Code: Ordinance No. 19455, as amended

		DISTRICTS	Single Family								D/TH	Multifamily								
			A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)	D(A)	TH(1-3)(A)	CH	MF-1(A)	MF-1(SAH)	MF-2(A)	MF-2(SAH)	MF-3(A)	MF-4(A)	MH(A)
4.203	INDUSTRIAL USES		RESIDENTIAL																	
0	Alcoholic beverage manufacturing																			
1	Industrial (inside) not potentially incompatible*																			
1A	Industrial (inside) potentially incompatible*																			
1.1	Industrial (inside) light manufacturing																			
2	Industrial (outside) not potentially incompatible*																			
2A	Industrial (outside) potentially incompatible*																			
2.1	Medical / infectious waste incinerator																			
3	Metal salvage facility																			
3.1	Mining	S																		
3.2	Gas drilling and production	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
3.3	Gas pipeline compressor station																			
4	Municipal waste incinerator																			
4.1	Organic compost recycling facility	S																		
5	Outside salvage or reclamation																			
5.1	Pathological waste incinerator																			
6	Temporary concrete or asphalt batching plant																			
			By special authorization of the building official																	

* See Section 51A-4.203(a) to determine whether the proposed use is "potentially incompatible."

Striking, "~~By special authorization of the building official~~" and adding, **S (SUP)** for R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH(1-3)(A), CH, MF-1(A) and MF-2(A) Residential Districts for subsection 6. Temporary concrete or asphalt batching plant – and adding, **S (SUP)** to R-1ac(A), R-1/2ac(A), MF-2(SAH), MF-3(A), MF-4(A) and MH(A), Residential Districts, Ch. 51A-4.203 Industrial Uses to match the text descriptions of these residential districts in Division 51A-4.110. "Residential District Regulations" that includes this Temporary concrete or asphalt batching plant use and verbiage.

Office				Retail			Com./Ind.				Cntrl.		Mixed Use						Multiple Com.				Urban Cor.				
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3		
NONRESIDENTIAL																											4.203
								Ⓡ	Ⓡ	Ⓡ	S	S															0
								Ⓡ	Ⓡ	Ⓡ																	1
										S																	1A
							●	●	●	●																	1.1
									S	Ⓡ																	2
										S																	2A
									S	S																	2.1
										S																	3
										S																	3.1
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2
										S																	3.3
									S	S																	4
									S	Ⓡ																	4.1
										S																	5
									S	S																	5.1
By special authorization of the building official																											6

Striking, "~~By special authorization of the building official~~" and adding S (SUP) for LI, IR, IM, CA-1(A), CA-2(A), MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) Non-Residential Districts for subsection 6. Temporary concrete or asphalt batching plant - and adding S (SUP) to NO(A), LO(A), MO(A), GO(A), NS(A), CR, RR, UC-1, UC-2 and UC-3, Non-Residential Districts, in Div. 51A-4.120, "Non-Residential District Regulations" that includes this Temporary concrete or asphalt batching plant use and verbiage.

Appendix

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP). [SEC. 51A-4.219. SPECIFIC USE PERMIT \(SUP\). \(amlegal.com\)](#)

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).

(a) General provisions.

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

(2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all zoning regulations and standards.

(4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

(5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.

(6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.

(b) Specific use permit procedure.

(1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.

(2) At the time of applying for an SUP, the applicant shall submit:

(A) a site plan that includes:

(i) the dimensions, bearings, and street frontage of the property;

(ii) the location of buildings, structures, and uses;

(iii) the method of ingress and egress;

(iv) off-street parking and loading arrangements;

(v) screening, lighting, and landscaping, if appropriate;

(vi) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

(vii) any other information the director determines necessary for a complete review of the proposed development; and

(B) a traffic impact analysis if the director determines that the analysis is necessary for a complete review of the impacts of the proposed development.

(3) If the director determines that one or more of the items listed in Paragraph (2) is not necessary to allow for a complete review of the proposed development, he shall waive the requirement that the item(s) be provided.

(3) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the site plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

- (A) alter the basic relationship of the proposed development to adjacent property;
- (B) increase the number of dwelling units shown on the original site plan by more than 10 percent;
- (C) increase the floor area shown on the original site plan by more than five percent or 1,000 square feet, whichever is less;
- (D) increase the height shown on the original site plan;
- (E) decrease the number of off-street parking spaces shown on the original site plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or
- (F) reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original site plan.

For purposes of this paragraph, "original site plan" means the earliest approved site plan that is still in effect, and does not mean a later amended site plan. For example, if a site plan was approved with the specific use permit and then amended through the minor amendment process, the original site plan would be the site plan approved with the specific use permit, not the site plan as amended through the minor amendment process. If, however, the site plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement site plan becomes the original site plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(5) Reserved.

(6) A time limit may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection (c), the applicant shall go through the procedures outlined above in Paragraphs (1) and (2) to renew an SUP.

(7) As a further condition to the granting of an SUP, the city council may require the property owner to participate in cost-sharing for infrastructure improvements that are in part necessitated by the proposed development. In no case, however, shall the property owner be required to pay for more than 50 percent of the cost of improvements located more than 250 feet from the lot.

(8) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the landscape plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

- (A) reduce the perimeter landscape buffer strip shown on the original landscape plan;
- (B) detrimentally affect the original landscape plan's aesthetic function relative to adjacent right-of-way or surrounding property; or
- (C) detrimentally affect the original landscape plan's screening or buffering function.

For purposes of this paragraph, "original landscape plan" means the earliest approved landscape plan that is still in effect, and does not mean a later amended landscape plan. For example, if a landscape plan was approved with the specific use permit and then amended through the minor amendment process, the original landscape plan would be the landscape plan approved with the specific use permit, not the landscape plan as amended through the minor amendment process. If, however, the landscape plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement landscape plan becomes the original landscape plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the

decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(c) Automatic renewals.

(1) As part of an SUP ordinance or ordinance amendment, the city council may declare that an SUP is eligible for automatic renewal pursuant to this subsection. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the director after the 180th day but before the 120th day before the expiration of the current SUP time period. If a fee is required, the application is not considered "filed" until the fee is paid. For more information regarding fees, see Section 51A-1.105.

(2) Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must go through the procedures outlined in Subsection (b).

(3) An application for automatic renewal must be filed with the director on a form furnished by the city for that purpose. As part of the application, the property owner or his representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.

(4) Failure to timely file a complete application required under Paragraph (1) renders the SUP ineligible for automatic renewal. The city council may, however, reinstate an SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(5) Upon the filing of a complete application for automatic renewal, the director shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.

(6) If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the director shall forward the application to the city plan commission and city council for further action. Written protests against an automatic renewal must be filed with the director before 5:00 p.m. of the 21st calendar day after the date the notice is mailed. A protest sent through the mail must be received by the director before the deadline. If the deadline falls on a Saturday, Sunday, or official city holiday, then the protests must be filed before noon of the following working day. To the extent that they do not conflict with this subsection, the provisions of Section 51A-4.701 governing written protests in zoning cases apply to protests filed under this subsection.

(7) After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.

(8) "Further action" as that term is used in Paragraphs (6) and (7) means that the director shall schedule the application for public hearings before both the city plan commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city plan commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.

(9) In connection with an application that has been forwarded to it by the director pursuant to Paragraph (6) or (7), the city council may:

(A) pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or

(B) take no action and thereby allow the SUP to automatically renew as a matter of law.

(10) No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:

(A) the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or

(B) if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.

(11) The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Paragraph (10). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Paragraph (10)].

(12) An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(13) This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance. (Ord. Nos. 19455; 20132; 20496; 22053; 23997; 26270; 26730)

CPC ACTION

March 24, 2022

Motion: It was moved to recommend **approval** of amending permanent and temporary concrete or asphalt batching plant uses, including but not limited to amending potentially incompatible industrial uses, in the Dallas Development Code, subject to staff's and Zoning Ordinance Advisory Committee's recommendations, as briefed.

Maker: Hampton

Second: Blair

Result: Carried: 10 to 0

For: 10 - Hampton, Shidid, Carpenter, Blair, Jung, Housewright,
Gibson*, Haqq, Kingston, Rubin*

Against: 0

Absent: 3 - Popken, Anderson, Stanard

Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

Speakers: For: Kathryn Bazan, 10456 Vinemont St., Dallas, TX, 75218

For (Did not speak): Raul Reyes, 3455 Borger St., Dallas, TX, 75212

Against: None



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 22-887
Z14.

Item #:

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding consideration of amending the Dallas Development Code Division 51A-4.1100 "Mixed Income Housing" to support and align with proposed amendments to the City of Dallas Comprehensive Housing Policy and Dallas City Code Chapter 20A "Fair Housing and Mixed Income Housing."

Recommendation of Staff: Approval

Recommendation of CPC: Approval

Recommendation of Staff: Approval, subject to staff's recommended conditions

Recommendation of CPC: Approval, subject to CPC's recommended conditions

DCA201-008(SD)

FILE NUMBER: DCA201-008(SD)

DATE FILED: Fall 2022

LOCATION: Citywide

COUNCIL DISTRICT: All

MAPSCO: All

SIZE OF REQUEST: Citywide

CENSUS TRACT: All

REQUEST: Consideration of amending the Dallas Development Code Division 51A-4.1100 "Mixed Income Housing" to support and align with the One Dallas Options program within the City of Dallas Comprehensive Housing Policy.

SUMMARY: The proposed amendments to Section 51A-4.1100 "Mixed-Income Housing" include but are not limited to: modifying the applicability standards, adding a new set of development bonuses for mixed income housing; providing for alternate methods of meeting the on-site unit reservation requirement; and making minor amendments for consistency with other sections.

CPC RECOMMENDATION: Approval, subject to CPC's recommended conditions

STAFF RECOMMENDATION: Approval, subject to staff's recommended conditions

ZONING ORDINANCE ADVISORY COMMITTEE WEBPAGE:

<https://dallascityhall.com/departments/pnv/Pages/Code-Amendments.aspx>

CODE AMENDMENT PROJECT WEBPAGE:

<https://dallascityhall.com/departments/pnv/Pages/MIHDB.aspx>

BACKGROUND INFORMATION AND PROCESS:

- On October 21, 2021; November 4, 2021; November 18, 2021; and December 16, 2021, the Zoning Ordinance Advisory Committee (ZOAC) considered amending Chapter 51A-4.1100 of the Dallas Development Code.
- On January 11, 2021; June 8, 2021; and December 14, 2021, the Housing and Homelessness Solutions (HHS) Committee of City Council was briefed on the One Dallas Options program and related amendments to various chapters of city code and the Comprehensive Housing Policy.
- On May 11, 2021 and November 15, 2021, the Housing Policy Task Force was briefed on the One Dallas Options program and related amendments to various chapters of city code and the Comprehensive Housing Policy.
- On December 16, 2021, ZOAC voted to recommend approval of the proposed amendments to City Plan Commission (CPC). In the approval motion, ZOAC directed staff to (1) develop a definition and standards for legacy buildings and (2) consider modifications to incentives for developments within MVA Categories G, H, and I.
- On January 6, 2022 and February 17, 2022, CPC was briefed on the proposed amendments and provided feedback to staff. CPC voted to hold the item until March 3, 2022 with direction to staff to (1) develop an alternative term for “legacy buildings,” (2) clarify the proposed parking reduction for residential uses as compared to nonresidential uses, (3) clarify the proposed amendments related to transit proximity, (4) clarify the proposed amendments to Section 51A-4.1102(e), and (5) include proposed amendments as recommended by ZOAC as well as updated staff recommendations in the next briefing.
- On March 3, 2022, CPC was briefed on the proposed amendments, held a public hearing, and voted to recommend approval to City Council. The proposed amendments below include boxes to indicate staff recommendation and CPC recommendation.

GENERAL INFORMATION ON MIXED INCOME HOUSING DEVELOPMENT BONUS:

On March 27, 2019, City Council approved amendments to Chapter 51A of the Dallas Development Code to allow by-right development bonuses to incentivize new mixed-income multifamily development. These by-right bonuses are available in MF – Multifamily Districts and MU – Mixed Use Districts, specifically MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts. These districts represent approximately 15,000 acres across the city.

Council also approved a new Chapter 20A-II - Mixed Income Housing which outlined requirements for managing mixed income developments approved using the Mixed Income Housing Development Bonus (MIHDB).

The MIHDB is a regulatory framework that trades a parking reduction and additional development rights (height, stories, FAR, density, lot coverage, etc.) for a development reserving a certain percentage of the residential units for households at a certain percentage of the area median family income. For example, in MF-1(A) districts, a developer could build to 51' and 80% lot coverage (rather than 36' and 60% lot coverage) in exchange for reserving 5% of the units for households within a certain income band, such as 61-80% Area Median Family Income (AMFI).

The by-right bonuses in Chapter 51A and the requirements in Chapter 20A-II also provided a framework for new and amended planned development districts (PDs) to offer a base plus a negotiated bonus. Regulatory bonuses and the reserved unit requirements are specified in the PD, along with references to the administrative procedures in Division 51A-4.1100 and by reference the procedures in Chapter 20A-II.

Current and Ongoing Status of Mixed Income Housing in Dallas

A total of thirteen new mixed income multifamily communities are currently under construction or finished and using the bonus, for a total of 3,477 units, 435 of which are reserved dwelling units. Seven more mixed income multifamily communities are in the pre-development phase, totaling 1,772 units, 373 of which are reserved dwelling units. Another handful of zoning cases have been approved recently with a mixed income component and an expectation that the bonus will be used.

In total, the current MIHDB program has more than 5,300 units complete, under construction or in pre-development.

The proposed enhancements to this program are expected to incentivize additional development in the coming years.

Overview of Current Div. 51A-4.1100 Regulations

Div. 51A-4.1100 regulates the development code portion of the MIHDB. Among other things, this division lays out the following items:

- The development bonus period
- Details regarding the permitting process, including minimum units required, phasing, and procedures to obtain a certificate of occupancy
- Development requirements, including requirements related to the unit mix and the finish out of the reserved units
- Design standards, including requirements for pedestrian amenities, fencing, parking locations, sidewalk width, lighting, frontages, and open space requirements

Overview of Chapter 20A

Article 20A-II regulates the fair housing portion of the MIHDB by specifying requirements related to the management of the properties, rental rates, tenancy, and other items related to the residents. Among other things, this article includes the following items:

- Definitions related to income, rent, area median family income, eligible households, voucher requirements, and references to certain federal documents and requirements.
- Procedures related to obtaining a development bonus, including requirements for the restrictive covenant.
- Procedures related to eligibility determination, wait lists, over/under occupancy, income limits, affordable rents, certification of eligibility, tenant selection, marketing, and compliance

ONE DALLAS OPTIONS:

These proposed changes to Chapter 51A are part of a larger initiative supported by the City Manager and staff to create a program called One Dallas Options. This program, essentially an expansion of the existing Mixed Income Housing Development Bonus (MIHDB) program, adds additional incentives to encourage market-rate developers to build mixed income housing or to contribute to a new One Dallas Fund to be used to further the goals of the Comprehensive Housing Policy.

One Dallas Options provides a set of incentives – regulatory and financial – in exchange for on-site provision of reserved dwelling units, land dedication, or a fee paid in lieu of providing the required units.

The regulatory incentives will be incorporated into Chapter 51A. The financial incentives, which do not have a direct relationship to land use, will be incorporated into Chapter 20A – Fair Housing and Mixed Income Housing and into the Comprehensive Housing Policy.

Regulatory Incentives (Chapter 51A-4.1100)

The regulatory incentives proposed to reside in Chapter 51A provide a set of specific increases in development rights.

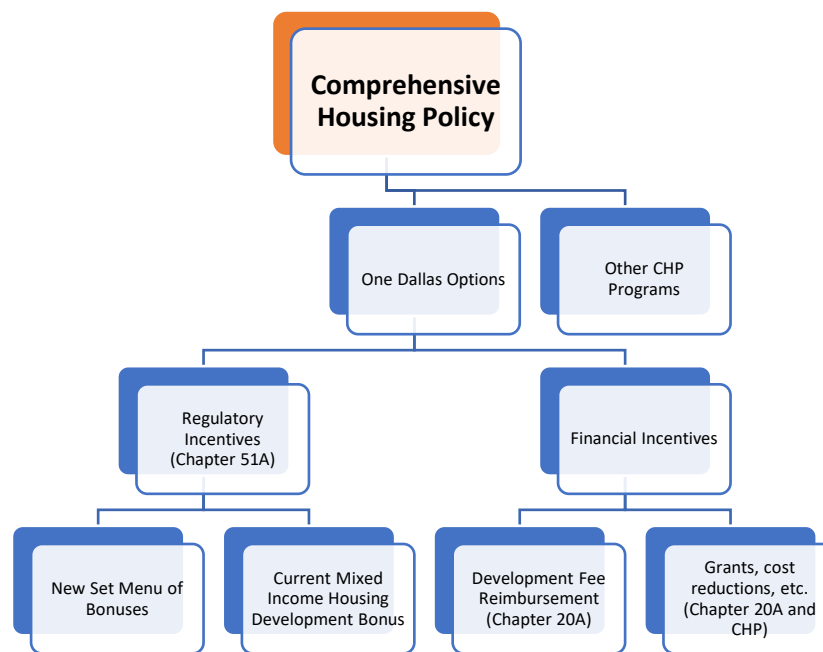
- In the multifamily and mixed use base zoning districts and in existing planned development districts, the existing regulatory bonuses, if any, remain largely unchanged, with the exception of an increased parking reduction to match the reduction approved by ZOAC. In addition, developers will be able to access the financial bonuses and alternative provision options in the new One Dallas Options program.
- New or amended planned development districts that reference the amended Chapter 51A-4.1100 would be able to access a set menu of additional development rights in exchange for a set percentage of reserved units at a variety

of income levels and would also be able to access the financial bonuses in the new program. The specific bonuses are in the proposed amendments below.

Financial Incentives

Participants in the program may apply for financial incentives, including reimbursement of certain development fees. Application would be made through the Department of Housing & Neighborhood Revitalization's standing Notice of Funding Availability process and would be subject to the requirements of the Comprehensive Housing Policy, including Fair Housing review as needed.

The chart below illustrates the relationship between the Comprehensive Housing Policy and the new ***One Dallas Options*** program.



Proposed changes to Chapter 20A

City Council will review proposed changes to regulations in Chapter 20A, including regulations regarding:

- Alternative methods of compliance with the requirements in Div. 51A-4.1100, including fee in lieu and land dedication.
- Financial incentives to encourage on-site development of reserved units
- Enhanced procedures to ensure that developments do not discriminate against voucher holders

Proposed changes to the Comprehensive Housing Policy (CHP) to provide for One Dallas Options and the One Dallas Fund

The CHP will have two program statements, one for the One Dallas Options program itself and a second program statement guiding the use of the fund.

The One Dallas *Options* program statement provides the details of program administration and points to Div. 51A-4.1100 and Art. 20A-II for regulatory language.

The One Dallas *Fund* program statement provides guidance for the use of the fund, including the fund's goals, eligible activities, applicant eligibility, and process for award of funding.

To support the goals of the CHP, the fund will work to attract affordable housing to strong neighborhoods (Market Value Analysis (MVA) Categories A, B, and C), to attract mixed income communities and reduce displacement in gentrifying and transitioning areas (MVA Categories D, E, and F), and to support equitable revitalization in weaker market areas (MVA Categories G, H, and I).

The fund may be used to:

- Create/preserve reserved dwelling units and increase affordability in MVA Categories A, B, and C and rapidly gentrifying D, E, and F
- Support equitable revitalization in D through I:
 - Incentivize new market-rate units in mixed income communities
 - Renovate existing owner-occupied homes and existing affordable apartment communities
 - Build new neighborhood infrastructure, especially in support of home ownership opportunities
- Expand programs in the CHP, including home ownership opportunities such as mortgage assistance
- Administration

The City will use an equity lens to award funding through the City's existing development funding application process in the Department of Housing & Neighborhood Revitalization.

PROPOSED AMENDMENTS TO CHAPTER 51A-4.1100:

The proposed amendments to Chapter 51A-4.1100 "Mixed Income Housing" are intended to implement the goals of the proposed One Dallas Options program. Amendments to Chapter 51A-4.1100 are limited to regulatory items that are governed by the Dallas Development Code, such as density, height, floor-area ratio, and related standards. The regulatory bonuses within the current Mixed Income Housing Development Bonus program will remain largely unchanged and are included in the One Dallas Options program. The items for review include:

1. Alignment of Chapter 51A with One Dallas Options
 - a) Add specific One Dallas bonuses
 - b) Include references to Chapter 20A to allow for alternative methods of meeting the reserved unit requirement, such as dedicating land or paying a fee in lieu of onsite provision.
 - c) Align Chapter 51A with Department of Housing & Neighborhood Revitalization policies for project qualification.
 - d) Amend Mixed Income Housing Development Bonus with additional parking reduction.
2. Minor non-substantive amendments to Chapter 51A-4.1100
 - a) Address method for rounding fractions of a required reserved unit
 - b) Other text amendments and clarifications explained below.

1. Alignment of Chapter 51A with **One Dallas Options**

*a) Add **One Dallas Options** bonuses*

The proposed **One Dallas Options** program includes a set menu of development bonuses that may be accessed by planned development districts that expressly reference compliance with Section 51A-4.1106(j). The use of these new development bonuses replaces the current practice under which a PD contains a unique set of mixed income housing development bonuses. This regulatory **One Dallas Options** bonus scheme is only accessible to Type 3 developments (see below). This menu of options builds in flexibility so that as market conditions change between zoning approval and permit submission, the developer can pick bonuses (and required affordability) from the menu rather than a pre-selected, narrow group of bonuses. As with any PD, during the zoning process limitations on the menu of options could be set if needed, based on land use considerations.

A minimum of one reserved unit or a percentage of the total units (determined by the income tier served), whichever is higher, must be provided in order to access the development bonuses. The bonuses are determined by the MVA category of the development site and the Area Median Family Income (AMFI) Tier for which units are reserved. Again, as with any PD, the minimum number of units could be adjusted during the zoning process based on land use considerations.

The number of reserved units required is calculated based on the total number of dwelling units, after the density bonus is determined, the same as in the current MIHDB.

To incorporate these new bonus categories, staff recommends dividing sites with different zoning classifications into “types.” This is done in order to more clearly delineate between the developments and the bonuses for which they are eligible. This includes amendments to Sections 51A-4.1102 and 51A-4.1106. All three

types are eligible for financial incentives and may access the options for alternative provision.

- Type One developments include those located in MF(A) and MU districts (including those with public deed restrictions and PDs with MF(A) and MU base districts that only modify allowed uses). Type One developments are eligible to receive the current Mixed Income Housing Development Bonus, which remains largely unchanged.
- Type Two developments include those located in planned development districts that include an expressly-stated development bonus for providing mixed income housing. Type Two developments are eligible to receive the regulatory bonus that is provided in their respective PD, but they are not eligible for the menu of bonuses in Sec. 51A-4.1106(j).
- Type Three developments include Planned Development Districts that expressly reference compliance with the proposed One Dallas Options mixed income housing development bonus. Type Three developments are eligible to receive the new One Dallas Options regulatory incentives in Sec. 51A-4.1106(j).

b) Option to pay fee-in-lieu or dedicate land of providing reserved units onsite

This addition allows for a developer proposing a Type One, Two, or Three development to pay a fee in lieu of developing reserved units on- or off-site. This fee would be deposited into the One Dallas Fund, a new restricted fund that will be used by the City of Dallas to provide and preserve affordable housing throughout the City. This fund would be managed by the Department of Housing & Neighborhood Revitalization and would be subject to the One Dallas Fund program statement in the CHP.

The goal of One Dallas Options is to 1) create housing and 2) offer additional options for providing housing at a wide variety of price points. This additional local funding source allows Council to approve unique initiatives with non-profit organizations, for-profit developers, community housing development corporations, houses of worship, and other entities.

There is also an option for a developer to dedicate land for affordable housing construction, with City Council approval.

c) Align Chapter 51A with Department of Housing & Neighborhood Revitalization policies

Several amendments are intended to align the requirements of Chapter 51A with Chapter 20A and Department of Housing & Neighborhood Revitalization policies. A definition of One Dallas Options has been included. In addition to certification of

a site's MVA and reserved dwelling unit verification, property owners must also obtain certified verification of participation in One Dallas. The specific form of verification will be determined by the Department of Housing & Neighborhood Revitalization.

The proposed amendments require that the development register with at least one local provider of housing vouchers and acknowledge that they must pass the providers' inspections. This language strengthens the City's requirement that participants in One Dallas Options shall not discriminate against voucher holders.

d) *Amend by-right Mixed Income Housing Development Bonus with additional parking reduction.*

Recent utilization studies show that the current by-right MIHDB requirement of 1.25 spaces per unit, while a reduction from the parking requirements in Sec. 51A-4.209, is still higher than documented parking utilization rates in all but the most suburban multifamily developments. Given the ongoing housing supply crisis, the proposed Development Code amendment of requiring a minimum of 0.5 spaces per unit regardless of transit proximity prioritizes the provision of housing over potentially excess parking. With this reduction in minimum parking requirements, developers would continue to be allowed to build as much parking as their analysis determines the development would need; it just would end the City's current requirement that mixed income multifamily developers provide more parking than necessary.

At the March 3, 2022 meeting, CPC recommended approval of a minimum of one space per unit (or 0.5 spaces per unit for developments with transit proximity as defined in Section 51A-4.1100). Based on recent utilization studies, staff continues to recommend a minimum of 0.5 spaces per unit without regard for location.

2. Minor non-substantive amendments to Chapter 51A-4.1100

The proposed amendments also include several clarifying amendments, including:

- A path forward for developments in MF and MU districts that propose to use the bonus but that have public deed restrictions
- A definition of a legacy building and associated language related to design requirements
- Clarification of required elements in the building permit application to include square footage counts
- Clarification that parking requirements are the lesser of this division requirement or the base requirement of Chapter 51A, as amended.
- Fractions of a reserved dwelling unit will be rounded up
- Clarification that the dispersal requirements in a phased development apply only to buildings and phases with reserved units
- Required registration with one or more local providers of housing vouchers

- A reference to Chapter 20A to allow for the on-site provision to be met by alternative methods (land dedication and fee in lieu) as provided in Chapter 20A.
- An additional requirement that, unless waived, sidewalks must be continuous and level across all driveways and curb cuts.
- The following minor changes are not specifically highlighted:
 - References to the Comprehensive Housing Policy, which will be undergoing revisions this coming year, have been removed.
 - Redundant language that has been removed.

CPC ACTION

March 3, 2022

Note: Staff continued with the briefing of DCA201-008(SD). The Commission returned to the regular order of the agenda after the conclusion of DCA201-008(SD) briefing. DCA201-008(SD) case was read into the record for public hearing purposes. The Commission heard Development Code Amendment case DCA201-008(SD) next.

Motion: It was moved to recommend **approval** of amending the Dallas Development Code Chapter 51A-4.1100 “Mixed Income Housing”, to support and align with the One Dallas Options Program within the City of Dallas Comprehensive Housing Policy, subject to Zoning Ordinance Advisory Committee’s recommendations; with the following revisions: **1)** follow updated staff recommendation on the following items: Section 51A-4.1105 Procedures to Obtain a Development Bonus, Items (b), (6) and (7), item (d)(2), Item (e)(2) and Section 51A-1107 Design Standards, item (e)(1)(C), **2)** In Section 51A-4.1107 Design Standards, strike items (a)(3) removing Type 3 submittal requirements and strike item (4) removing historic or existing building provision, **3)** In Section 51A-4.1107(c)(2) per ZOAC recommendation to add minimum to parking requirement as listed, **4)** In Section 51A-4.1102 Applicability, Item E, follow updated staff recommendations with the following revision, at added text ‘yard, lot, space and parking reduction’, change ‘and’ to ‘or’, **5)** In Section 51A-4.1106 (j), follow updated staff recommendation with the following revision; minimum floor area devoted to residential uses to be 80% percentage, and **6)** In Section 51A-4.1106 (j)(1) Table, follow updated staff recommendation with the following revision, item 5 Parking Reduction, strike ‘nonresidential’.

Maker: Hampton

Second: Blair

Result: Carried: 9 to 2

For: 9 - Popken, Hampton, Shidid, Blair, Housewright,
Haqq, Stanard, Kingston, Rubin

Against: 2 - Carpenter, Jung

Absent: 2 - Anderson, Gibson

Vacancy: 2 - District 3, District 7

Note: The Commission continued with the regular order of the agenda and heard Other Matter agenda items next.

Amending Motion I: It was moved to **amend** the motion and make the following changes: 1) keep the word “nonresidential” in Section 51A-4.1106(j)(5) and 2) follow updated staff recommendations for Section 51A-4.1107(c)(2) for multifamily parking.

Maker: Rubin
Second: Shidid
Result: Failed: 10 to 2

For: 2 - Shidid, Rubin

Against: 10 - Popken, Hampton, Carpenter, Blair, Jung,
Housewright, Gibson, Haqq, Stanard, Kingston

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 7

Amending Motion II: It was moved to **amend** the motion and make the following changes: 1) keep the word “nonresidential” in Section 51A-4.1106(j)(5) and 2) to amend Section 51A-4.1107(c)(2) for multifamily parking to 0.75 space per dwelling unit is required, or per requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces. At least 15 percent of the required parking must be available for guest parking.

Maker: Rubin
Second: Shidid
Result: Failed: 5 to 7

For: 5 - Popken, Shidid, Housewright, Gibson, Rubin

Against: 7 - Hampton, Carpenter, Blair, Jung, Haqq, Stanard,
Kingston

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 7

Note: During the discussion and before the vote was taken on Commissioner Rubin’s Amending Motion No. III, Commissioner Stanard made a motion to hold the case under advisement.

Motion: In considering amending the Dallas Development Code Chapter 51A-4.1100 “Mixed Income Housing”, to support and align with the One Dallas Options Program within the City of Dallas Comprehensive Housing Policy, it was moved to **hold** this case under advisement until March 24, 2022, and instruct staff to prepare an ordinance highlighting Commissioner Hampton’s motion and Commissioner Rubin’s amending motions.

Maker: Stanard
Second: Kingston
Result: Failed: 6 to 6

For: 6 - Popken, Carpenter, Jung, Haqq, Stanard, Kingston

Against: 6 - Hampton, Shidid, Blair, Housewright, Gibson, Rubin

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 7

Note: The Commission returned to Amending Motion No. III to continue the discussion and to vote on the motion.

Amending Motion III: It was moved to **amend** the motion and make changes: 1) keep the word “nonresidential” in Section 51A-4.1106(j)(5) and 2) to amend Section 51A-4.1107(c)(2) for multifamily parking to read a minimum of one space per dwelling unit is required, or per requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces. At least 15 percent of the required parking must be available for guest parking, and 3) to amend Section 51A-4.1107(c)(2) to read: For developments with transit proximity, one-half space per dwelling unit is required, or per the requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces. At least 15 percent of the required parking must be available for guest parking.

Maker: Rubin
Second: Shidid
Result: Carried: 8 to 4

For: 8 - Popken, Shidid, Blair, Housewright, Gibson*, Haqq, Stanard, Rubin

Against: 4 - Hampton, Carpenter, Jung, Kingston

Absent: 1 - Anderson

Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

Note: The Commission recessed for a short break at 6:22 p.m. and reconvened at 6:41 p.m. Staff offered revisions to the ordinance highlighting Commissioner Hampton’s motion and Commissioner Rubin’s amending motions to DCA201-008(SD).

Amending Motion IV: It was moved to recommend **approval** of the following amendments: 1) to include the definition of “exhibiting building” and with the following change it to read as follows: “EXISTING BUILDING means a building for which construction was completed on or before December 31, 2021.” and 2) follow updated staff recommendation in Section 4.1107(a)(3) with the following

addition, "To qualify for this paragraph, the minimum requirements of the parking regulations in Section 51A-4.1107(c)(2) and (3) must be satisfied."

Maker: Rubin

Second: Shidid

Result: Carried: 7 to 4

For: 7 - Popken, Shidid, Blair, Housewright, Haqq,
Kingston, Rubin

Against: 4 - Hampton, Carpenter, Jung, Stanard

Absent: 2 - Anderson, Gibson

Vacancy: 2 - District 3, District 7

Amending Motion V: It was moved to recommend **approval** of the following amendment: to amend Section 51A-4.1107(c)(3) for retirement housing to one-half space per dwelling unit, or per the requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces.

Maker: Rubin

Second: Shidid

Result: Carried: 8 to 3

For: 8 - Popken, Shidid, Blair, Housewright, Haqq,
Stanard, Kingston, Rubin

Against: 3 - Hampton, Carpenter, Jung

Absent: 2 - Anderson, Gibson

Vacancy: 2 - District 3, District 7

Speakers: For: None

Against: Mike Northrup, 5703 Goliad Ave., Dallas, TX, 75206

Note: The Commission returned to the original motion.

Proposed Amendments

*Black underlines and ~~[strike throughs]~~ represent changes from the current ordinance.

**Boxes indicate points of difference between CPC Recommendation and Staff Recommendation

DIV. 51A-4.1100. MIXED-INCOME HOUSING.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

SEC. 51A-4.1102. APPLICABILITY.

(a) In general. Development bonuses apply to qualifying developments as follows ~~[located in]:~~

(1) Type One developments are located in:

(A) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts.~~[;]~~

(B~~[2]~~) MU-1, MU-2, and MU-3 Mixed Use Districts.~~[;]~~

(C~~[3]~~) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions. In the event of conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls. ~~[that only limit allowed uses;]~~

(D~~[4]~~) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions. In the event of conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls.~~[that only limit allowed uses; and]~~

(E~~[5]~~) Planned development districts that ~~[reference compliance with this division or planned development districts that]~~ default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and do not alter the yard, lot, space, or parking regulations. In the event of conflict between the planned development district regulations and this division, the more restrictive standard controls~~[only alter the allowed uses].~~

(2) Type Two developments are located in planned development districts that specify mixed-income development bonuses or that reference compliance with this division.

(3) Type Three developments are located in planned development districts that reference compliance with this division and expressly reference compliance with Section 51A-4.1106(f). In the event of a conflict between the standards in a planned development district and this division, the planned development district conditions control.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses.

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) AFFORDABLE RENT means affordable rent as defined in Article 20A-II ~~[:(i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard].~~

(2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the U.S. Department of Housing and Urban Development.

(4) ELIGIBLE HOUSEHOLDS means households with an ~~[adjusted]~~ income within the required income band or voucher holders regardless of income.

(5) EXISTING BUILDING means a building constructed on or before December 31, 2021.

(6) INCOME means income as defined by 24 CFR §5.609.

(7~~[6]~~) INCOME BAND means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(8) MARKET VALUE ANALYSIS ("MVA") means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(9) MIXED-INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(10) ONE DALLAS OPTIONS means the One Dallas Options program as described in Chapter 20A-II.

(11[9]) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(12[40])PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(13[44])PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

(14[42])RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(15[43])RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(16[44])STOOP means a small porch leading to the entrance of a residence.

(15) TRANSIT PROXIMITY means development within one-half mile, measured radially, of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(18[46])VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702 (a)(6)(C) apply in this division.

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Before applying for a permit for construction in accordance with this division, and Section 20A-25 owners shall:

(A) obtain a certified verification of the building site's MVA category;
[and shall]

(B) sign a reserved dwelling unit verification [~~before applying for a permit for construction in accordance with this division and Section 20A-25;~~] ; and

(C) obtain certified verification of participation in One Dallas Options.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) the certified verification of the building site's MVA category, the reserved dwelling unit verification, and the certified verification of participation in One Dallas Options [~~a copy of the signed market value analysis verification from the director of housing and neighborhood revitalization~~]; [and]

(6) the total floor area as defined by Chapter 51A-2.102(38) and the floor area devoted to residential uses as defined in Section 51A-4.209; and

(7[6]) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) In this division, calculations of the total number of required reserved units that result in fractions of a unit must ~~[of a required unit will]~~ be rounded up to the next whole number.

(3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and neighborhood revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus; ~~and~~

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus; ~~and~~[-]

(C) the dispersal requirements in Section 51A-4.1106 only apply to buildings and phases with reserved units.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must include a unit dispersal plan and must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant.

(3) A letter documenting that the development has registered with one or more local providers of housing vouchers and has acknowledged that the development must pass the provider's required inspections."

SEC. 51A-4.1106. DEVELOPMENT REGULATIONS~~[REQUIREMENTS]~~.

(a) Reserved dwelling unit location requirements. Except as provided in Section 51A-4.1105(e) and in this section, all reserved dwelling units must be provided on the same building site as the market rate units.

(1**[b]**) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(2**[e]**) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(3**[d]**) Reserved dwelling units may float within each dwelling unit type.

(4**[e]**) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(b**[f]**) Pro-rata dispersal of reserved dwelling units.

(1) In general. Except as provided in Section 20A-31(i) and this subsection, reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(2**[4]**) Specialty units. A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, specialty units are included in the total number of all units used to calculate the number of reserved units. Units may not be designated as specialty units solely due to the number of bedrooms in the unit. [the overall 10 percent requirement is calculated based on the total number of all units]

~~[(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.]~~

(c[~~g~~]) Common areas and amenities. Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants.

(d) Type One developments. Type One developments are eligible to receive the mixed income housing development bonuses in the specific district regulations in accordance with Section 20A-23.1, as amended.

(e) Type Two developments. Type Two developments are eligible to receive mixed income housing development bonuses in the planned development district conditions in accordance with Section 20A-23.1, as amended.

(f) Type Three developments. Type Three developments with a minimum of 80 percent of floor area devoted to residential uses are eligible to receive the following mixed income housing development bonuses according to this subsection and in accordance with Section 20A-23.1, as amended. A minimum of one reserved unit or the percentage of total units in a tier, whichever is greater, must be provided.

(1) Dwelling unit bonus. The number of reserved units required is calculated based on the total number of dwelling units, after the dwelling unit bonus is determined.

<u>MVA Category</u>	<u>Tier 1</u> <u>(<= 50% of AMFI)</u> <u>Minimum 3% of units</u>	<u>Tier 2</u> <u>(51 – 80% of AMFI)</u> <u>Minimum 5% of units</u>	<u>Tier 3</u> <u>(81 – 100% of AMFI)</u> <u>Minimum 10% of units</u>
<u>MVA A – F</u>	<u>50%</u>	<u>30%</u>	<u>20%</u>
<u>MVA G - I</u>	<u>60%</u>	<u>40%</u>	<u>30%</u>

(2) Floor area ratio bonus. This bonus applies only to residential floor area ratio.

<u>MVA Category</u>	<u>Tier 1</u> <u>(<= 50% of AMFI)</u> <u>Minimum 3% of units</u>	<u>Tier 2</u> <u>(51 – 80% of AMFI)</u> <u>Minimum 5% of units</u>	<u>Tier 3</u> <u>(81 – 100% of AMFI)</u> <u>Minimum 10% of units</u>
<u>MVA A – F</u>	<u>+1.5</u>	<u>+1.0</u>	<u>+0.5</u>
<u>MVA G - I</u>	<u>+2.5</u>	<u>+2.0</u>	<u>+1.0</u>

(3) Height bonus. This bonus applies to all uses. Any height bonus leading to a fraction of an additional story is rounded to the next higher story.

<u>MVA Category</u>	<u>Tier 1</u> <u>(<= 50% of AMFI)</u> <u>Minimum 3% of units</u>	<u>Tier 2</u> <u>(51 – 80% of AMFI)</u> <u>Minimum 5% of units</u>	<u>Tier 3</u> <u>(81 – 100% of AMFI)</u> <u>Minimum 10% of units</u>
<u>MVA A – F</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>
<u>MVA G - I</u>	<u>45%</u>	<u>35%</u>	<u>20%</u>

(4) Stories bonus. This bonus applies to all uses. Any story bonus leading to a fraction of an additional story is rounded to the next higher story.

<u>MVA Category</u>	<u>Tier 1</u> <u>(<= 50% of AMFI)</u> <u>Minimum 3% of units</u>	<u>Tier 2</u> <u>(51 – 80% of AMFI)</u> <u>Minimum 5% of units</u>	<u>Tier 3</u> <u>(81 – 100% of AMFI)</u> <u>Minimum 10% of units</u>
<u>MVA A – F</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>
<u>MVA G - I</u>	<u>45%</u>	<u>35%</u>	<u>20%</u>

(5) Parking reduction. This reduction only applies to the total number of required off-street parking spaces for nonresidential uses except alcoholic beverage establishments, commercial amusement (inside), commercial amusement (outside), restaurant without drive-in or drive-through service, and restaurant with drive-in or drive-through service.

<u>MVA Category</u>	<u>Tier 1</u> <u>(<= 50% of AMFI)</u> <u>Minimum 3% of units</u>	<u>Tier 2</u> <u>(51 – 80% of AMFI)</u> <u>Minimum 5% of units</u>	<u>Tier 3</u> <u>(81 – 100% of AMFI)</u> <u>Minimum 10% of units</u>
<u>MVA A – F</u>	<u>100%</u>	<u>50%</u>	<u>20%</u>
<u>MVA G - I</u>	<u>100%</u>	<u>70%</u>	<u>40%</u>

(g) Alternative methods. The requirements for on-site reserved units in this division may be met by alternative methods as provided in Section 20A-23.1, as amended.

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) In general.

(1) Except as provided in this section, t[F]o obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(3) Except if the existing building is destroyed by the intentional act of the owner or the owner's agent, the existing building may be renovated, remodeled, repaired, rebuilt, or enlarged using the bonuses in this division if the work does not cause the existing building to become more nonconforming as to the requirements in Sec. 51A-4.1107 and the applicable zoning district.

(4) For off-street parking requirements for residential uses in existing buildings, development bonuses may not reduce the minimum number of required off-street parking spaces beyond the number required in Subsection (c).

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

CPC Recommendation

(2) Multifamily parking. Except as provided in this paragraph, the lesser of one [and one-quarter] space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. The lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

Staff Recommendation

(2) Multifamily parking. Except as provided in this paragraph, the lesser of one-half [and one-quarter] space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. The lesser of one-quarter space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(4) Parking locations.

(A) In general. Except as provided in this paragraph, ~~s~~[S]urface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602 (b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building 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 dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(C) Except as provided in this paragraph, sidewalks must comply with the Street Design Manual, be continuous and level across all driveways and curb cuts, and be at the same grade as the existing sidewalk. A waiver of this requirement is available subject to approval of the director.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602 (a)(2) and 51A-4.602 (a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable.

SEC. 51A-4.1108

BOARD OF ADJUSTMENT VARIANCES.

A development that is eligible to receive the bonuses in this division may~~must~~ either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations.



Agenda Information Sheet

File #: 22-1022
PH1.

Item #:

STRATEGIC PRIORITY: Quality of Life, Arts & Culture
AGENDA DATE: May 11, 2022
COUNCIL DISTRICT(S): 8
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of Runyon Creek Greenbelt, totaling approximately 9,166 square feet of land, located at 1900 East Camp Wisdom Road, by Dallas Water Utilities for the construction of a 21-inch wastewater line to connect to existing wastewater lines; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code- Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as Runyon Creek Greenbelt (59 acres) located at 1900 East Camp Wisdom Road on the south side of Dallas. Runyon Creek Greenbelt is a wooded park with the Singing Hills Recreation Center and Runyon Creek Greenbelt Trail as its main features. The trail connects to the City-wide Five Mile Creek Trail to the north and the Singing Hills Recreation Center and the University of North Texas at Dallas/University of North Texas (UNT)/Dallas Area Rapid Transit (DART) station to the south.

Dallas Water Utilities (DWU) currently has 27-inch and 21-inch wastewater lines on the north and south side of the DART Blue Line. To increase area capacity DWU needs to connect these two separate wastewater lines. This wastewater connection requires DWU to acquire a wastewater utility easement in the parkland, the easement totaling approximately 9,166 square feet (0.21 acres) of land (Exhibit A).

This project will not impact the existing trail within the park or any park amenities. The proposed wastewater line work will take place south of the existing DWU easement within the park and will have minimal impact to the remainder of the park, the easement being small in size and configuration and at the furthest southern limits of the parkland.

DWU agrees as condition of the conveyance of easement to:

1. Permit future construction of any park amenities and other improvements within the easement.
2. That future construction, maintenance, and operations of DWU utilities within the parkland will be coordinated with the Park and Recreation Department operations to minimize disruption of use and operation of the park.
3. DWU shall request approval from the Director of the Park and Recreation Department should DWU's operations, maintenance, or construction require DWU to disrupt, demolish, or modify any improvements, vegetation, or terrain within the easement or parkland, except for in a situation which affects the public's immediate health, safety, or welfare, in which case DWU shall notify the Director of the Park and Recreation Department as soon as possible of such activities. In any case, repair or replacement of park improvements or vegetation damaged or damage to terrain as the result of DWU activities, shall be at the discretion of the Director of the Park and Recreation department, and shall be at DWU's sole cost with no cost to the Park and Recreation Department.
4. Any existing DWU utilities which DWU abandons shall revert to parkland upon abandonment and existing DWU reservations and easements of such areas shall be abandoned.

In consideration for this conveyance by easement, DWU has agreed to provide a public access easement for to the Parkdale Lake land donation parcel as good and valuable consideration (Exhibit B). This access easement is approximately 44,232 square feet (0.97 acres) located at 5100 Scyene Road (State Highway 352). The Parkdale Lake parcel is accessible from the Trinity Forest Spine Trail, currently under design, and there is not a present need for access to Scyene Road. Nevertheless, should the City need future access from Parkdale Lake to Scyene Road this access easement provides for such a connection to the public right-of-way.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 10, 2022 the Park and Recreation Board authorized a public hearing to be held on April 13, 2022.

On April 13, 2022, City Council authorized a public hearing on May 11, 2022, by Resolution 22-0580.

FISCAL INFORMATION

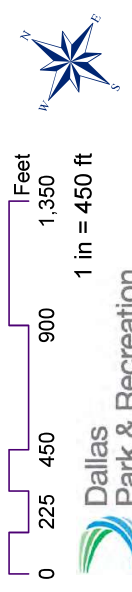
No cost consideration to the City

MAP

Attached



Runyon Creek Greenbelt
DWU Wastewater Easement
1900 E Camp Wisdom Rd



May 11, 2022

WHEREAS, the City of Dallas owns land in Dallas known as Runyon Creek Greenbelt, located at 1900 E Camp Wisdom Rd, which has been maintained by the City as parkland; and

WHEREAS, a portion of Runyon Creek Greenbelt has been identified by Dallas Water Utilities (DWU) as necessary for the construction of a 21-inch wastewater line for the public benefit, and DWU must acquire approximately 9,166 square feet of land for such improvements, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, in consideration for the grant of the Utility Easement, Dallas Water Utilities will provide a public access easement to the Parkdale Lake land donation parcel as good and valuable consideration as shown on Exhibit B, said access easement being approximately 44,232 square feet (0.97 acres) of land located at 5100 Scyene Rd (State Hwy 352); and

WHEREAS, DWU is agreeable to designing and constructing its improvements such that the City's ability to make future improvements to the park shall not be impaired; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Glendale Park has been taken.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That the City of Dallas hereby approves and authorizes the grant of utility easement, by form instrument as approved by the City Attorney, to DWU for purpose of construction of water and wastewater pipeline projects, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

SECTION 3. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute a utility easement for the benefit of DWU for the purposes authorized herein, and to all of the following terms and conditions:

May 11, 2022

a. DWU shall covenant to the City:

1. To observe safety regulations;
2. To not be detrimental to the park and to coordinate work with City staff so as to provide for the least disruption of City services;
3. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation, and maintenance of the sewer line and improvements;
6. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department;
8. To permit future construction of any park improvements, amenities, and other improvements within the easement;
9. Future construction, maintenance, and operations of the utilities within the park will be coordinated with the Park and Recreation Department operations to minimize disruption of use and operation of the park;
10. Any damage to or removal of any park improvements by DWU or its contractors, regardless of the reason, shall be repaired or replaced at DWU's sole cost with no cost consideration to the Park and Recreation Department.

SECTION 4. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute an access easement for the benefit of the City of Dallas Park and Recreation Department for the purposes authorized herein.

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

Exhibit A

9,166 SQUARE FEET (0.2104 AC.) OF LAND BEING PART OF BLOCKS 7602 AND 7613 TO BE RESERVED BY THE CITY OF DALLAS FOR WASTEWATER EASEMENT

All that certain lot, tract, or parcel of land lying and being located in Dallas County, Texas:

Being a 9,166 square foot (0.2104 acre) tract of land out of the Robert Simonton Survey, Abstract Number 1277, Harvey Casey Survey, Abstract Number 309 and being part of Blocks 7602 and 7613 Official City of Dallas Block numbers, same also being part of a tract of land conveyed to the City of Dallas by DEED recorded as TRACT NO. 2 in Volume 95095, Page 5779 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows;

Commencing at a 1/2" iron rod with DALLAS cap found along the west line of said City of Dallas tract same being the east line of a STATE OF TEXAS tract as recorded in Volume 2001230, Page 2058 of said Deed Records, said point bears S 01° 06' 37" E a distance of 338.54 feet from the most northerly corner of said City of Dallas tract and along the south right of way line of Camp Wisdom Road – a variable width right of way;

Thence S 00° 14' 36" E, along the last mentioned common line, a distance of 980.19 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set (State Plane Coordinates N: 6927085.3151, E: 2494067.9366) for the **POINT OF BEGINNING**;

Thence departing the last mentioned common line and crossing said City of Dallas tract the following metes and bounds;

N 59° 46' 52" E, a distance of 221.64 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

S 13° 58' 54" W, a distance of 24.96 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

S 76° 01' 06" E, a distance of 24.54 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

S 59° 46' 52" W, a distance of 217.92 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

S 06° 20' 45" E, a distance of 61.80 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

S 89° 45 '14" W, a distance of. 27.44 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set along the aforementioned common line of City of Dallas tract and the STATE OF TEXAS tract;


Scott Holt
FIELD NOTES APPROVED:
5/20/2021



**9,166 SQUARE FEET (0.2104 AC.) OF LAND BEING PART OF BLOCKS
7602 AND 7613 TO BE RESERVED BY THE CITY OF DALLAS FOR
WASTEWATER EASEMENT**

Thence N 00° 14' 36"W, with said common line a distance of 89.81 feet to the **POINT OF BEGINNING** and containing approximately 9,166 square feet (0.2104 acre) of land within the metes recited.

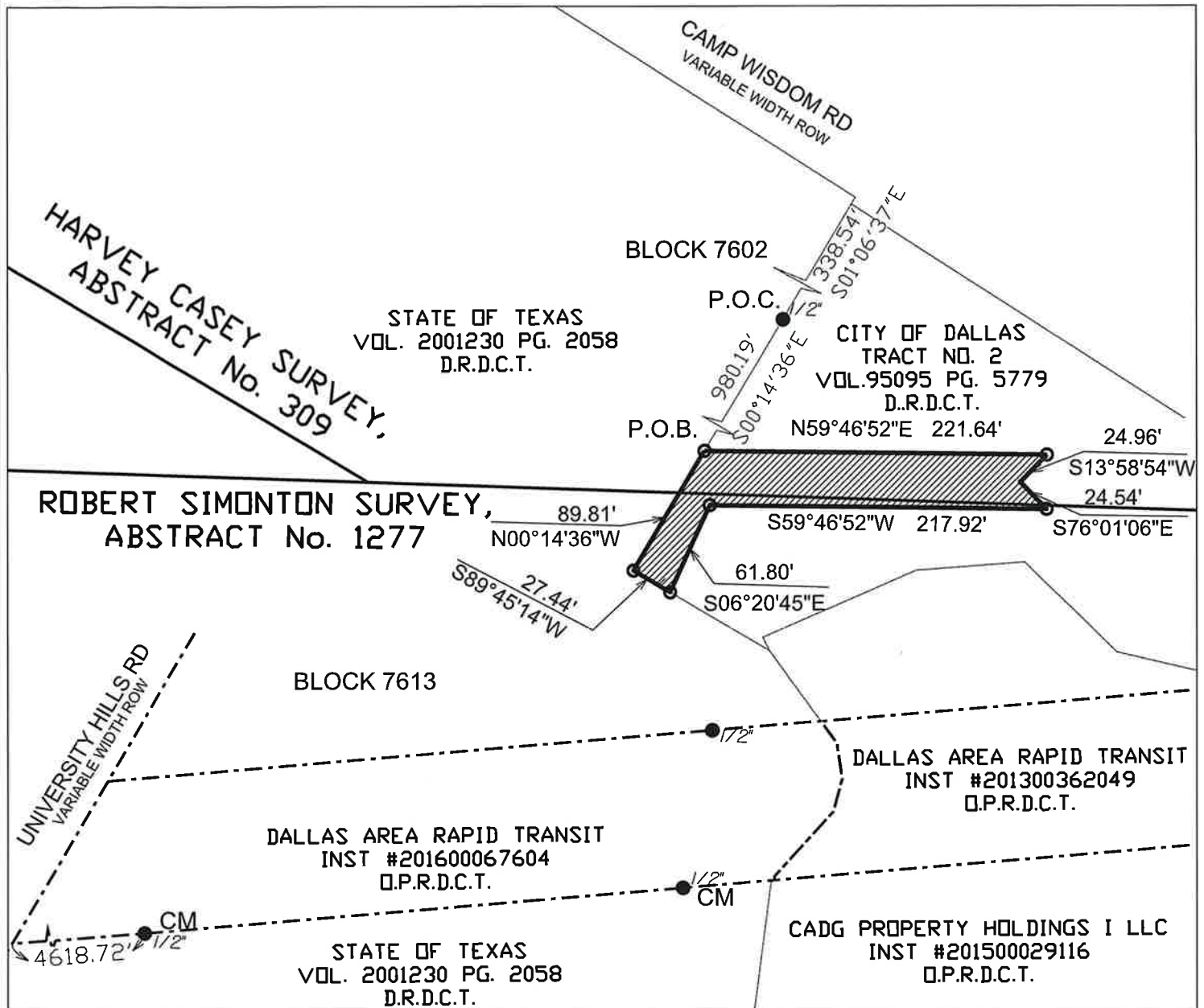
Bearings are based on the Texas State Plane Coordinates System, North Central Zone 4202, North American Datum of 1983.



[Handwritten Signature]
S. Ephraim Osabutey
04/12/2021

3
3

9,166 SQUARE FEET (0.2104 AC.) OF LAND BEING PART OF BLOCKS 7602 AND 7613 TO BE RESERVED BY THE CITY OF DALLAS FOR WASTEWATER EASEMENT



0 100



SCALE 1"=100'



LEGEND

- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- CM CONTROLLING MONUMENT
- 5/8" Iron Rod w/BDS cap set
- Iron Rod Fnd (Size As Noted)
- ⊗ "X" CUT FND
- Ex. Easement line
- PROPERTY LINE
- - - RIGHT OF WAY LINE
- · · SUBDIVISION LINE
- ▨ TO BE ACQUIRED
- ABSTRACT LINE

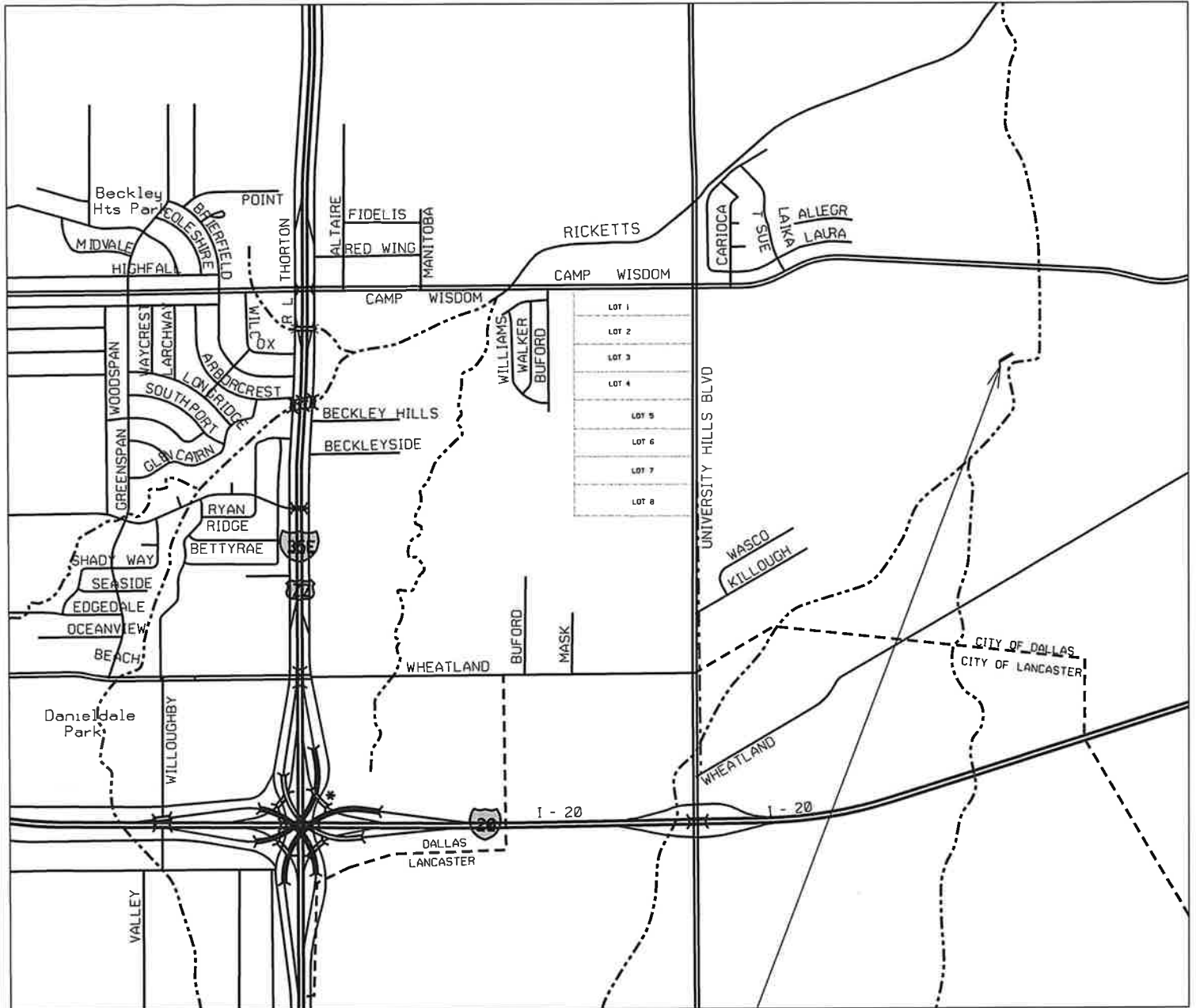
BASIS OF BEARING: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

[Signature]



S. Ephraim Osabutey 04/12/2021

9,166 SQUARE FEET (0.2104 AC.) OF LAND BEING PART OF BLOCKS 7602 AND 7613 TO BE RESERVED BY THE CITY OF DALLAS FOR WASTEWATER EASEMENT



LOCATION MAP N.T.S



Exhibit B

FIELD NOTES DESCRIBING A 42,232 SQUARE FEET, OR 0.9695 ACRE PROPOSED ACCESS EASEMENT TO BE ACQUIRED IN CITY OF DALLAS BLOCK 5800 FROM THE CITY OF DALLAS

BEING a 0.9695 acre tract of land situated in the Thomas Lagows League Survey, Abstract Number 759, City of Dallas, Dallas County, Texas, and being part of a called 6.2424 acre tract of land described as in Warranty Deed to the City of Dallas, recorded in Volume 1959, Page 265 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), being part of a called 24,409 square feet tract of land described in Warranty Deed to the City of Dallas, recorded in Volume 84147, Page 4005, D.R.D.C.T., and being part of Lots 17 and 18 of the Silas Land Partition, recorded in Volume 250, Page 234, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING at the southerly southwest corner of a called 279.808 acre tract of land described in Special Warranty Deed to ONCOR ELECTRIC DELIVERY COMPANY LLC, recorded in Instrument Number 201000003665 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said corner being on the east line of said 6.2424 acre tract and being on the north right-of-way line of State Highway Number 352, (also known as Scylene Road, a variable width right-of-way);

THENCE North 55 degrees 59 minutes 18 seconds West, with the northeast line of said 6.2424 acre tract and the southwest line of said ONCOR tract, a distance of 36.79 feet to the **POINT OF BEGINNING** (not monumented);

THENCE North 89 degrees 07 minutes 37 seconds West, departing said northeast and southwest lines, and over and across said 6.2424 acre tract and said 24,409 square feet tract, a distance of 301.98 feet to the southeast corner (not monumented) of a called 7.82 acre tract of land described in Warranty Deed with Vendor's Lien to HFLP, LTD., recorded in Volume 2004006, Page 4261, O.D.R.D.C.T., said corner being on the west line of said 24,409 square feet tract;

THENCE North 55 degrees 59 minutes 17 seconds West, with the common northeast line of said 7.82 acre tract and the west line of said 24,409 square feet tract, a distance of 71.46 feet to a point for corner (not monumented), on the north right-of-way line of said State Highway Number 352;

THENCE North 01 degree 03 minutes 07 seconds West, departing said common line, and over and across said 24,409 square feet tract and said 6.2424 acre tract, a distance of 201.69 feet to a point for corner (not monumented) on the common northeast line of said 6.2424 acre tract and the southwest line of said ONCOR tract;

THENCE South 55 degrees 59 minutes 18 seconds East, with the common northeast line of said 6.2424 acre tract and the southwest line of said ONCOR tract, a distance of 440.19 feet to the **POINT OF BEGINNING AND CONTAINING** 42,232 square feet, or 0.9695 acres of land, more or less.

**FIELD NOTES DESCRIBING A 42,232 SQUARE FEET, OR 0.9695 ACRE
PROPOSED ACCESS EASEMENT
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 5800
FROM THE CITY OF DALLAS**

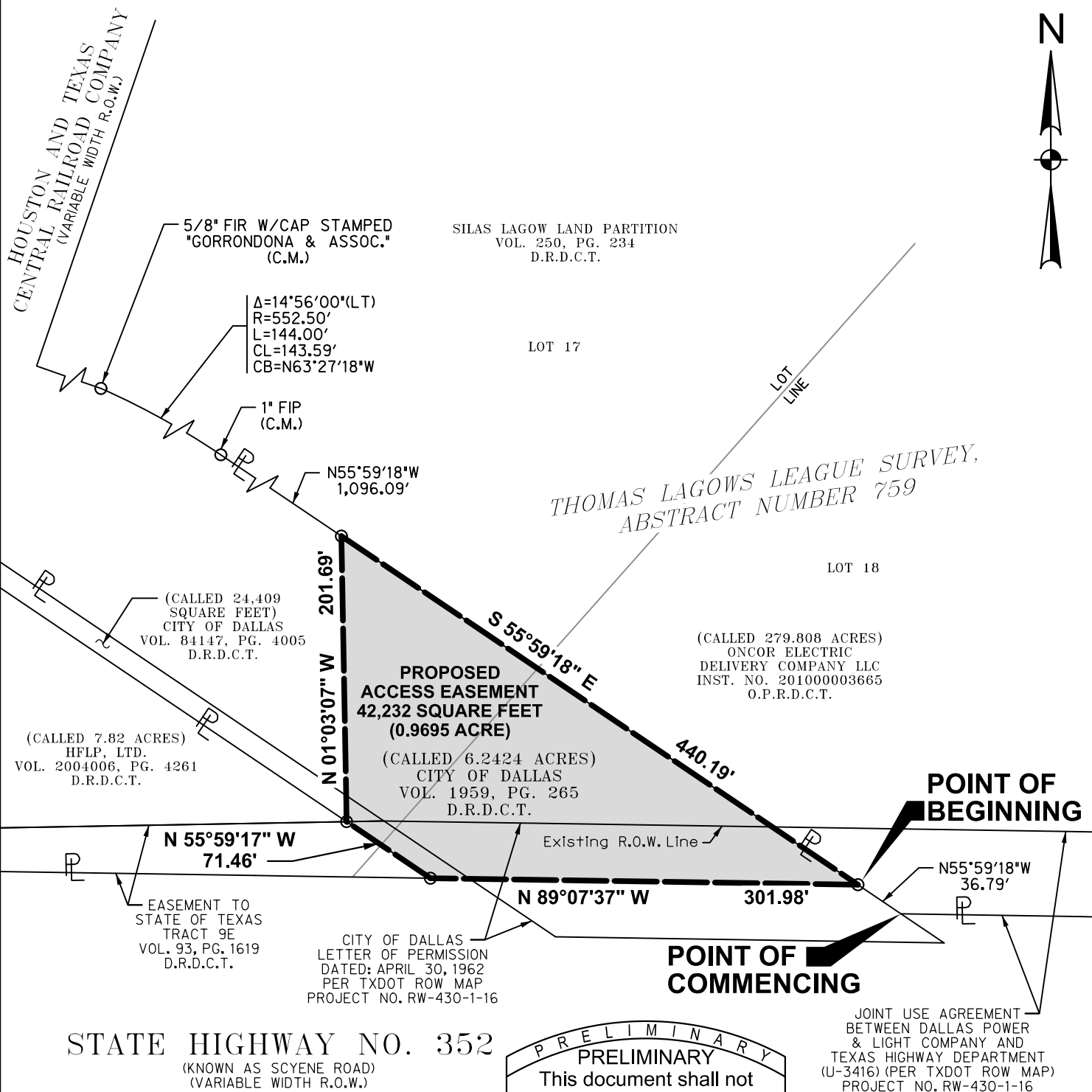
NOTES:

1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202) 2011 Adjustment, Epoch 2010.00. All distances shown hereon are U.S. survey feet. TxDOT Dallas County Surface Adjustment Factor of 1.000136506.
2. A survey plat of even date accompanies this legal description.

**PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL
SURVEY DOCUMENT.**

Andrew Chavchalov, R.P.L.S.
Texas Registration No. 6708
Halff Associates, Inc.
1201 North Bowser Road
Richardson, Texas 75081
Tel (214) 346-6200
TBPELS Firm No. 10029600

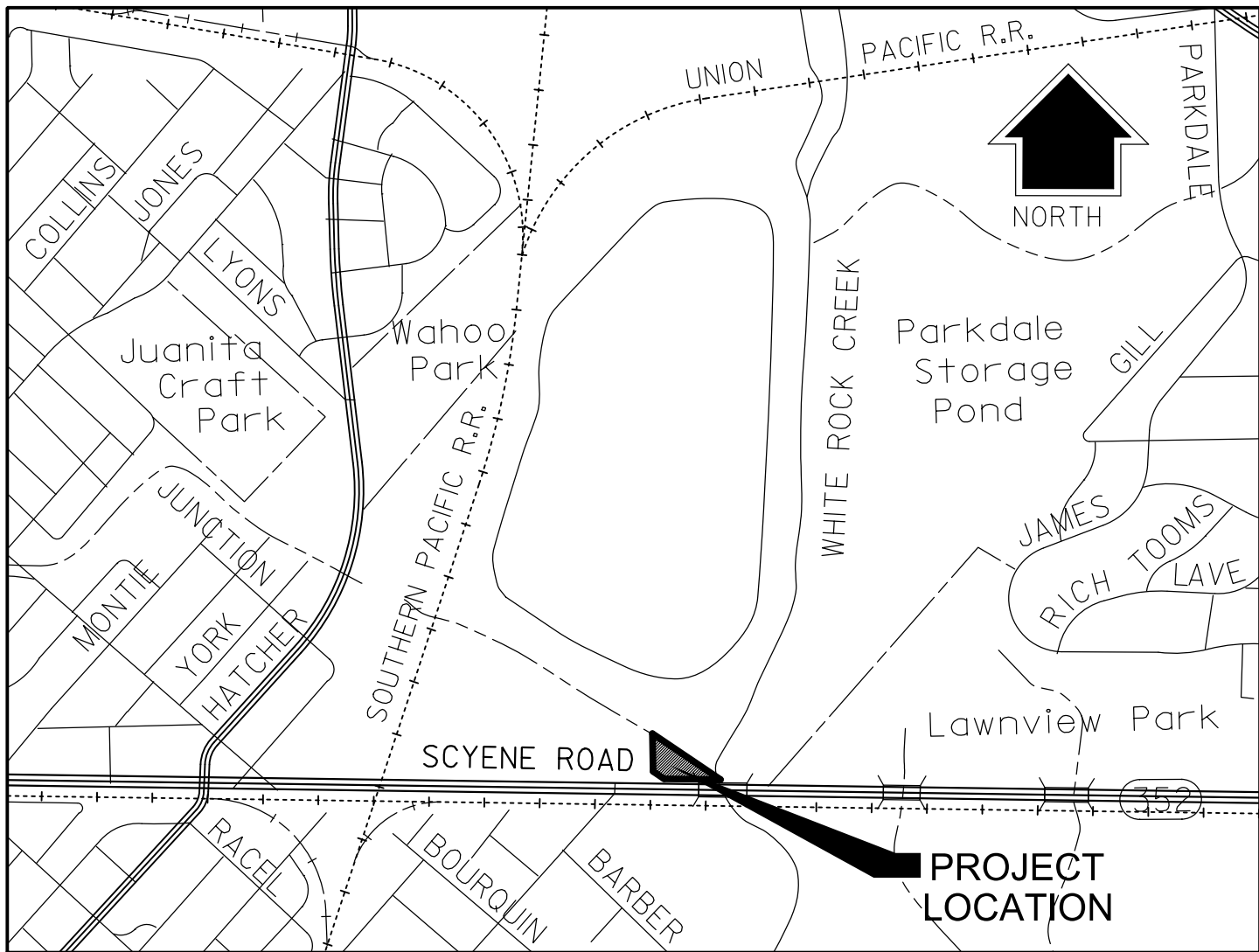
Date



NOTES:

1. Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), 2011 Adjustment, Epoch 2010.00. All distances shown hereon are U.S. survey feet, displayed in surface value and may be converted to grid by dividing by the TxDOT Dallas County Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.

JOINT USE AGREEMENT
BETWEEN DALLAS POWER
& LIGHT COMPANY AND
TEXAS HIGHWAY DEPARTMENT
(U-3416) (PER TXDOT ROW MAP)
PROJECT NO. RW-430-1-16



LOCATOR MAP
N.T.S.

