

4-21-06

ORDINANCE NO. 26321

An ordinance changing the zoning classification on the following property:

BEING all of City Block 233, bounded by Federal Street, Bullington Street, Bryan Street, Pacific Avenue, and Akard Street, and containing 52,059 square feet of land,

by establishing Historic Overlay District No. 126 (Fidelity Union Life Complex); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 126 on the following property ("the Property"):

BEING all of City Block 233, bounded by Federal Street, Bullington Street, Bryan Street, Pacific Avenue, and Akard Street, and containing 52,059 square feet of land.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That the director of development services shall correct Zoning District Map No. J-7 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

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SECTION 7. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 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 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:

THOMAS P. PERKINS, JR., City Attorney

By Cathy Bury
Assistant City Attorney

Passed APR 26 2006

EXHIBIT A
PRESERVATION CRITERIA
FIDELITY UNION LIFE COMPLEX
1507 PACIFIC AVENUE/1511 BRYAN STREET/318 N. AKARD STREET

1. GENERAL

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. In the event of a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1952 to 1962.

2. DEFINITIONS

- 2.1 Unless defined below, the definitions contained in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 COLUMN means the entire column, including the base and capital.
- 2.5 DIRECTOR means the Director of the Department of Development Services or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 126, the Fidelity Union Life Complex Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.9 MAIN BUILDINGS mean the two buildings at 1507 Pacific Avenue and 1511 Bryan Street, as shown on Exhibit C.
- 2.10 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

- 2.11 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

- 3.1 The main buildings are protected.
- 3.2 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted except on pool decks, private terraces, and rooftops as shown on Exhibit C.
- 3.3 Any new mechanical equipment at ground level must be screened.
- 3.4 Landscaping
- a. Outdoor lighting must be appropriate and enhance the structure.
 - b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
 - c. It is recommended that landscaping reflect the historic landscape design.
 - d. Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.5 Fences
- a. Fences are not permitted except at café/restaurant sidewalk areas, pool areas, and trash enclosures.
 - b. Fences must be three-and-a-half feet high at sidewalk areas and four feet high at pool areas. Fences at trash enclosures must be eight feet high or adequate to screen trash containers and equipment from street view.
 - c. Fences must be constructed of metal or other appropriate materials that compliment the structure.

4. FACADES

- 4.1 Protected facades
- a. The facades shown on Exhibit C are protected.

- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - c. Historic solid-to-void ratios of protected facades must be maintained, except for the approved elevations shown in Exhibit C.
 - d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
 - e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.4 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, prior to refinishing.
- 4.5 Aluminum siding, vinyl cladding, and Exterior Insulated Finish Systems (EIFS) are not permitted.
- 4.6 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.7 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.

- 5.2 Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted as shown on the elevations attached as Exhibit C, or where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained except at new rooftop terraces and the amenity deck as shown on Exhibit C.
- 6.2 The following roofing materials are allowed: new modified bitumen roofing and new protected modified bitumen roofing (to match existing), standing seam metal roofing at new rooftop structures, and concrete pavers or stone at rooftop terraces.
- 6.3 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7. BALCONIES AND TERRACES

- 7.1 Balconies and terraces are only permitted on the facades and specific floors shown on Exhibit C.

- 7.2 Balconies on protected and unprotected facades may not be enclosed and must conform with Exhibit C.
- 7.3 Historic columns, detailing, railings, and trim on balconies and terraces are protected.
- 7.4 Terrace floors must be brick, concrete, stone, or wood. Brick, concrete, and stone terrace floors may not be covered with carpet or paint. Wood floors must be painted or stained. A clear sealant is acceptable on terrace floors.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
 - a. The vertical mosaic tile columns on the north, west, and south facades of 1507 Pacific Avenue. These tile columns must be rehabilitated by cleaning, replacement of missing tiles, and sealing of the tile from further deterioration.
 - b. The horizontal mosaic tile bands on the southeast facade of 1507 Pacific Avenue. These tile bands must be rehabilitated by cleaning, replacement of missing tiles, and sealing of the tile from further deterioration.
 - c. Existing exterior columns at the first floor of 1507 Pacific Avenue. These columns must be restored as shown on Exhibit C to reflect historic character without trying to replicate materials.
 - d. The ground floor storefront at 1507 Pacific Avenue and the south and east facades of 1511 Bryan Street. Areas that have been altered or damaged must be restored consistent with the historic storefront.
 - e. The original marble paneling at the first floor on the west and south facades of 1507 Pacific Avenue and the south and east facades of 1511 Bryan Street. The marble paneling must be preserved, repaired as needed, cleaned, and re-pointed in a manner consistent with the Secretary of the Interior's Standards.
 - f. The existing Kasota limestone panels on the south facade of 1511 Bryan Street. These panels must be preserved except for the installation of a new curtainwall and glazing as shown on Exhibit C. The new curtainwall must maintain the original pattern of the limestone panels.

- g. The existing horizontal brick panels on all facades of 1507 Pacific Avenue and 1511 Bryan Street. These panels must be preserved, repaired as needed, cleaned, and re-pointed in a manner consistent with the Secretary of the Interior's Standards.

9. PRESERVATION CRITERIA FOR THE INTERIOR

- 9.1 The following interior elements are considered important features and are protected:
 - a. The elevator lobby floors and walls at the ground floor of 1507 Pacific Avenue and 1511 Bryan Street. The elevator lobby at 1511 Bryan Street must be restored back to original wall and floor finishes.
 - b. Unit 2115 on the 21st floor of 1511 Bryan Street. This office suite has historic significance and must be restored to match existing finishes that remain.

10. NEW CONSTRUCTION AND ADDITIONS

- 10.1 The following vertical additions are allowed:
 - a. Rooftop amenities on the main buildings.
 - b. New mechanical rooms on the main buildings.
 - c. Rooftop amenities and structure on the garage.
- 10.2 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure, or as shown on Exhibit C.
- 10.3 New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios; or follow the plans illustrated in Exhibit C.
- 10.4 Portland cement stucco is permitted as a finish for new construction.
- 10.5 Aluminum siding, vinyl cladding, and Exterior Insulated Finish Systems (EIFS) are not permitted.
- 10.6 The setback of new construction and additions must conform to Exhibit C.

- 10.7 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

11. SIGNS

- 11.1 Signs may be erected if appropriate.
- 11.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 11.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

12. ENFORCEMENT

- 12.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 12.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
 - b. the person owns part or all of the property and knowingly allows the violation to exist;
 - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
 - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

- 12.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

Fidelity Union Life Tower

1507 Pacific Avenue / 1511 Bryan Street / 318 N Akard Street
Dallas, Texas 75202

LEGAL DESCRIPTION OF PROPERTY

Being a tract of land located in the City of Dallas, Dallas County, Texas, being known as Lots 1 through 20 of the R. B. Jones Subdivision of Block 233, Bullington Addition to the City of Dallas, Texas, plot filed April 14, 1893, recorded in Volume 171, Page 143 of the Deed Records of Dallas County, Texas, being known as the property conveyed by Substitute Trustee's Deed to Fidelity Union Life Insurance Company recorded in Volume 87149, Page 0951 of the Deed Records of Dallas County, Texas, and being described more particularly as follows:

Beginning at the intersection of the easterly line of N. Akard Street, 80.0 feet wide, as shown on City of Dallas City Plan Commission Widening Map dated August 20, 1930, with the northerly line of Pacific Avenue, 80.0 feet wide;

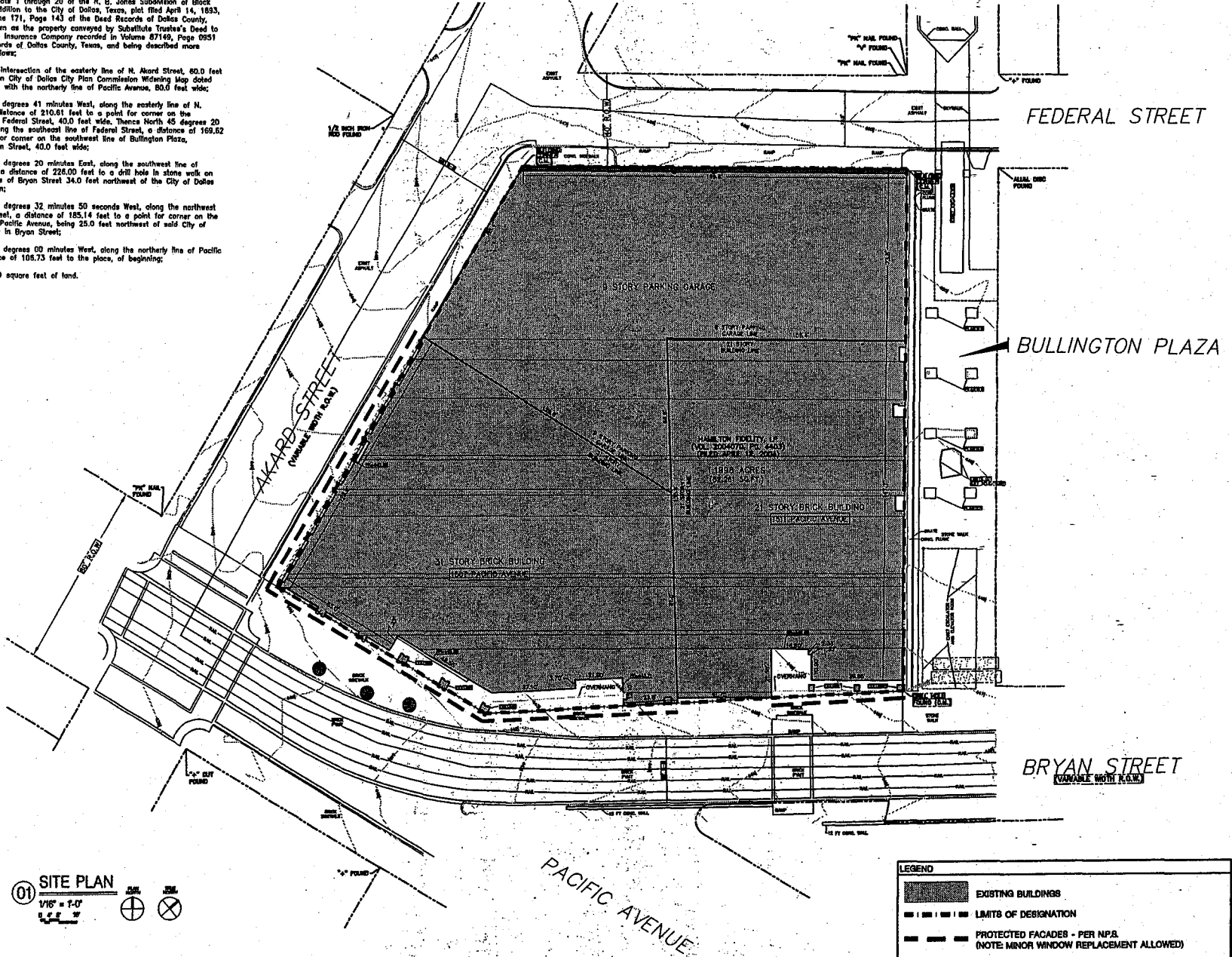
Thence North 13 degrees 41 minutes West, along the easterly line of N. Akard Street, a distance of 210.61 feet to a point for corner on the southeast line of Federal Street, 40.0 feet wide, Thence North 45 degrees 20 minutes East, along the southeast line of Federal Street, a distance of 169.52 feet to a point for corner on the southwest line of Bullington Plaza, formerly Bullington Street, 40.0 feet wide;

Thence South 44 degrees 20 minutes East, along the southwest line of Bullington Plaza, a distance of 226.00 feet to a drill hole in stone walk on the northwest line of Bryan Street 34.0 feet northwest of the City of Dallas survey line therein;

Thence South 42 degrees 32 minutes 50 seconds West, along the northwest line of Bryan Street, a distance of 183.14 feet to a point for corner on the northerly line of Pacific Avenue, being 25.0 feet northwest of said City of Dallas survey line in Bryan Street;

Thence South 76 degrees 00 minutes West, along the northerly line of Pacific Avenue, a distance of 108.73 feet to the place of beginning;

Containing 52,059 square feet of land.



01 SITE PLAN
1/8" = 1'-0"
1" = 10'-0"

EXHIBIT B 26321 061235

**EXHIBIT C
FACADES AND ELEVATIONS
FIDELITY UNION LIFE COMPLEX
1507 PACIFIC AVENUE/1511 BRYAN STREET/318 N. AKARD STREET**

1. PROTECTED FACADES

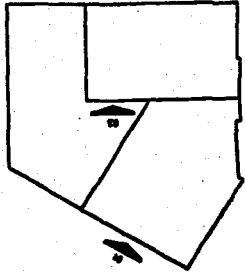
- a. Fidelity Union Life Complex—1507 Pacific Avenue (31-story building)
 - 1. West facade facing Akard Street
 - 2. South facade facing Pacific Avenue
 - 3. Southeast facade facing Pacific Avenue/Bryan Street
- b. Fidelity Union Life Complex—1511 Bryan Street (21-story building)
 - 1. South facade facing Bryan Street—east half

2. APPROVED ELEVATIONS—The rehabilitation of the buildings within this district must conform to the elevations attached as Exhibits C-1 through C-4.

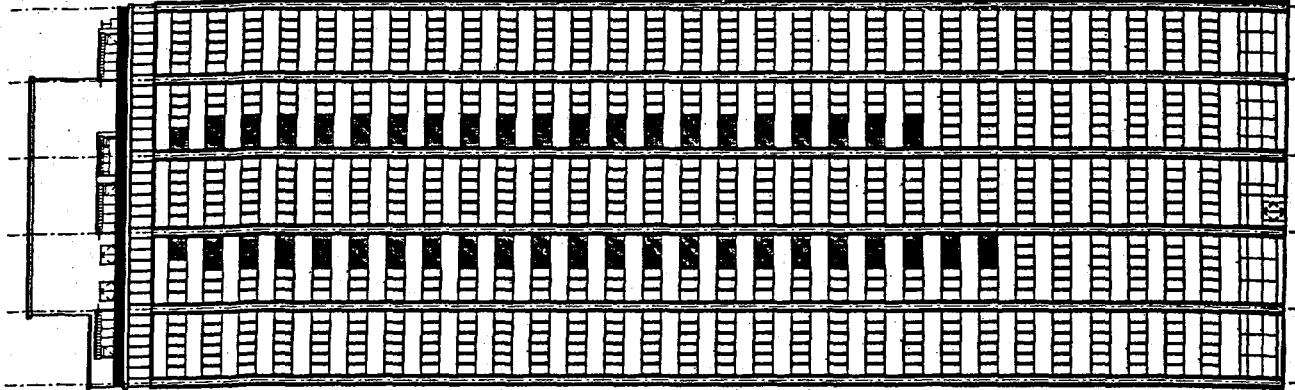
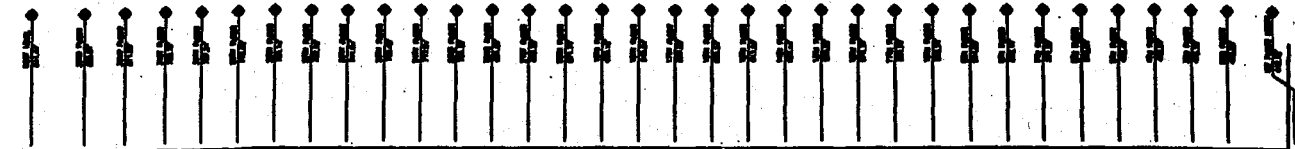
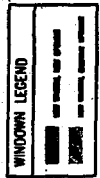
- a. Fidelity Union Life Complex—1507 Pacific Avenue (31-story building)
 - 1. North facade facing Federal Street
 - 2. East facade facing Bullington Plaza
- b. Fidelity Union Life Complex—1511 Bryan Street (21-story building)
 - 1. South facade facing Bryan Street—west half
 - 2. East facade facing Bullington Plaza
 - 3. North facade facing Federal Street
 - 4. West facade facing Akard Street
- c. Fidelity Union Life Complex—318 N. Akard Street (nine-story parking garage)
 - 1. West facade facing Akard Street
 - 2. North facade facing Federal Street
 - 3. East facade facing Bullington Plaza

3. **AMENITY DECK PLANS**—Amenity decks are permitted as approved by the Landmark Commission and shown on Exhibits C-5 and C-6.

4. **HISTORIC COLUMNS**—The restoration of the exterior columns at the first floor of 1507 Pacific Avenue must reflect the historic character of the columns as shown on Exhibit C-7, without trying to replicate the materials.



KEY PLAN



NEW WEST ELEVATION - TOWER
1/8" = 1'-0"
1/4" = 1'-0"

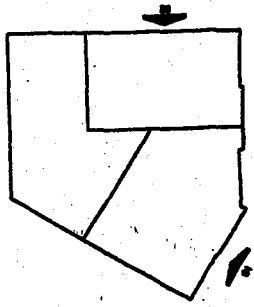
Fidelity Union Life Tower

1507 Pacific Avenue / 1511 Bryan Street / 318 N Akard Street
Dallas, Texas 75202

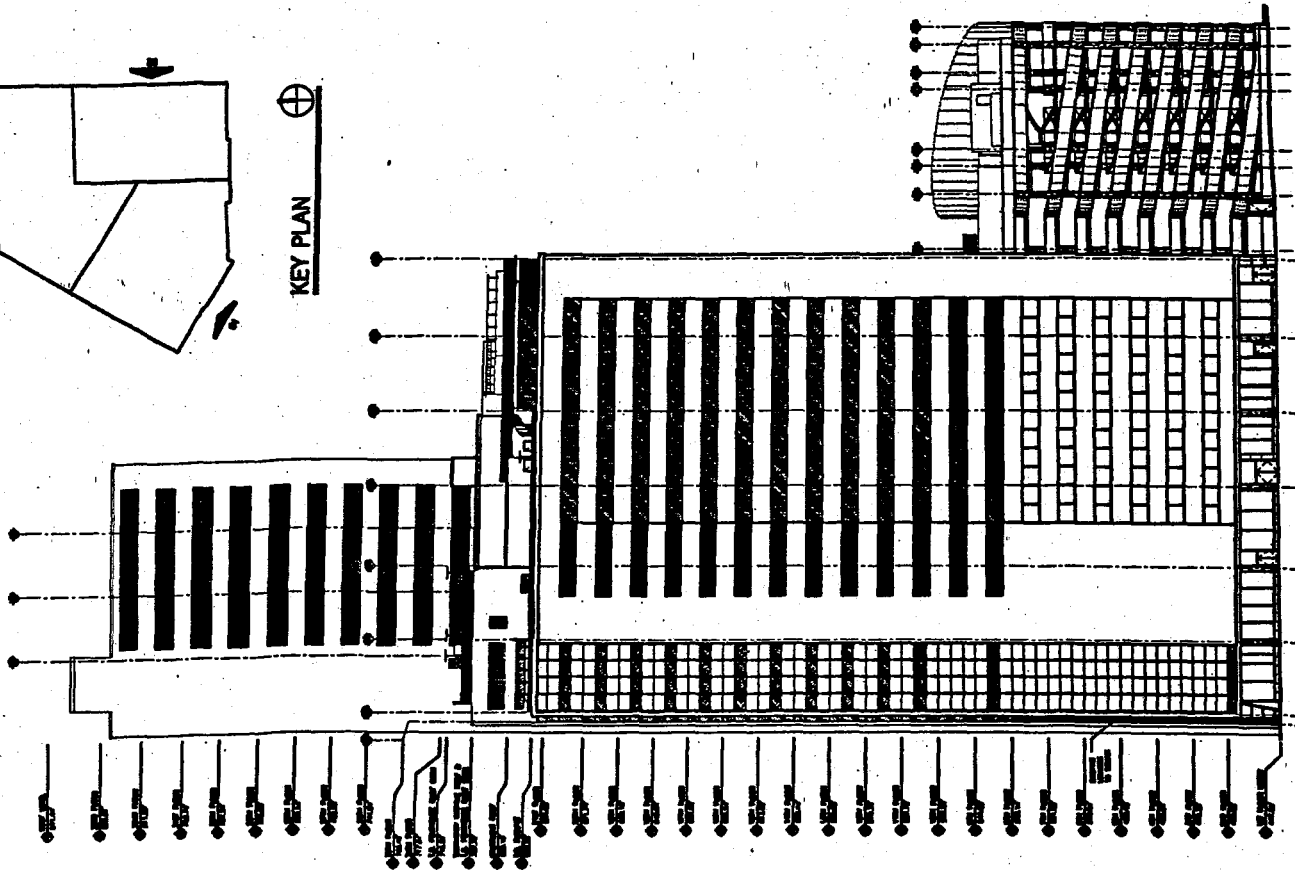
EXHIBIT C

NEW WEST ELEVATION - BUILDING
1/8" = 1'-0"
1/4" = 1'-0"

NEW SOUTH ELEVATION - BRYAN STREET
1/8" = 1'-0"
1/4" = 1'-0"

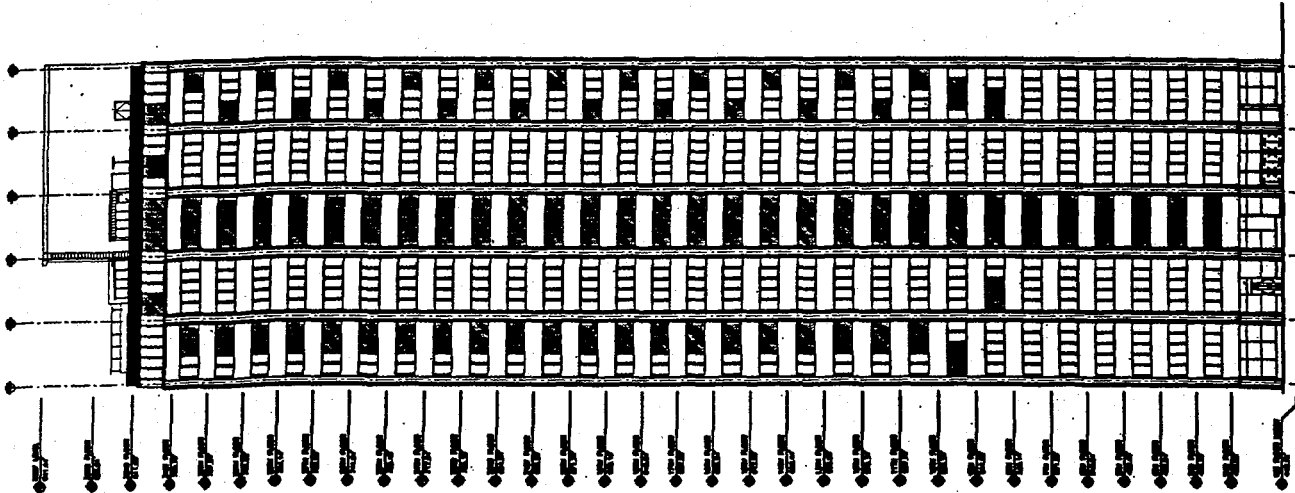
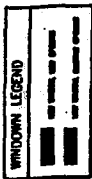


KEY PLAN



NEW EAST ELEVATION

02



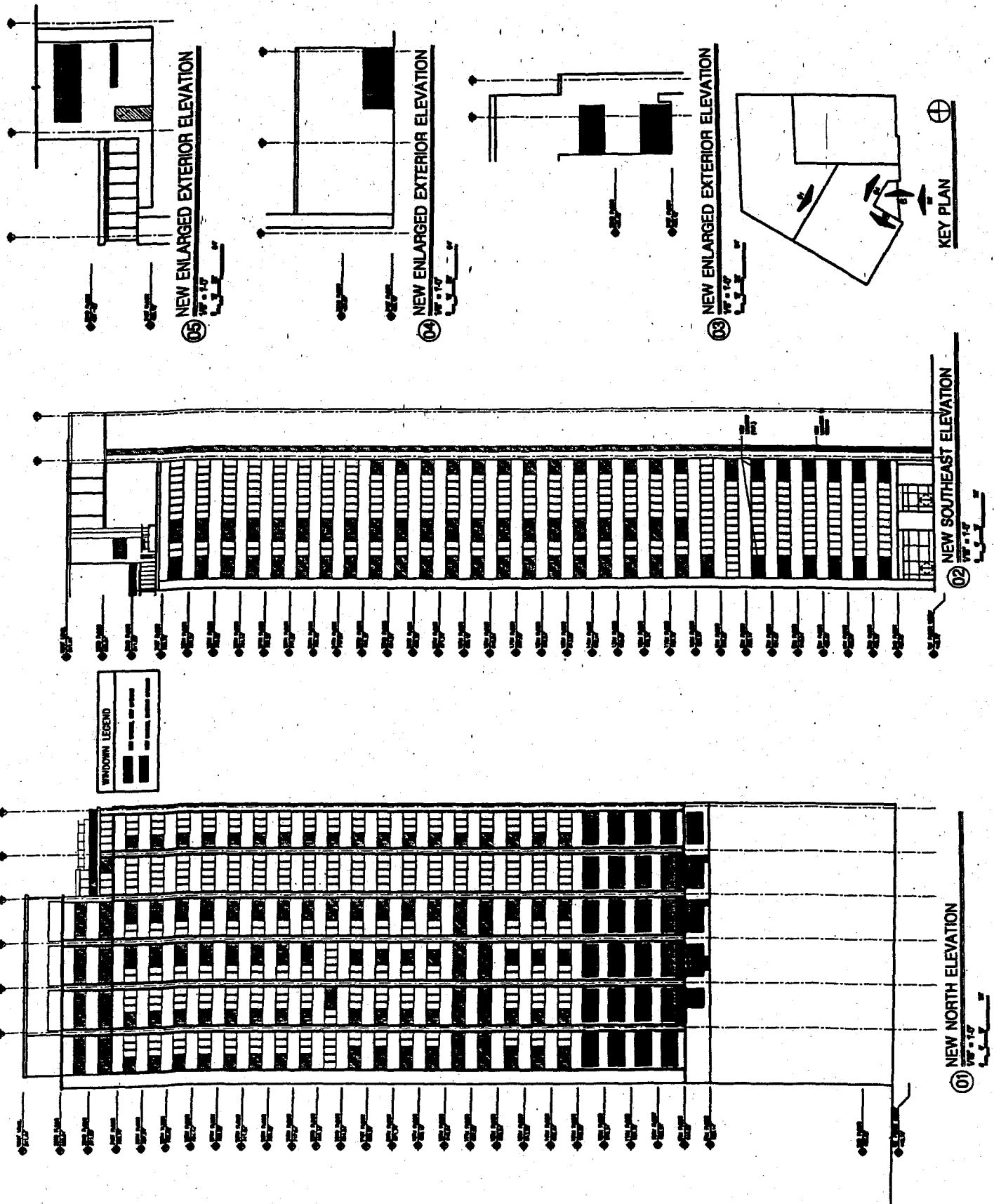
NEW SOUTH ELEVATION • PACIFIC STREET

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Fidelity Union Life Tower

1507 Pacific Avenue / 1511 Bryan Street / 318 N Akard Street
Dallas, Texas 75202

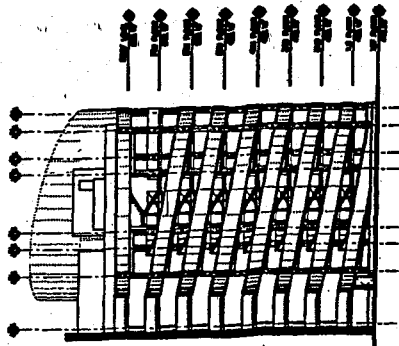
EXHIBIT C-2



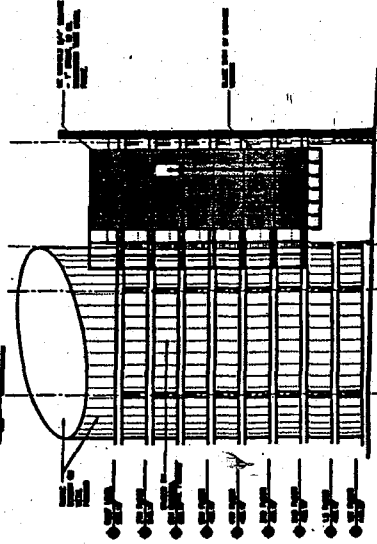
Fidelity Union Life Tower

1507 Pacific Avenue / 1571 Bryan Street / 318 N Akard Street
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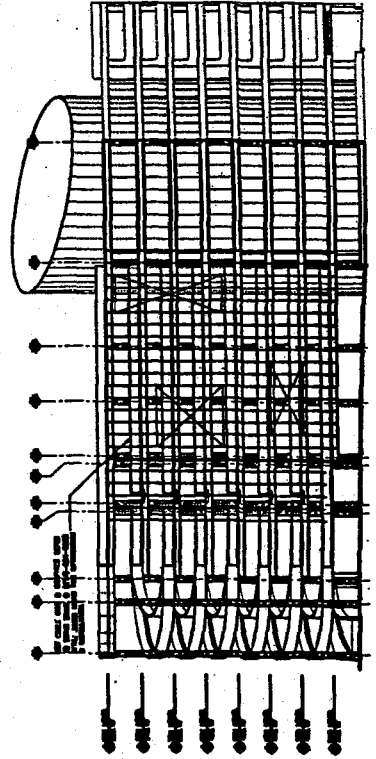
EXHIBIT C-3



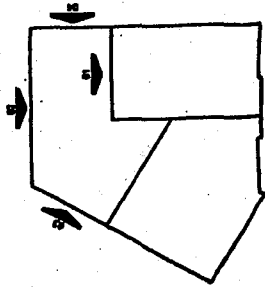
NEW EAST ELEVATION - PARKING GARAGE
VP - 1/4" = 1'-0"
1/4" = 1'-0"



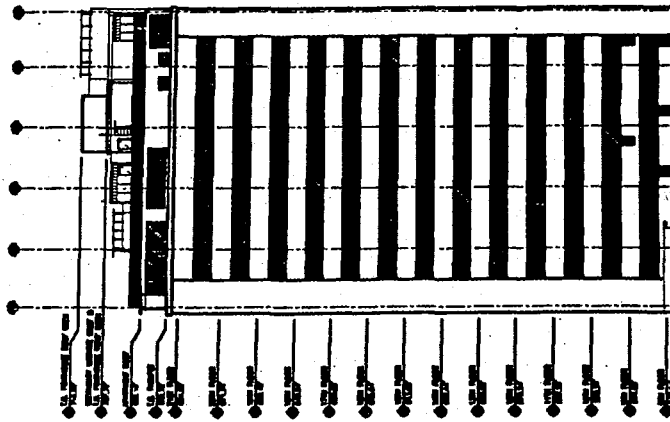
NEW WEST ELEVATION - PARKING GARAGE
VP - 1/4" = 1'-0"
1/4" = 1'-0"



NEW NORTH ELEVATION - PARKING GARAGE
VP - 1/4" = 1'-0"
1/4" = 1'-0"



KEY PLAN

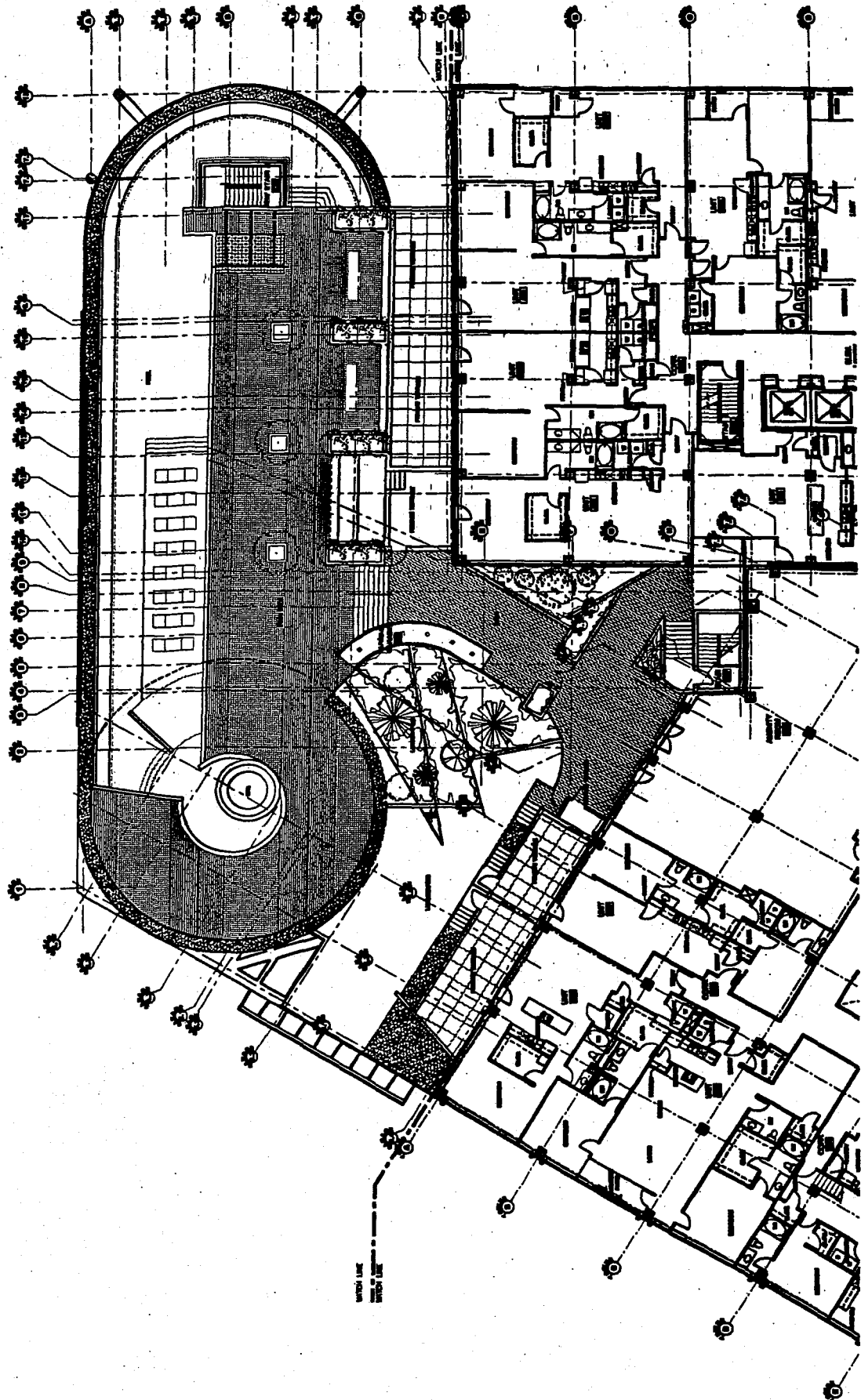


NEW NORTH ELEVATION - BUILDING
VP - 1/4" = 1'-0"
1/4" = 1'-0"

Fidelity Union Life Tower

1507 Pacific Avenue / 1511 Bryan Street / 318 N Akard Street
Dallas, Texas 75202

EXHIBIT C-2

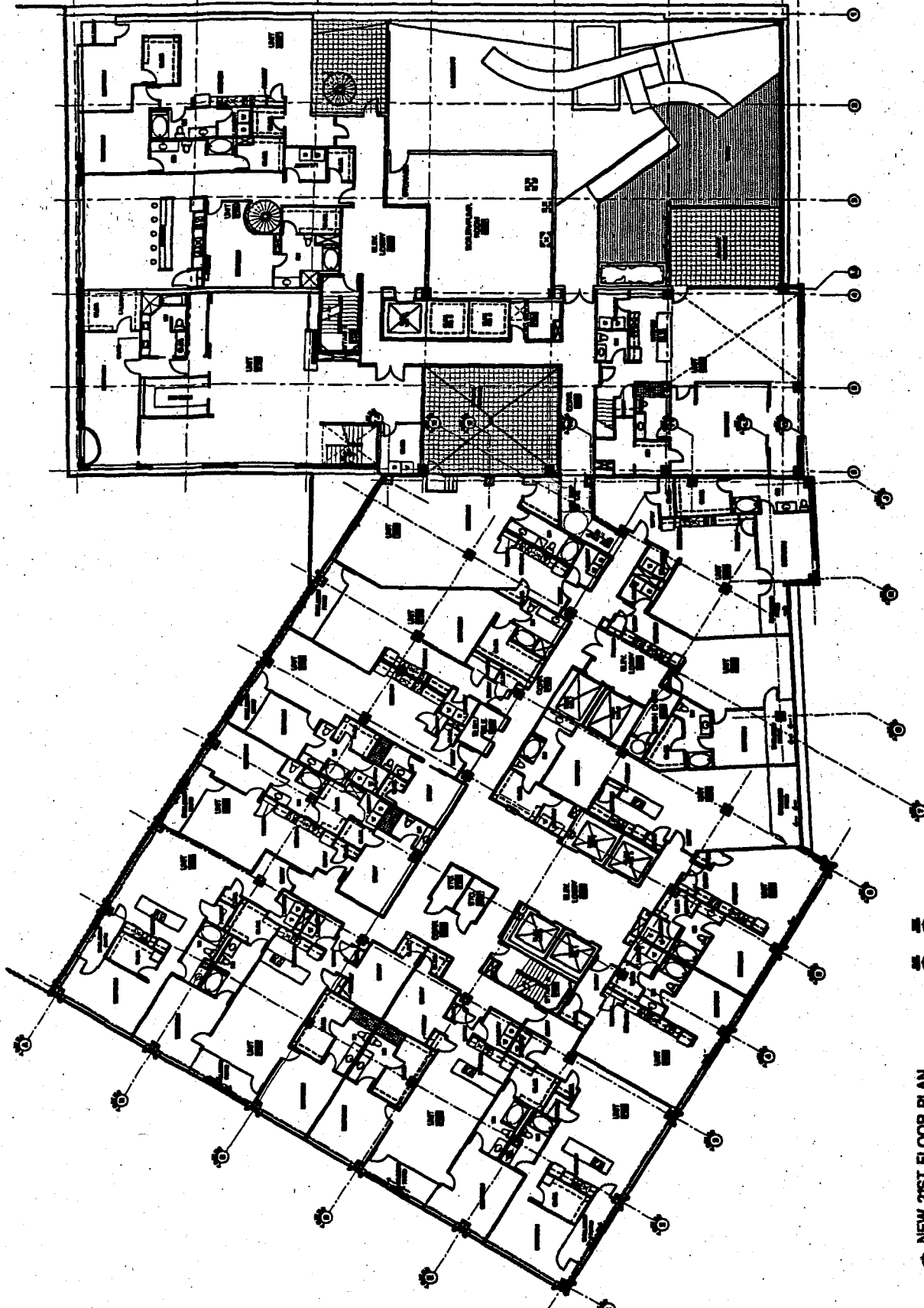


⊗
⊕
NEW 8TH FLOOR PLAN (NORTH)
1/2" = 1'-0"
⑥

Fidelity Union Life Tower

1507 Pacific Avenue / 1571 Bryan Street / 318 N Akard Street
Dallas, Texas 75202

EXHIBIT C-5





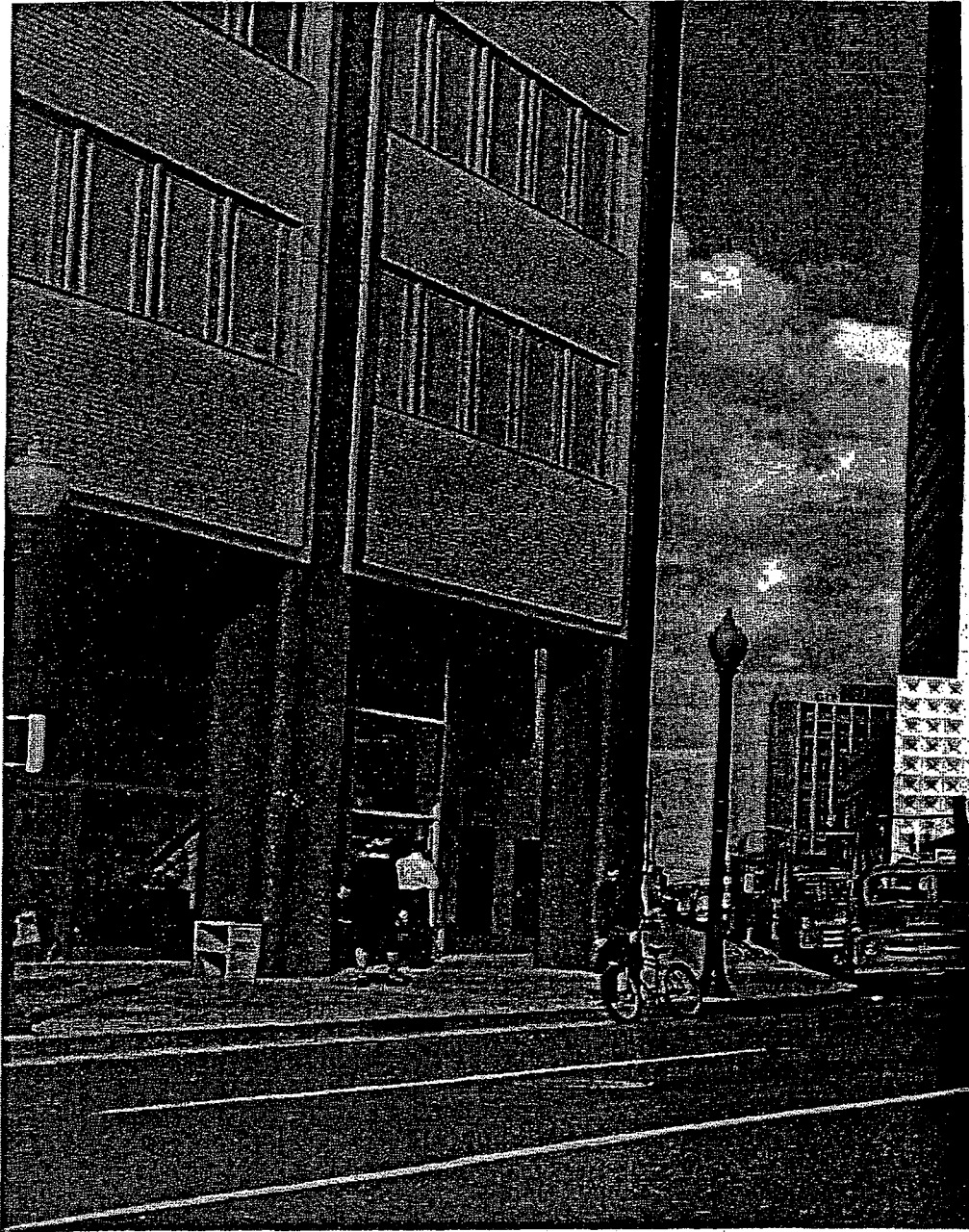
 NEW 21ST FLOOR PLAN
 11/21/54

Fidelity Union Life Tower
 1507 Pacific Avenue / 1511 Bryan Street / 318 N Akard Street
 Dallas, Texas 75202

EXHIBIT C-6

EXHIBIT C-7
PRESERVATION CRITERIA

Fidelity Union Life Tower
1507 Pacific Ave., Dallas, Texas



Column Original Condition