

8-11-16

ORDINANCE NO. 30192

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 6/188-1/2; fronting the west line of Abrams Parkway south of La Vista Drive and northeast of Paulus Avenue; and containing approximately 18,731 square feet of land;

by establishing Historic Overlay District No. 148 (Lakewood Theater); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

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

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 148 on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

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. Subject to and as modified by the preservation criteria below, 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 B.

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

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By   
Assistant City Attorney

Passed SEP 14 2016

Legal Description

BEING a tract of land out of the City of Dallas, City Block 6/1884-1/2 in the MUNGER PLACE HEIGHTS ADDITION, an addition in the City of Dallas as recorded in Volume 2, Page 280, also being a part of the R. Roy Survey, Abstract No. 1242, Dallas County, Texas, and being part of the land described in deed recorded in instrument number 200503648588 Official Public Records Dallas County, Texas, and being more particularly described as follows:

COMENCING at a found X cut found in the northeast right of way line of a 15 foot alley, said point being North 45 degrees 28 minutes 41 seconds West at a distance of 327.93 feet from the intersection of the right of way of Abrams Parkway ( a 70 foot right of way) and said 15 foot alley,

THENCE: South 45 degrees 28 minutes 41 seconds East, 109.46 feet to THE POINT OF BEGINNING in the north west right of way line of said 15 foot alley;

THENCE: North 44 degrees 34 minutes 49 seconds East at a distance of 90.80 feet to a point for corner;

THENCE: South 45 degrees 54 minutes 30 seconds East, 20.28 feet to a point for corner;

THENCE: North 44 degrees 58 minutes 53 seconds East 34.12 feet to a point for corner;

THENCE: South 45 degrees 14 minutes 20 seconds East 71.80 feet to a point for corner;

THENCE: South 00 degrees 44 minutes 00 seconds East 177.66 feet to a point for corner;

THENCE: North 45 degrees 24 minutes 03 seconds West 218.63 feet to the POINT OF BEGINNING containing 18,731 square feet of land;

**EXHIBIT B  
PRESERVATION CRITERIA  
LAKEWOOD THEATER  
1825 ABRAMS ROAD**

**1. GENERAL.**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
  - a. Except as otherwise noted in these preservation criteria, 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 be consistent 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 1938 to 1965.

## 2. DEFINITIONS.

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 148, the Lakewood Theater Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B1.
- 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 BUILDING means the 1938 building, as shown on Exhibit B1.

- 2.10 MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.
- 2.11 NEW SIGNAGE means a sign installed after August 24, 2016.
- 2.12 NO-BUILD ZONE means that part of this district in which no new construction may take place.
- 2.13 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.14 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.
- 2.15 TOWER SIGN means a sign attached to, applied on, or supported by the 100-foot-tall tower located on the left side of the projecting marquee or the smaller tower element located on the right side of the projecting marquee.

### **3. BUILDING SITE AND LANDSCAPING.**

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit B1.
- 3.2 The main building is protected.
- 3.3 The 1980's addition, shown on Exhibit B1, is not protected.
- 3.4 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, exposed aggregate, and outdoor carpet are not permitted.
- 3.5 New mechanical equipment may not be placed or erected in the no-build zones shown on Exhibit B1. Mechanical equipment placed on the ground must be screened.
- 3.6 Landscaping.
  - a. Existing trees are not protected.
  - b. Outdoor lighting must be appropriate and enhance the structure.
  - c. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.

### 3.7 Fences.

- a. Fences are permitted, but design and placement must be appropriate and must not block significant views of the historic structure. No fences may be placed in front of Facade A1 shown on Exhibit B2.
- b. Fence height is limited to four feet above adjacent finished grade or at the minimum height required by the Texas Alcoholic Beverage Commission.
- c. Fences may be constructed of metal, masonry, wood, stucco, stone, or other material deemed appropriate. There are no transparency requirements for fences.

## 4. FACADES.

### 4.1 Protected facades.

- a. The facades shown on Exhibit B2 are protected as described below.
  1. Facades A1 and A2 are protected from ground level to top of parapet, including historic tower signage and movie marquee signage.
  2. Facade B1 is protected from the point where the parapet meets the roof to the top of the parapet.
  3. Facade B2 is protected from a line 16 feet above grade to the top of the parapet.
  4. Facade B3 is not protected, but all work on this facade is subject to the certificate of appropriateness process. This facade may receive new windows, entrances, or similar openings equivalent to up to 75% of the linear footage of the facade. Additionally, up to 100 percent of this non-protected facade may attach to adjacent new construction.
  5. Facades C and D are not protected, but all work on these facades is subject to the certificate of appropriateness process. Up to 100 percent of Facade D may attach to adjacent new construction.
  6. Facades E and F are not protected and modifications to them are not subject to the certificate of appropriateness process.
- 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.
- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Wood siding, trim, and detailing must be restored wherever practical.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.
- 4.7 Aluminum siding, exterior insulation and finish systems (EIFS), EIFS coatings, and vinyl cladding are not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## **5. FENESTRATION AND OPENINGS.**

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.

- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass on protected facades and Facade B3. Clear, low-e glazing is acceptable on all facades.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

## **6. ROOFS.**

- 6.1 The historic slope, massing, and configuration of the roof must be preserved and maintained.
- 6.2 A certificate of appropriateness is not required for repair of the roof, roof flashing, roof mounted mechanical equipment, or for the installation of new, or the replacement of, existing mechanical or electrical equipment, including a new mechanical penthouse or elevator penthouse, provided it complies with the screening and setback requirements in Section 9.2.
- 6.3 Historic coping, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level within an area that extends up to 25 feet outside of the designation boundary.

## **7. EMBELLISHMENTS AND DETAILING.**

- 7.1 The following architectural elements are considered important features and are protected:
  1. Large and small towers on either end of the marquee on Protected Facade A1, including historic lighting and signage.

2. Theater marquee on Protected Facade A1.
  3. Box office on Protected Facade A1.
  4. Movie poster display cases on Protected Facade A1.
  5. Stepped parapets on Protected Facade B2.
  6. Terrazzo paving.
- 7.2 Tower lighting. Decorative and signage lighting on the two towers is protected in configuration, extent, and color. Lighting may be replaced and repaired with new materials that substantially mimic the historic conditions. New lighting technology, such as LED, is permitted provided it closely resembles the historic neon tube lighting in diameter, section length, configuration, and color. Variable color lighting is permitted provided the original color of each tube is established and can be achieved by the new lighting system. No animation or movement of the lighting is permitted unless documentation is provided that shows the animation or movement was available during the period of historic significance.

## **8. PRESERVATION CRITERIA FOR THE INTERIOR.**

- 8.1 The historic mural paintings shown on Exhibit B3 are considered important features and are protected:
1. Historic mural paintings must be left in place and may be covered to present a different, non-historic face to the interior. This must be done in a way that is protective of the murals and does not damage or contribute to the deterioration of the mural paintings, their support system, or substrate as determined through the certificate of appropriateness process. Protective measures must not attach to or touch the mural paintings in any way or penetrate the mural paintings at any point. Covering the mural paintings by painting directly onto them is prohibited. In addition, measures must be in place to protect the mural paintings temporarily, as needed, from damage or deterioration during installation of the covering system. Details of the covering system, including its components and attachment or anchorage details must be submitted for review prior to commencing the work.
  2. Historic mural paintings may be removed for restoration, preservation, and reinstallation upon a finding that murals were executed on canvas or other backing material that is suitable for their removal for restoration. Assessment, planning, removal, restoration, and reinstallation must be done under the direct supervision of a qualified decorative arts conservator.

3. Restoration of the historic mural paintings may include cleaning of the murals and/or removal of non-historic paint that may have been added by someone other than the original artists. Cleaning and paint removal must be conducted under the direct supervision of a qualified decorative arts conservator.
- 8.2 Except as provided in 8.1, all other interior features and components are not protected and not subject to these criteria or the certificate of appropriateness process.

## **9. NEW CONSTRUCTION AND ADDITIONS.**

- 9.1 Stand-alone new construction is not permitted in the no-build zones shown on Exhibit B1.
- 9.2 Vertical additions to the main building are not permitted except for the installation of an elevator penthouse or similar accessory construction, provided the construction is set back or screened so that it is not visible to a person standing at ground level within an area that extends up to 25 feet outside of the designation boundary.
- 9.3 Horizontal additions to the main building are permitted in the locations shown on Exhibit B1 and are limited in height as indicated on Exhibit B1.
- 9.4. The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.5. New construction and additions must have appropriate color, detailing, massing, and materials.
- 9.6. The height of new construction and additions must not exceed the height of the historic structure and are otherwise limited as specified in these criteria.
- 9.7. Aluminum siding, exterior insulation and finish system (EIFS), and vinyl cladding are not permitted.
- 9.8 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.

**10. SIGNS.**

- 10.1 Existing tower signs and marquee signs are historic architectural features. These signs do not count toward the maximum effective area or number of signs in Planned Development District No. 281 or Article VII, "Sign Regulations," of the Dallas Development Code.
- 10.2 New signage on Facade A1 is only allowed for tenants occupying the space immediately behind the marquee. This new signage must be static and may be internally illuminated.
- 10.3 New signage on Facade B1 is only permitted if a single tenant occupies the entire leaseable area of the main building.
- 10.4 Signage is permitted on Facade B2.
- 10.5 New signage is permitted on non-protected facades.
- 10.6 All signs must comply with the provisions of the Dallas City Code, as amended.
- 10.7 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

**11. OFF-STREET PARKING REDUCTION FOR THEATER USE.**

- 11.1 No parking is required for any use operating within the main building or the 1980's addition.

**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.

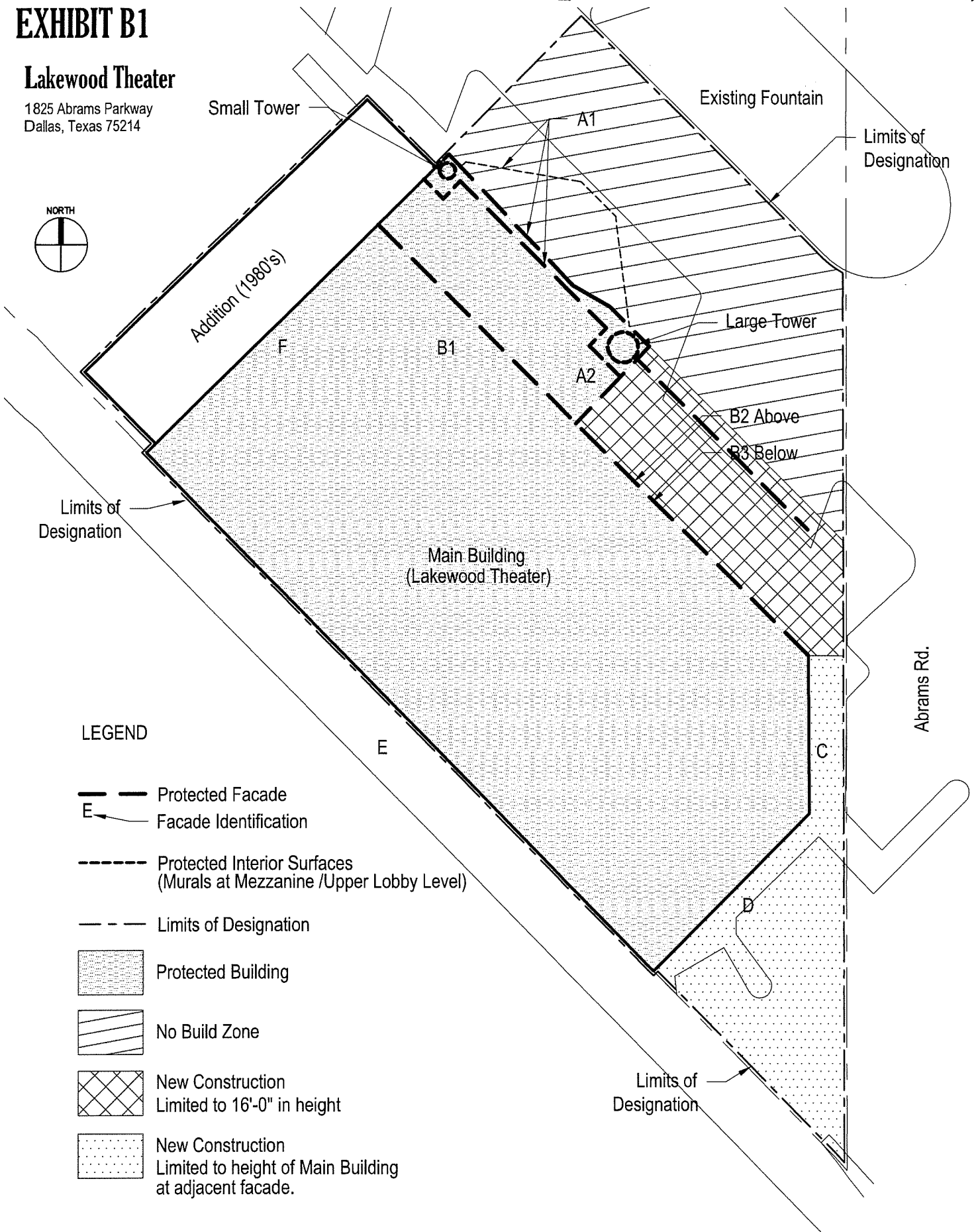
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# EXHIBIT B1

## Lakewood Theater

1825 Abrams Parkway  
Dallas, Texas 75214



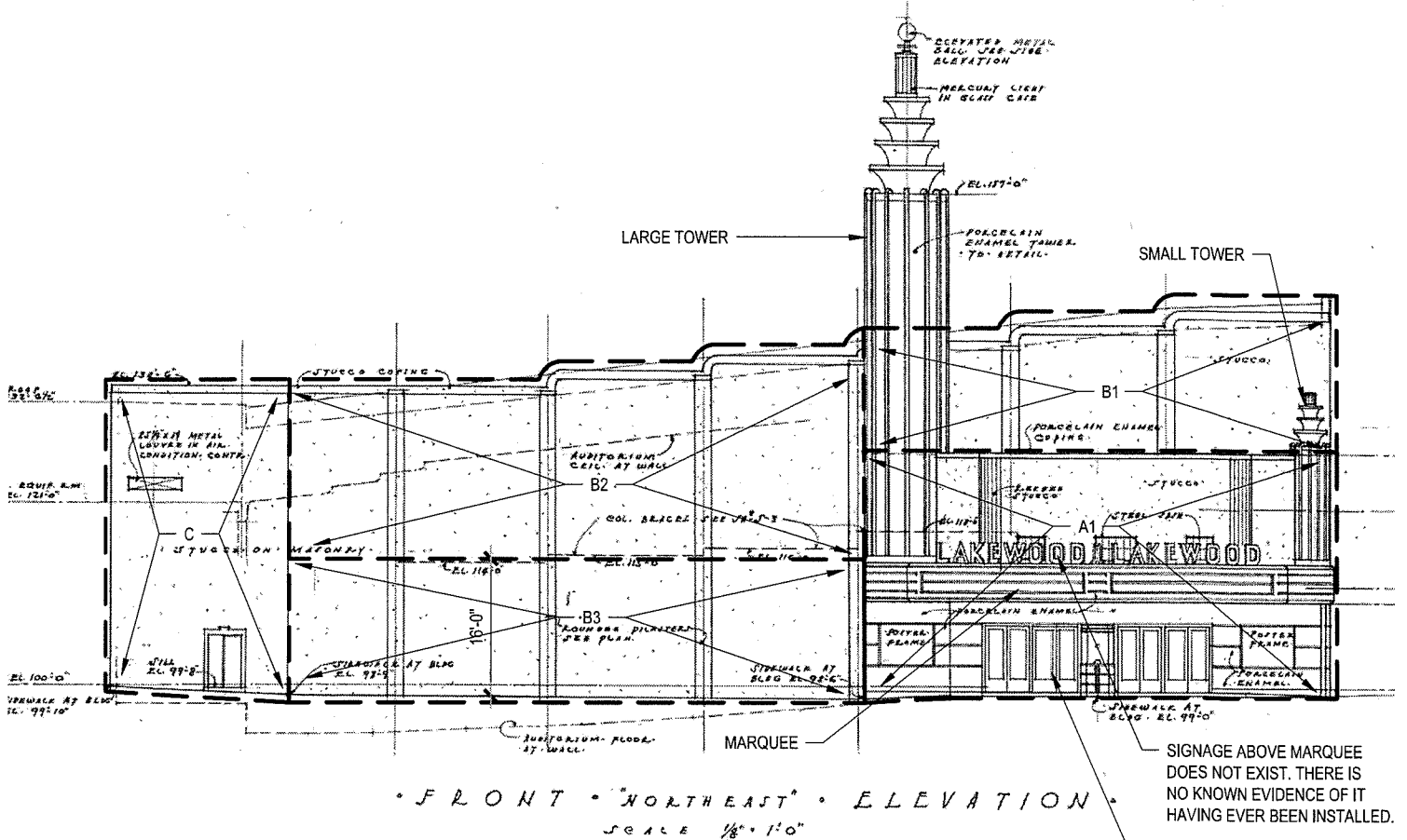
### LEGEND

-  Protected Facade
-  Facade Identification
-  Protected Interior Surfaces (Murals at Mezzanine /Upper Lobby Level)
-  Limits of Designation
-  Protected Building
-  No Build Zone
-  New Construction Limited to 16'-0" in height
-  New Construction Limited to height of Main Building at adjacent facade.

# EXHIBIT B2

## Lakewood Theater

1825 Abrams Parkway  
Dallas, Texas 75214



SIGNAGE ABOVE MARQUEE DOES NOT EXIST. THERE IS NO KNOWN EVIDENCE OF IT HAVING EVER BEEN INSTALLED.

THIS DRAWING SHOWS ENTRANCE AND BOX OFFICE IN THEIR ORIGINAL LOCATIONS AND CONFIGURATION, WHICH MAY NOT MATCH CURRENT CONDITIONS.

### ELEVATION

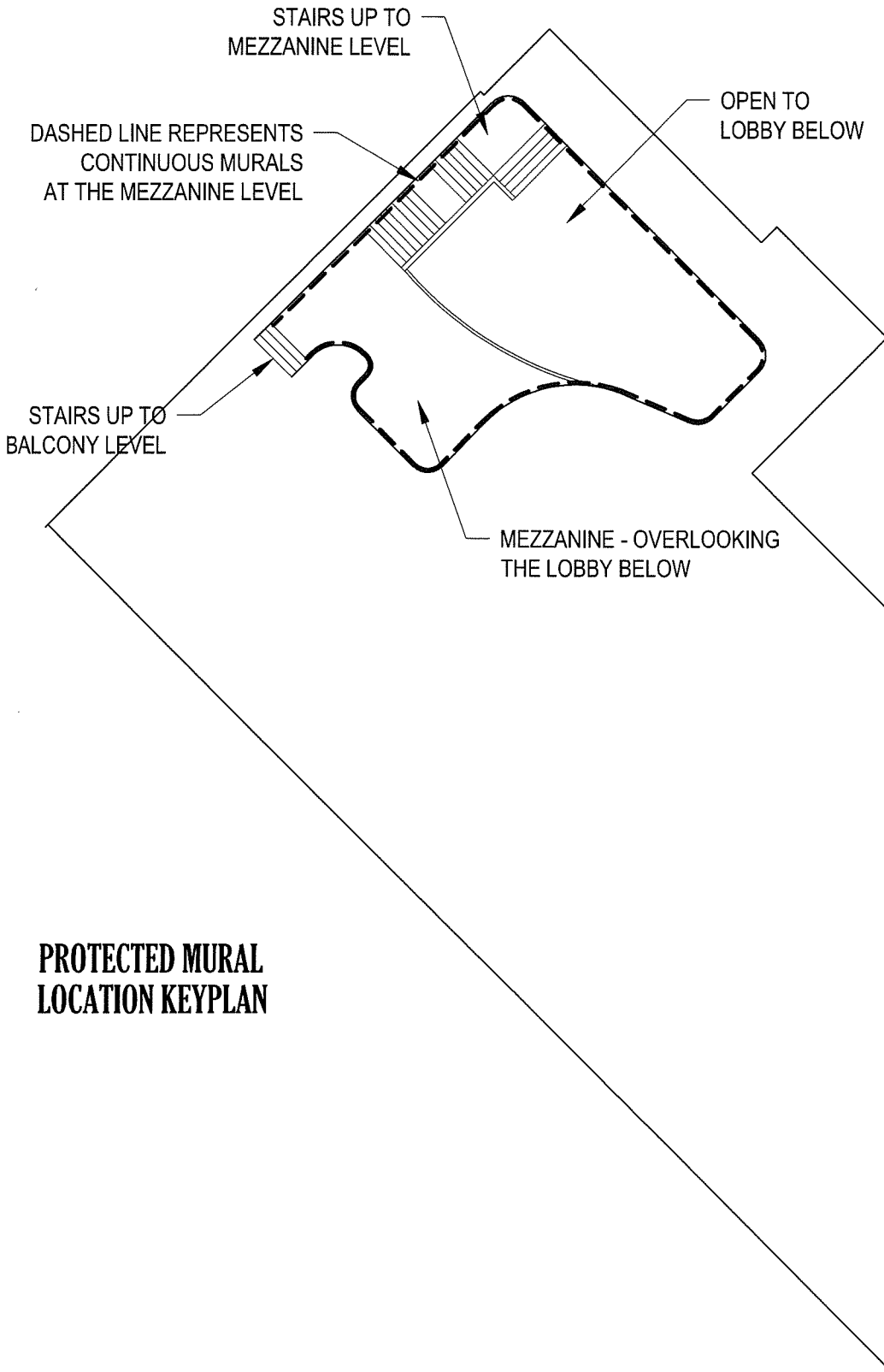
This exhibit uses an elevation from the original 1938 construction drawings. Some details and conditions have changed since that time. Field verify all existing conditions before proceeding.



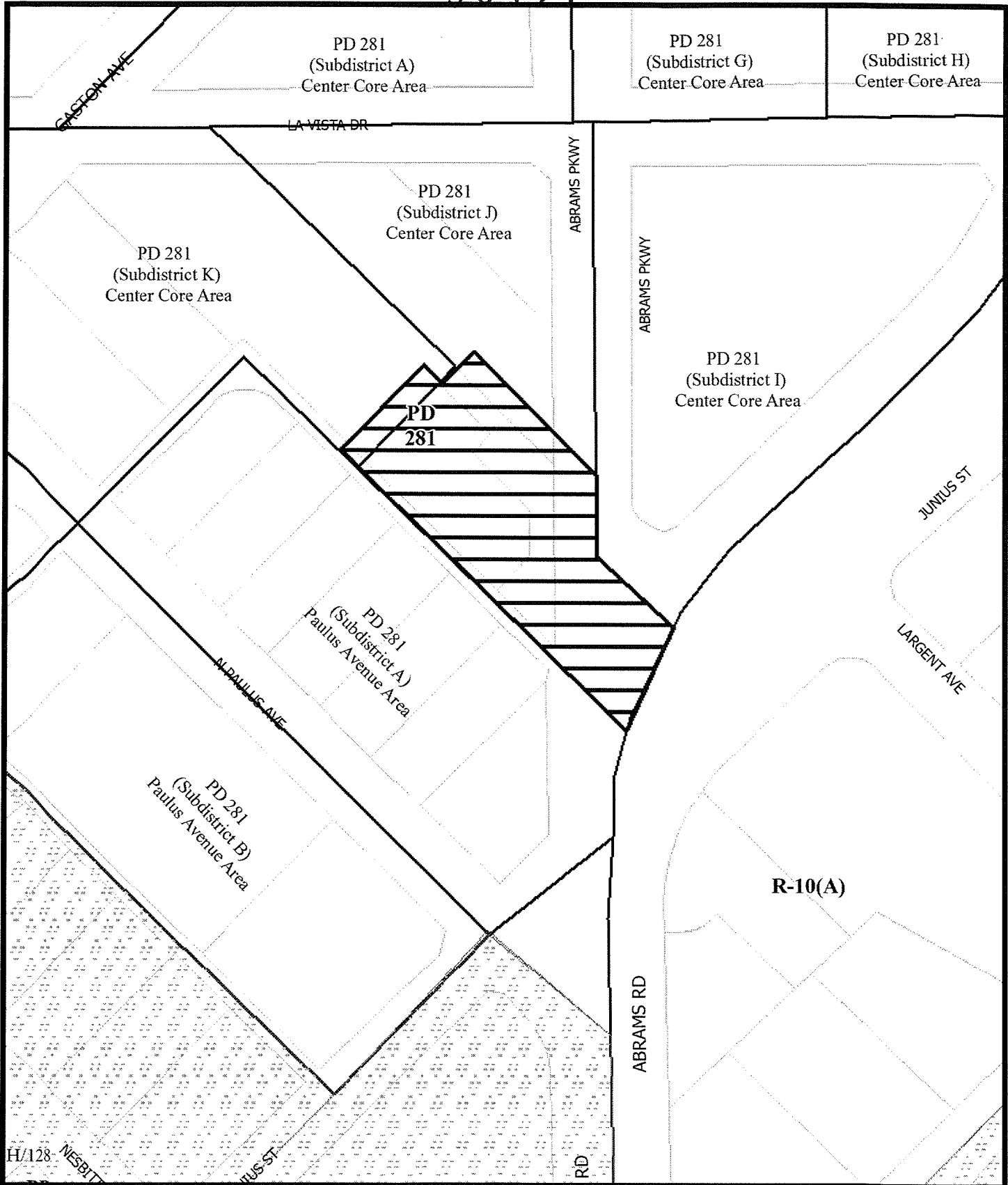
# EXHIBIT B3

## Lakewood Theater

1825 Abrams Parkway  
Dallas, Texas 75214



**PROTECTED MURAL  
LOCATION KEYPLAN**

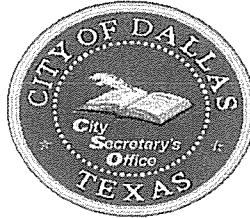


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# ZONING MAP

Case no: Z156-186

Date: 5/13/2016



**PROOF OF PUBLICATION – LEGAL ADVERTISING**

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 14 2016

ORDINANCE NUMBER 30192

DATE PUBLISHED SEP 17 2016

ATTESTED BY: