

Memorandum



CITY OF DALLAS

DATE September 12, 2008

TO Members of the Economic Development Committee:
Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Dwaine Caraway, Jerry R. Allen, Sheffie Kadane, Mitchell Rasansky, Linda Koop, and Steve Salazar

SUBJECT Dirt Skirts

Please find attached briefing materials on proposed amendments to the definition of grade to address "dirt skirts." "Dirt skirts" are a means to artificially alter the grade of a building site in an attempt to change the grade from which maximum building height is measured. Since grade is measured from the average of the highest and lowest exterior corners of a building, by increasing fill around, or at the corners, of a structure, the allowed height of a structure can be increased artificially. This item is on the September 16, 2008 Economic Development Committee agenda for your consideration and is scheduled for a public hearing at the September 24, 2008 City Council meeting. The proposals include a specific application on amendments to regulations pertaining to attached signs which contain no words.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'A.C. Gonzalez'.

A.C. Gonzalez
Assistant City Manager

C: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge C. Victor Lander
Ryan S. Evans, First Assistant City Manager
Chief David Brown, Interim Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Theresa O'Donnell, Director of Development Services
Helena Stevens Thompson, Assistant to the City Manager

“Dirt Skirts”

The Definition of Grade Relative to Building Height Determination

City Council Economic Development
Committee

September 16, 2008



Purpose of the Amendments

- The proposed amendment would alter the definition of grade to specifically exclude fill material such as berms, or other landscape features not necessary to make the site developable, which results in an arbitrary increase in height.

Background

- CPC instructed ZOAC to consider the issue
- ZOAC discussed the topic at two meetings
 - November 15, 2007
 - December 6, 2007
- CPC
 - December 20, 2007

Issues and Concerns

- “Dirt Skirting” is artificially altering the grade in an attempt to increase the developable height of a structure
- Such artificial increases in grade have produced structure heights inconsistent with surrounding properties which are zoned in a similar manner
- There are legitimate instances when building sites need fill to make them developable in a reasonable manner and meet engineering and drainage requirements

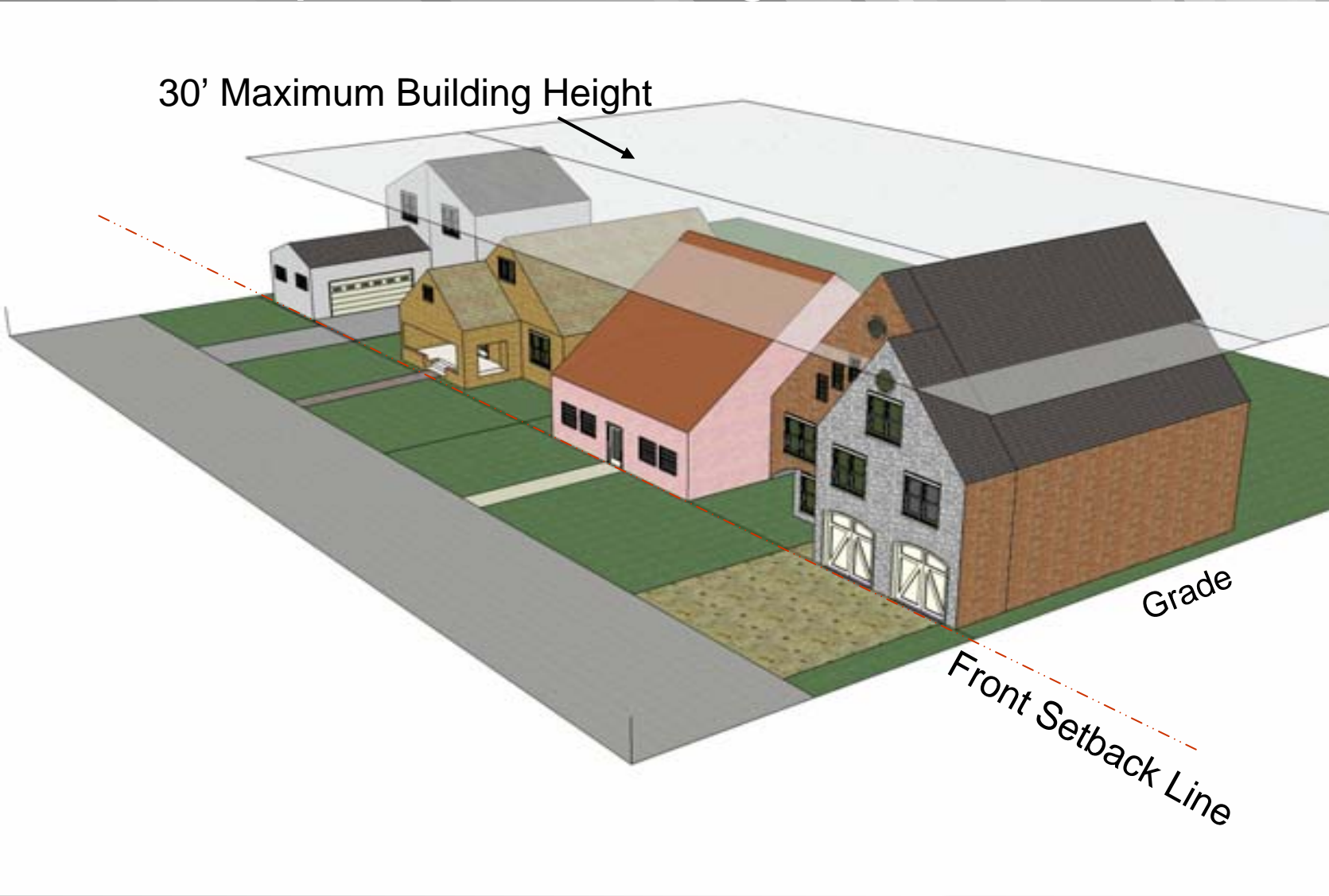
Existing Definitions

- **GRADE** means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.
- **HEIGHT** means the vertical distance measured from grade to:
 - (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;
 - (B) for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and
 - (C) for any other structure, the highest point of the structure.

Issues and Concerns

- Based on the technical definition, one interpretation of how grade is determined when calculating permitted height would be to include all fill material, regardless of purpose, when determining grade. This interpretation has resulted in an increase in building height over what would have occurred without the material being placed at the base of the structure.
- The current interpretation of the definition of grade by the building official would not allow such features to be included in determining grade.

Example of How Height is Measured



Dirt Skirt Examples



Dirt Skirt Examples



Dirt Skirt Examples



Dirt Skirt Examples



Dirt Skirt Examples



ZOAC Recommendation

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure, excluding landscape features, berms, or other fill material added to the building site for the purpose of increasing the height of the structure.”

CPC Recommendation

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. Finished ground surface elevation does not include landscape features, berms, or other fill material.”

Staff Recommendation

“(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include landscape features, berms, or other fill material not necessary to make the site developable.

Next Step

- City Council Public Hearing Scheduled for September 24, 2008

Discussion