



CITY OF DALLAS

January 21, 2025

Via Certified Mail: 7013 3020 0001 1420 9021

Esther Vidaña
4605 Sycamore St.
Dallas, TX 75043

RE: Appeal of Certificate of Appropriateness:
Hearing – February 6, 2025
4605 Sycamore St., Case No. CA245-019(MW)

Dear Esther Vidaña:

We have received your correspondence appealing the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 4605 Sycamore St. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, February 6, 2025.** The City Plan Commission meeting will be held in person and by video conference. Individuals who wish to speak, remotely via WebEx, in accordance with the City Plan Commission Rules of Procedure, should contact the Current Planning division at 214-670-4209 by the close of business Tuesday prior to the scheduled CPC Meeting date. Individuals can also register online at:

<https://dallascityhall.com/government/meetings/Pages/city-plan-commission.aspx>.

Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or Channel 99 and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

The appeal of the decision of the Landmark Commission regarding the application for a Certificate of Appropriateness is a quasi-judicial action. No communication with City Plan Commission members may occur outside the hearing of **February 6, 2025.**

The Dallas Development Code, Section 51A-4.501(H) provides the procedures applicable to a Certificate of Appropriateness appeal. For your convenience, I have enclosed a copy of the ordinance containing the applicable section and a copy of the Appeal Procedures.

Esther Vidaña
4605 Sycamore St.
Dallas, TX 75043

Included with this letter is the Landmark Commission record and other related paperwork. The Landmark Commission record includes all documents related to your specific case including a transcript of the October 2024 Landmark Commission hearing. As mentioned in the email sent November 14, 2024, should you wish to provide the City Plan Commission a brief on the matter, submit a copy to me at Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, TX 75201 or to phyllis.hill@dallas.gov by **5:00 p.m. Thursday, January 24, 2025** I will then distribute a copy of your brief to the City Plan Commission. I will also send you a copy of the brief by the Assistant City Attorney's office.

You may contact me @ 214-670-4206 or email me at Phyllis.hill@dallas.gov if there are any questions regarding the deadline dates. You are encouraged to contact Assistant City Attorney Laura Morrison at 214-670-5477 should you have any questions regarding the format of the City Plan Commission hearing or other related matters.

Respectfully,



Elaine Hill
Coordinator
Landmark Commission
Historic Preservation

cc: Marcus Watson, Chief Preservation Planner
Arturo Del Castillo, Assistant Director, Historic Preservation
Laura Morrison, Assistant City Attorney
Mathew Sapp, Assistant City Attorney

THE RECORD

**4605 SYCAMORE STREET
APPEAL
CA245-019(MW)**

**City Plan Commission
Hearing
02/06/2025**

VIA CERTIFIED MAIL 7013 3020 0001 1420 9021

INDEX

4605 Sycamore Street CA245-019(MW)

Certificate of Appropriateness	Section 1
--------------------------------	-----------

Landmark Commission Agenda, October 7, 2024	Section 2
---	-----------

Docket Material	Section 3
-----------------	-----------

Landmark Commission Minutes, October 7, 2024	Section 4
--	-----------

Transcript of the October 7, 2024, Landmark Commission Hearing	Section 5
--	-----------

Historic Preservation Criteria	Section 6
Dallas Development Code §51A-4.501	

Correspondence	Section 7
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SECTION 1

Certificate of Appropriateness

4605 Sycamore St.
CA245-019(MW)

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA 245 - 019 (MW)

OFFICE USE ONLY

Name of Applicant: Esther Garcia
Mailing Address: 4605 Sycamore
City, State and Zip Code: Dallas, TX 75204
Daytime Phone: (214) 524-1784 Alternate Phone: (214) 524-1784
Relationship of Applicant to Owner: _____

OFFICE USE ONLY

Main Structure:



Contributing



Non-contributing

PROPERTY ADDRESS: 4605 Sycamore Dallas TX 75204
Historic District: 108

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT** write "see attached."

~~Replace 18 windows - replace front door - Paint the back (interior) with a light cream color~~
~~Paint the back (interior) with a light cream color~~

EMAIL ADDRESS: esther.vidana@mail.com

Signature of Applicant: Esther Garcia Date: 3/25/24

Signature of Owner: _____ Date: _____
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be completed and submitted by the **FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to Historicpreservation@dallas.gov. Please write your address and district in the email subject line.

Please use the enclosed criteria checklist as a guide to complete the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner to ensure your application is complete. Click on the following link to the City of Dallas website for contact information:

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

SECTION 2

Landmark Commission Agenda

October 7, 2024

See Page 20 of 22 Item #7

DISCUSSION ITEMS:**7. 4605 SYCAMORE ST.**

Peak's Suburban Addition Neighborhood HD

CA245-019(MW)

Marcus Watson

Request

A Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work).

Applicant Garcia, Esther**Application Filed** 8/26/2024**Staff Recommendation**

That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be denied without prejudice. The proposed work is inconsistent with preservation criteria Sections 3.10 or 3.13; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

Task Force Recommendation

That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be denied without prejudice. The materials are not appropriate for the architecture and not consistent with materials approved for the neighborhood. The Task Force has concerns with the windows being vinyl and the lack of dimensionality of the windows, sash, and trim. Furthermore, much of the trim that does exist is in the same plane as the siding which also reduces the dimensionality of the window unit and is inappropriately applied for this neighborhood.

8. 3514 DUNBAR ST.

Wheatley Place Historic District

CA245-007(RD)

Rhonda Dunn

Request

A Certificate of Appropriateness to construct new main residential building (on a vacant lot) -- with a detached accessory structure (a one car garage).

Applicant Looney, Cedric**Application Filed** 8/26/2024**Staff Recommendation**

That the request for a Certificate of Appropriateness to construct new main residential building (on a vacant lot) with a detached accessory structure (a one car garage) be approved in accordance with drawings and specifications dated 9/25/2024 with the following conditions: that windows be all aluminum (no cladding) with light configuration of one-over-one; that horizontal skirting be applied and extended to grade/ground level on all elevations – concealing raised concrete foundation; that driveway(s), walkway(s) and steps be of brush finished concrete; that the steps leading to both porches in the front and the back have a tread of 11 inches and risers at a maximum of seven inches. Implementation of the recommended conditions would allow the proposed work to be consistent with Wheatley Place's preservation criteria

SECTION 3

CA245-019(MW)
Docket Material



LANDMARK COMMISSION

OCTOBER 7, 2024

FILE NUMBER: CA245-019(MW)
LOCATION: 4605 Sycamore St.
STRUCTURE: Contributing
COUNCIL DISTRICT: 2
ZONING: MF-2(A), R-7.5(A)

PLANNER: Marcus Watson
DATE FILED: August 26, 2024
DISTRICT: Peak's Suburban (H-72)
MAPSCO: 46-A
CENSUS TRACT: 0015.04

APPLICANT: Garcia, Esther

REPRESENTATIVE: N/A

OWNER: HERNANDEZ REFUGIO VIDAMA & ESTHER GARCIA

REQUESTS:

A Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work).

STAFF RECOMMENDATION:

That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be **denied without prejudice**. The proposed work is inconsistent with preservation criteria Sections 3.10 or 3.13; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

TASK FORCE RECOMMENDATION:

That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be **denied without prejudice**. The materials are not appropriate for the architecture and not consistent with materials approved for the neighborhood. The Task Force has concerns with the windows being vinyl and the lack of dimensionality of the windows, sash, and trim. Furthermore, much of the trim that does exist is in the same plane as the siding which also reduces the dimensionality of the window unit and is inappropriately applied for this neighborhood.

BACKGROUND / HISTORY:

4605 Sycamore Street is a one-story vernacular cottage in Folk Victorian form and Craftsman architectural elements identified as contributing to the Peak's Suburban Addition historic overlay district. The applicant is seeking approval after the fact for windows installed without a CA.

Previous applications for Certificates of Appropriateness (or Demolition) filed for this property that are pertinent to this CA include:

<u>CASE NUMBER</u>	<u>REVIEW TYPE</u>	<u>DATE</u>	<u>OWNER</u>	<u>DECISION</u>
CA234-477(MW)	Standard	9/6/24	HERNANDEZ/GARCIA	Denied w/o Pred. A Certificate of Appropriateness to replace the front door on the main structure with a fiberglass and glass door.

RELEVANT PRESERVATION CRITERIA, STANDARDS, AND PROJECT ANALYSIS:

1. Peak's Suburban Addition Historic District (H-72); Ordinance Nos. 22352, Sections 3.10 and 3.13

The criteria state that original doors and windows and their openings must remain intact and be preserved. The original windows were removed without approval, and many of the replacement windows are different sizes than the original, which resulted in alteration of the openings themselves.

Furthermore, the criteria state that any replacement windows must express light configuration and materials to match the original. The replacement windows are vinyl, not wood, and most of sashes are unequal in size, which is not appropriate or compatible.

2. Secretary of the Interior's Standards for Rehabilitation:

The SOI Standards state:

- **Not Recommended:** Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.
- **Not Recommended:** Removing a character-defining feature of the building or landscape from the setting that is unrepairable and not replacing it or replacing it with a new feature the does not match.

Windows, both their design AND their material are generally deemed by best preservation practice as character-defining features of both individual buildings and the fabric of entire historic districts. **Therefore, vinyl windows do not meet this standard. Wood windows would satisfy this standard as well as preservation criteria 3.10 and 3.13 for configuration and materials.**

3. City Code Section 51A-4.501(g)(6)(C)(i):

The landmark commission must grant the application if it determines that:

- (i) for contributing structures,
- (aa) the proposed work is consistent with the regulations contained

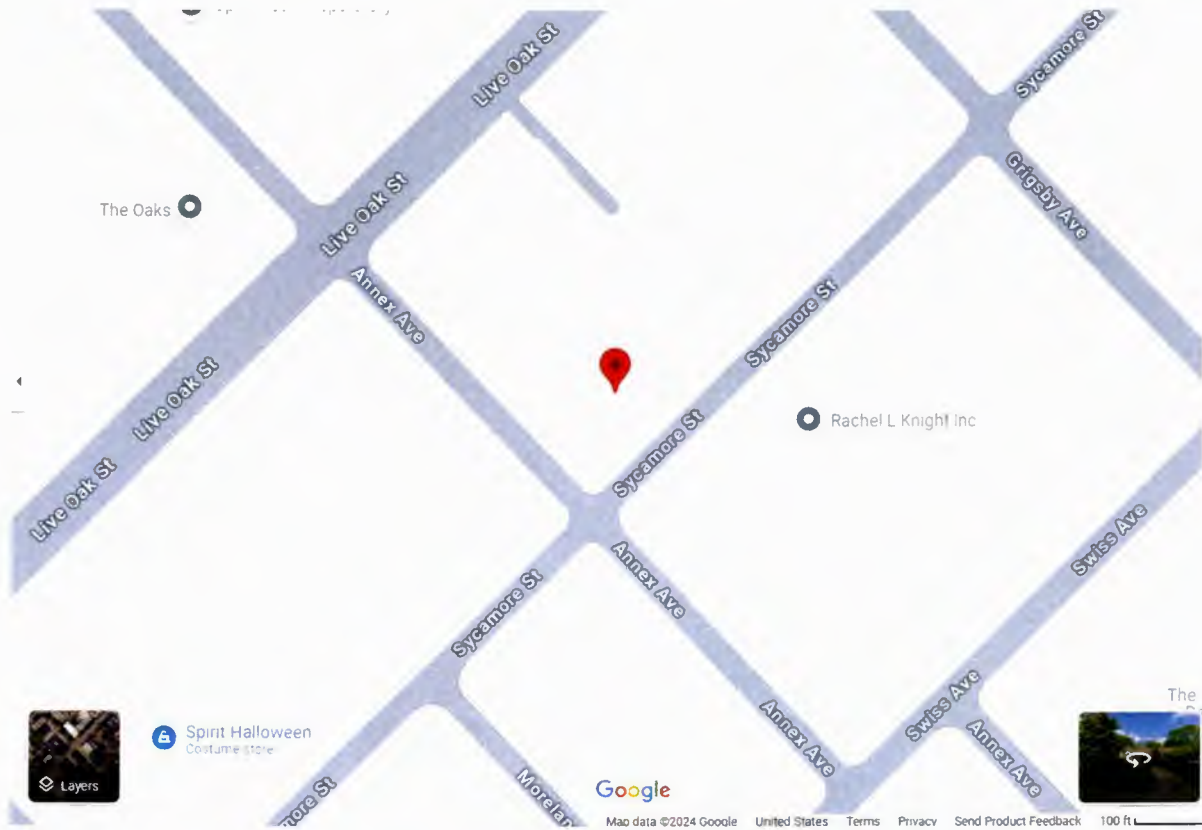
in this section and the preservation criteria contained in the historic overlay ordinance;

- (bb) the proposed work will not have an adverse effect on the architectural features of the structure;*
- (cc) the proposed work will not have an adverse effect on the historic overlay district; **and***
- (dd) the proposed work will not have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.*

LOCATION MAPS

4605 Sycamore Street

Source: Google Earth



CURRENT PHOTOS
4605 Sycamore St.





ATTACHMENTS:

- **Task Force Recommendation Form**
- **Certificate of Appropriateness Application**

TASK FORCE RECOMMENDATION REPORT
Peak's Suburban Addition and Edison-LaVista Court Historic Districts

DATE: 9/12/2024
TIME: 5:30 p.m.
LOCATION: Hybrid Virtual/2922 Swiss Ave

Applicant Name: Esther Garcia
Address: 4605 Sycamore
Request Type: CA

Request: Replace windows.

Recommendation:

☐ Approve ☐ Approve with conditions ☒ Deny w/o prejudice ☐ Deny

Comments: The materials are not appropriate for the architecture and not consistent with materials approved for the neighborhood. The Task Force has concerns with the windows being vinyl and the lack of dimensionality of the windows, sash, and trim. Furthermore, much of the trim that does exist is in the same plane as the siding which also reduces the dimensionality of the window unit and is inappropriately applied for this neighborhood.

[Click or tap here to enter text.](#)

Task force members present:

☐ Kathy Finch ☒ Paul Sanders (Vice-chair)
☒ Josh Kamman ☒ Patricia Simon (Chair)

Ex Officio staff members present: ☒ Marcus Watson

Quorum: ☒ Yes ☐ No (three makes a quorum)

Maker: Paul Sanders
FOR: Kamman, Sanders, Simon
Basis for opposition:

2nd: Josh Kamman
AGAINST: [Click or tap here to enter text](#)

[Click or tap here to enter text](#)

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA 245 - 019 (MW)

OFFICE USE ONLY

Name of Applicant: Esther Garcia
Mailing Address: 4605 Sycamore
City, State and Zip Code: Dallas, TX 75204
Daytime Phone: (214) 524-1784 Alternate Phone: (214) 524-1784
Relationship of Applicant to Owner: _____

OFFICE USE ONLY

Main Structure:



Contributing



Non-contributing

PROPERTY ADDRESS: 4605 Sycamore Dallas TX 75204
Historic District: 108

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

~~Replace 18 windows. Replace front door. Paint the house (interior) and a portion of the house.~~

EMAIL ADDRESS: esther.vidana@gmail.com

Signature of Applicant: Esther Garcia Date: 3/25/24

Signature of Owner: _____ Date: _____
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be completed and submitted by the **FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to Historicpreservation@dallas.gov Please write your address and district in the email subject line.

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<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.



















COA—

Applicant Name: Esther Garcia

Date Received: _____

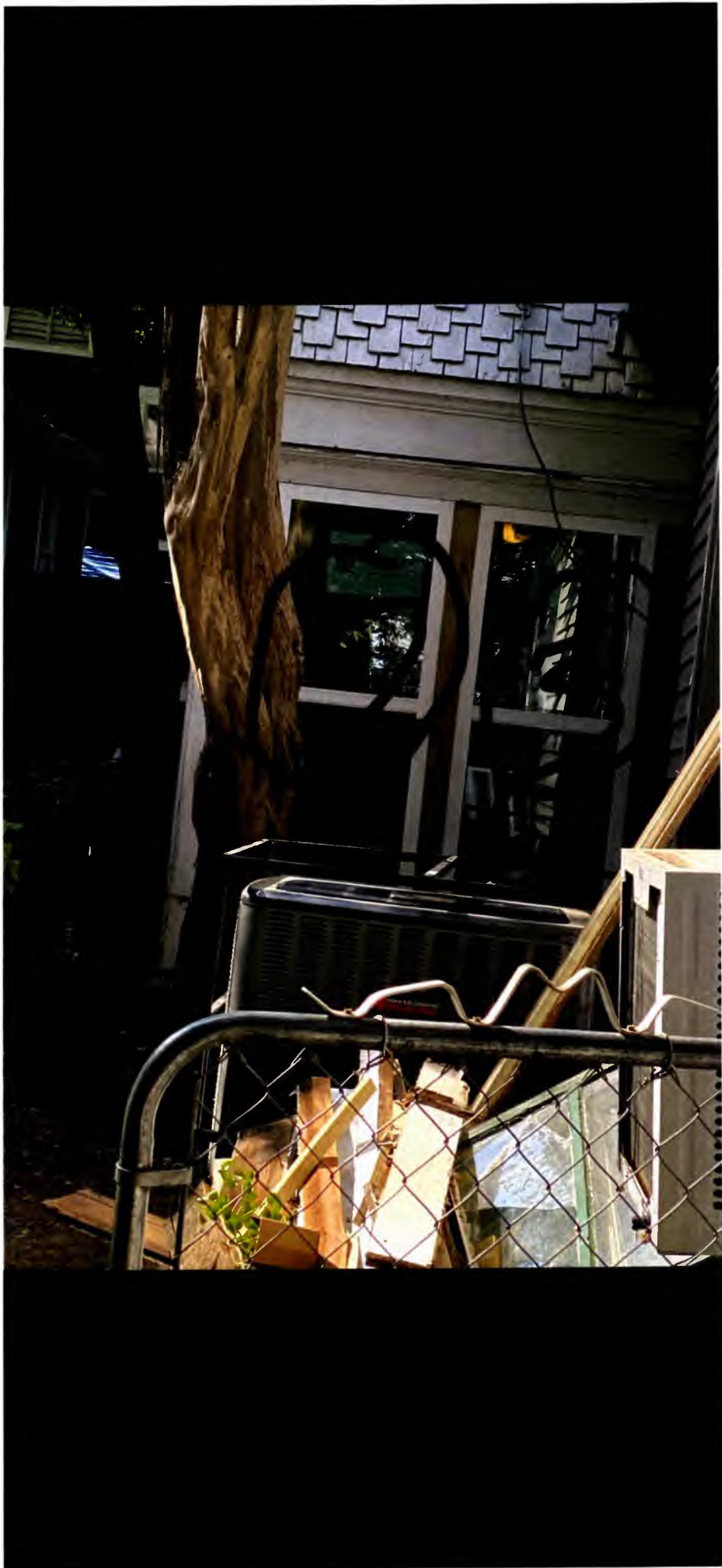
Received by: _____

Window Survey Form—Window Condition Report

Window #	Window Condition
1	Rotten + Broken window
2	Rotten wood + Broken window
3	Rotten wood.
4	Rotten wood.
5	Rotten wood
6	Rotten wood + Broken window
7	Rotten wood
8	Rotten wood.
9	Rotten wood.
10	Rotten wood.
11	Rotten wood + Broken Glass.
12	Rotten wood + Broken Glass.
13	Rotten wood
14	Rotten wood
15	Rotten wood + Broken window.
16	Rotten wood + Broken window.
17	Rotten wood + Broken Glass
18	Rotten wood + Broken window.
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Window #	Window Condition
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7:52



Home

September 3, 2023 8:12 PM

All Photos



Edit



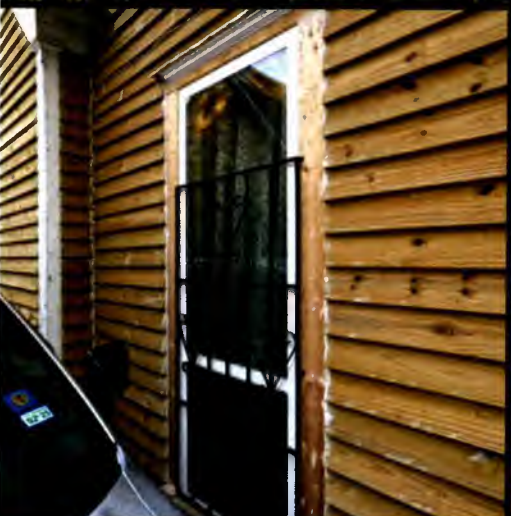
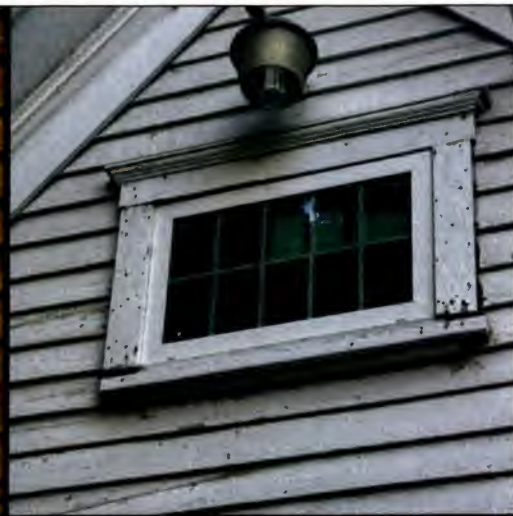












SECTION 4

Landmark Commission Minutes

October 7, 2024

See Page 14 Item #7

DISCUSSION ITEMS

4. 4605 SYCAMORE ST.

Peak's Suburban Addition Neighborhood HD
CA245-019(MW)
Marcus Watson

A Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work).

Speakers: For: No Speakers
Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be **denied without prejudice**. The proposed work is inconsistent with preservation criteria Sections 3.10 or 3.13; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

Maker:	Cummings				
Second:	Fogleman				
Results:	14/0				
		Ayes:	-	14	Anderson, Cummings, Fogleman, Gay, Hinojosa, Livingston, Montgomery, Offutt, Preziosi, Reaves, Renaud, Rothenberger, Spellicy, Taylor
		Against:	-	0	
		Absent:	-	2	Cox, Sherman
		Vacancies:	-	2	Districts 14 & 15

The Chair declared the motion denied without prejudice by the Landmark Commission.

5. 3514 DUNBAR ST.

Wheatley Place Historic District
CA245-007(RD)
Rhonda Dunn

A Certificate of Appropriateness to construct new main residential building (on a vacant lot) -- with a detached accessory structure (a one car garage).

Speakers: For: Cedric Looney
Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to construct new main residential building (on a vacant

SECTION 5

Transcript of the
October 7, 2024
Landmark Commission
Hearing
4605 Sycamore St.
CA223-240(RD)

IN RE: 4605 Sycamore St. CA245-019 (MW)
AUDIO TRANSCRIPTION OF RECORDED DALLAS LANDMARK
COMMISSION MEETING

SPEAKERS

CHAIR MONTGOMERY

COMMISSIONER CUMMINGS

COMMISSIONER FOGLEMAN

COMMISSIONER REAVES

COMMISSIONER HINOJOSA

COMMISSIONER GAY

COMMISSIONER

COMMISSIONERS

MARCUS WATSON

(RECORDED AND TRANSCRIBED)

MARCUS WATSON: The discussion Item Number 7 is located at 4605 Sycamore Street in the Peak's Suburban Addition Neighborhood, Historic District. Ca 245-019MW. I am Marcus Watson presenting. The request is for a Certificate of Appropriateness to replace 18 of the historic wood windows on the main structure with vinyl units, unauthorized work.

Staff recommendation is that the request for a Certificate of Appropriateness to replace 18 of the historic wood windows on the main structure with vinyl units, unauthorized work, be denied without prejudice. The proposed work is inconsistent with preservation criteria Sections 3.10 or 3.13, the standards in City Code Section 51a-4.501G6C Roman F1 for contributing structures, and the Secretary of the Interior Standards for Rehabilitation.

Task force recommendation that the request for a Certificate of Appropriateness to replace 18 of the historic wood windows on the main structure with vinyl units unauthorized work be denied without prejudice. The materials are not appropriate for the structure and are not consistent with materials approved for the neighborhood. The task force has

1 concerns with the windows being vinyl and the lack of
2 dimensionality of the windows, sash, and trim.
3 Furthermore, much of the trim does not exist in the
4 same plane as the siding, which also reduces the
5 dimensionality of the window unit and is
6 inappropriately applied to this neighborhood.

7 CHAIR MONTGOMERY: All right. Thank you.
8 Does anyone have -- we can only ask questions of staff.
9 There is no one to speak on this one. And if there are
10 no questions, then we would be looking for a motion.

11 COMMISSIONER CUMMINGS: I'll make a
12 motion.

13 CHAIR MONTGOMERY: Go ahead.

14 COMMISSIONER CUMMINGS: Make a -- as on
15 the case of CA245-019MW, address 4605 Sycamore Street,
16 I make a motion to deny without prejudice of following
17 the staff recommendations, that this work is
18 inconsistent with the preservation criteria as stated.

19 CHAIR MONTGOMERY: We have a second?

20 COMMISSIONER FOGLEMAN: Second.

21 CHAIR MONTGOMERY: Commissioner Fogleman,
22 yes. This again. All right. If there's no further
23 discussion, we can vote on this. All those in favor of
24 this motion, please say aye.

25 COMMISSIONERS: Aye.

1 CHAIR MONTGOMERY: Any opposed? Okay.

2 Staff will obviously let the applicant know about our
3 determination, also about their opportunity to apply
4 for a fee to CPC, or their opportunity to come back
5 again with some new arguments or new ideas, and to come
6 and present them to us, perhaps. But that's where they
7 stand right now.

8 (Recording stopped.)

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CERTIFICATE

I, Jaynes Michael Devon,
Transcriptionist, do hereby certify that the foregoing
pages 2 to 4 constitute a full, true, and accurate
transcript, from electronic recording, of the
proceedings
had in the foregoing matter, all done to the best of my
skill and ability.

Dated this 12th day of January 2025

Jaynes Michael Devon

Jaynes Michael Devon,
Electronic Transcriber.

SECTION 6

Historic Preservation Criteria Dallas Development Code § 51A-4.501

SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.

(a) Purpose. The purpose of this section is to promote the public health, safety and general welfare, and:

- (1) to protect, enhance and perpetuate places and areas which represent distinctive and important elements of the city's historical, cultural, social, economic, archeological, paleontological, ethnic, political and architectural history;
- (2) to strengthen the economy of the city;
- (3) to increase public knowledge and appreciation of the city's historic past and unique sense of place;
- (4) to foster civic and neighborhood pride and a sense of identity;
- (5) to promote the enjoyment and use of historic resources by the people of the city;
- (6) to preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history;
- (7) to create a more livable urban environment;
- (8) to enhance property values;
- (9) to provide financial incentives for preservation;
- (10) to protect and enhance the city's attraction to tourists and visitors;
- (11) to resolve conflicts between the preservation of historic resources and alternative land uses;
- (12) to integrate historic preservation into public and private land use planning;
- (13) to conserve valuable resources through use of the existing building environment;
- (14) to stabilize neighborhoods;
- (15) to increase public awareness of the benefits of historic preservation;
- (16) to maintain a harmony between new and historic structures so that they will be compatible in scale, form, color, proportion, texture and material; and
- (17) to encourage public participation in identifying and preserving historic resources.

(b) Establishment of historic overlay districts. A historic overlay district may be established to preserve places and areas of historical, cultural, or architectural importance and significance if the place or area has three or more of the following characteristics:

- (1) History, heritage and culture: Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.
- (2) Historic event: Location as or association with the site of a significant historic event.
- (3) Significant persons: Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.
- (4) Architecture: Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.
- (5) Architect or master builder: Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state, or country.
- (6) Historic context: Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.
- (7) Unique visual feature: Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.
- (8) Archaeological: Archaeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
- (9) National and state recognition: Eligible for or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.
- (10) Historic education: Represents an era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

(c) Historic designation procedure and predesignation moratorium.

(1) Purpose. Temporary preservation of the status quo upon initiation of the historic designation procedure is necessary to allow time to evaluate each proposed historic overlay district, to consider appropriate preservation criteria, and to prevent circumvention of the purposes of this section. Relief from the predesignation moratorium may be obtained by applying for a predesignation certificate of appropriateness or certificate for demolition or removal.

(2) Initiation of historic designation procedure.

(A) The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by five members of the city council, three members of the city plan commission, one member of the landmark commission for an individual property and three members of the landmark commission for an expansion of an existing district or creation of a new district, or by the owner(s) of the property.

(i) Statement of intent for historic designation. The five city council members, three city plan commissioners, or one landmark commissioner if it is an individual property, or three landmark commissioners if it is an expansion of an existing district or creation of a new district, must prepare and present a statement of intent for historic designation at the public hearing to initiate the historic designation procedure. The purpose of the statement of intent for historic designation is to provide justification of the action under consideration. The statement of intent must be provided to the property owner(s) at the time the agenda for the meeting is posted. The statement of intent of historic designation must contain the following:

- (aa) List of characteristics on which the initiation is based;
- (bb) A brief description of the historical significance of the potential building, site, district or expansion;
- (cc) Purpose of the proposed designation; and
- (dd) For district expansions, a statement including the history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial district designation, if available.

(ii) Procedure for individual properties. The procedure to designate an individual property requires a minimum of one public hearing of the initiating body. The purpose of the hearing is to determine whether sufficient information is presented to initiate the historic designation procedure.

(iii) Procedures for expansions and new districts.

(aa) The procedure to expand an existing district or create a new district involves a minimum of two public hearings and a community meeting. The purpose of the first public hearing is to determine whether enough information is presented to consider a historic designation. This first public hearing does not initiate the historic designation procedure. If the city council, the city plan commission, or the landmark commission determines that sufficient information has been presented in the statement of intent for historic designation for consideration, the department shall conduct a community meeting. The purpose of the community meeting is for the proposing commissioners or city council members to present the statement of intent for historic designation to the property owners, neighbors, and interested parties to the proposed initiation, and to provide an opportunity for public comment. The meeting must be held at a facility open to the public within the neighborhood of the proposed historic district. The information presented must include the following:

- (I) Statement of intent for historic designation;
- (II) List of potential impacts of historic preservation;
- (III) List of neighborhood planning concerns and goals; and
- (IV) Any other information that may be relevant.

(bb) Prior to the second public hearing to initiate the historic designation procedure, the proposing commissioners or city council members must revise the statement of the intent for historic designation. The revised statement of intent must include the following, as applicable:

- (I) original statement of intent;
- (II) transcription of the community meeting;
- (III) benefits and incentives of preservation;
- (IV) additional neighborhood planning goals;
- (V) concepts for additional development incentives paired with historic preservation;
- (VI) summary of concerns; and
- (VII) summary of economic incentives available to the property owners such as city of Dallas historic tax exemption, tax increment financial districts, and federal or state opportunities.
- (VIII) statement reflecting the property owner(s) position, if available.

The purpose of the second public hearing is to review the revised statement of intent and determine whether sufficient information is presented to initiate the historic designation procedure.

(B) The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure, a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property, and information about the process at least 15 days before the date set for the initial hearing using the procedure outlined in Section 51A-4.701(a)(1). The historic designation impact statement must include the following:

- (i) regulations that may be applied to any structure on the property after the designation;
- (ii) procedures for the designation;

(iii) tax benefits that may be applied to the property after the designation; and

(iv) rehabilitation or repair programs that the city offers for a property designated as historic.

(C) No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that initial hearing by the city council, city plan commission, or landmark commission.

(D) The historic designation procedure is considered to be initiated immediately when the city council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning change application is filed with the director.

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or the city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 15 days after the action of the landmark commission or city plan commission. The written notice must include why the property owner thinks the criteria used to justify the initiation does not apply. Within 90 days after the filing of the appeal or 180 days after filing the appeal, if a 90 day extension is requested by the property owner within 45 days of filing the initial written notice of appeal with the director, the director and the chair of the landmark commission shall present the statement of intent for historic designation if it is an individual property, or the revised statement of intent for historic designation if it is an expansion or new district to the city council. After submission of the statement of intent for historic designation if it is an individual property, or revised statement of intent for historic designation if it is an expansion or new district, the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501 (b). Appeal to the city council constitutes the final administrative remedy.

(4) Enforcement. Upon initiation of the historic designation procedure, the historic preservation officer shall immediately notify the building official. The building official shall not accept any application for a permit to alter, demolish, or remove the structure or site subject to the predesignation moratorium, unless a predesignation certificate of appropriateness or certificate for demolition or removal has been issued.

(5) Designation report. Upon initiation of the historic designation procedure, the historic preservation officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation. This report must include a statement on each of the following to the extent that they apply:

(A) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;

(B) A description of the historical, cultural, and architectural significance of the structures and site;

(C) A description of the boundaries of the proposed historic overlay district, including subareas and areas where new construction will be prohibited; and

(D) Proposed preservation criteria for the proposed historic overlay district.

(6) Designation procedure. For purposes of Section 51A-4.701, "Zoning Amendments," once the designation report has been voted on by the landmark commission, the designation shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. The notice of authorization in Section 51A-4.701 (a)(1) is not required.

(7) Historic designation. The city may not designate a property a historic district unless:

(A) the owner of the property consents to the designation; or

(B) the designation is approved by a three-fourths vote of:

(i) the landmark commission;

(ii) the city plan commission; and

(iii) the city council.

(C) The owner of the property may withdraw consent at any time during the designation process by filing a written notice with the director.

(D) If the property is owned by an organization that qualifies as a religious organization under Section 11.20 of the Texas Tax Code, the city may designate the property as a historic district only if the organization consents to the designation.

(8) Computation of time.

(A) Unless otherwise provided in this paragraph, computing any period of time prescribed in this subsection shall be in accordance with Section 1-5 of the Dallas City Code.

(B) If the last day of any period is a Saturday, Sunday, or official holiday observed by the city, the period is extended to include the next day that is not a Saturday, Sunday, or official holiday observed by the city.

(C) Except as otherwise specified, time periods will be calculated based on calendar days.

(9) Termination of the predesignation moratorium. The predesignation moratorium ends on the earliest of the following dates:

(A) The day after the city council, city plan commission, or landmark commission that voted to initiate the historic designation

procedure, votes to terminate the historic designation procedure.

(B) The day after the city council, in an appeal from an initiation by the city plan commission or landmark commission, votes to terminate the historic designation procedure.

(C) In the case of initiation by the property owner(s), the day after the zoning change application is withdrawn.

(D) If the proposed historic overlay district zoning change is approved, the effective date of the ordinance establishing the historic overlay district.

(E) If the proposed historic overlay district zoning change is denied, the day after either the city council makes its final decision denying the change or the expiration of the time period for appeal to the city council from a city plan commission recommendation of denial.

(F) Two years after the date the historic designation procedure was initiated, regardless of who initiated the procedure.

(d) Predesignation certificate of appropriateness.

(1) When required. A person shall not alter a site, or alter, place, construct, maintain, or expand any structure on the site during the predesignation moratorium without first obtaining a predesignation certificate of appropriateness in accordance with this subsection.

(2) Penalty. A person who violates this subsection 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 predesignation certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

(3) Application. An application for a predesignation certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.

(4) Predesignation certificate of appropriateness review procedure. Upon receipt of an application for a predesignation certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. The landmark commission may impose conditions on the predesignation certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission's action. The landmark commission's decision must be in writing and, if the decision is to deny the predesignation certificate of appropriateness, with or without prejudice, the writing must state the reasons why the predesignation certificate of appropriateness is denied.

(5) Standard for approval. The landmark commission must approve the application if it determines that:

(A) for contributing structures, the application will not adversely affect the character of the site or a structure on the site; and the proposed work is consistent with the regulations contained in this section and the proposed preservation criteria; or

(B) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(6) Issuance. If a predesignation certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(A) the director shall issue the predesignation certificate of appropriateness to the applicant; and

(B) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(7) Appeal. If a predesignation certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(8) Reapplication. If a final decision is reached denying a predesignation certificate of appropriateness, no further applications may be considered for the subject matter of the denied predesignation certificate of appropriateness unless the predesignation certificate of

appropriateness has been denied without prejudice or the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for a new hearing.

(9) Suspension of work. After the work authorized by the predesignation 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.

(10) Revocation. The director may, in writing, revoke a predesignation certificate of appropriateness if:

(A) the predesignation certificate of appropriateness was issued on the basis of incorrect information supplied;

(B) the predesignation certificate of appropriateness was issued in violation of the regulations contained in this section, the proposed preservation criteria, or the development code or building codes; or

(C) the work is not performed in accordance with the predesignation certificate of appropriateness, the development code, or building codes.

(11) Amendments to a predesignation certificate of appropriateness. A predesignation certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard predesignation certificate of appropriateness review procedure.

(12) Effect of approval of the historic overlay district. A predesignation certificate of appropriateness will be treated as a certificate of appropriateness after the effective date of the ordinance implementing the historic overlay district.

(e) Additional uses and regulations.

(1) A historic overlay district is a zoning overlay which supplements the primary underlying zoning district classification. A historic overlay district is subject to the regulations of the underlying zoning district, except the ordinance establishing the historic overlay district may permit additional uses and provide additional regulations for the historic overlay district.

(2) If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of the underlying zoning district. If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of this section.

(3) The historic overlay district ordinance may include preservation criteria for the interior of historic structures if the interior is customarily open and accessible to the public and the interior has extraordinary architectural, archaeological, cultural, economic, social, ethnic, political or historical value. Unless there are specific provisions for the interior, the preservation criteria in the historic overlay district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties apply only to the exterior of structures within a historic overlay district.

(4) The landmark commission shall consider the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties ("the Standards"), as amended, when reviewing applications for predesignation and standard certificates of appropriateness. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Standards are common sense principles in non-technical language developed to help promote consistent rehabilitation practices. It should be understood that the Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. The director shall make the current Standards available for public inspection at all times. For informational purposes, the Standards published at Section 68.3 of Title 36 of the Code of Federal Regulations (current through January 1, 2001) are set forth below:

(A) A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces and spatial relationships.

(B) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(C) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(D) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(E) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(F) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(G) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(H) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(I) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(J) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(f) Notice of designation.

(1) Upon passage of a historic overlay district ordinance, the director shall send a notice to the owner or owners of property within the historic overlay district stating the effect of the designation, the regulations governing the historic overlay district, and the historic preservation incentives that may be available.

(2) Upon passage of a historic overlay district ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the historic regulations. Pursuant to Texas Local Government Code Section 315.006, the director shall also file in the county deed records a verified written instrument listing each historic structure or property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(3) The director may erect suitable plaques appropriately identifying each historic overlay district.

(g) Certificate of appropriateness.

(1) When required. A person shall not alter a site within a historic overlay district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with this subsection and the regulations and preservation criteria contained and in the historic overlay district ordinance.

(2) Penalty. A person who violates this subsection 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.

(3) Application. An application for a certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.

(4) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the application is to be reviewed under the routine work review procedure or the standard certificate of appropriateness review procedure.

(5) Routine maintenance work review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize only routine maintenance work, he may review the application to determine whether the proposed work complies with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance and approve or deny the application within 20 days after a complete application is filed. The applicant must supply complete documentation of the work. Upon request, staff will forward copies of applications to the task force. The director may forward any application to the landmark commission for review.

(B) Routine maintenance work includes:

(i) the installation of a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;

(ii) the installation of an awning located on an accessory building, or on the rear facade of a main building;

(iii) the replacement of a roof of the same or an original material that does not include a change in color;

(iv) the installation of a wood or chain link fence that is not painted or stained;

(v) the installation of gutters and downspouts of a color that matches or complements the dominant trim or roof color;

(vi) the installation of skylights and solar panels;

(vii) the installation of storm windows and doors;

(viii) the installation of window and door screens;

(ix) the application of paint that is the same as the existing or that is an appropriate dominant, trim, or accent color;

(x) the restoration of original architectural elements;

(xi) minor repair using the same material and design as the original;

(xii) repair of sidewalks and driveways using the same type and color of materials;

(xiii) the process of cleaning (including but not limited to low-pressure water blasting and stripping), but excluding sandblasting and high-pressure water blasting; and

(xiv) painting, replacing, duplicating, or stabilizing deteriorated or damaged architectural features (including but not limited to roofing, windows, columns, and siding) in order to maintain the structure and to slow deterioration.

(C) The applicant may appeal the director's decision by submitting to the director a written request for appeal within 10 days of the decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the landmark commission.

(6) Standard certificate of appropriate-ness review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize work that is not routine maintenance work, or if the director's decision concerning a certificate of appropriateness to authorize only routine maintenance work is appealed, the director shall immediately forward the application to the landmark commission for review.

(B) Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the certificate of appropriateness and forward its decision to the director. The landmark commission may approve a certificate of appropriateness for work that does not strictly comply with the preservation criteria upon a finding that the proposed work is historically accurate and is consistent with the spirit and intent of the preservation criteria and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic overlay district. The landmark commission may impose conditions on the certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission's action. The landmark commission's decision must be in writing and, if the decision is to deny the certificate of appropriateness, with or without prejudice, the writing must state the reasons why the certificate of appropriateness is denied.

(C) Standard for approval. The landmark commission must grant the application if it determines that:

(i) for contributing structures:

(aa) the proposed work is consistent with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance;

(bb) the proposed work will not have an adverse effect on the architectural features of the structure;

(cc) the proposed work will not have an adverse effect on the historic overlay district; and

(dd) the proposed work will not have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

(ii) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(D) Issuance. If a certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(i) the director shall issue the certificate of appropriateness to the applicant; and

(ii) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(E) Appeal. If a certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(F) Reapplication. If a final decision is reached denying a certificate of appropriateness, no further applications may be considered for the subject matter of the denied certificate of appropriateness for one year from the date of the final decision unless:

(i) the certificate of appropriateness has been denied without prejudice; or

(ii) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for waiver of the time limitation.

(G) Suspension of work. 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.

(H) Revocation. The director may, in writing, revoke a certificate of appropriateness if:

- (i) the certificate of appropriateness was issued on the basis of incorrect information supplied;
- (ii) the certificate of appropriateness was issued in violation of the regulations contained in this section, the preservation criteria contained in the historic overlay district ordinance, the development code, or building codes; or
- (iii) the work is not performed in accordance with the certificate of appropriateness, the development code, or building codes.

(I) Amendments to a certificate of appropriateness. A certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard certificate of appropriateness review procedure.

(8) Emergency procedure. If a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district is damaged and the building official determines that the structure is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure. In such a case, the property owner shall apply for a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal within 10 days of the occurrence which caused the damage. The protection authorized under this subsection must not permanently alter the architectural features of the structure.

(h) Certificate for demolition or removal.

(1) Findings and purpose. Demolition or removal of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Therefore, demolition or removal of historic structures should be allowed only for the reasons described in this subsection.

(2) Application. A property owner seeking demolition or removal of a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district must submit a complete application for a certificate for demolition or removal to the landmark commission. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. The application must be accompanied by the following documentation before it will be considered complete:

(A) An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.

(B) An indication that the demolition or removal is sought for one or more of the following reasons:

- (i) To replace the structure with a new structure that is more appropriate and compatible with the historic overlay district.
- (ii) No economically viable use of the property exists.
- (iii) The structure poses an imminent threat to public health or safety.
- (iv) The structure is non-contributing to the historic overlay district because it is newer than the period of historic significance.

(C) For an application to replace the structure with a new structure that is more appropriate and compatible with the historic overlay district:

- (i) Records depicting the original construction of the structure, including drawings, pictures, or written descriptions.
- (ii) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
- (iii) Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure.
- (iv) Complete architectural drawings of the new structure.

(v) A guarantee agreement between the owner and the city that demonstrates the owner's intent and financial ability to construct the new structure. The guarantee agreement must:

(aa) contain a covenant to construct the proposed structure by a specific date in accordance with architectural drawings approved by the city through the predesignation certificate of appropriateness process or the certificate of appropriateness process;

(bb) require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other arrangement acceptable to the director to ensure construction of the new structure; and

(cc) be approved as to form by the city attorney.

(D) For an application of no economically viable use of the property:

- (i) The past and current uses of the structure and property.
- (ii) The name of the owner.
- (iii) If the owner is a legal entity, the type of entity and states in which it is registered.

(iv) The date and price of purchase or other acquisition of the structure and property, and the party from whom acquired, and the owner's current basis in the property.

(v) The relationship, if any, between the owner and the party from whom the structure and property were acquired. (If one or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified.)

(vi) The assessed value of the structure and property according to the two most recent tax assessments.

(vii) The amount of real estate taxes on the structure and property for the previous two years.

(viii) The current fair market value of the structure and property as determined by an independent licensed appraiser.

(ix) All appraisals obtained by the owner and prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the structure and property.

(x) All listings of the structure and property for sale or rent within the previous two years, prices asked, and offers received.

(xi) A profit and loss statement for the property and structure containing the annual gross income for the previous two years; itemized expenses (including operating and maintenance costs) for the previous two years, including proof that adequate and competent management procedures were followed; the annual cash flow for the previous two years; and proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor.

(xii) A mortgage history of the property during the previous five years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property.

(xiii) All capital expenditures during the current ownership.

(xiv) Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions.

(xv) A study of restoration of the structure or property, performed by a licensed architect, engineer or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for a ten year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property.

(xvi) Any consideration given by the owner to profitable adaptive uses for the structure and property.

(xvii) Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations.

(xviii) Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure.

(xix) Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.

(E) For an application to demolish or remove a structure that poses an imminent threat to public health or safety:

(i) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.

(ii) A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.

(iii) A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

(F) For an application to demolish or remove a structure that is noncontributing to the historic overlay district because the structure is newer than the period of historic significance:

(i) Documentation that the structure is noncontributing to the historic overlay district.

(ii) Documentation of the age of the structure.

(iii) A statement of the purpose of the demolition.

(G) Any other evidence the property owner wishes to submit in support of the application.

(H) Any other evidence requested by the landmark commission or the historic preservation officer.

(3) Certificate of demolition or removal review procedure.

(A) Economic review panel. For an application of no economically viable use of the property, the landmark commission shall cause to be established an ad hoc three-person economic review panel. The economic review panel must be comprised of three independent experts knowledgeable in the economics of real estate, renovation, and redevelopment. "Independent" as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a city employee; is not a member of the landmark commission; and is not compensated for serving on the economic review panel. The economic review panel must consist of one person selected by the landmark commission, one person selected by the property owner, and one person selected by the first two appointees. If the first two appointees cannot agree on a third appointee within 30 days after submission of the documentation supporting the application, the third appointee will be selected by the director within 5 days. Within 35 days after submission of the documentation supporting the application, all appointments to the economic review panel shall be made. Within 35 days after appointment, the economic review panel shall review the submitted documentation; hold a public hearing; consider all options for renovation, adaptive reuse, and redevelopment; and forward a written recommendation to the landmark commission. The historic preservation officer shall provide administrative support to the economic

review panel. The economic review panel's recommendation must be based on the same standard for approval to be used by the landmark commission. An application of no economically viable use will not be considered complete until the economic review panel has made its recommendation to the landmark commission. If the economic review panel is unable to reach a consensus, the report will indicate the majority and minority recommendations.

(B) Within 65 days after submission of a complete application, the landmark commission shall hold a public hearing and shall approve or deny the application. If the landmark commission does not make a final decision within that time, the building official shall issue a permit to allow the requested demolition or removal. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the landmark commission.

(4) Standard for approval. The landmark commission shall deny the application unless it makes the following findings:

(A) The landmark commission must deny an application to replace a structure with a new structure unless it finds that:

- (i) the new structure is more appropriate and compatible with the historic overlay district than the structure to be demolished or removed; and
- (ii) the owner has the financial ability and intent to build the new structure. The landmark commission must first approve the predesignation certificate of appropriateness or certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application to demolish or remove.

(B) The landmark commission must deny an application of no economically viable use of the property unless it finds that:

- (i) the structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);
- (ii) the structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and
- (iii) the owner has failed during the last two years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.

(C) The landmark commission must deny an application to demolish or remove a structure that poses an imminent threat to public health or safety unless it finds that:

- (i) the structure constitutes a documented major and imminent threat to public health and safety;
- (ii) the demolition or removal is required to alleviate the threat to public health and safety; and
- (iii) there is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.

(D) The landmark commission must deny an application to demolish or remove a structure that is noncontributing to the historic overlay district because it is newer than the period of historic significance unless it finds that:

- (i) the structure is non-contributing to the historic overlay district;
- (ii) the structure is newer than the period of historic significance for the historic overlay district; and

(iii) demolition of the structure will not adversely affect the historic character of the property or the integrity of the historic overlay district.

(5) Appeal. The chair of the landmark commission shall give verbal notice of the right to appeal at the time a decision on the application is made. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. Any interested person may appeal the decision of the landmark commission to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. If no appeal is made of a decision to approve the certificate for demolition or removal within the 30-day period, the building official shall issue the permit to allow demolition or removal. If an appeal is filed, the city plan commission shall hear and decide the appeal within 65 days after the date of its filing. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(6) Reapplication. If a final decision is reached denying a certificate for demolition or removal, no further applications may be considered for the subject matter of the denied certificate for demolition or removal for one year from the date of the final decision unless:

(A) the certificate for demolition or removal has been denied without prejudice; or

(B) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request

for waiver of the time limitation.

(7) Expiration. A certificate for demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from the date of the certificate for demolition or removal. The director may extend the time for commencement of work upon written request by the applicant showing circumstances beyond the control of the applicant. If the certificate for demolition or removal expires, a new certificate for demolition or removal must first be obtained before the work can be commenced.

(i) Certificate for demolition for a residential structure with no more than 3,000 square feet of floor area pursuant to court order.

(1) Findings and purpose. Demolition of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Elimination of substandard structures that have been declared urban nuisances and ordered demolished pursuant to court order is necessary to prevent blight and safeguard the public health, safety, and welfare. Therefore, the procedures in this subsection seek to preserve historic structures while eliminating urban nuisances.

(2) Notice to landmark commission by email. A requirement of this subsection that the landmark commission be provided written notice of a matter is satisfied if an email containing the required information is sent to every member of the landmark commission who has provided an email address to the director.

(3) Referral of demolition request to landmark commission and director. When a city department requests the city attorney's office to seek an order from a court or other tribunal requiring demolition of a residential structure with no more than 3,000 square feet of floor area on a property subject to a predesignation moratorium or in a historic overlay district, that department shall provide written notice to the landmark commission and director of that request within two business days after the date it makes the request. The notice must include a photograph of the structure, the address of the property, and (if known) the name, address, and telephone number of the property owner. If the city attorney's office determines that the department did not provide the required notice, the city attorney's office shall provide that notice within two business days after the date it determines that the department did not provide the notice.

(4) Notice of court proceedings to landmark commission and director. The city attorney's office shall provide written notice to the landmark commission and director at least 10 days before any hearing before a court or other tribunal where the city attorney's office seeks an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district. If a court or other tribunal orders demolition of the structure subject to a predesignation moratorium or in a historic overlay district, the city attorney's office shall provide written notice to the landmark commission and director within five days after the order is signed and provided to the city attorney's office.

(5) Application. If the city or a property owner seeks demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, a complete application for a certificate for demolition must be submitted to the landmark commission. Within 10 days after submission of an application, the director shall notify the city's representative or the property owner in writing of any documentation required but not submitted. The application must be accompanied by the following documentation before it will be considered complete:

(A) An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.

(B) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions, and including Historic American Buildings Survey or Historic American Engineering Records documentation if required by law or agreement.

(C) A signed order from a court or other tribunal requiring the demolition of the structure in a proceeding brought pursuant to Texas Local Government Code Chapters 54 or 214, as amended.

(D) A copy of a written notice of intent to apply for a certificate for demolition that was submitted to the director and the landmark commission at least 30 days before the application.

(E) Any other evidence the city representative or property owner wishes to submit in support of the application.

(6) Hearing. Within 40 days after submission of a complete application, the landmark commission shall hold a public hearing to determine whether the structure should be demolished. If the landmark commission does not make a final decision on the application or suspend the granting of the certificate of demolition pursuant to this subsection within that time, the building official shall issue a demolition permit to allow the demolition. The city representative or the property owner has the burden of proof to establish by a preponderance of the evidence the necessary facts to warrant favorable action by the landmark commission.

(7) Standard for approval. The landmark commission shall approve the certificate for demolition if it finds that:

(A) a court or other tribunal has issued a final order requiring the demolition of the structure pursuant to Texas Local Government Code Chapters 54 or 214, as amended; and

(B) suspension of the certificate for demolition is not a feasible option to alleviate the nuisance in a timely manner.

(8) Suspension. The purpose of the suspension periods is to allow an interested party to rehabilitate the structure as an alternative to demolition.

(A) Residential structures with no more than 3,000 square feet of floor area.

(i) Initial suspension period.

(aa) The landmark commission may suspend the grant ~~39-58~~ the certificate for demolition until the next regularly scheduled

landmark commission meeting (the initial suspension period) to allow time to find a party interested in rehabilitating the structure.

(bb) If during the initial suspension period no interested party is identified, the landmark commission shall grant the certificate for demolition.

(cc) If during the initial suspension period an interested party is identified, the landmark commission shall suspend the granting of the certificate for demolition for no more than two more regularly scheduled landmark commission meetings (the extended suspension period).

(ii) Extended suspension period.

(aa) During the extended suspension period, the interested party shall:

- [1] submit an application for a predesignation certificate of appropriateness or a certificate of appropriateness;
- [2] provide evidence that the interested party has or will obtain title to the property and has authority to rehabilitate the structure, or is authorized to rehabilitate the property by a party who has title to the property or has the right to rehabilitate the property;
- [3] provide evidence that the structure and property have been secured to prevent unauthorized entry; and
- [4] provide a guarantee agreement that:

[A] contains a covenant to rehabilitate the structure by a specific date, in accordance with the predesignation certificate of appropriateness process or certificate of appropriateness, which the landmark commission may extend if the interested party shows circumstances preventing rehabilitation of the structure by that date that are beyond the control of the interested party;

[B] is supported by a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other similar enforceable arrangement acceptable to the director to ensure rehabilitation of the structure; and

[C] is approved as to form by the city attorney.

(bb) If during the extended suspension period the interested party does not meet the requirements of Subparagraph (A)(ii), the landmark commission shall grant the certificate for demolition.

(cc) If during the extended suspension period the interested party meets the requirements of Subparagraph (A)(ii), the landmark commission shall continue to suspend the granting of the certificate for demolition (the continuing suspension period).

(iii) Continuing suspension period.

(aa) The interested party must rehabilitate the structure to comply with Dallas City Code Chapter 27 and request an inspection by the city before the end of the continuing suspension period.

(bb) At each landmark commission meeting during the continuing suspension period, the interested party shall provide a progress report demonstrating that reasonable and continuous progress is being made toward completion of the rehabilitation.

(cc) If during the continuing suspension period the landmark commission finds that the interested party is not making reasonable and continuous progress toward completion of the rehabilitation, the landmark commission shall grant the certificate for demolition, unless the interested party shows circumstances preventing reasonable and continuous progress that are beyond the control of the interested party.

(dd) If during the continuing suspension period the landmark commission finds that the interested party has rehabilitated the structure to comply with Dallas City Code Chapter 27, the landmark commission shall deny the certificate for demolition.

(9) Appeal. The city representative or property owner may appeal a decision of the landmark commission under this subsection to the city plan commission by filing a written notice with the director within 10 days after the date of the decision of the landmark commission. The city plan commission shall hear and decide the appeal at the next available city plan commission meeting. The standard of review shall be *de novo*, but the director shall forward to the city plan commission a transcript of the landmark commission hearing. In considering the appeal, the city plan commission may not hear or consider new evidence unless the evidence corrects a misstatement or material omission at the landmark commission hearing or the evidence shows that the condition of the property has changed since the landmark commission hearing. The city plan commission chair shall rule on the admissibility of new evidence. The city plan commission shall use the same standard required for the landmark commission. The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings; however, the city plan commission shall give deference to the decision of the landmark commission. Appeal to the city plan commission constitutes the final administrative remedy.

(10) Expiration. A certificate for demolition expires if the work authorized by the certificate for demolition is not commenced within 180 days after the date of the certificate for demolition. The director may extend the time for commencement of work upon written request by the city representative or the property owner showing circumstances justifying the extension. If the certificate for demolition expires, a new certificate for demolition must first be obtained before the work can be commenced.

(11) Procedures for all other structures. If the city or a property owner seeks demolition of any structure other than a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, an application must be filed under Subsection (h) of this section.

(j) Summary abatement by fire marshal. If the fire marshal finds that conditions on a structure subject to a predesignation moratorium

or in a historic overlay district are hazardous to life or property and present a clear and present danger, the fire marshal may summarily abate those conditions without a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition.

(k) Demolition by neglect.

(1) Definition. Demolition by neglect is neglect in the maintenance of any structure on property subject to the predesignation moratorium or in a historic overlay district that results in deterioration of the structure and threatens the preservation of the structure.

(2) Demolition by neglect prohibited. No person shall allow a structure to deteriorate through demolition by neglect. All structures on properties subject to the predesignation moratorium and in historic overlay districts must be preserved against deterioration and kept free from structural defects. The property owner or the property owner's agent with control over the structure, in keeping with the city's minimum housing standards and building codes, must repair the structure if it is found to have any of the following defects:

(A) Parts which are improperly or inadequately attached so that they may fall and injure persons or property.

(B) A deteriorated or inadequate foundation.

(C) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed.

(D) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration, or are insufficient to carry the loads imposed.

(E) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed.

(F) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed.

(G) Deteriorated, crumbling, or loose exterior stucco or mortar.

(H) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or open windows and doors.

(I) Defective or lack of weather protection for exterior wall coverings, including lack of paint or other protective covering.

(J) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.

(K) Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety.

(L) Deterioration or removal of any unique architectural feature which would detract from the original architectural style.

(3) Demolition by neglect procedure.

(A) Purpose. The purpose of the demolition by neglect procedure is to allow the landmark commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

(B) Request for investigation. Any interested party may request that the historic preservation officer investigate whether a property is being demolished by neglect.

(C) First meeting with the property owner. Upon receipt of a request, the historic preservation officer shall meet with the property owner or the property owner's agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the historic preservation officer shall prepare a report for the landmark commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

(D) Certification and notice. After review of the report, the landmark commission may vote to certify the property as a demolition by neglect case. If the landmark commission certifies the structure as a demolition by neglect case, the landmark commission shall notify the property owner or the property owner's agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within 30 days and set a deadline for completion of the repairs. The notice must be sent by certified mail.

(E) Second meeting with the property owner. The historic preservation officer shall meet with the property owner or the property owner's agent with control over the structure within 30 days after the notice was sent to inspect any repairs completed and assist the property owner in obtaining any resources available for financing the repairs.

(F) Referral for enforcement. If the property owner or the property owner's agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the landmark commission may refer the demolition by neglect case to the code compliance department or the city attorney for appropriate enforcement action to prevent demolition by neglect.

(I) Historic preservation incentives. Consult Article XI, "Development Incentives," for regulations concerning the tax exemptions, conservation easements, and transfer of development rights available to structures in historic overlay districts.

(m) Historic preservation fund.

(1) The department, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.

(2) The historic preservation fund is composed of the following funds:

(A) Outside funding (other than city general funds or capital funds), such as grants and donations, made to the city for the purpose of historic preservation and funding partnerships with community organizations.

(B) Damages recovered pursuant to Texas Local Government Code Section 315.006 from persons who illegally demolish or adversely affect historic structures.

(3) The outside funding may be used for financing the following activities:

(A) Necessary repairs in demolition by neglect cases.

(B) Full or partial restoration of low-income residential and nonresidential structures.

(C) Full or partial restoration of publicly owned historic structures.

(D) Acquisition of historic structures, places, or areas through gift or purchase.

(E) Public education of the benefits of historic preservation or the regulations governing historic overlay districts.

(F) Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.

(4) Damages recovered pursuant to Texas Local Government Code Section 315.006 must be used only for the following purposes:

(A) Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure.

(B) Restoration, using as many of the original materials as possible, of the historic structure.

(C) Restoration of another historic structure.

(n) Enforcement and criminal penalties.

(1) A person is criminally responsible for a violation of this section if:

(A) the person owns part or all of the property and knowingly allows the violation to exist;

(B) 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;

(C) 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; or

(D) the person knowingly commits the violation or assists in the commission of the violation.

(2) Any person who adversely affects or demolishes a structure on property subject to the predesignation moratorium or in a historic overlay district in violation of this section is liable pursuant to Texas Local Government Code Section 315.006 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 predesignation certificates of appropriateness, 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.

(3) Prosecution in municipal court for an offense under this section 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.

(o) Substantial evidence standard of review for appeals. The city plan commission shall give deference to the landmark commission decision and may not substitute its judgment for the landmark commission's judgment.

(1) The city plan commission shall remand the matter back to the landmark commission if it determines that there is new testimony or evidence that was not available at the landmark commission hearing.

(2) The city plan commission shall affirm the landmark commission decision unless it finds that it:

(A) violates a statutory or ordinance provision;

(B) exceeds the landmark commission's authority; or

(C) was not reasonably supported by substantial evidence considering the evidence in the record.

(p) Judicial review of decisions. The final decision of the city planning commission regarding an appeal of a landmark commission decision may be appealed to a state district court. The appeal to the state district court must be filed within 30 days after the decision of the city planning commission. If no appeal is made to the state district court within the 30-day period, then the decision of the city plan commission is final and unappealable. An appeal to the state district court is limited to a hearing under the substantial evidence rule.

(Ord. Nos. 19455; 19499; 20585; 21244; 21403; 21513; 21874; 22018; 23506; 23898; 24163; 24542; 24544; 25047; 26286; 27430; 27922; 28073; 28553; 29478, eff. 10/1/14; 31433)

3-8-95

ORDINANCE NO. 22352

An ordinance amending CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by establishing Historic Overlay District No. 72 (Peak Suburban Addition) comprised of the following described property ("the Property"), to wit:

BEING an area generally bounded by Haskell Avenue, Gaston Avenue, Peak Street, Sycamore Street, Fitzhugh Avenue, and Worth Street, and containing approximately 125 acres of land.

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 applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the Property; 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 CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended by establishing Historic

Overlay District No. 72 comprised of the following described property ("the Property").

to wit:

Being a tract of land in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, being all of City Block 3/791, part of City Block 6/774, all of City Blocks 8/768, 1/769, and 2/769, part of City Blocks 9/739, 9/738, 736 and 2/735, all of City Blocks 737 and 1/737, part of City Blocks 2/735, 12/734, 11/733, and 10/732, all of City Blocks A/770, B/770, C/770, D/770, 770, 771, 1/771, 772, 773, and 794, part of City Blocks A/795 and B/795, and all of City Blocks 793 and 4/792, and further described as follows:

BEGINNING at the intersection of the centerline of Haskell Avenue and the centerline of Worth Street;

THENCE in a northwesterly direction along the centerline of Haskell Avenue, crossing Junius Street, a distance of approximately 650 feet to a point for corner on a line, said line being approximately 172 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a northeasterly direction along said line, a distance of approximately 607 feet to a point for corner on a line, said line being approximately 90 feet southwest of and parallel to the southwest line of Peak Street;

THENCE in a southeasterly direction along said line, a distance of approximately 50 feet to a point for corner on a line, said line being 122.83 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a northeasterly direction along said line, a distance of approximately 122 feet to a point for corner on the centerline of Peak Street;

THENCE in a northwesterly direction along the centerline of Peak Street, a distance of approximately 1,086.5 feet to a point for corner on a line, said line being approximately 175 feet northwest of and parallel to the northwest line of Swiss Avenue;

THENCE in a northeasterly direction along said line, a distance of approximately 311 feet to a point for corner on the northeast line of Lot 2-C in City Block 9/739;

THENCE in a northwesterly direction along said lot line and its northwestward prolongation, a distance of approximately 150 feet to a point for corner on the centerline of Sycamore Street;

THENCE in a southwesterly direction along the centerline of Sycamore Street, a distance of approximately 30 feet to a point for corner on a line, said line being the southeastward prolongation of the common line between Lots 21 and 22 in City Block 9/738;

THENCE in a northwesterly direction along said line and continuing along the common line between said Lots 21 and 22 and its northwestward prolongation, a distance of approximately 182.5 feet to a point for corner on the centerline of a 15 foot wide public alley;

THENCE in a northeasterly direction along the centerline of said alley and its northeastward prolongation, crossing Carroll Avenue, and continuing along a line that is approximately 160 feet northwest of and parallel to the northwest line of Sycamore Street, crossing Annex Avenue, Grigsby Avenue, and North Prairie Avenue, in all a distance of approximately 2,236.8 feet to a point for corner on the centerline of Fitzhugh Avenue;

THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, crossing Sycamore Street, Swiss Avenue, Gaston Avenue, Junius Street, and Worth Street, a distance of approximately 2,126.3 feet to a point for corner on the centerline of a 12.5 foot wide public alley;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, crossing Prairie Avenue, and continuing along the centerline of a 20 foot wide public alley in City Block B/795, a distance of approximately 959 feet to a point for corner on a line, said line being the southeastward prolongation of the common line between Lots 5 and 6 in City Block B/795;

THENCE in a northwesterly direction along said line, and continuing along the common line between said Lots 5 and 6 and its northwestward prolongation, a distance of approximately 185 feet to a point for corner on the centerline of Worth Street;

THENCE in a southwesterly direction along the centerline of Worth Street, a distance of approximately 825 feet to a point for corner on the centerline of Carroll Avenue;

THENCE in a southeasterly direction along the centerline of Carroll Avenue, a distance of approximately 91 feet to a point for corner on the centerline of Worth Street;

THENCE in a southwesterly direction along the centerline of Worth Street, a distance of approximately 1,448.55 feet to a point on the centerline of Haskell Avenue, the PLACE OF BEGINNING, and containing approximately 125 acres 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 contained 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, or remove any structure on the Property without first obtaining a certificate of appropriateness 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 applicable ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That the director of planning and development shall correct Zoning District Map Nos. I-8 and J-8 in the offices of the city secretary, the building official, and the department of planning and development 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, or maintenance of a building, structure, or land on the Property.

SECTION 7. That CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, 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 I-4 of CHAPTER I 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:

SAM A. LINDSAY, City Attorney

By


Assistant City Attorney

Passed _____

Zoning File No. Z945-149/9779-E

EXHIBIT A

PRESERVATION CRITERIA

PEAK SUBURBAN ADDITION

Except as otherwise provided in these Preservation Criteria, all public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work and new construction in this district shall conform to the following guidelines and a certificate of appropriateness must be obtained for such work prior to its commencement.

Except as otherwise provided in these Preservation Criteria, any such alterations to the property must conform to the regulations contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE" of the Dallas City Code, as amended. In the event of a conflict, these Preservation Criteria control.

Unless otherwise specified, preservation and restoration materials and methods used shall conform to those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1. DEFINITIONS

Unless provided below or the context clearly indicates otherwise, the definitions contained in Sections 51A-2.102 and 51A-7.102 of the Dallas City Code, as amended, apply.

- 1.1 **ADDITION** means an enclosed floor area added to a main structure.
- 1.2 **CERTIFICATE OF APPROPRIATENESS** means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.
- 1.3 **COLUMN** means the entire column including the base and capital, if any.
- 1.4 **COMMISSION** means the Landmark Commission of the City of Dallas.
- 1.5 **CORNERSIDE FACADE** means a building facade facing a side street.
- 1.6 **CORNERSIDE YARD** means a side yard that abuts a street.

- 1.7 **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.
- 1.8 **DISTRICT** means the Peak Suburban Addition Historic Overlay District. This district contains the property described in Section 1 of this ordinance.
- 1.9 **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.
- 1.10 **GASTON COMMERCIAL TRACT** means two tracts located on Gaston Avenue, as described in Addendum A where commercial or residential structures may be located.
- 1.11 **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.12 **INTERIOR SIDE YARD** means a side yard that is not a cornerside yard.
- 1.13 **MAIN BUILDING** means a building on a lot intended for occupancy by the main use.
- 1.14 **PRESERVATION CRITERIA** means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.
- 1.15 **PROTECTED FACADE** means a facade that must maintain its original appearance, as near as practical, in all aspects.
- 1.16 **REAL ESTATE SIGN** means a sign that advertises the sale or lease of an interest in real property.

2. SITE AND SITE ELEMENTS

- 2.1 New construction is prohibited in all front yards within the district, except for parking in the Gaston Commercial Tract.
- 2.2 The existing original and historic structures must be retained and protected.
- 2.3 New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- 2.4 No new circular drives or new parking is allowed in front yards. Parking is allowed in front of structures in the Gaston Commercial Tract.

- 2.5 Exterior lighting must be appropriate to and enhance the structure.
- 2.6 Landscaping must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of or from the main building. It is recommended that landscaping modifications reflect the original historic landscaping design when appropriate.
- 2.7 Any new mechanical equipment must be erected in side or rear yards and must be screened from the street.
- 2.8 Existing mature trees in the front yard must be maintained. Unhealthy or damaged trees may be removed if deemed appropriate.
- 2.9 Fences in the rear yard and rear 50% of the side yard may not exceed 9 feet in height. (See Addendum B)
- 2.10 Historically appropriate fences are permitted in the front yard and must be constructed of one or more of the following materials: wood, stone, brick, wrought iron, a combination of those materials, or other materials deemed appropriate. These fences may not exceed 3'6" in height and must be 50% open (See Addendum B).
- 2.11 Interior side yard fences must be located in the rear 50% of the side facade. Interior side yard fences must be located behind the open front porch of an adjacent house. The fence at the side property line may be a solid fence. The portion of the fence facing the main street must be at least 70% open. Chain link fences do not qualify as a "70% open fence". (See Addendum B.)
- a. The commission may, if it determines more screening is necessary to ensure privacy, allow interior side yard fences to be located up to a point 5 feet back from the corner of the house measured from the back wall of the front porch, provided that these fences may not exceed 8 feet in height. (See Addendum B.)
- 2.12 Solid fences in cornerside yards must not be located directly in front of the cornerside facade except that the commission may allow a solid fence directly in front of any portion of the rear 50% of the cornerside facade if:
- a. more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
- b. the fence does not screen any portion of a significant architectural feature of a main structure.

Fences in cornerside yards that are at least 70% open, up to maximum height of 8 feet, may be located in the front 50% of the cornerside facade if deemed appropriate. Chain link fences do not qualify as a "70% open fence". These fences must be constructed of materials with dimensions no greater than two inches in width and depth, except for structural supports (See Addendum B).

- 2.13 Fences in side, rear or comerside yards must be constructed of one or more of the following materials: wood, brick, stone, wrought iron, chain link (as noted below), a combination of these materials, or other materials deemed appropriate. Fence locations are illustrated in Addendum B.

Chain link fences are not allowed in the front yard or front 50% of the side yard, or the front 50% of the cornerside yard.

The fences that are required to be 70% open should be of wrought iron, wood that resembles wrought iron, or historic wire fences. Chain link fences do not qualify as a "70% open fence". Recommended fence designs are shown in Addendum B.

- 2.14 Tops of fences must be horizontal, stepped or parallel to grade as illustrated in Addendum B.
- 2.15 The finished side of a fence must face out if seen from any street as illustrated in Addendum B.

3. STRUCTURE

Facades

- 3.1 The front and side facades are protected facades.
- 3.2 Reconstruction, renovation or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.
- 3.3 The existing solid-to-void ratios of non-protected facades must be maintained as much as practical. All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
- 3.4 Brick must match in color, texture, module size, bond pattern and mortar color. Brick surfaces not previously painted may not be painted unless the applicant establishes that:
- a. the color and texture of replacement brick cannot be matched with that of the existing brick surface;

- b. the brick is not original or compatible with the style and period of the main building and the district; or
 - c. the brick has been damaged or painting is the only method by which the brick can be salvaged.
- 3.5 Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
- 3.6 Wood siding, trim, and detailing must be carefully restored wherever practical. Historic materials should be repaired; they may be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl or aluminum siding or stucco is permitted on main structures. Imitation materials are allowed on accessory structures only if they are in keeping with the style and materials on the main structure.
- 3.7 Color: All colors must comply with the Acceptable Color Range Standards contained in Addendum C, except that the Landmark Commission may approve other colors not specifically prohibited if it determines the proposed color is appropriate. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district. (See Addendum C).

Dominant and trim colors: All structures must have a dominant color and no more than three trim colors, including any accent colors. Proper location of dominant, trim and accent colors is shown in Addendum D. The colors of a structure must be complementary to each other and the overall character of this district. Complimenting color schemes are encouraged through the blockface. Columns should be painted white or a light color.
- 3.8 Exposing and restoring original historic finish materials is encouraged.
- 3.9 Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.

Fenestration and Openings

- 3.10 Original doors and windows and their openings must remain intact and be preserved. Where replacement of an original door or window is necessary due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match the original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.

Exterior storm windows and doors are permitted if they are sensitive additions and match the existing windows and doors in frame width and proportion, glazing material, and color. Painted or factory finished aluminum storm doors, storm windows or screens are permitted. Mill finished aluminum is not permitted.

- 3.11 New door and window openings on the front and comerside facade are permitted only in locations where there is evidence that original openings have been filled with other material.
- 3.12 Decorative ironwork or burglar bars are permitted on rear facades. Interior mounted burglar bars are permitted on protected facades.
- 3.13 Glass and glazing must match original materials as much as practical. Dark tinted, reflective glazing or reflective film is not permitted.
- 3.14 Materials placed on or behind window glazing must be appropriate to the district.
- 3.15 The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- 3.16 The slope, massing, configuration and materials of the roof must be preserved and maintained. Original gables, dormers, porches, and roofs must be preserved. Existing parapets, cornices and coping eaves, roof trim and dormers must be retained and when repaired, should be done so with material matching in size, finish, module and color.
- 3.17 The following roofing materials are allowed: wood shingles, composition shingles, slate, clay, concrete, terra-cotta tiles, and other materials deemed appropriate.
- 3.18 Solar panels, skylights, and mechanical equipment must be set back or screened so as not to be visible from ground level on the opposite side of any adjacent right-of-way.

Porches and balconies

- 3.19 Existing original porches and balconies on protected facades must be retained and preserved. Porches may not be enclosed on protected facades.
- 3.20 All original columns, railings, and other trim and detailing that are part of the porch or balcony configuration must be preserved.

3.21 It is encouraged that existing enclosed porches on protected facades be restored to their original appearance.

3.22 Front porch floor finishes must be concrete, wood or other materials deemed appropriate. Porch floors may not be covered with carpet. Wood floors must be painted or stained. Concrete, brick or stone floors may not be painted. A clear sealant is acceptable.

4. NEW CONSTRUCTION AND ADDITIONS

4.1 The form, materials, general exterior appearance, color and details of any new construction of an accessory building or vertical extension to an existing structure must be compatible with the existing historic structure.

4.2 New construction, additions to historic structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color, and must have fenestration patterns and solids-to-voids ratios that are typical of the historic structure.

4.3 The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures or facades may not exceed the height of similar historic structures in this district.

4.4 Vinyl, aluminum, and other imitation materials are not acceptable cladding materials for the construction of a new main structure or addition to an existing historic structure.

4.5 Chimneys visible from the public right-of-way must be clad in brick or stucco. Imitation brick will be reviewed through the certificate of appropriateness process.

4.6 Width requirements: The width of a front facade of a new single family residence must not:

a. exceed 42 feet; or

b. be more than 20 percent greater than the average width of single family dwellings on the blockface.

4.7 New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction must be established and maintained.

Historic details at parapets and coping must be preserved and maintained where abutting new construction.

4.8 Front yard setback:

- a. A main building on an interior lot must have a front yard setback that is equal to the average setback of other structures in the blockface.
- b. A main building on a corner lot must have a front yard setback that is within one foot of that of the closest main building in the same blockface.

4.9 Front, rear, side, and comerside yards are illustrated in attached Addendum E.

5. GASTON COMMERCIAL TRACT

5.1 In addition to residential structures, early 20th century commercial styles are allowed as illustrated in Addendum F and as described in this section. If there is a conflict, these regulations control over the architectural guidelines contained in Planned Development District No. 362, as amended (commonly called the Gaston PD).

5.2 Stories: All structures must have one or two stories, not to exceed 30 feet.

5.3 All structures must be constructed of brick or stucco with wood trim.

5.4 Windows: All windows must be wood or resemble wood in appearance.

- a. First-floor store fronts must be divided into two, three, or four bays as illustrated in Addendum F. At least 60% of the area of the first floor store front must consist of either window or door area. Transom windows must be above all first floor windows and doors.
- b. Second-floor store front windows must have a double or single hung sash. At least 35% of the area of the second-floor store front must consist of window area.
- c. Mirrored, opaque, and translucent glasses are not permitted in any door or window opening.

5.5 Panels: Panels less than three feet in height must be placed below all first floor windows. Panels must be made of wood, brick, tile or other material deemed appropriate.

5.6 Doors: Each front door must be composed of wood or other material deemed appropriate and have at least one large full-view window.

- 5.7 **Roofs:** All roofs must be flat or hidden by parapets. Tile visor roofs are encouraged.
- 5.8 **Story setbacks:** No story may be setback from another story. (The wall facing the street must be vertical.)
- 5.9 **Equipment screening:** All rooftop mechanical equipment seen from the street must be screened with a parapet.
- 5.10 **Parking:** Single row parking does not need to be screened, double row parking must be screened by landscaping. Parking will be allowed in front of structures.
- 5.11 Brick and/or tile accents in the pavement in front of entrances are encouraged.
- 5.12 There are no minimum side yard setbacks required except that properties with cornerside yards must have a minimum 5 foot setback. Front yard setbacks must comply with the average setback of existing historic buildings on the street. There are no minimum lot sizes or coverage in this tract.

6. ACCESSORY BUILDINGS

- 6.1 Accessory buildings are permitted only in the rear yard.
- 6.2 Accessory buildings must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.
- 6.3 Accessory buildings must be at least 8 feet from the main building.
- 6.4 Accessory buildings may not exceed 1,200 square feet in floor area, unless documentation shows that an original building exceeding this size was previously on the building site.
- 6.5 Accessory buildings may have garage doors located at the established rear yard setback from the alley if electric garage door openers are installed.
- 6.6 The minimum rear yard setback for accessory structures is 2'6", with a 1'6" roof overhang encroachment permitted.
- 6.7 The minimum side yard setback for accessory structures is 3 feet, with a 1'6" roof overhang encroachment permitted.
- 6.8 Accessory structures may be rebuilt in the location of a former structure if the location of the former structure is properly documented.

7. SIGNS

- 7.1** Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs are permitted without a certificate of appropriateness.
- 7.2** Street signs, protective signs, movement control signs, and historical markers are permitted. A certificate of appropriateness is required to erect one of these signs to ensure that the sign is sensitive and compatible with the appearance of the structure.
- 7.3** All signs must conform with all applicable provisions of the Dallas City Code, as amended, and be compatible with the architectural qualities of the historic structure.

8. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- 8.1** The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.

ADDENDUM A

Gaston Commercial Tract

Property Description

TRACT I

BEGINNING at the intersection of the centerline of Gaston Avenue and Carroll Avenue;

THENCE in a southeasterly direction along the centerline of Carroll Avenue, a distance of approximately 170 feet to a point for corner on a line, said line being approximately 130 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 90 feet to a point for corner on a line, said line being approximately 90 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 40 feet to a point for corner on a line, said line being approximately 170 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 60 feet to a point for corner on a line, said line being approximately 150 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 15 feet to a point for corner on a line, said line being approximately 185 feet southeast of and parallel to the southeast line of Gaston Avenue;

THENCE in a southwesterly direction along said line, a distance of approximately 65 feet to a point for corner on a line, said line being 215 feet southwest of and parallel to the southwest line of Carroll Avenue;

THENCE in a northwesterly direction along said line, a distance of approximately 225 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 243 feet to a point for corner on a line, said line being approximately 196 feet northeast of and parallel to the northeast line of Peak Street;

THENCE in a northwesterly direction along said line, a distance of approximately 292.5 feet to a point for corner on a line, said line being approximately 252.5 feet northwest of and parallel to the northwest line of Gaston Avenue;

THENCE in a northeasterly direction along said line, crossing Carroll Avenue, and continuing along the northwestern boundary line of Lot 1 in City Block 1/769, a distance of approximately 678.8 feet to a point for corner on the northeastern boundary line of said Lot 1;

THENCE in a southeasterly direction along said lot line and its southeastward prolongation, a distance of approximately 289.5 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 185.8 feet to its intersection with the centerline of Carroll Avenue, the PLACE OF BEGINNING.

TRACT II

BEGINNING at the intersection of the centerline of Carroll Avenue and Gaston Avenue;

THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, a distance of approximately 229.3 feet to a point for corner on a line, said line being approximately 194.3 feet northwest of and parallel to the northwest line of Junius Street;

THENCE in a southwesterly direction along said line, a distance of approximately 441 feet to a point for corner on the common line between City Blocks 771 and 1/771;

THENCE in a northwesterly direction along said common block line, a distance of approximately 239.5 feet to a point for corner on the centerline of Gaston Avenue;

THENCE in a southwesterly direction along the centerline of Gaston Avenue, a distance of approximately 53.6 feet to a point for corner on a line, said line being approximately 115 feet northeast of and parallel to the northeast line of Grigsby Avenue;

THENCE in a northwesterly direction along said line, a distance of approximately 180 feet to a point for corner on the southeast line of a 15 foot wide public alley;

THENCE in a northeasterly direction along said alley line, a distance of 50 feet to a point for corner on the common line between City Blocks 770 and D/770;

THENCE in a northwesterly direction along said common block line, a distance of approximately 240 feet to a point for corner on the common line between City Blocks 770 and D/770;

THENCE in a northeasterly direction along said common block line, a distance of approximately 100 feet to a point for corner on a line, said line being 100 feet northeast of and parallel to the common line between City Blocks 770 and D/770;

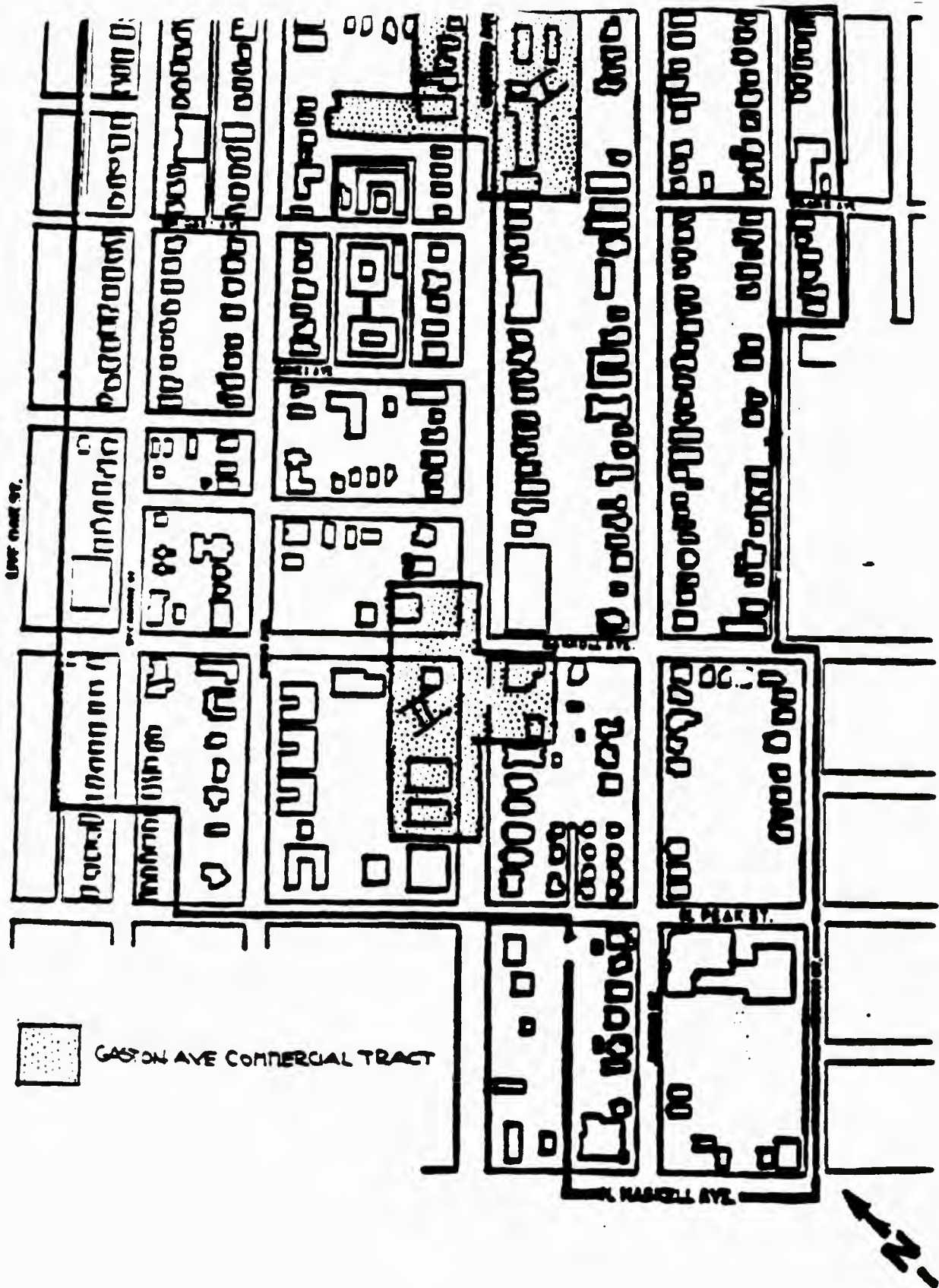
THENCE in a southeasterly direction along said line, a distance of approximately 42.5 feet to a point for corner on a line, said line being 42.5 feet southeast of and parallel to the common line between City Blocks 770 and D/770;

THENCE in a northeasterly direction along said line, a distance of approximately 96.5 feet to a point for corner on the northeast boundary line of Lot 3 in City Block 770;

THENCE in a southeasterly direction along said lot line, a distance of approximately 198 feet to a point for corner on a line, said line being 144.8 feet northwest of and parallel to the northwest line of Gaston Avenue;

THENCE in a northeasterly direction along said line, a distance of approximately 269.6 feet to a point for corner on the centerline of Fitzhugh Avenue;

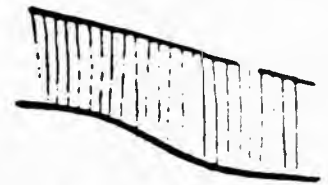
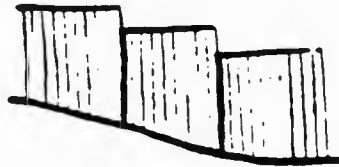
THENCE in a southeasterly direction along the centerline of Fitzhugh Avenue, a distance of approximately 185 feet to a point on the centerline of Gaston Avenue, the PLACE OF BEGINNING.



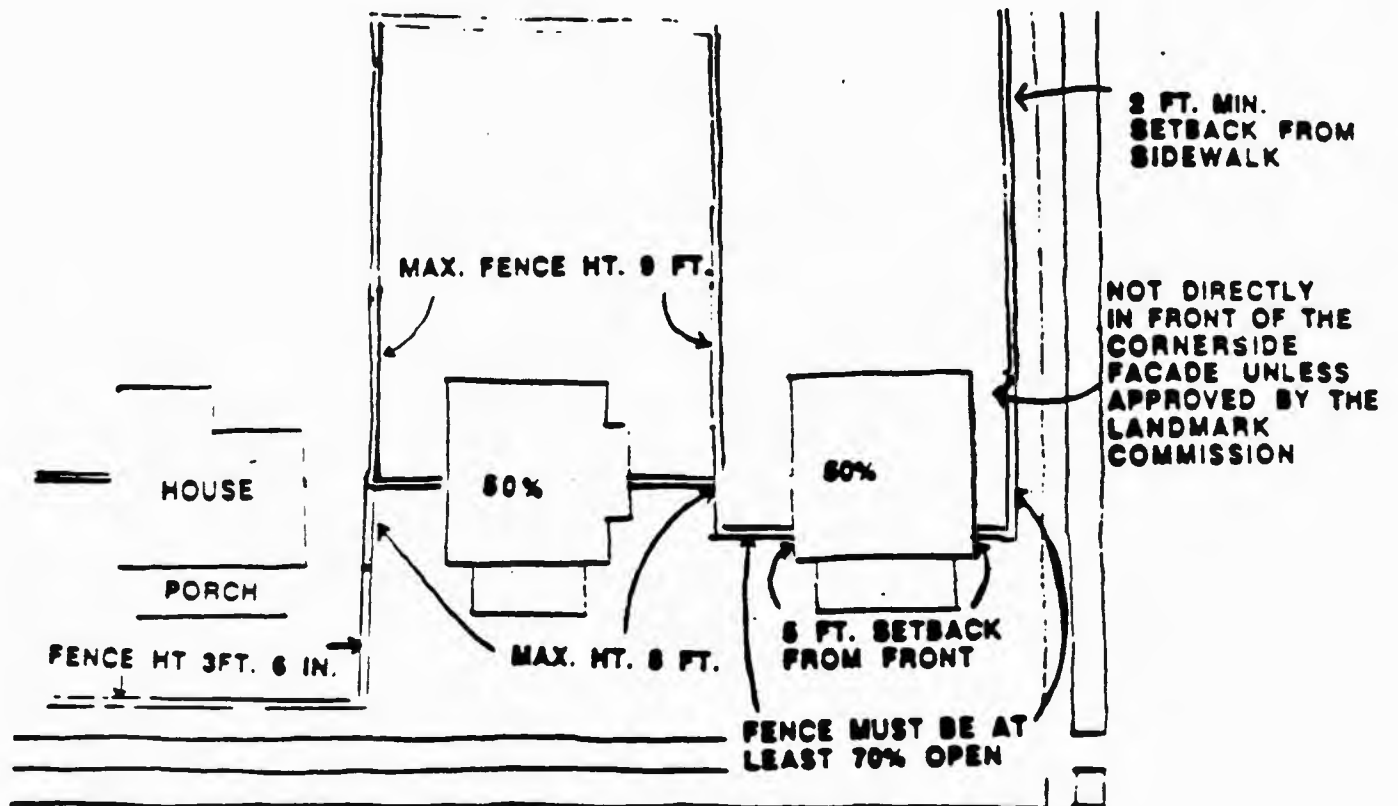
A



Horizontal



Parallel to Grade



B

FENCES

47

ADDENDUM C

Acceptable Color Range Standards

Color and color scheme are evaluated according to the Munsell Book of Color Systems (Neighboring Hues Edition -1973).

The following Munsell color ranges, or their equivalents in value (V) and Chroma (C), are permitted for primary, trim and accent colors:

Dominant: 9 through 6V/1 through 4C

Trim: 9 through 3V/1 through 6C

Accent: 9 through 3V/1 through 6C

Hue symbols 2.5-10 for: R (Red) G (Green) B (Blue) Y (Yellow) YR (Yellow-Red) GY (Green-Yellow)

Neutral gray and absolute white are also permitted. Neutral gray must be equivalent in value to those ranges specified above. Any colors or color schemes that are not within the specified allowable Munsell ranges must be reviewed by the Landmark Commission and approved or denied based on their appropriateness to and compatibility with the structure, blockface, and this district. The Commission may not approve any colors or color schemes (or their equivalents) that are specifically excluded by this ordinance.

COLOR PLACEMENT

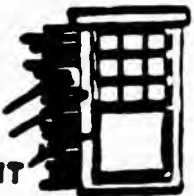
COLUMN COLOR : SHOULD BE PAINTED
WHITE OR A LIGHT COLOR

TRIM COLOR: MAJOR TRIM ON HOUSE

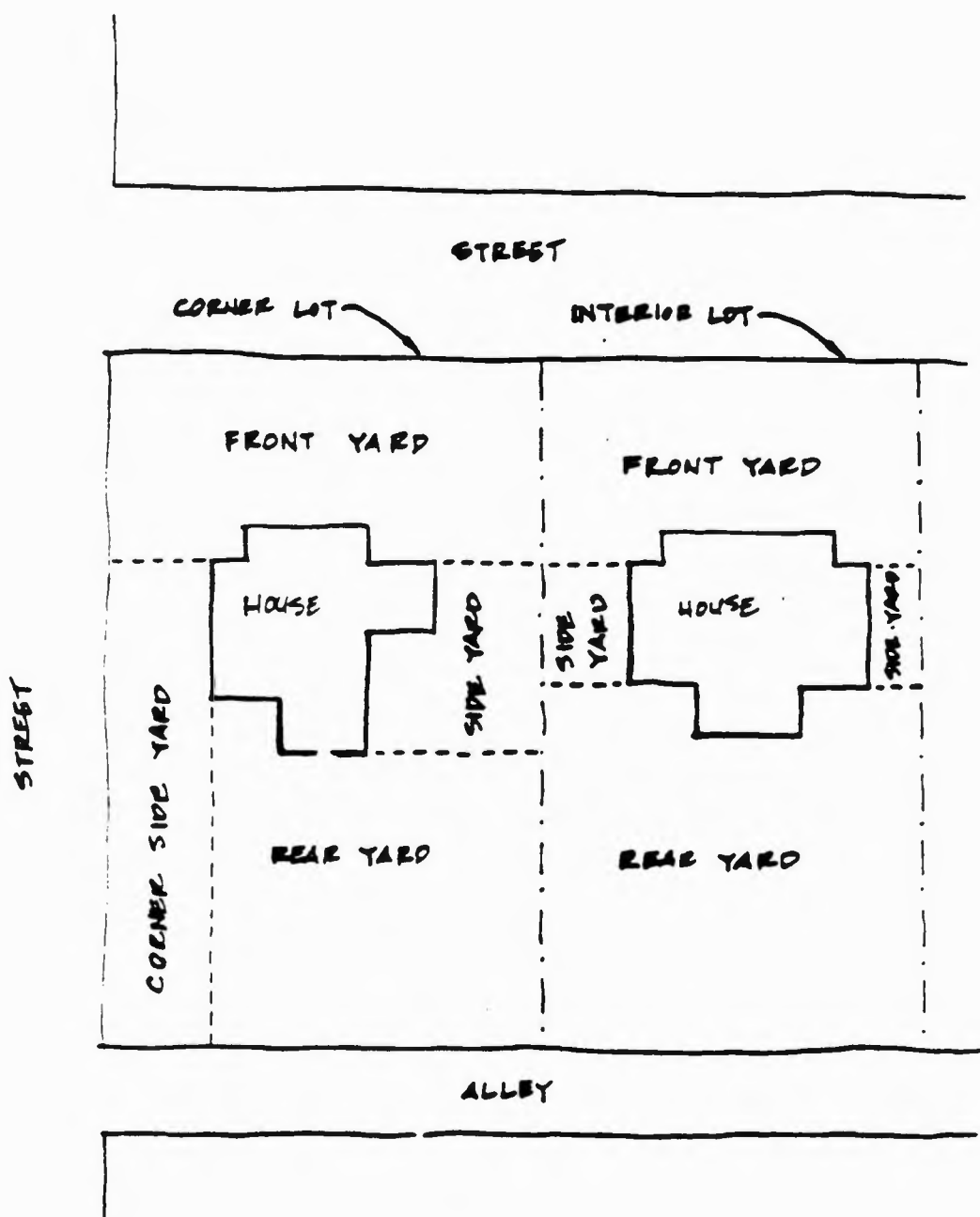
BODY COLOR: MAIN SIDING
ON HOUSE

ACCENT COLOR: SMALL DISCRETE ARCHITECTURAL FEATURES
ON HOUSE SUCH AS INNERMOST WINDOW FRAMES
OR NARROW MOLDING STRIPS

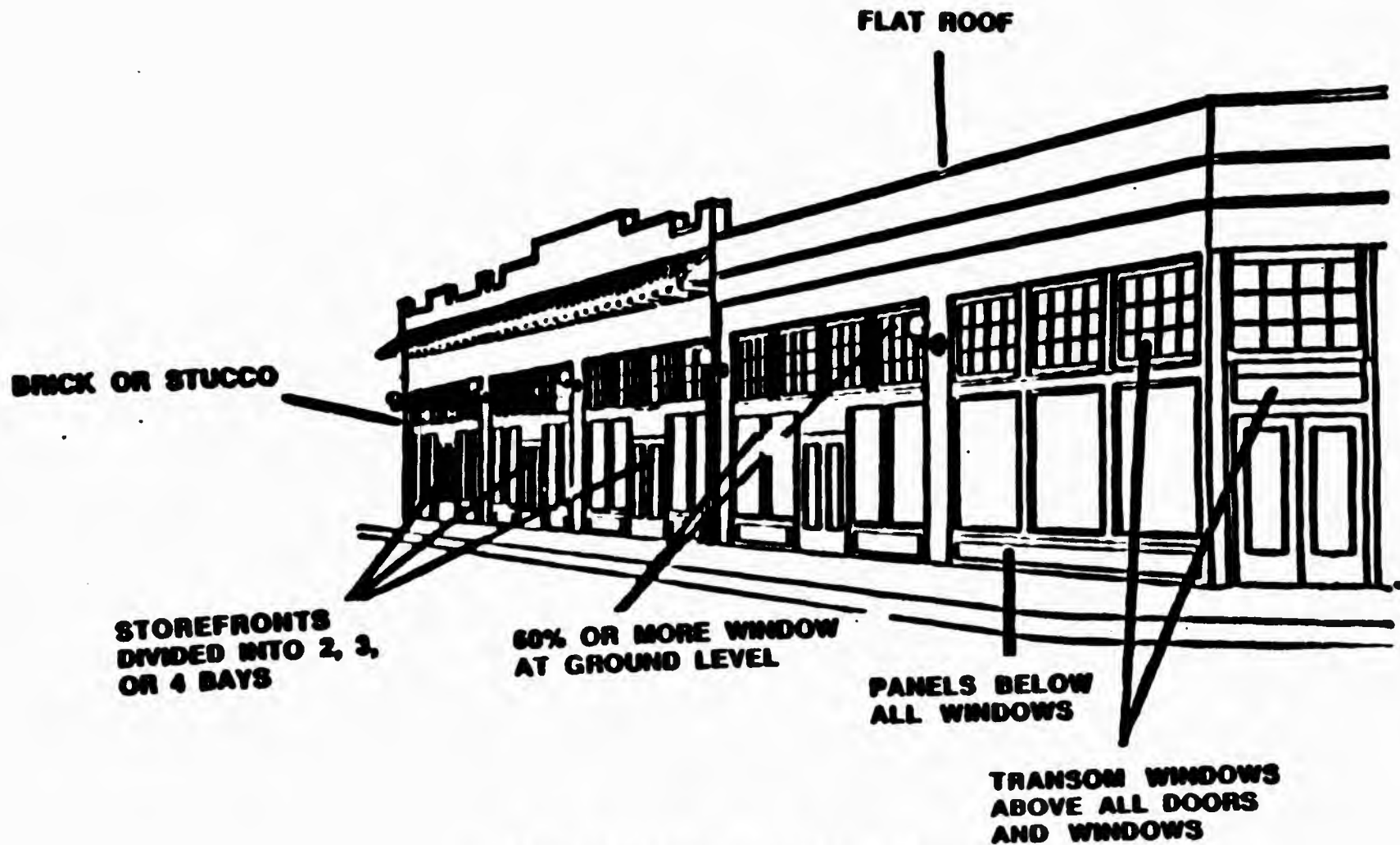
BODY
TRIM
ACCENT



D



III



COMMERCIAL STRUCTURES FOR THE GASTON TRACT

F

[illegible]

Prepared By The Department Of Planning And Development
City Of Dallas, Texas
June 1993

Dallas Landmark Commission Landmark Nomination Form

1. Name

historic: Peak's Suburban Addition

and/or common: Millcreek Neighborhood

date: 4/19/93

2. Location

address:

location/neighborhood: Sycamore, Worth, Fitzhugh, Carroll, (Junius and Worth, 1 block further west to Haskell)

block: lot:

land survey:

tract size:

3. Current Zoning

R-75, PD No. 98, PD No. 362, PD No. 298, MF2

4. Classification

Category

☒ district
☐ building(s)
☐ structure
☐ site
☐ object

Ownership

☐ public
☐ private
☒ both

Public Acquisition

☐ in progress
☐ being considered

Status

☒ occupied
☐ unoccupied
☐ work in progress
Accessibility
☐ yes:restricted
☒ yes:unrestricted
☐ no

Present Use

☐ agricultural
☒ commercial
☒ educational
☐ entertainment
☐ government
☐ industrial
☐ military

☐ museum
☐ park
☒ residence
☒ religious
☐ scientific
☐ transportation
☐ other, specify _____

5. Ownership

Current Owner: Various

Contact:

Phone:

Address:

City:

State:

Zip:

6. Form Preparation

Date: 4/19/93 - 1/11/95

Name & Title:

Organization: Designation Task Force

Contact: Kate Singleton

Phone: 821-7533

7. Representation on Existing Surveys

Alexander Survey (citywide) ☐ local ☐ state ☐ national

H.P.L. Survey (CBD) ☐ A ☐ B ☐ C ☐ D

Oak Cliff

Victorian Survey

☒

Dallas Historic Resources Survey, Phase IV ☒ high ☐ medium ☐ low

☒ National Register

☐ Recorded TX Historic Ldmk

☐ TX Archaeological Ldmk

For Office Use Only

Date Rec'd: _____ Survey Verified: Y N by: _____ Field Check by: _____ Petitions Needed: Y N

Nomination: Archaeological Site Structure(s) Structure & Site District

8. Historic Ownership			
original owner: Various			
significant later owner(s):			
9. Construction Dates			
original: 1890-present			
alterations/additions:			
10. Architect			
original construction: Various			
alterations/additions:			
11. Site Features			
natural:			
urban design:			
12. Physical Description			
Condition, check one:		Check one:	
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input type="checkbox"/> original site
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input type="checkbox"/> altered	<input type="checkbox"/> moved(date _____)
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe present and original (if known) physical appearance. Include style(s) of architecture, current condition and relationship to surrounding fabric (structures, objects, etc). elaborate on pertinent materials used and style(s) of architectural detailing, embellishments and site details.

Peak's Suburban Addition developed over a long period of time beginning with the large estates of Jefferson Peak and William Gaston built in 1855 and 1871 respectively. The topography of the area was very hilly with numerous creeks, marshes and bogs. These natural obstacles made a trip from these East Dallas estates to the Dallas Court House an arduous journey.

In order to diminish his isolation, Gaston gave land to friends and business associates promoting that additional homes be built. Large scale residential construction was delayed, however, until the marshes and bogs were filled and the land leveled. This process took place over several years.

The architectural styles of the homes eventually built span several decades, creating diversity in design and size of residences and civic buildings. The architectural styles found in the district are predominantly Queen Anne, Folk Victorian, Craftsman, Prairie, Mission, Neoclassical, Colonial Revival, and Tudor. See appendix . These drawings were taken from A Field Guide to American Houses by Virginia and Lee McAlester

The street names are primarily derived from the names of early pioneers who were instrumental in establishing this area.

Fitzhugh Avenue: named for L.H. Fitzhugh, early settler and land owner ¹.

Grigsby Avenue: named for John Grigsby, early land developer ¹. Major land owner who received a 4,605 acre land tract from Sam Houston.

Annex Avenue: boundary of the Old Fairfield Annex to East Dallas ¹. Annex Avenue from Swiss to Gaston originally was named Elmira.

Carroll Avenue: named for Carroll Peak, son of Jefferson Peak ⁴.

Peak Street was originally named Martha Street for Martha Peak, wife of Jefferson Peak. Upon his death Mrs. Peak changed the name to Peak in honor of her husband. Jefferson Peak was a major land owner ¹. Jefferson moved to Dallas in 1854 when Dallas population was under 200 people. ³ He constructed the first brick residence which was located at the corner of Peak and Worth Streets. Peak died in 1885 ⁴. He bequeathed one half block of land to the Dallas First Christian Church with the provision that instrumental music not be used for services or the land reverts back to his heirs.

Haskel Avenue was named for Horatio Nelson Haskel Alderman of East Dallas in 1883 ¹.

Sycamore Street originally named Matt Street for Mathias Peak, son of Jefferson Peak ⁴.

Swiss Avenue named for Swiss Colony immigrants, who settled along this street in 1870.

Gaston Avenue was named for Captain William Gaston. Early day Banker and land developer ¹. Gaston founded Dallas First Bank and purchased large tracts of land in East and South Dallas including 400 acres along Swiss Avenue. He donated the land for the State Fair and promoted its growth. He maneuvered the railroads to locate in the City of East Dallas in 1872-73 away from the City of Dallas which promoted development on his land holdings. Gaston Avenue was originally named Wallace Street, for Wallace Peak, son of Jefferson Peak ⁴.

Junius Street named for Junius Peak, landowner and Texas Ranger.¹ Junius was born in 1846.³ son of Jefferson Peak.⁴ Early Dallas Police Chief 1874-78.³ June Peak's home still stand at 4409 Worth Street. His daughter Florence Peak lived in this house on Worth Street until about 1980.

Worth Street is named for Worth Peak, 8th of eleven children of Jefferson and Martha Peak.

Victor Street named for George Victor Peak,¹ son of Jefferson Peak.⁴

Reiger Street named for John F. Reiger, Reiger addition 1890.¹

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

Peak's Suburban Addition also known as Mill Creek is the earliest developed portion of East Dallas. It was the first neighborhood east of Dallas' central business district to be developed, "starting with Victorian houses and followed by frame two story Prairie homes, brick mansions and finally frame cottages and bungalows" (Older Neighborhoods, 1986:32). In addition to the single family residences, there are many historic apartment complexes as well as commercial and institutional buildings throughout the district, especially along the old streetcar routes. The major forces that shaped the development of East Dallas were the arrival of the railroads, the establishment of the Texas State Fair, and the network of street railways that determined the routes of growth.

The early settlement East Dallas from 1855 until the City of East Dallas' incorporation in 1882 was agricultural in nature. The first recorded settlement occurred in 1855 when Captain Jefferson Peak purchased a large tract of land far to the northeast of Dallas and built a farmhouse near the corner of Worth and Peak streets. Peak had passed through Texas in 1846 to fight in the Mexican War and in 1855 he returned with his family to settle east of the emerging town of Dallas (Butterfield 1875: Peak). An 1880's map of East Dallas shows that Peak owned roughly half the land bounded by Ross Avenue to the north, Main Street to the south, and Haskell and Carroll Street to the west; constituting more than a quarter of the historic district.

After the Civil War, Peak was joined by Confederate Captain William H. Gaston who purchased 400 acres along White Rock Road (now Swiss Avenue) where he built an enormous Greek Revival home in 1871 (razed) (Mabry, 1984:4). Gaston was a powerful force in Dallas' early development. Within a few years of his arrival in 1867, he purchased vast tracts of land in South and East Dallas, founded Dallas' first bank, donated land for the County Fair (present site of Baylor Hospital), and eventually parlayed the small exposition into the State Fair (Mabry, 1984:10 Gaston n.d.:1.) Most importantly, Gaston, with backing from local businessmen, brought the railroads to Dallas in 1872 and 1873, which ultimately made the city's fortune. His impact in East Dallas was achieved by maneuvering both the Houston and Texas Central (H&TC) and the Texas and Pacific (T&P) railroads to a junction approximately one and a half miles to the east of the Courthouse. In doing so, Gaston helped orchestrate Dallas' growth away from the Trinity River towards the railroad station on his lands in East Dallas. The resulting housing shortage encouraged Jefferson Peak and other landowners to begin subdividing their lands.

Although the railroads promised to spur building activity in East Dallas, the area remained sparsely settled due to an economic downturn in 1875 that stalled development for some time (Powers 1969:19). The area was heavily wooded, especially along Mill Creek as it flowed through Exall Park along Hall Street, just east of the historic district, toward the Cedars in South Dallas (McDonald 1978: 137). There was little building or street construction in the project area east of Washington Street prior to the late 1870s although the Butterfield and Rundlett Official Map of Dallas shows East Dallas as a platted entity by 1875 (Mabry 1984: 16). A small commercial district sprang up around the depot and consisted of a few boarding houses, lumber yards and restaurants that survived only because of the railroad traffic (Powers 1969: 14). One mule-drawn streetcar line, operated by the Dallas Street Railroad Company, ran out Ross Avenue and up San Jacinto Street. Built by Colonel William J. Keller in 1875, the San Jacinto line, as it was known, was the only line to serve the area until 1882. Its primary purpose was to bring passengers from the depot to the downtown Dallas business district (Powers 1969: 19, 36).

Beyond the tiny cluster of commercial structures near the depot, the remainder of East Dallas at this time consisted of large estates, like those of Jefferson Peak and William Gaston, and a number of smaller family farms (Map, East Dallas: 1880s). The early character of the region was articulated by William Gaston when, upon completing his mansion at 3900 Swiss Avenue in 1873, he lamented being all alone out in the country and offered free land to his friends so he would have company. Gaston's nearest neighbor to his 400 acre plantation were Jefferson Peak, a mile to the east in the center of the historic District, and Swiss immigrants, Jacob Nussbaumer and Henry Boll, who lived nearly the same distance to the west (Saxon, 1983: 9). This semi-rural condition persisted until Dallas began to recover from the depression in the latter part of the 1870s.

When the economy improved, East Dallas began to experience the same wild, uncontrolled growth that was afflicting central and south Dallas (McDonald, 1978: 137). Many businesses began building east along the streetcar line that stretched from downtown Dallas to the railroad depot. The fairgrounds drew people to the area and many began investing in property nearby. By 1882, the community had grown so rapidly that its leading citizens, among them Peak, Gaston and rancher Christopher Columbus Slaughter, met and voted to incorporate as the separate municipality of East Dallas (Saxon, 1983: 10). At the time of its annexation in 1889, the land area of East Dallas was actually larger than that of Dallas. The city of Dallas acquired East Dallas, along with several unincorporated suburban parcels, on the last day of December, 1889, to make Dallas the largest city in Texas for the 1890 census (Keith, 1930: 168; Dallas Morning News, October 1, 1935). It was both the first and last time in its history that Dallas had the honor.

East Dallas' single largest landowner, Jefferson Peak, platted his first subdivision in 1874 along Ross Avenue, (Mabry 1984:3) but by the mid-1880s, Captain Peak still owned most of the land bounded by Ross Avenue, Main Street, Haskell and Carroll Streets (Map East Dallas: 1880s). It wasn't

until after Peak's death in 1885 that his son, Junius, began large-scale subdivision of the family's extensive holdings. The land around the Old Peak homestead at Worth and Peak Street was sold as Peak's Addition in 1897 and its subdivision spurred many housing starts in the area. (McDonald 1978: 120). Major East Dallas streets still bear Peak's name and those of his children: Junius, Worth, Victor, and Carroll. Although the original Peak farmhouse is gone, Junius Peak's home still stands at 4409 Worth Street.

Another highly influential force in East Dallas real estate development during the late 1880s and early 1890s was Jefferson Peak's son-in-law, Thomas Field. Through his firm, Field and Field Real Estate and Financial Agents, Thomas Field either owned, controlled, or influenced the sale of large parcels of East Dallas real estate. He "flamboyantly promoted his extensive East Dallas holdings in 1884 with the construction of a palatial residence in the middle of his property" (McDonald 1978: 137) located on Peak Avenue between Gaston and Junius streets (razed 1922). His grandiose and unfettered real estate promotion was characteristic of the boomtown that enveloped all of Dallas during the years between the arrival of the railroads and the depressions of the 1890s. Many elaborate mansions were constructed on Swiss and Gaston Avenue during the 1890s in addition to smaller but substantial homes on Live Oak, Junius, and Worth Streets (Saxon 1983: 16). Most of the largest homes were demolished and their lots sold for redevelopment between 1920 and 1950 (Sanborn maps 1905, 1922; City of Dallas directories).

The proliferation of street car lines between 1887 and 1893 was probably the single most important factor contributing to the success of East Dallas during that period. Some of those living in East Dallas rented hansom cabs to commute to the city or the union depot (Eidt. conversation 1990). Others undoubtedly used their own horsedrawn buggies, as evidenced by the number of personal stables situated at the rear of the grand residences along Swiss and Gaston Avenue (Sanborn maps. 1905; Gooden 1986: 46). However, those who did own horses and buggies began to prefer the thrift and convenience of the streetcar. A ride downtown at this time cost five cents or less, cheaper than the cost to board a horse and carriage (Nichols conversation March 30, 1990). As Dallas grew further and further away from the central business district, it was imperative that reliable transportation be available for workers. Many neighborhoods existed only due to streetcar access and developers took advantage of that fact.

Streetcar service was initiated about 1888. The Bryan line, as it was known, became the major crosstown streetcar serving the northern section of East Dallas (Powers 1969: 78; Eidt, conversation, 1990) opening up all of East Dallas to wide-scale development. Between 1886 and 1890, Dallas real estate transfers jumped from under \$6 million to \$14 million, much of it concentrated in East Dallas. The completion of the Bryan line was followed by the opening of Middleton Brother's Addition, Hunstable's College Hill Addition, Livingston Place, Peak's Addition, Caruth Heights, Nussbaumer and McCoy's Addition, and the Belmont Addition between 1888 and 1892 (McDonald 1978: 153). All were accessible to the Bryan line.

Typically, there was little planning involved in the opening of these additions beyond running a streetcar line out to a vacant field owned by the operators, subdividing the land, and selling it for a handsome profit. Lots were often sold before streets and utilities could be laid out (McDonald 1978: 153), sometimes on the mere promise that streetcar lines would be introduced.

The suburban land boom was in full swing when nearly all building came to an abrupt halt with the economic crash of 1893. While some Texas communities were unharmed by the nationwide depression, Dallas had become linked to eastern and northern markets and their leading banking institutions. When those institutions foundered, Dallas followed. The failure of the Philadelphia & Reading Railroad in February 1893 started a nationwide panic that left 158 national banks and 415 state and private banks in ruin. Five Dallas banks failed in the crash and local business and agricultural concerns suffered as a result (McDonald 1978: 70). Unchecked real estate speculation prior to the crash left Dallas overbuilt and many newly opened additions in or near the project area remained vacant for years afterward (Dallas Morning News, October 1, 1935). Many individuals who had figured prominently in the East Dallas real estate frenzy lost fortunes in the downturn. Thomas Field not only lost several major projects in progress but lost his palatial homes, as well. The effects of the depression reverberated throughout the city and had repercussions on many of the city's enterprises, including streetcar and real estate consortiums, essentially ending the early, speculative era (Powers 1969: 92). The depression did, however, allow time for some reflection and the next phase of development in East Dallas was a more cautious endeavor.

Although Dallas began to rebound from the depression about 1898, East Dallas did not fully recover for almost a decade after the crash. (Dallas Morning News, October 1, 1935). When the economy began to pick up there was a resurgence of residential building in the area. Churches and schools were constructed to accommodate the increased population. Davy Crockett Elementary School, built in 1903 by the firm of C. W. Bulger and son on Carroll Street, is the oldest extant school in the city of Dallas. Bulger and Son also designed the Classical Gaston Avenue Baptist Church, built between 1902 and 1904 at the southwest corner of Gaston and Haskell avenues (McDonald 1978:). The East Dallas Christian Church at 631 N. Peak was built shortly after 1905, replacing an earlier dwelling on that site. The imposing Neo-Classical mansion at the corner of Peak and Swiss avenue was originally built as a residence, but served the prestigious Terrill School for Boys as a dormitory through the 1920s (Sanborn maps 1905, 1922: City Directories). Dominating the 4100 block of Junius Street at North Haskell Avenue, is the Gothic Revival Grace Methodist Episcopal Church designed by W.A. Caan in 1903. The church sanctuary and its 1925 education annex are listed on the National Register of Historic Places. Parishioner Henrietta Eidt recounted that Grace Church was considered to be "the silk-stocking church of East Dallas" because of the many well-to-do residents of exclusive Munger Place who attended its services (Eidt conversation March 30, 1990). These East Dallas institutional and religious

structures are among the city's outstanding architectural landmarks remaining from the early 1900s.

East Dallas grew tremendously after about 1902, especially east of Washington Avenue and into the project area, as many old estates and farmlands were subdivided for new residences. Between 1902 and 1922 the entire project area became filled in, particularly along streetcar routes, with only an occasional vacant lot between buildings or estates. The 1899 Sanborn maps show Haskell Avenue as the eastern boundary of most development, but by 1905 that boundary extended to Carroll Street below Gaston Avenue and all the way east to Fitzhugh Avenue above it (Gooden 1986). In 1905 the development between Haskell Avenue and Carroll Street north of Elm Street was almost entirely residential with the exception of the schools, churches, one store, a carpenter's shop, and a nursery. Ross Avenue continued its role as "Dallas' Fifth Avenue" with the erection of magnificent Colonial Revival and Prairie-influenced homes, almost all of which have been demolished. One of the few remaining palatial residences on Ross Avenue is that built by Charles H. Alexander. c. 1906. at the northeast corner of Ross Avenue and Annex Street. It was purchased and restored by the Dallas Women's Forum in 1930 (McDonald 1978: 141. 143). An exception to the overall residential character of East Dallas was the placement of the Dallas Consolidated Street Railway complex, covering three-quarters of the block between Elm and Main streets where they crossed Peak Avenue (Sanborn maps. 1899. 1905).

Two factors took shape in 1905 that had a major impact on housing styles and development in East Dallas. One was the shift in the popularity from the latter Victorian-era styles to the emerging Prairie and Mission Revival styles. The other was the development of Munger Place, one of Dallas' first planned heavily-restricted, neighborhoods (Gooden 1986: 51). After carefully researching several restricted residence parks in other sites, Roberts S. Munger bought raw farmland near prestigious St. Mary's College and began development of Munger Place. Between 1905-1925, some of Dallas' most promising architects gained their reputations building modern, progressive homes in Mission Revival, Colonial Revival, and Spanish Colonial Revival variations on Frank Lloyd Wright's Prairie Style. The Munger Place development lay immediately to the east and many Peak Suburban Addition homes constructed during this time were built in the same styles.

Commercial enterprises began to spring up in the 1920s and tended to proliferate on the streetcar lines, especially at the intersections of two lines. A comparison of 1905 and 1922 Sanborn maps shows the profound influence these intersecting carlines had in converting residential areas to commercial. Interurban railways began running in the area about 1908 and had an influence on the neighborhoods through which they ran, although they did not offer local service. The Bryan interurban line was established in 1908 and ran along the same street as the streetcar (Gooden 1986: 55). It is notable that by 1922, Bryan Street, especially where it intersects with Peak Avenue, had the most commercial buildings in the area. Automobiles were also having an impact on the area. The first

automobile was registered in Dallas County in 1901. By 1917 registration had increased to about 15,000 most of it in the city of Dallas (Gooden 1986: 56). The automobile eventually changed the way suburban growth and development occurred in Dallas and served to push the city even further from its center.

During the teens and 1920s, a number of fine Mission Revival and Prairie Style homes as well as smaller bungalows and cottages, were built in the pockets to completely fill in the remainder of East Dallas. By 1922, almost no vacant areas remained in the project area with the exception of the large estates built before about 1905. When their wealthy owners began moving to the more fashionable developments further out, these estates were broken up for re-development one by one. The sporadic evolution and re-definition of the area continued to contribute to the uneven appearance of East Dallas. The 1922 Sanborn maps show many large homes with a handful of large estates remaining on Swiss and Gaston avenues, but commercial development had already replaced residences along the crosstown streetcar routes of Bryan Street. In 1922 there was a fire on Peak Street that burned 32 homes to the ground (WPA Paul Myers "Parks" pg. 6 Box 4J57, 1940). The homes were replaced with commercial enterprises taking advantage of the streetcar frontage.

One of the most outstanding changes that took place in the project area between about 1915 and 1930 was the advent of large apartment buildings, many of which remain in the project area.

The Great Depression and the Texas Centennial in 1936 both encouraged multi-family use of older dwellings to East Dallas. The hard years of the depression forced some families to take in boarders. During the Centennial, large houses in East Dallas were divided into rooms that rented for \$1.00 per night (Eidt conversation March 30, 1990).

14. Bibliography

1. The WPA Dallas Guide and History, published by Dallas Public Library and the University of North Texas Press 1992.
2. Memorial and Biographical History of Dallas County, the Lewis Publishing Co. 1892.
3. A History of Greater Dallas and Vicinity, Volume II L.B Hill Editor, the Lewis Publishing Co. 1909.
4. Jefferson Peak Will, location ?

15. Attachments

- | | |
|--|---|
| <input checked="" type="checkbox"/> District or Site Map | <input type="checkbox"/> Additional descriptive material |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Footnotes |
| <input type="checkbox"/> Photos (historic & current) | <input checked="" type="checkbox"/> Other: <u>Jefferson Peak Will</u> |

16. Inventory of Structures-Historic District Only (Page of)

Please complete this form for each structure in a proposed historic district

a. Location and Name

b. Development History

Original owner: _____

Architect/builder: _____

Construction/alteration dates: _____

c. Architectural Significance

Dominant style: _____

Condition: _____

Alterations: _____

d. Category

Contributing _____

Compatible _____

Non-contributing _____

excellent example of an architectural style that is typical of style and massing but is not of the district
or integral to the district; retaining essential integrity of design

supportive of the district in age, style, period and detailing, or area of significance typical of the district
representative of the significant style, period and detailing, or area of

intrusive; detracts from the character of the district

e. Statement of Significance

Designation Merit

- | | | |
|---|----|--|
| <p>A. Character, interest or value as part of the development, heritage or cultural characteristics of the City of Dallas, State of Texas or the United States. <u> X </u></p> | G. | <p>Identification as the work of an architect or master builder whose individual work has influenced the development of the city. <u> </u></p> |
| <p>B. Location as the site of a significant historical event. <u> </u></p> | H. | <p>Embodiment of elements of architectural design, detail, material or craftsmanship which represent a significant architectural innovation. <u> </u></p> |
| <p>C. Identification with a person or persons who significantly contributed to the culture and development of the city. <u> X </u></p> | I. | <p>Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural motif. <u> X </u></p> |
| <p>D. Exemplification of the cultural, economic, social or historical heritage of the city. <u> X </u></p> | J. | <p>Unique location of singular physical characteristics representing an established and familiar feature of a neighborhood, community or the city. <u> X </u></p> |
| <p>E. Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style. <u> X </u></p> | K. | <p>Archaeological value in that it has produced or can be expected to produce data affecting theories or historic or prehistoric value. <u> </u></p> |
| <p>F. Embodiment of distinguishing characteristics of an architectural style or specimen. <u> X </u></p> | L. | <p>Value as an aspect of community sentiment of public pride. <u> X </u></p> |

Recommendation

The Designation Task Force requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.

Further, the Designation Task Force endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Planning and Development.

Date:

Kate Singleton BOS

Kate Singleton, Chair
Neighborhood Designation Task Force

Tiffany Strickland

Tiffany Strickland, Urban Planner
Historic Preservation

Jefferson Peak dec'd.

Martha M. Peak Executrix. In County Court, Dallas
County, Texas, 1st Nov. Term. To the Hon. E. L. Bower, Judge
of said Court. Your petitioner Martha M. Peak, respectfully
represents to the Court that Jefferson Peak, late a citizen
of Dallas County departed his life on the 21st day of October
1885 A.D. that he was at the time of his death a resident citizen
of said Dallas County, Texas. Your petitioner further shows
that the said Jefferson Peak on the 18th day of Nov. 1879,
executed in writing in due form of law his last will and
testament thereby disposing of all his property, real, personal
and mixed, and therein appointing your petitioner sole
executrix of said last will and testament. That said will
was signed by the said Jefferson Peak and witnessed by St. H.
Field, John M. Simmons and J. L. Leonard. That the estate
of the said Jefferson Peak consisted of real, personal and
mixed property, situated in Dallas, Tarrant, Hasarum and
Anderson Counties in the state aforesaid and of the
probable value of \$80,000⁰⁰. That your petitioner is a citizen
of Dallas County and is not disqualified by law from
accepting letters testamentary. Wherefore your petitioner comes
and files said last will and testament, and this the appli-
cation for the property of said will, and prays that notice
be given and that at the next term of this Court, the
said will may be admitted to Probate, and letters testa-
mentary thereon be issued to your petitioner and for
all other proper relief your petitioner will ever pray.

Martha M. Peak

Filed 13th day of Nov. A.D. 1885.

W. M. C. Hill. C. C. T. C. D.

Religion record. No. 2. Page 87. L. H. Hughes Copy.

County of Texas }
County of Dallas } Know all men by these presents that I
Jefferson Peck of the County of Dallas, and State of Tex.
being now of sound mind and in good health, do, make,
ordain, and declare this to be my last will and testament
and I do hereby dispose of all the Estate owned by me in
manner, form as hereinafter expressed.

My first desire is, that all my just debts be paid as
soon after my death as the same can be conveniently done by
my executrix hereinafter named, and she, my may said executrix,
is fully authorized to sell so much of my real estate, as may be
for that purpose upon such terms and conditions as to her may
seem best, and to convey by deed such estate as she may sell
for that purpose.

And after distributing my estate between my devisees and be-
gatus, I will and bequeath to the First Christian Church of the
City of Dallas one half of a block of land in my Suburban
Addition to the City of Dallas, this half block to be selected
out of said Addition by the Trustees of said Church, and my
Executrix, this bequest to the said Church is for the purpose
of building a Church house on the land or lots hereby be-
queathed, but if the said Church sees fit or proper to sell
said Lot, and buy other property, herewith they are authorized
so to do; but the Lot or its proceeds are to be used solely for
Church purposes. This bequest is however upon this condition
that, if the said church should hereafter at any time use
instrumental music in said Church services or in any Sunday
or Lord's day school in the said first Christian Church,
then this bequest is to become absolutely void and the
said property hereby bequeathed or any other that may have
been purchased with the funds arising from the sale of
the land hereby bequeathed is to revert to, and become part

his education for his profession, and in setting him up in business some three or more times largely beyond any of my other children, and I do not desire that one of my children shall have or receive from my Estate more, than an other, and feeling that a share of one half of one tenth of my Estate with what I have heretofore advanced him will fully equalize him with my other children. I hereby give devise and bequeath to my said son Carroll M. Peak one twentieth part of all my Estate not heretofore disposed of by this will.

To my son Wallace Peak, I devise and bequeath one equal tenth part of my whole estate, not heretofore disposed of by special legacy.

To my beloved daughter Callie A. Harwood, I devise and bequeath one equal tenth part of my whole Estate.

To my grandson Wallace D. Peak, only child of my son Jefferson Peak, I devise and bequeath one equal tenth part of my Estate. -

To my beloved daughter Juliet A. Fowler I devise and bequeath one equal tenth part of my Estate.

To my son Junius Peak, I devise and bequeath one equal tenth part of my Estate.

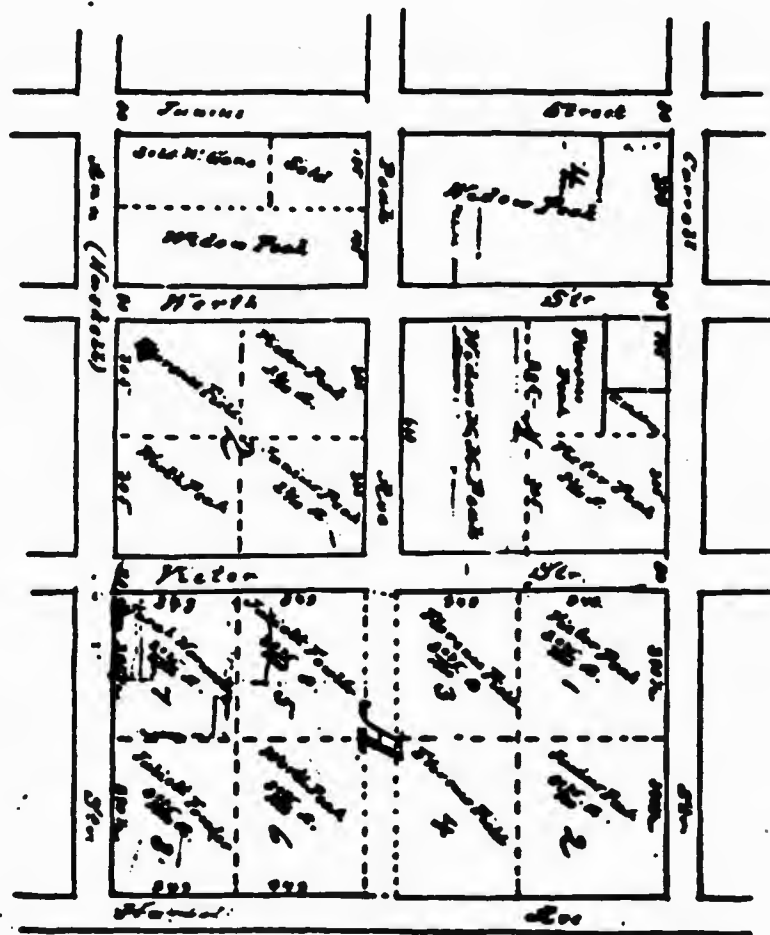
To my beloved daughter Florence Field, wife of Thomas Field, I devise and bequeath one equal tenth part of my Estate.

To my son Worth Peak, I devise and bequeath one equal tenth part of my Estate.

To my son George Victor Peak, I devise and bequeath one equal tenth part of my Estate.

To my son Mathias L. Peak, I devise and bequeath one equal tenth part of my Estate.

Having thus, as I conceive made an equal distribution of my whole estate among my children and grand children



This plat is only intended to
 show the property south of Jones
 St. The property ought for.
 Abstractor did not deem it
 necessary to show entire map
 of entire. which however is all
 right.

Prairie

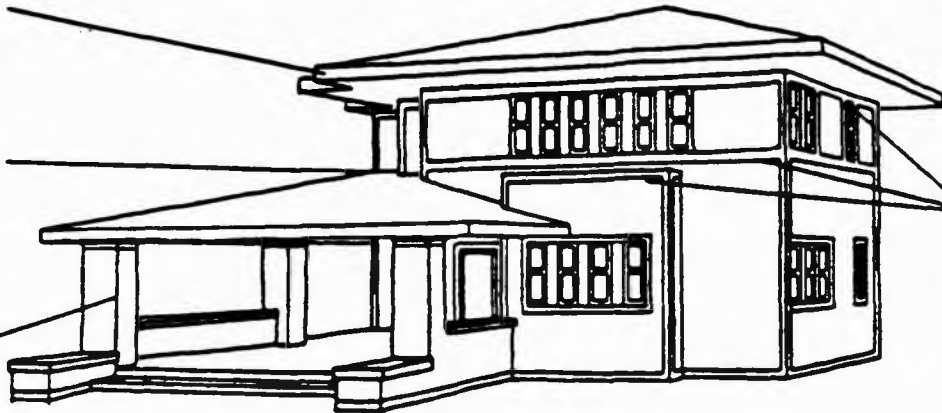
1900-1920

low-pitched roof
with widely
overhanging eaves

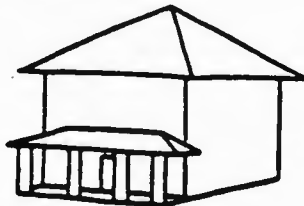
two stories with
one-story porches
or wings

massive square
porch supports

detail emphasizing
horizontal lines



HIPPED ROOF, SYMMETRICAL,
WITH FRONT ENTRY



pages 444-5

HIPPED ROOF, SYMMETRICAL,
NO FRONT ENTRY



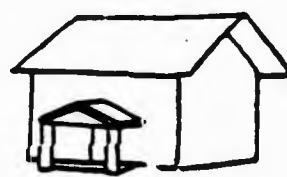
pages 446-7

HIPPED ROOF,
ASYMMETRICAL



pages 448-9

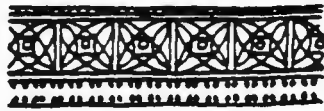
GABLED ROOF



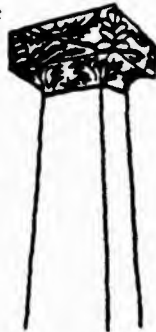
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PRINCIPAL SUBTYPES

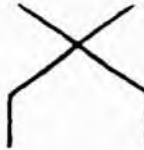
SULLIVANESQUE
stylized floral and circular geometric



bands at cornice or door



column capitals



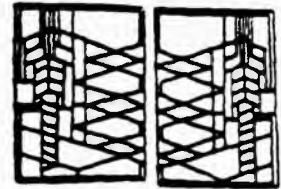
terra cotta
medallion



column
elaboration
and capitals

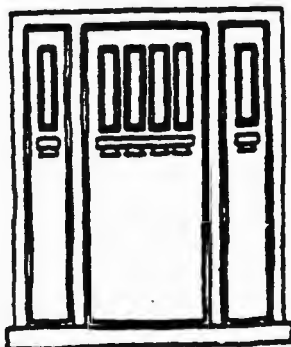
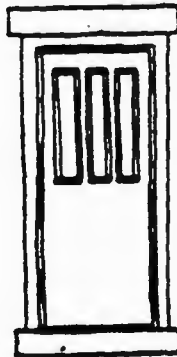
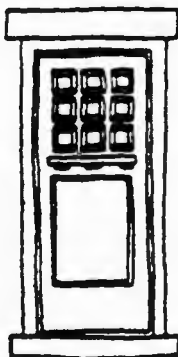
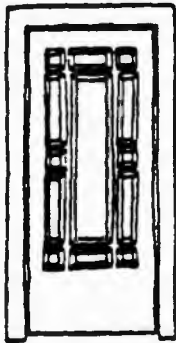
angular geometric

Prairie

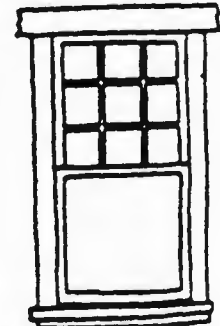
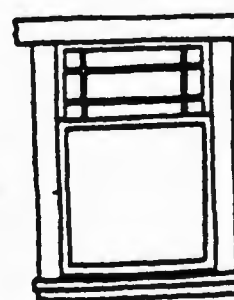
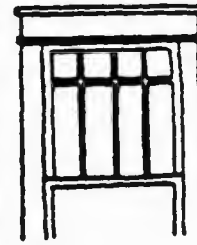
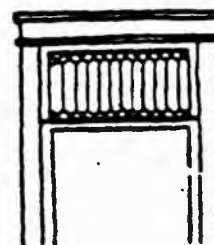
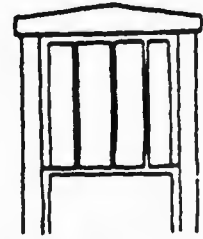
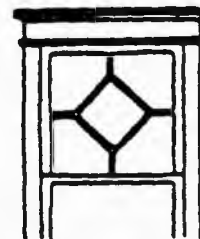
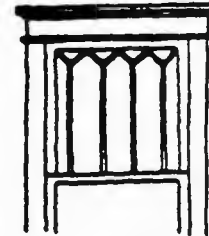
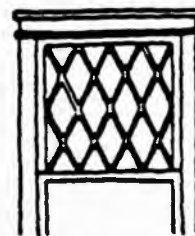


leaded glass windows

DECORATIVE DETAIL



TYPICAL DOORS



FOUND IN BOTH
CRAFTSMAN & PRAIRIE

TYPICAL WINDOW GLAZING & SURROUNDS
Craftsmen windows common on Prairie high-style examples



gable



through-cornice



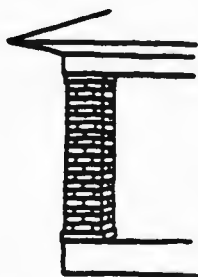
Palladian

COMMON DORMER VARIANTS



COMMON PORCH VARIANTS

MOST COMMON VERNACULAR FORM



Craftsman

1905-1930



FRONT-GABLED ROOF



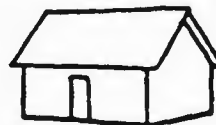
pages 456-7

CROSS-GABLED ROOF



pages 458-9

SIDE-GABLED ROOF

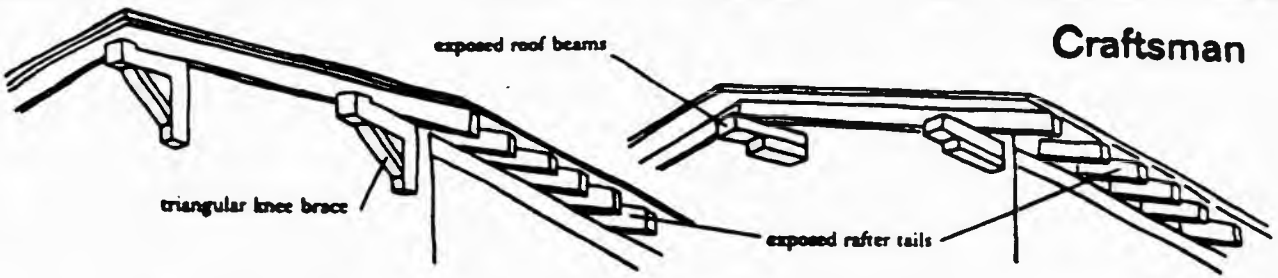


pages 460-1

HIPPED ROOF

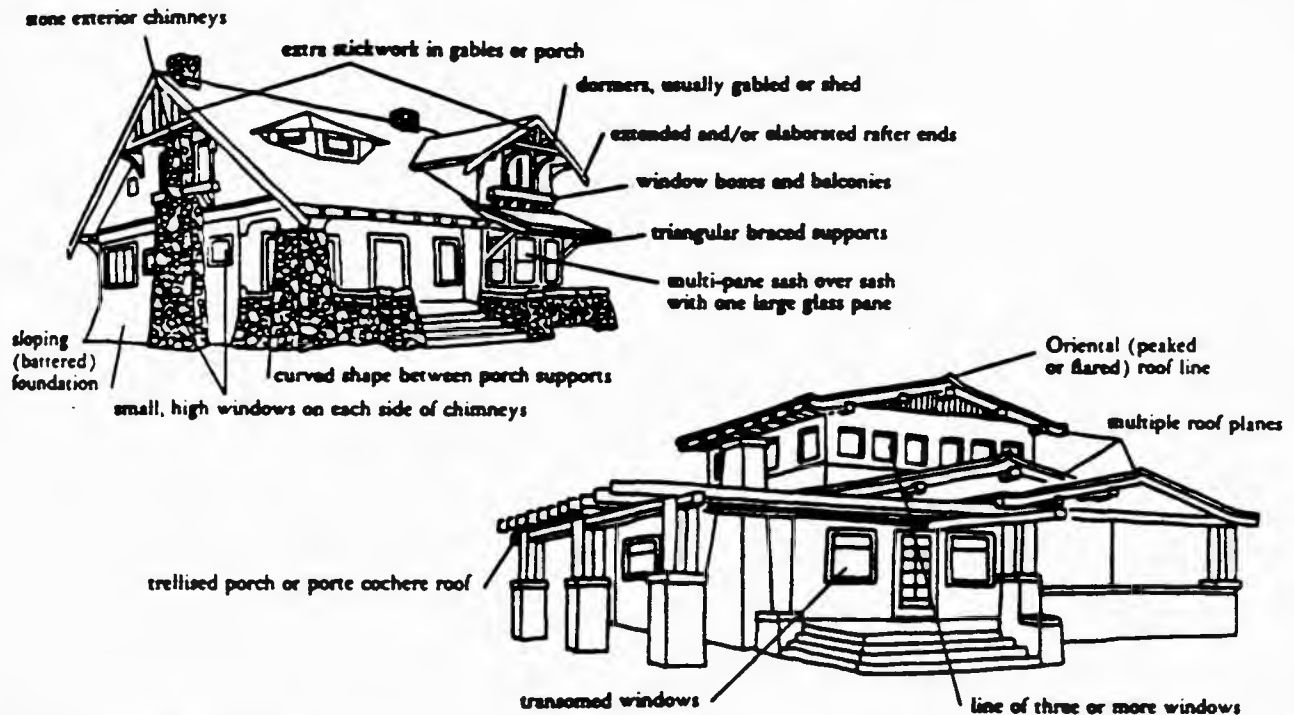


page 461

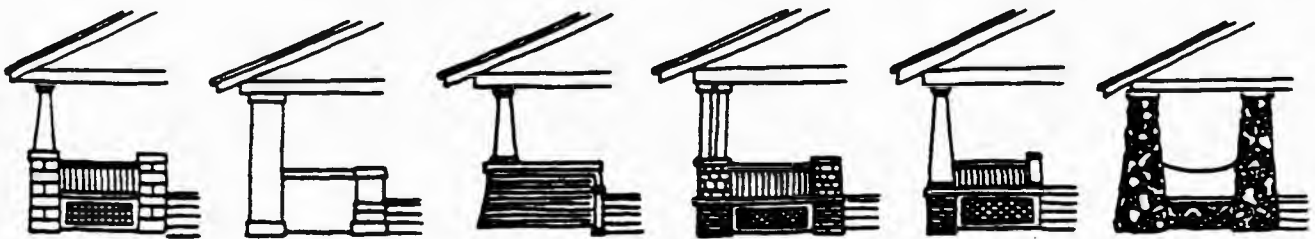


Craftsman

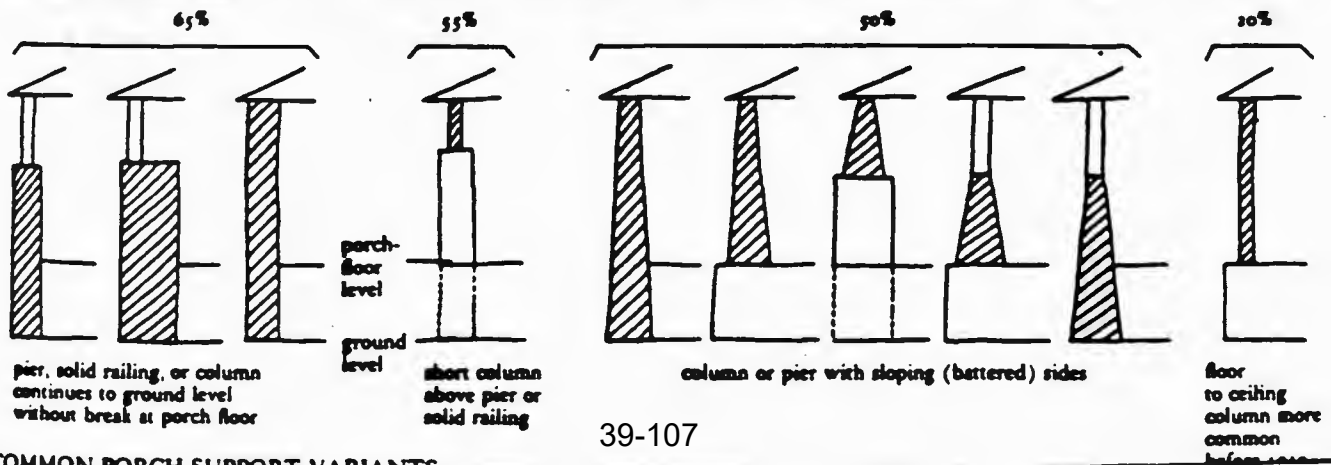
TYPICAL ROOF-WALL JUNCTIONS



TYPICAL ELABORATIONS



SOME TYPICAL PORCH SUPPORTS AND PORCH RAILINGS A pier without column is common



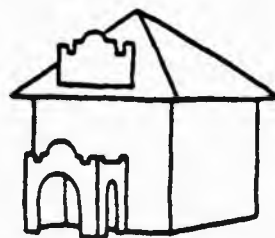
COMMON PORCH SUPPORT VARIANTS

Mission

1890-1920

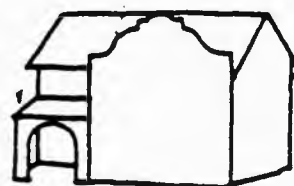


SYMMETRICAL



pages 412-13

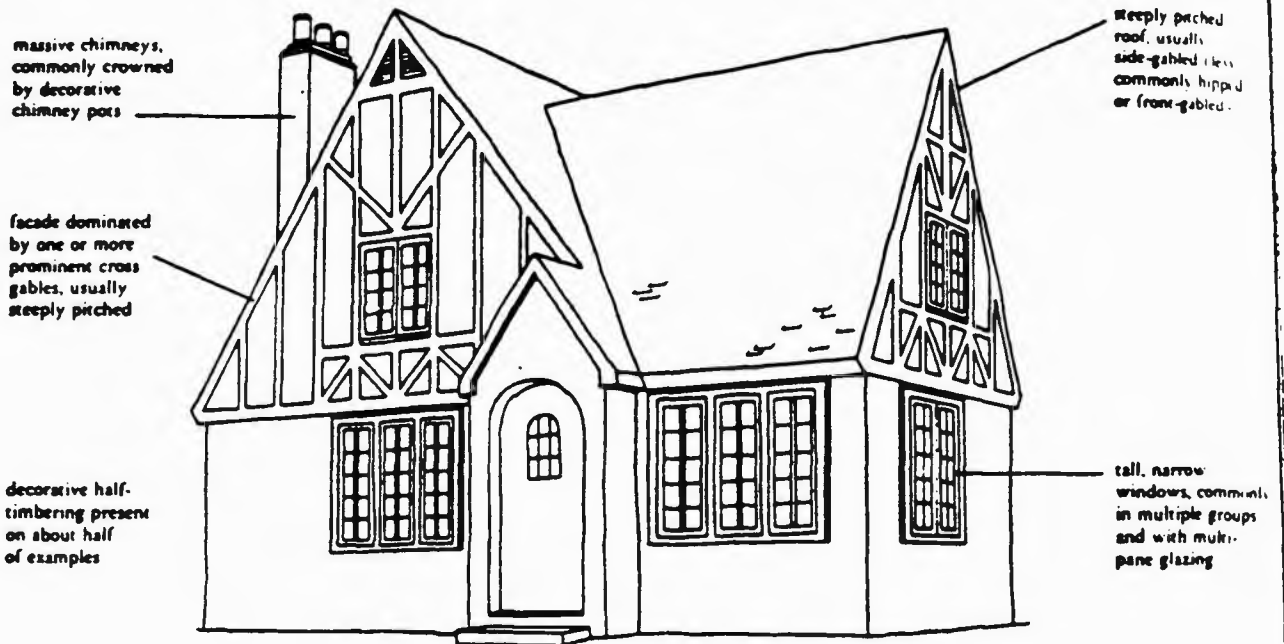
ASYMMETRICAL



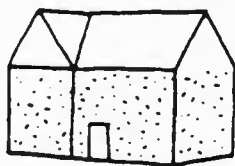
pages 414-15

Tudor

1890-1940

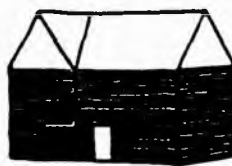


STUCCO WALL CLADDING



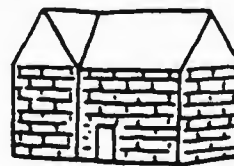
pages 360-1

BRICK WALL CLADDING



pages 362-3

STONE WALL CLADDING



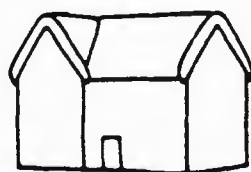
pages 364-7

WOODEN WALL CLADDING



page 368

FALSE THATCHED ROOF



page 369

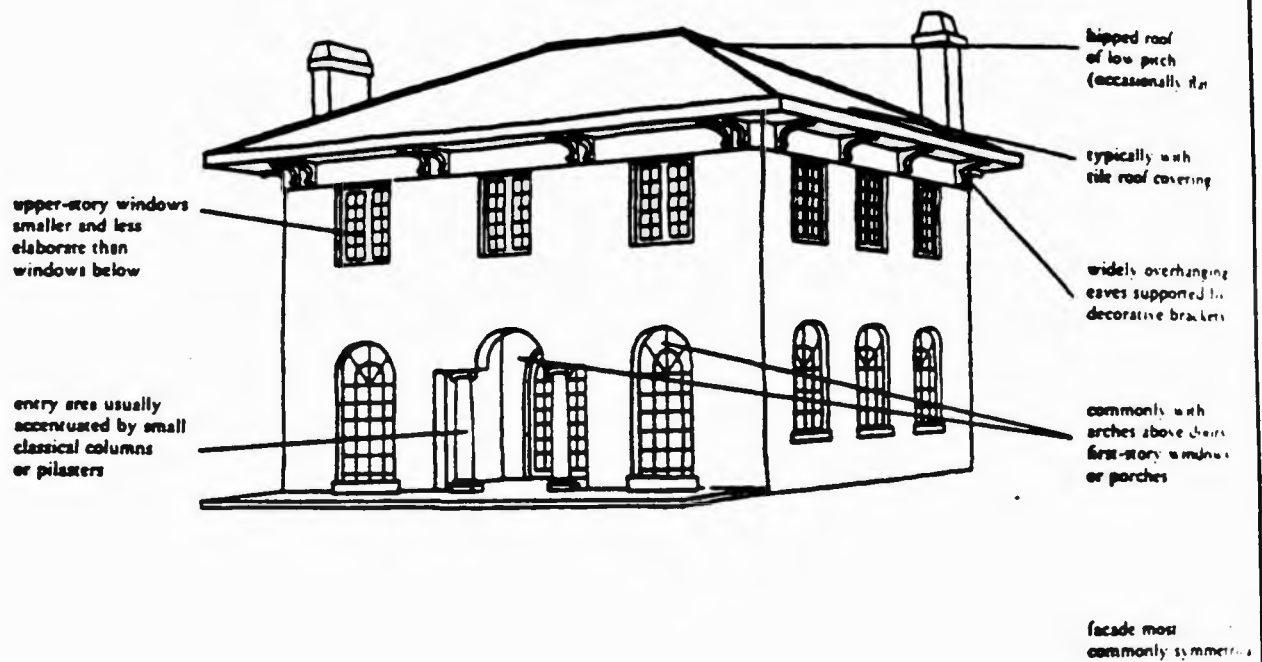
PARAPETED GABLES



pages 370-1

Italian Renaissance

1890-1935



SIMPLE HIPPED ROOF



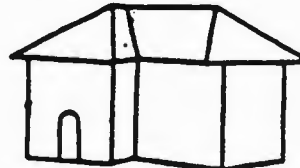
pages 400-1

HIPPED ROOF WITH PROJECTING WING(S)



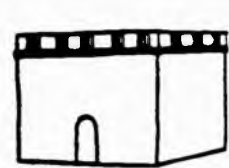
pages 402-3

ASYMMETRICAL



pages 404-5

FLAT ROOF



pages 406-7

Shingle

1880-1900



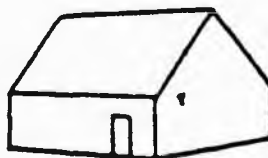
asymmetrical facade

HIPPED ROOF WITH
CROSS GABLES



page 292

SIDE-GABLED ROOF



page 293

FRONT-GABLED ROOF



pages 294-5

CROSS-GABLED ROOF



pages 296-7

GAMBREL ROOF



pages 298-9

Colonial Revival

1880-1955



ASYMMETRICAL



pages 126-7

HIPPED ROOF WITH FULL-WIDTH PORCH



pages 128-9

HIPPED ROOF WITHOUT FULL-WIDTH PORCH



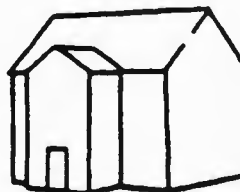
pages 130-1

SIDE-GABLED ROOF



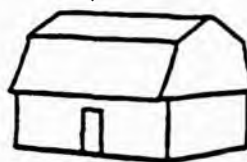
pages 132-3

CENTERED GABLE



pages 134-5

GAMBREL ROOF



pages 136-7

SECOND-STORY OVERHANG



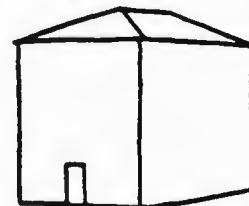
page 118

ONE-STORY



page 119

THREE-STORY



pages 140-1

Folk Victorian

ca. 1870-1910

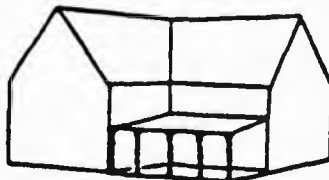


FRONT-GABLED ROOF



page 311

GABLE FRONT AND WING



page 312

SIDE-GABLED ROOF, ONE-STORY



page 313

SIDE-GABLED ROOF, TWO-STORY



pages 314-15

PYRAMIDAL



pages 316-17

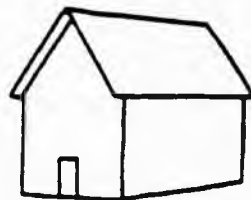
Stick

1860-ca. 1890



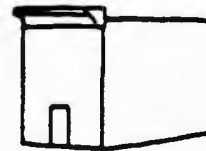
all identifying features rarely present in combination

GABLED ROOF



pages 158-9

TOWN HOUSE



page 160

TOWERED
page 161

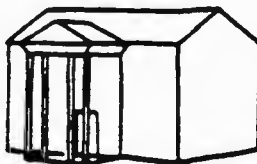
Neoclassical

1895-1950



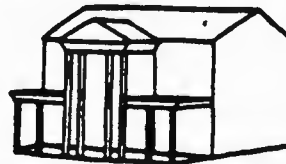
facade with symmetrically balanced windows and center door

FULL-HEIGHT ENTRY PORCH



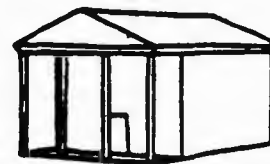
pages 346-7

FULL-HEIGHT ENTRY PORCH WITH LOWER FULL-WIDTH PORCH



page 348

MONOTABLED ROOF



page 349

FULL-FACADE PORCH



pages 350-1

ONE-STORY



pages 352-3

PRINCIPAL SUBTYPES

Queen Anne

1880-1910

partial or full-width asymmetrical porch, usually one-story high and extended along one or both side walls



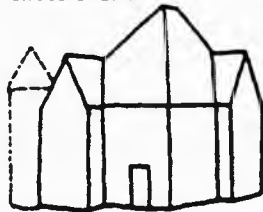
roof of irregular shape, usually with dominant front-facing gable

textured shingles (and/or other devices) used to avoid smooth-walled appearance

asymmetrical facade

SHAPE SUBTYPES

HIPPED ROOF WITH LOWER CROSS GABLES



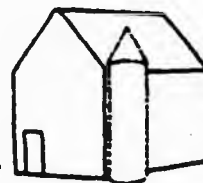
pages 169-73

CROSS-GABLED ROOF



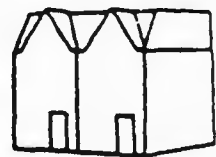
page 174

FRONT-GABLED ROOF



page 175

TOWN HOUSE



pages 186-7



SPINDLEWORK



FRIEZE CLASSIC



HALF-TIMBERED



PATTERNED MASONRY

pages 176-9

page 180

page 181

pages 186-7

pages 182-3

pages 182-3

pages 182-3

pages 186-7

pages 184-5

pages 184-5

pages 184-5

pages 186-7

EXTRA FIVE DETAILING SUBTYPES

SECTION 7


Correspondence

- Notice of October 7, 2024, Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

Landmark Commission Meeting Information

From Watson, Marcus <marcus.watson@dallas.gov>

Date Thu 10/3/2024 1:18 PM

Bcc dad  welzenbach <dwelz1@outlook.com>; Jennifer Hiromoto <jennifer@buzzurbanplanning.com>; esthervidana@ymail.com <esthervidana@ymail.com>; ruben manduajno <rubenmandujano@yahoo.com>; Eric Pierce <erocpierce@gmail.com>; Roger Herrera <law_rogelioherrera@sbcglobal.net>; byhannahmorrow@gmail.com <byhannahmorrow@gmail.com>; jakebaird12@gmail.com <jakebaird12@gmail.com>; Fred Peña <fred@tezanto.com>; Rhett King <kingrack84@gmail.com>; abcparty65@yahoo.com <abcparty65@yahoo.com>; Patrick L. Boyd <pboyd@dallasgardens.com>; Katie McBeth <kathleen.j.kuchar@gmail.com>; Zachary McBeth <zcmcbeth@gmail.com>; Kevin Miller (Elsie) <kevin.miller@certusmep.com>; Chris Chiles <chris@chilesdesign.net>; Federico Canoura <fcanoura@fc-designs.net>

This email provides details about the upcoming Landmark Commission (LMC) meeting.

MONDAY, OCTOBER 7, 2024

9:30 AM – Briefing (Staff Presentations to the Landmark Commission only.)

1:00 PM – Public Hearing (Your opportunity to speak. Three minute limit!)

The meeting will be held both physically at City Hall, 1500 Marilla St., Room 6ESouth, and virtually by videoconference (information below). Those attending in person will be required to follow all current pandemic-related public health protocols.

The meeting agenda will be posted by 5:00pm, Friday, Oct. 4, 2024. You may access the agenda once it is posted on the City Secretary's Office website here:

<https://dallascityhall.com/government/citysecretary/Pages/Public-Meetings.aspx>

The morning briefing meeting is optional for you to attend. Be aware that the public can listen in but may not participate in the Briefing discussion. The public hearing at 1:00 PM, which you should plan to attend, is where the Commission will make their decision on your application. *Discussion with applicants is reserved for the 1:00 PM public hearing.*

If you wish to speak on any item whether in person or online, including your own, you must sign up by **Monday, October 7 at 8:00am**, using the instructions provided below. Be sure that anyone speaking on your behalf, including architects, contractors, etc. also sign up in advance. **There is not a way to sign up to speak after this deadline closes. Also be aware that speakers who attend the meeting virtually will be required to use video during the meeting discussion. Per state law, you may not participate using audio only.**

*Please note: If you performed unauthorized work prior to a Landmark Commission review, if you are responding to a prior Landmark Commission review, or if you are proposing new construction or demolition, you are particularly and strongly encouraged to attend. **This is your opportunity to speak and to share your design decisions with the Landmark Commission.***

Videoconference

Webinar topic: October Landmark Commission Meeting

Date and time: Monday, October 7, 2024 9:00 AM | (UTC-05:00) Central Time (US & Canada)

Join link: [https://dallascityhall.webex.com/dallascityhall/j.php?](https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m943f9d5fe0eed7a949bb553fa4635458)

[MTID=m943f9d5fe0eed7a949bb553fa4635458](https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m943f9d5fe0eed7a949bb553fa4635458)

Webinar number: 2488 556 9722

Webinar password: OctLMC24 (62856224 when dialing from a phone or video system)

Join by phone +1-469-210-7159 United States Toll (Dallas) +1-408-418-9388 United States Toll Access code: 248 855 69722

Per state law, you may not speak before the Landmark Commission using audio only!

Speaker Sign-Up:

Email: Elaine Hill at phyllis.hill@dallas.gov

Deadline: **Monday, October 7, at 8:00 AM**

You must sign up by email by the above deadline to speak at the Landmark Commission hearing. Be sure your email to Elaine includes the full name of the speaker, as well as the address for the case you wish to speak on.

PLEASE NOTE: YOU MUST SIGN UP TO SPEAK EVEN IF YOU ARE THE APPLICANT OR THE APPLICANT'S REPRESENTATIVE!

To request an interpreter, please email marcus.watson@dallas.gov by at least 72 hours (3 days) in advance of a meeting. Late requests will be honored, if possible.

Para solicitar un intérprete, mande un correo electrónico a pud@dallas.gov al menos 72 hora (3 días) antes de una reunión. Solicitudes con retraso serán respetadas, si es posible.

Please let me know if you have any questions.

Thank you and have a wonderful day.



Marcus W. Watson

*Senior Planner (Historic Preservation)
Planning & Development*

City of Dallas | DallasCityNews.net

1500 Marilla St., 5CN

Dallas, TX 75201

(214) 670-5825

marcus.watson@dallas.gov



How am I doing? Please contact my supervisor, Arturo Del Castillo, at arturo.delcastillo@dallas.gov.

*****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.*****



October 17, 2024

Esther Garcia
4605 Sycamore,
Dallas, TX 75204

**RE: CA245-019(MW)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
4605 SYCAMORE ST**

Dear Esther Garcia:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on October 7, 2024.

Please see the enclosed Certificate of Appropriateness for Details.

PLEASE NOTE: You have the right to appeal this decision within 30 days from the Landmark Commission review date. The enclosed ordinance lists the fee schedule for appeals. Also enclosed is an application for appeal which is due in our office by 5:00 P.M on November 6, 2024. For information regarding the appeals process, please email Elaine Hill at Phyllis.hill@dallas.gov

Please make checks payable to the City of Dallas.

Encl. Application for Appeal
Ordinance No. 19455

If you have any questions, please contact me by email at marcus.watson@dallas.gov.



Marcus Watson
Senior Planner

Certificate of Appropriateness

October 7, 2024

Standard	October 7, 2024	PLANNER:	Marcus Watson
FILE NUMBER:	CA245-019(MW)	DATE FILED:	September 16, 2024
LOCATION:	4605 SYCAMORE ST	DISTRICT:	Peak's Suburban Addition Neighborhoooc
COUNCIL DISTRICT:	2	MAPSCO:	46-A
ZONING:	MF-2(A),R-7.5(A)	CENSUS TRACT:	0015.04

APPLICANT: Esther Garcia**REPRESENTATIVE:****OWNER:** HERNANDEZ REFUGIO VIDAMA

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

1) A Certificate of Appropriateness to replace all the historic wood windows on the main structure with vinyl units (unauthorized work).

Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to replace eighteen (18) of the historic wood windows on the main structure with vinyl units (unauthorized work) be denied without prejudice.

The proposed work is inconsistent with preservation criteria Sections 3.10 or 3.13; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.



Landmark Commission Chair

October 7, 2024

Date

Please take any signed drawings to Building Inspection for permits.

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is November 6, 2024

Director, Development Services Department
Dallas City Hall
1500 Marilla St., RM 5/B/N
Dallas Texas 75201
Telephone 214-670-4209

Office Use Only
Date Received

Landmark Case/File No.: CA245-019(MW)

Property Address: 4605 SYCAMORE ST

Date of Landmark Commission Action: October 7, 2024

Applicant's Name: Esther Vidana

Applicant's Mailing Address: 4605 Sycamore St

City: Dallas State: TX Zip: 75043

Applicant's Phone Number: 214-524-1784

Fax: _____

Applicant's Email: esthervidana@gmail.com/rubenmandujano@yahoo.com

IF DIFFERENT FROM ABOVE, PROVIDE PROPERTY OWNER'S INFORMATION.

Owner's Name: Maria Esther Garcia

Owner's Mailing Address: 4605 Sycamore St

City: Dallas State: TX Zip: 75043

Owner's Phone Number: 214-524-1784

Fax: _____

Owner's Email: esthervidana@gmail.com

Esther Vidana
Applicant's Signature

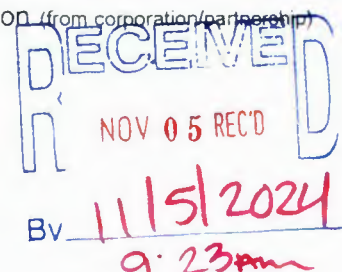
10/26/24
Date

M. Esther Garcia
Owner's Signature (if individual)
or Letter of Authorization (from corporation/partnership)

10/26/24
Date

Fee for Single Family use/structure: \$300.00

Fee for any other use/structure: \$700.00



**PROCEDURE FOR APPEAL OF
CERTIFICATES OF APPROPRIATENESS
TO THE CITY PLAN COMMISSION**

(Revised April 2014)

1. **Postponements.**
 - a. The City Plan Commission may grant a postponement if it wishes.
 - b. Dallas Development Code §51A-4.701(e), regarding postponement of zoning applications by the applicant, does not apply.
2. **Content of the record.**
 - a. Copies of the complete record will be distributed by staff to the City Plan Commission two weeks before the scheduled hearing.
 - b. The parties may request that the record be supplemented.
3. **Additional correspondence and briefs.**
 - a. Additional correspondence or briefs, if any are desired to be submitted by the parties, should be provided to the planning staff for distribution to the City Plan Commission.
 - b. The parties should provide each other with copies of any information they submit to the City Plan Commission.
 - c. Interested parties should not make any contacts with commission members other than those submitted through the city staff.
4. **Representation of the Landmark Commission.**
 - a. The Landmark Commission will be represented by Laura Morrison.

5. Order of the hearing.

- a. Each side will receive 20 minutes (exclusive of questions from the City Plan Commission) with 5 minutes for rebuttal by appellant.
- b. Order of the hearing.
 - (1) Preliminary matters.
 - (A) Introduction by the Chair
 - (2) Appellant's case (20 minutes). *
 - (A) Presentation by the appellant's representative.
 - (B) Questions from Commission Members.
 - (3) Landmark Commission's case (20 minutes). *
 - (A) Presentation by the Landmark Commission's representative.
 - (B) Questions from Commission Members.
 - (4) Rebuttal/closing by the appellant's representative (5 minutes).
 - (5) Decision by the City Plan Commission. **

* If a party requires additional time to present its case, including testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces, the party shall request that additional time be granted by the City Plan Commission. If the Commission grants one party additional time, the opposing party shall also be granted a similar time extension.

** In considering the appeal, the City Plan Commission shall hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Landmark Commission and its task forces.

6. **Introduction of new evidence at the hearing.**

- a. The City Plan Commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the Landmark Commission to determine whether that testimony or evidence was available at the Landmark Commission hearing.
- b. If the City Plan Commission determines that new testimony or evidence exists that was not available at the Landmark Commission hearing, the City Plan Commission shall remand the case back to the Landmark Commission.
- c. The party attempting to introduce new evidence bears the burden of showing that the evidence was not available at the time of the Landmark Commission's hearing.
- d. Newly presented evidence is subject to objection and cross examination by the opposing party.

7. **Remedies of the City Plan Commission.**

- a. The City Plan Commission may reverse or affirm, in whole or in part, or modify the decision of the Landmark Commission.
- b. The City Plan Commission shall give deference to the Landmark Commission decision and may not substitute its judgment for the Landmark Commission's judgment. The City Plan Commission shall affirm the Landmark Commission decision unless it finds that it:
 - (1) violates a statutory or ordinance provision;
 - (2) exceeds the Landmark Commission's authority; or
 - (3) was not reasonably supported by substantial evidence considering the evidence in the record.
- c. The City Plan Commission may remand a case back to the Landmark Commission for further proceedings.