



CITY OF DALLAS

August 7, 2024

Via Certified Mail: 7014 2120 0003 4355 9622

Monica Samson
Rumba Holdings LLC
624 Ambergate Dr.
Shady Shores, TX 76208

RE: Appeal of Certificate of Appropriateness:
Hearing – July 1, 2024
6205 La Vista Dr., Case No. CA234-395(CM)

Dear Monica Samson:

We have received your correspondence appealing the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 6205 LaVista Dr. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, September 19, 2024.** 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](https://www.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 **September 19, 2024.**

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.

Monica Samson
Rumba Holdings LLC
624 Ambergate Dr.
Shady Shores, TX 76208

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 July 1, 2024 Landmark Commission hearing. As mentioned in the email sent July 30, 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. Friday, August 30, 2024** 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 Daniel Moore at 214-670-7027 should you have any questions regarding the format of the City Plan Commission hearing or other related matters.

Respectfully,



Elaine Hill
Secretary
Landmark Commission
Historic Preservation

cc: Arturo Del Castillo, Assistant Director, Historic Preservation
Daniel Moore, Assistant City Attorney
Theresa Carlyle, Assistant City Attorney
Christina Pares, Senior Planner,
Historic Preservation

THE RECORD

6205 LaVista Drive

APPEAL
CA234-395(CM)

City Plan Commission
Hearing
09/19/2024

VIA CERTIFIED MAIL 7014 2120 0003 4355 9622

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6205 La Vista Drive CA234-395(CM)

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SECTION 1

Certificate of Appropriateness

6205 La Vista Drive
CA234-395(CM)

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA	-	()
Office Use Only		

Name of Applicant: Brian Till
 Mailing Address: 5301 Terry on Historic South Side
 City, State and Zip Code: Dallas TX 75204
 Daytime Phone: 214 427 6641 Alternate Phone: 214 427 6632
 Relationship of Applicant to Owner: Architect of Record for proposed building

OFFICE USE ONLY
Main Structure:
<input type="checkbox"/> Contributing
<input type="checkbox"/> Non-Contributing

PROPERTY ADDRESS: 1000 N. Peak
 Historic District: H 72

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."

Proposed is a multifamily building, consisting of 54 for rent, Class A units, along with surface parking for 39
cars. Exterior will be of wood frame, Type VA construction, with a small Leasing Office and Amenities
to replicate building materials to replicate features of the existing Peak's Addition neighborhood.

Signature of Applicant: *Brian Till* Date: 8/2/24
 Signature of Owner: *[Signature]* Date: 7/31/24

APPLICATION DEADLINE:

Applications must be completed and submitted by the **FIRST THURSDAY OF EACH MONTH, 12:00 NOON** (see official calendar for exceptions), before the Dallas Landmark Commission can consider the application. Change affecting the exterior of any building. This form along with any supporting documentation should be submitted to the Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201.

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications will not be reviewed and will be returned to you for more information. You are encouraged to contact the Preservation Planner at 214/670-4209 to make sure your application is complete.

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 of the City Council Chambers of City Hall (see exceptions). Information regarding the history of each landmark and appropriateness for individual addresses is available for review in 5BN of City Hall.

Please refer to the City of Dallas Review and Action Form.

Memorandum to the Building Official: a Certificate of Appropriateness has been:

- APPROVED. Please release the building permit.
- APPROVED WITH CONDITIONS. Please release the building permit in accordance with any conditions.
- DENIED. Please **do not** release the building permit or allow work.
- DENIED WITHOUT PREJUDICE. Please **do not** release the building permit or allow work.

Additional information/specifications are enclosed: Yes No

Office of Historic Preservation

Date

Certificate of Appropriateness

City of Dallas

Historic Preservation

SECTION 2

Landmark Commission Agenda

July 1, 2024

See Pages 14 Item #6

Landmark Commission Agenda
Monday, July 1, 2024

5. 2515 THOMAS AVE

State Thomas Historic District
CA234-375(MW)
Marcus Watson

Request:

A Certificate of Appropriateness to install artificial grass/groundcover in the front yard.

Applicant: Blancett, Joshua

Application Filed: 5/27/2024

Staff Recommendation:

That the request for a Certificate of Appropriateness to install artificial grass/groundcover in the front yard be denied with the finding that artificial plant material is not compatible with historic landscaping in the district, would have an adverse effect on the district, and is inconsistent with preservation criteria Section 51P-225.121(j)(3)(A) and (m)(1), City Code Section 4.501(g)(6)(i) for contributing structures and the Secretary of the Interior's Standards for Setting (Neighborhood/District).

Task Force Recommendation:

No quorum. Not supportive. The work is not consistent with preservation criteria 51P-225.121(j)(3)(A), which does not allow artificial plant materials.

6. 6205 LA VISTA DR

Swiss Avenue Historic District
CA234-395(CM)
Christina Mankowski

Request:

A Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard".

Applicant: Rumba LLC

Application Filed: 5/27/2024

Staff Recommendation:

That the request for a Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. The proposed work is inconsistent with 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 existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. Materials are not typical of the style and period of the home. The existing slate should be replaced with natural slate rather than synthetic slate.

7. 207 N CLIFF ST

Tenth Street Neighborhood Historic District
CA234-385(RD)
Rhonda Dunn

Request:

A Certificate of Appropriateness to construct a new main residential building (on a vacant, corner lot) -- with an attached accessory dwelling unit.

SECTION 3

CA234-395(CM)
July 1, 2024
Docket Material



CITY OF DALLAS

LANDMARK COMMISSION

July 1, 2024

FILE NUMBER: CA234-395(CM)
LOCATION: 6205 La Vista Dr
STRUCTURE: Contributing
COUNCIL DISTRICT: 14
ZONING: PD 63

PLANNER: Christina Mankowski
DATE FILED: May 27, 2024
DISTRICT: Swiss Ave (H/1)
MAPSCO: 36-Y
CENSUS TRACT: 0014.00

APPLICANT: Rumba LLC

REPRESENTATIVE: N/A

OWNER: Rumba LLC

REQUEST:

A Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard".

BACKGROUND / HISTORY:

N/A

PROJECT DESCRIPTION:

The proposed work consists of replacing existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard".

ANALYSIS:

The proposed work has an adverse effect on the historic characteristic of the district as it would be replacing natural slate which would have been originally used on a structure of this age with synthetic material.

STAFF RECOMMENDATION:

That the request for a Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. The proposed work is inconsistent with 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 existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. Materials are not typical of the style and period of the home. The existing slate should be replaced with natural slate rather than synthetic slate.

LOCATION MAP

6205 La Vista Dr

Google Maps



Figure 1 – Aerial View of the property.

CURRENT PHOTOS: located in application.

**TASK FORCE
RECOMMENDATION(S)**

TASK FORCE RECOMMENDATION REPORT
SWISS AVENUE/MUNGER PLACE

DATE: 6/11/2024

TIME: 3:00 pm

MEETING PLACE: Hybrid Virtual/2922 Swiss Ave

Applicant Name: Rumba, LLC

Address: 6205 La Vista Dr

Date of CA/CD/CR Request:

RECOMMENDATION:

Approve Approve with conditions Deny Deny without prejudice

Recommendation / comments/ basis:

materials are not typical of the style and period of the home. Stone should be replaced w. tr. stone.

Task force members present

<input checked="" type="checkbox"/> Emily Stevenson (Chair)	<input checked="" type="checkbox"/> Karl Houston Osborn	<input checked="" type="checkbox"/> Aaron Treecartin
<input checked="" type="checkbox"/> Rhody Parrish (Prof)	<input checked="" type="checkbox"/> Bob Cox (Swiss Res)	<input type="checkbox"/> VACANT (Prof)
<input type="checkbox"/> Greg Johnston	<input checked="" type="checkbox"/> Sharon van Buskirk	<input type="checkbox"/> VACANT (Swiss alt)

Ex Officio staff members present: Christina Mankowski

Simply Majority Quorum: yes no (four makes a quorum)

Maker: Emily
2nd: Rhody

Task Force members in favor: 5

Task Force members opposed: 0

Basis for opposition:

CHAIR, Task Force 

DATE 6-11-24

The task force recommendation will be reviewed by the Landmark Commission on Monday, June 3, 2024, via videoconference.

The Landmark Commission public hearing begins at 1:00 P.M. via videoconference, which allows the applicant and citizens to provide public comment.

**APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS**

Certificate of Appropriateness (CA)

CA _____ ()

City of Dallas Landmark Commission

OFFICE USE ONLY

Name of Applicant: Rumba LLC
 Mailing Address: 5501 Independence PKWY #301
 City, State and Zip Code: Plano TX 75023
 Daytime Phone: 469-525-6774 Alternate Phone: 214-999-8824
 Relationship of Applicant to Owner: Owner

OFFICE USE ONLY	
Main Structure:	
<input type="checkbox"/>	Contributing
<input type="checkbox"/>	Non-contributing

PROPERTY ADDRESS: 6205 La Vista Dr Dallas
 Historic District: TX 75214

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"

Remove slate roof, install DaVinci Synthetic
Slate Roof

EMAIL ADDRESS: monica.samsomfi@gmail.com

Signature of Applicant: Monica Samsom Date: 5/23/2024

Signature of Owner: _____ Date: _____

(IF NOT APPLICANT)

APPLICATION DEADLINE:

All application materials 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 consult a Preservation Planner to ensure your application is complete. Contact the Planning Department, City of Dallas, for more information.

For more information, visit www.dallas.gov or call 214-671-2200.

OTHER:

In the event of a denial, you have the right to appeal within 30 days. The Landmark Commission is a public body. You are encouraged to attend the public hearings held on the first Monday of each month at 7:00 p.m. in the Chamber of City Hall (see exceptions). Information regarding the filing of past certificates of appropriateness can be found at www.dallas.gov.

RELOCATION OF A STRUCTURE



Photograph of structure on current site



Reason for request to move building



Dimensioned site plan to scale (see Note 1) showing proposed building on new site and adjacent building scale (see Note 2)



Elevation showing height and width relationship of structure on new site to adjacent properties and those across the street



Images of structures within vicinity of new site

SIGNS



Sign location indicated (i.e. elevation drawing, photograph showing proposed location marked, rendering, or site plan)



Image and specifications for proposed sign

DEMOLITION

City Certificate of Demolition of a main or accessory structure within an historic district requires a Certificate of Demolition, which is a different application. Please contact Staff for the Certificate of Demolition application or visit our website to download the application.

GENERAL NOTES:

- Note 1: Minimum scale of 1/8" = 1'-0" on all plans and elevations unless otherwise approved by a Preservation Planner. Minimum size for all plans is 11"X17". Section details of new columns, columns, moldings or any other distinctive details are required at 1/2" = 1'-0".
- Note 2: When required to show the relationship to adjacent structures and structure is on a corner, "adjacent" means across the street.
- Note 3: When material descriptions are required, materials to be used must be designated on the elevation drawing.

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

Application Fee Schedule

Chapter 51A Dallas Development Code; Ordinance No. 19456, as amended Subsection aa; Fees for Landmark Commission Applications.

An application will not be processed until the fee has been paid.

- The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
- The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made. Please contact a Preservation Planner for refund request inquiries.
- Fee Schedule.

Type of Application	Application Fee	Office Use Only – Payment Received
Certificate of appropriateness for new construction	\$500	Date: Receipt No.
Certificate of appropriateness/certificate of demolition or removal for unauthorized work	\$600	Date: Receipt No.

Fee for unauthorized work – new construction only. For all other see Certificate for Demolition and Removal application.

- The applicant shall pay a single filing fee for each certificate of appropriateness or certificate of demolition or removal for unauthorized work.
- Make checks payable to City of Dallas – note OHP application type in memo of check. Mail or bring to Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, Texas 75201. The District Planner will provide payment options and instructions.
- The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship. The issue will be placed on the landmark commission's miscellaneous docket for pre-determination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents. Please review the instructions to the applicant on page 10.

Memorandum to the Building Official, a Certificate of Appropriateness has been:

- APPROVED. Please release the building permit.
 - APPLICANT REQUEST FOR WITHDRAWAL, 75% REFUND APPROVED- DATE
 - APPLICANT REQUEST FOR WITHDRAWAL WITHOUT REFUND- DATE
 - APPROVED WITH CONDITIONS. Please release the building permit if applicant is following conditions.
 - DENIED. Please do not release the building permit or allow work.
 - DENIED WITHOUT PREJUDICE. Please do not release the building permit or allow work.
- Are drawings and/or specifications enclosed? Yes

Office of Historic Preservation

APPLICATIONS FOR NEW CONSTRUCTION AND MAJOR REMODELS MUST BE REVIEWED WITH A PRESERVATION PLANNER PRIOR TO THE SUBMITTAL DATE

- Contact a Preservation Planner in advance of the deadline to discuss your application and fee requirements. Planner contact by district can be found on the city website: <https://dallas.cityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>
- Submit items on the checklist WITH your application. Incomplete applications are not accepted.
- All applications and plans may be submitted via email (preferred) Historicpreservation@dallas.gov – please include your address and district in the subject line.
- **Fees must be paid at the time of application.**
- Submit scaled and fully dimensioned drawings in size 11"x17" (preferable), or larger. Large plans should be folded, not rolled.
- Submit digital copies of images, photographs, and plans. Contact staff if your files are over 10 MB.
- Review the FAQ on our website for more details. You can find us by visiting dallas.cityhall.com and searching for "historic preservation."

DO NOT

- Do not write "match existing" on your application or plans without providing more detail. Exact specifications and details must be submitted for every request, even if you believe it to be Routine Maintenance.
- Do not submit an application cover without the required supporting documents.
- Do not list work on your plans that is not listed on the application cover. Your proposed work on the cover should include a complete list of all work to be done.

APPLICATIONS MUST BE RECEIVED BY 5:00 PM
ON THE DATE OF THE COUNCIL
APPLICATIONS FROM THE DISTRICT OF
DALLAS MUST BE RECEIVED BY 5:00 PM
ON THE DATE OF THE COUNCIL

SUBMITTAL CRITERIA CHECKLIST

(Customer responsibility to be submitted)

The documentation listed below must be submitted with the application for a Certificate of Appropriateness. Incomplete applications will not be docketed for consideration by the Landmark Commission. Please refer to the preservation criteria in the historic district ordinance or contact a City Preservation Planner for further information.

ALL APPLICATIONS



Images of front façade of the structure and all sides where work is proposed

REMODELING, ADDITIONS, AND NEW CONSTRUCTION



Applications for new construction and major remodels must be reviewed by the respective Staff member for the district prior to the submittal deadline.



Scaled and dimensioned elevation and plan drawings (see Note 1) indicating proposed alterations or additions, clearly indicating the existing building and what is proposed and including the relationship to adjacent structures (see Note 2).



Site plan showing: 1) dimensions of lot; 2) location and dimensions of the structure and addition (if applicable); and 3) location of all exterior ground and roof mounted equipment.



Official site survey.



Specifications/cut-sheets/images for all proposed exterior materials including siding, doors, windows, lighting, and roof shingles. (See Note 3).



Paint colors or specifications (brand, color name) and placement on the structure.



New Construction Form required for proposed main and accessory structures.

Note: All submitted information should also be entered in a PDF to the respective Staff contact. Do not send large files over 10 MB which containing staff first

WINDOWS AND DOORS

REPAIR ONLY



Images of windows/doors that include existing condition.



Detailed description of repair work needed.

REPLACEMENT



Window survey - contact respective Staff member with survey form.



Images of window(s) door(s) that include existing condition.



Specifications/cut-sheets/images for all proposed exterior materials including siding,

PAINING, STUCCO, REPOINTING

- Image of front facade of house and all areas/areas to be repaired (e.g. stucco or repointing is proposed)
- Paint chips or specifications (brand, color name and number) with precise location on structure indicated (body, trim, accent)
- If applicable, specifications including color, how color will appear in shade or in sunlight, aggregate color, aggregate content ratio, and print tooling

SIDING, TRIM, AND SKIRTING REPAIR OR REPLACEMENT

- Image(s) of all facades where work is proposed, including detail images that illustrate existing conditions
- Percentage estimate of how much material is proposed for replacement (e.g. 15% less than 20%, etc)
- Specifications for replacement siding, trim, or skirting material

FOUNDATION REPAIR

- Image of structure indicating existing skirting
- Engineer's report including structural drawing and details of proposed work

ROOFING

- Image of existing roof shingle indicating existing material and color
- Shingle specifications (material, brand, color name)

GUTTERS

- Specifications-cut sheets/images for drop-off gutters/drainpipes
- Site plan showing where on structure gutters/drainpipes are proposed

FENCES, HARDSCAPING, AND LANDSCAPING

- Site plan showing proposed placement of fences/hardscaping/landscaping
- Photographs of the areas where work is proposed
- Fence - inspection/grade/finish with exact dimensions and height
- Hardscaping - describe material proposed and include if existing under existing concrete/stone, etc
- Landscaping - plant sources and images

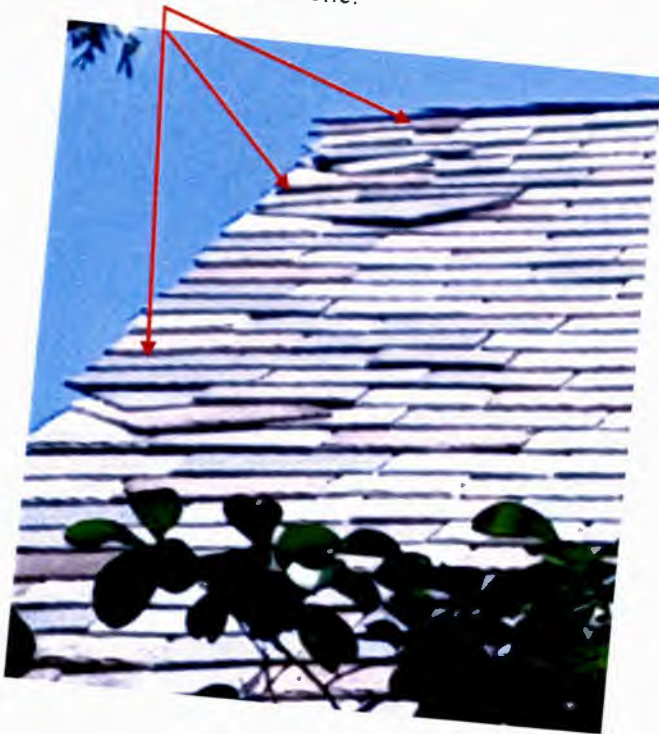
Note: *Professional Liability* - <http://www.fairfaxcounty.gov/contractors/contractors-licensing>
Florida - <http://www.floridapaint.com> *Illinois* - <http://www.illinois.gov> *Virginia* - <http://www.virginiapaint.com>

6205 La Vista Slate Tile Roof – Issues and Examples

Cracked and loose tile due to weather and hail. Wide space between tiles.



Broken and loose tiles above the front entrance could cause a potential risk of falling on something or someone.



Broken and fallen slate tiles expose the roof and probably cause water penetration.



Delaminated and split tile



Broken tile and loose tiles above it. The side edge is not sealed.



The hardware holding the tile is evidence of poor installation because the piece was not well installed and the clip is to keep it in place.



Evidence of different points of failure where water penetration is possible as well as access to insects and critters.





Connor Wood
Director of Specialty Roofing Division
3401 Custer Rd Unit 101 Plano, TX 75023
Ph: (469) 847-8311
Fax: (972) 596-0726

Members of BBB, NTRCA, RCAT

Published: **DaVinci Masterpiece Contractor 2021 Project of the Year**

Licenses:

Louisiana LIC #562214
Kansas LIC #19-012863
Missouri LIC #1335032960
Texas LIC # 01-0459
Oklahoma LIC #80002858

Certifications:

- Certified DaVinci Roofscapes Masterpiece Contractor
- Certified CertainTeed Master Shingle Applicator
- Certified CertainTeed Gold Star Commercial Contractor
- Certified HAAG Engineering Roof Inspector
- GAF Certified Single Ply Contractor #LS41398
- Certified GAF Authorized-Contractor



PROVINCE™ SLATE

The new choice for traditional beauty

Introducing DAVINCI PROVINCE SLATE

DaVinci Province™ Slate is a new line of stunning single-width composite tile replicating traditional slate with extraordinary accuracy.

Delivered, of course, with the enduring beauty and protection that DaVinci has long been known for.

HISTORY *in the making.*

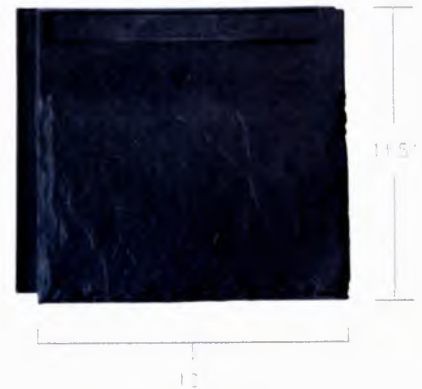
12" wide Province Slate shingles are based on similar ones found on historic homes that have dotted the New England landscape for centuries. We've combined this inspiration with the kind of innovation that puts Province Slate head and shoulders above natural slate when it comes to durability, maintenance and weather resistance.

Modeled after actual slate, Province Slate tiles have a natural, non-repeating beauty. Each tile is made using virgin resins fortified with proprietary UV stabilizers to ensure a look that lasts.



SINGLE-WIDTH *with multiple benefits.*

All of this makes Province Slate an ideal choice for any climate. It's ready to stand strong against everything from seaside salt air to mountaintop snow and wind—and look great doing it. Even better? The self-aligning single-width tiles allow for quick installation, at a price competitive with architectural asphalt and other high-end roofing options.



DaVinci Province Slate

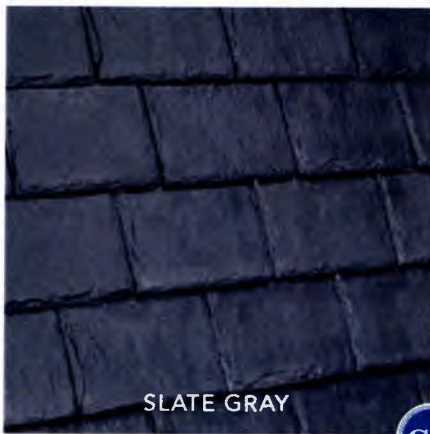
LENGTH	WIDTH	THICKNESS
11 1/2"	12"	5/8"

Fixed 3" exposure



*We've gone back to the past to ensure
a beautiful future for your home.*

Province Slate tiles add the classic look of authentic slate to any residence. Just as important, low maintenance makes life easier for homeowners and fade-resistant color stability assures long-lasting beauty.



SLATE GRAY



SLATE BLACK

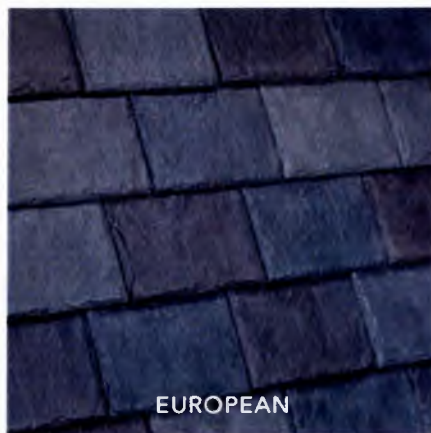


SMOKEY GRAY

**WHAT'S NEW UNDER THE SUN?
A HISTORY-MAKING, WEATHER-DEFYING
COMPOSITE SLATE TILE FROM DAVINCI.**



CASTLE GRAY



EUROPEAN



BROWNSTONE





COUNT ON WHAT'S INSIDE

to protect you from what's outside.

DaVinci is the recognized leader in composite roofing. Our unique formulations and fine-tuned manufacturing processes are put to the test every day—and continually come out on top. Whether the challenge comes from wind and hail or insects and algae, rest assured that Province Slate has you safely covered with a Lifetime Limited Materials Warranty.

	DAVINCI	ASPHALT	NATURAL SLATE	NATURAL SHAKE
WIND RESISTANT	●	●	●	●
FIRE RESISTANT	●	●	●	●
IMPACT RESISTANT	●	●	●	●
FREEZE/THAW RESISTANT	●	●	●	●
HAIL RESISTANT	●	●	●	●
MOLD/FUNGUS RESISTANT	●	●	●	●
ALGAE RESISTANT	●	●	●	●

STRENGTH ● AVERAGE ● WEAKNESS ●

Class A Fire, Class 4 Impact rated, HVHZ TAS 125 up to 180 mph. Straight line Wind and Building Codes pending.

DAVINCI ROOFSCAPES

13890 West 101st Street | Lenexa, Kansas 66215 | 800-328-1624

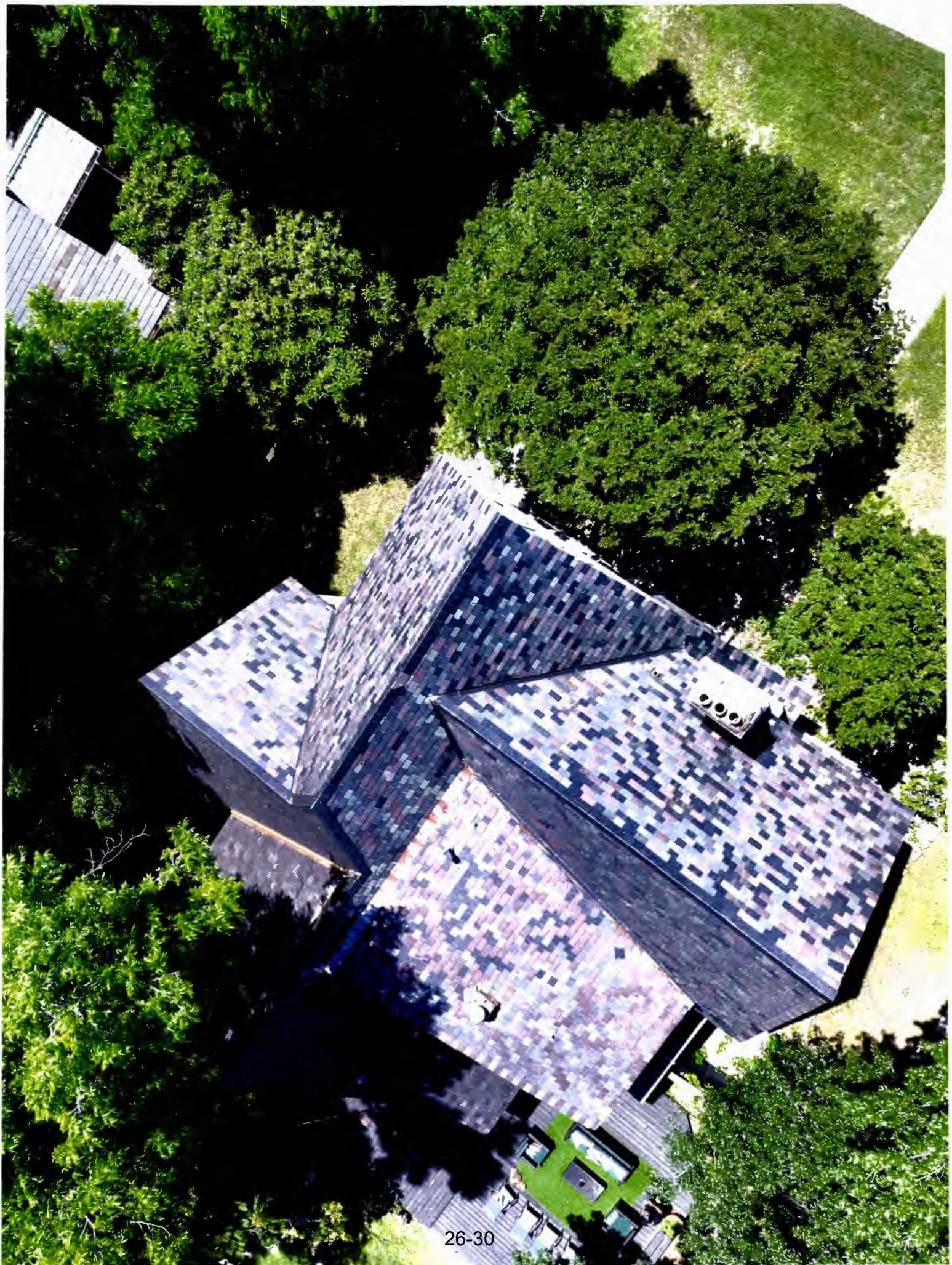
DAVINCIROOFSCAPES.COM

Westlake
Royal Building Products™

© 2022 Westlake DaVinci Roofscapes, LLC
Printing reproduction of colors shown in this brochure may vary from actual product. For product warranty details, please visit DVroof.com/warranty.
The warranty found there is the sole warranty applicable to DaVinci products.



MLPSEBRO



26-30











< AJ Remodeler And Builder
1:25 PM, May 20



Save



Share



THE ROOF TILE & SLATE COMPANY



3126 COMMONWEALTH DRIVE • DALLAS, TX 75247

Ramon Roofing
3027 Ramona Dr. #110
Ft Worth, Tx. 76116

Attn: Daniel Munoz

Re:6205 La Vista, Dallas, Tx

Dear Daniel,

Thank you for your inquiry about the slate roofing at the above address. We supplied the Slate roofing material for the above address when the house was built. That material is a mix of Chinese slate and Samaca Slate. Chinese slate is no longer manufactured or supplied in the United States. Our Chinese slate quarry informed us in approximately 2016 that the Chinese Government stopped issuing permits to produce this material. I am sorry I cannot help you in securing this material in a new or salvaged capacity. Let me know if there is anything else I can assist you with.

Respectfully,

Dow Straubmueller
Vice President
The Roof Tile and Slate Company
3126 Commonwealth Dr.
Dallas, Texas 75247
972.446.0005
www.claytile.com

DALLAS OFFICE
972-446-0005
1-800-446-0220
FAX 972-242-1923
WWW.CLAYTILE.COM

HOUSTON OFFICE
713-695-5002

LOUISIANA OFFICE
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SECTION 4

Landmark Commission Minutes

July 1, 2024

See Pages 10 Item #6

LANDMARK COMMISSION MINUTES
July 1, 2024

Results:	15/0			
		Ayes:	- 15	Anderson, Cox, Cummings, Fogleman, Gay, Guest, Hinojosa, Livingston, Montgomery, Offutt, Preziosi, Sherman, Taylor, Reaves, Renaud
		Against:	- 0	
		Absent:	- 2	Rothenberger, Spellicy
		Vacancies:	- 1	Districts 15

*Application was withdrawn after the agenda was posted: no action was required

6. 6205 LA VISTA DR

Swiss Avenue Historic District

CA234-395(CM)

Christina Mankowski

That the request for a Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. The proposed work is inconsistent with 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.

Speakers: For: Monica Samson
Anthony Joseph (AJ)

Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be **denied without prejudice**. The proposed work is inconsistent with 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:	Reaves			
Second:	Fogleman			
Results:	9/6			
		Ayes:	- 9	Anderson, Cummings, Fogleman, Guest, Hinojosa, Montgomery, Sherman, Taylor, Reaves,
		Against:	- 6	Cox, Gay, Livingston, Offutt, Preziosi, Renaud
		Absent:	- 2	Rothenberger, Spellicy
		Vacancies:	- 1	Districts 15

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

7. 207 N CLIFF ST

Tenth Street Neighborhood Historic District

CA234-385(RD)

Rhonda Dunn

A Certificate of Appropriateness to construct a new main residential building (on a vacant corner lot) -- with

SECTION 5

Transcript of the
July 1, 2024
Landmark Commission
Hearing
6205 LaVista Drive
CA234-395(CM)

1 THE CITY OF DALLAS LANDMARK COMMISSION

2 MONDAY, JULY 1, 2024

3

4

5 COMMISSIONERS IN ATTENDANCE:

6 COMMISSIONER ANDERSON

7 COMMISSIONER MONTGOMERY

8 COMMISSIONER COX

9 COMMISSIONER OFFUTT

10 COMMISSIONER CUMMINGS

11 COMMISSIONER PREZIOSI

12 COMMISSIONER FOGLEMAN

13 COMMISSIONER REAVES

14 COMMISSIONER GAY

15 COMMISSIONER SHERMAN

16 COMMISSIONER GUEST

17 COMMISSIONER TAYLOR

18 COMMISSIONER HINOJOSA

19 COMMISSIONER RENAUD

20 COMMISSIONER LIVINGSTON

21

22 STAFF IN ATTENDANCE:

23 MARISSA HINES MARCUS WATSON

24 RHONDA DUNN ADRIAN MCCLENDON

25 CHRISTINA MANKOWSKI

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P R O C E E D I N G S

* * *

CHAIR MONTGOMERY: Let's go to day 6.
That is mine as well.

MS. MANKOWSKI: I first wanted to answer a question Mr. Preziosi asked. Roof was replaced in 2012 with matching color and material. So, original slate -- I mean, natural slate with the same color scheme. So, it has been over 20 years. Okay.

Christina Mankowski on behalf of City Staff, discussion Item number 66205 La Vista Drive, Swiss Avenue, Historic District CA234395CM, a request. The request is a certificate of appropriateness to place existing slate shingle roof with DaVinci Province synthetic slate in the color vineyard.

Staff recommendation that the request for a certificate of appropriateness to replace existing slate shingle roof with DaVinci Province synthetic slate in the color vineyard be denied without prejudice. The proposed work is inconsistent with the standards in City Code, Section 51A-4.501G6CI for contributing structures and the Secretary of the Interior Standards for Rehabilitation.

COMMISSIONER OFFUTT: Task Force

1 recommendation, that the request for a certificate of
2 appropriateness to replace existing slate shingle
3 roof with DaVinci Province synthetic slate in the
4 color vineyard be denied without prejudice.

5 Materials are not typical of the style and period of
6 the home. The existing slate should be replaced with
7 a natural slate rather than synthetic slate.

8 CHAIR MONTGOMERY: All right. Thank you.
9 We do have two registered speakers. I don't know who
10 wants to go first. But everybody who's going to
11 speak has to do the whole, tell me your name, tell me
12 your address, promise to tell the truth thing. Okay?

13 MS. SAMSON: Good afternoon. My name is
14 Monica Samson and I live in 624 Ambigade Drive in
15 Shady Shores, Texas. And I promise to tell the
16 truth. So, we have a -- at that location of the
17 subject property, we have slate roof that is very
18 old. It's very -- it's cracked and it's severely
19 damaged.

20 So, we have tried to replace it, but the
21 manufacturer in China no longer exists, they lost
22 their license and they disappeared decades ago. And
23 we don't have that same slate. We tried to repair it
24 multiple times before, but at this point it's like
25 beyond repair. And I have my expert roofer here and

1 I have examples of the DaVinci slate that we plan to
2 use.

3 MR. JOSEPH: You want my address at home
4 or my company address or.

5 CHAIR MONTGOMERY: You can do the company
6 one.

7 MR. JOSEPH: Okay. My name is Anthony
8 Joseph, AJ and 5552 Tenderfoot Trail, Fort Worth,
9 Texas.

10 CHAIR MONTGOMERY: Are you going to tell
11 the truth?

12 MR. JOSEPH: I swear to tell the whole
13 truth.

14 CHAIR MONTGOMERY: Thank you. All right.

15 MR. JOSEPH: Okay. So, as far as the
16 slate goes, it doesn't really matter to be honest
17 with you because slate is really going obsolete. And
18 the reason being is because of the Texas weather
19 conditions. Anything at 1.75 diameter hail will
20 shatter and crack slate.

21 As far as the DaVinci is synthetic, it can
22 withstand a lot more, it's durability, it's color
23 scheme is almost the same. As a matter of fact,
24 there's a DaVinci shingle on 6223 La Vista Drive as
25 well that I noticed. And it's a lot more safer in my

1 opinion. It's just my opinion because a slate flies
2 off a roof and hits somebody, it can really do some
3 damage and actually do some damage to people's cars.

4 This DaVinci's a lot less likely than
5 slate to hurt somebody if it comes off a roof. And
6 she's actually holds pretty good, a lot more better
7 than slate would on a roof as far as durability wise
8 as well.

9 CHAIR MONTGOMERY: Is that all for now or
10 do you have --

11 MR. JOSEPH: Yeah. Well, in the last four
12 years, Texas weather conditions have gotten worse,
13 the hail has gotten bigger and everything else. So,
14 just my recommendation, go to slate, the DaVinci.

15 CHAIR MONTGOMERY: All right. I was just
16 examining the fake slate. I had to tap on it, like I
17 would ever tap on a roof or stand --

18 MR. JOSEPH: They actually --

19 CHAIR MONTGOMERY: -- why I did that, but
20 --

21 MR. JOSEPH: -- they have it at -- you can
22 actually go check if you guys want to look yourselves
23 and see how it looks on the roof at 6223 La Vista
24 Drive. So, I --

25 CHAIR MONTGOMERY: It's hard to imagine

1 how it looks at a distance, but we'll try. Okay.
2 So, let me ask commissioners what questions they may
3 have about this. Commissioner Cox?

4 COMMISSIONER COX: Have you put to
5 identify any products -- I understand you have a
6 supply chain problem now that the original slate
7 manufacturers disappeared in China somewhere. Are
8 there other manufacturers in the United States --

9 MR. JOSEPH: Yes, sir.

10 COMMISSIONER COX: -- produce slates.

11 MR. JOSEPH: Yes, ma'am.

12 COMMISSIONER COX: Are they any good.

13 MR. JOSEPH: Like I said, Texas weather
14 conditions, I don't agree with putting slate on a
15 roof. That's just my opinion, but slate is slate.

16 COMMISSIONER COX: Okay. Thank you.

17 CHAIR MONTGOMERY: Other questions? Mr.
18 Preziosi? Oh, sorry, go ahead, Commissioner Offutt.

19 COMMISSIONER OFFUTT: Excuse me. This is
20 for staff and based on the Swiss Avenue coordinates
21 itself, is it -- when is it allowed/appropriate to
22 change out materials on roofs (inaudible). I mean, I
23 know that that's happened significantly all
24 throughout the district. Thank you.

25 MS. MANKOWSKI: Under the roofs it states

1 it has to be appropriate and compatible, whatever the
2 roof is. However, you want to also maintain what was
3 originally original to the structure without changing
4 it if you can. There's -- I don't think Swiss -- I
5 think it's very open. It doesn't give specifics. I
6 believe it's section 9. Is it nine?

7 COMMISSIONER OFFUTT: Okay. If I'm
8 hearing you correctly, it could be appropriate to
9 change out slate or something else; is that correct.

10 MS. MANKOWSKI: If -- it would depend on
11 each individual structure and what the roof material
12 you're trying to change out, it has to still be
13 compatible to the style of the home. It -- you can't
14 just, you know, take --

15 COMMISSIONER OFFUTT: Okay. Let me ask it
16 in a different way. Virginia McAllister home, which
17 --

18 MS. MANKOWSKI: Yeah.

19 COMMISSIONER OFFUTT: -- I think everybody
20 know whose Virginia is and how precise she was about
21 historic preservation and blah, blah, blah. That
22 roof was over the years changed out to asphalt. So,
23 was that appropriate or not.

24 MS. MANKOWSKI: What was originally there?

25 COMMISSIONER OFFUTT: Slate.

1 MS. MANKOWSKI: If I were looking at it, I
2 would say no. I know that we have hail here, but I
3 did work on the vineyard where there are many slate
4 houses and they still install them now. And yes,
5 they can fall if they're -- if the wrong nails or
6 screws are used, you know, wrong metal, copper versus
7 steel. And if they rot out they can, but if they're
8 properly installed, a rock stone will last longer
9 than we will.

10 Essentially, and you know, I say if the
11 majority of the slate roof is still well intact, why
12 not weave in other pieces of natural slate because of
13 the variation in the color of this specific roof? I
14 think it would be very well blended. No one would
15 probably be able to tell where the patchwork is.

16 CHAIR MONTGOMERY: Okay.

17 MR. JOSEPH: Are you done?

18 COMMISSIONER PREZIOSI: I can add -- I
19 think I can --

20 CHAIR MONTGOMERY: Okay.

21 COMMISSIONER PREZIOSI: -- make this work.

22 CHAIR MONTGOMERY: Commissioner Preziosi
23 thinks he knows how to deal with where we are now.

24 COMMISSIONER PREZIOSI: Okay. So I guess
25 my question for the applicants would be, can you

1 source original replacement tiles to be weaved into
2 this -- the existing slate, you could source slate to
3 weave into the exist -- to repair the patches and
4 weave into the existing slate.

5 MR. JOSEPH: It's -- I'll be honest with
6 you, and I got storm seal, which is, I had to seal
7 the whole roof because it was bad. Like it's short.
8 You can't just patch here patch there. It's short.
9 Like, it's not -- I wouldn't work on it like it is.
10 I wouldn't even try to patch it. That's how much
11 damage that is on this roof.

12 MS. MANKOWSKI: I don't mean patch it like
13 you would still have to remove the entire -- you
14 know, carefully remove all the slate, redo the
15 underlayment, and then, you know (inaudible).

16 MR. JOSEPH: Yeah. You have to put a
17 synthetic there --

18 MS. MANKOWSKI: Yeah.

19 MR. JOSEPH: You have to go down on --

20 MS. MANKOWSKI: So, you're going to remove
21 the roof anyway when you're -- if you replace it with
22 synthetic. So why not carefully remove each slate
23 and then fill in whatever the percentage is that is
24 damaged. That was my --

25 MR. JOSEPH: You're correct there, but

1 when it hails again next year, you're going to do the
2 same thing. I'm just -- you know, it doesn't -- it's
3 not impact resistant. It holds only up to 1.75 and
4 you guys get over that on a basis three times, four
5 times a year sometimes. You know, and it's not
6 durable to hold -- withstand them hits.

7 You're going to have to replace it
8 constantly, whether you go back up with slate or not,
9 you know, and that's just what I'm -- but as far as
10 that, I have storm seal on the whole roof to protect
11 anything from flying off during any storms that
12 happen now to protect anybody from getting hurt or
13 injured or anything like that. But I still say
14 synthetic is the best way to go.

15 MS. MANKOWSKI: Okay. And I know he asked
16 in the ordinance, it is section N, the roof forms
17 number 2, materials and colors. Roof materials and
18 colors must compliment the style and overall color
19 scheme of the building or structure. Tar and gravel
20 buildup is only permitted as a roof material on
21 covered porches and porte cocheres with flat roofs.
22 So that is what's given. However, Secretary of
23 Interior, you know, we want to replace in kind, like
24 for like when we can, that was Staff's position as
25 well as Task Force.

1 COMMISSIONER RENAUD: I have a comment.

2 CHAIR MONTGOMERY: Well, it's right --
3 it's still time for questions. So let's get all
4 questions out of the way. And Commissioner Reaves
5 has been waving at me for a while.

6 COMMISSIONER REAVES: Well, one of the
7 advantages of being at home, you look stuff up
8 online, there's a product that's a real slate that --
9 but if you put it up, it says it's hand-quarried and
10 it's waterproof and it's kind of hail proof, and you
11 can use it on low-pitched roofs, but it's actual
12 slate.

13 MR. JOSEPH: This is a 14-pitch though.
14 Like straight up --

15 COMMISSIONER REAVES: It sounds like you
16 put it up just like you would asphalt shingles.

17 COMMISSIONER ANDERSON: I do have a
18 question.

19 CHAIR MONTGOMERY: Okay, hang on. I think
20 I want to let Ms. Reaves know that I believe the
21 applicant was saying that the pitch of this roof is
22 extremely high and therefore it takes different slate
23 than that. And I can't contradict that because I
24 have no idea what I'm talking about.

25 COMMISSIONER REAVES: Well, this

1 particular product is -- it doesn't say that it's not
2 for high-pitched roof. It says that it is also for
3 low-pitched roofs.

4 CHAIR MONTGOMERY: Which is hard to keep
5 water out of low-pitched roofs. Okay. And you
6 should probably share that with Staff, because Staff
7 is who can discuss alternate products with people, we
8 don't usually do that. Commissioner Renaud you've
9 been sitting over there patiently waiting for me. Go
10 ahead.

11 COMMISSIONER RENAUD: I have a couple of
12 questions on the slate that's on the home already.
13 Did -- I thought I heard someone mention when this
14 roof was placed 2012 and it's lasted 12 years. Also
15 the dimensional size of it, it seems wider than
16 normal to me. That's just from your observation,
17 have you measured the slate --

18 MR. JOSEPH: If you -- yeah. If you
19 actually put them up side by side (inaudible).

20 COMMISSIONER RENAUD: Okay. So, they're
21 the same size. Okay, thank you.

22 MR. JOSEPH: Yeah. I actually got to say
23 DaVinci did a real good job as far as diameter and
24 everything else.

25 COMMISSIONER RENAUD: Thank you.

1 CHAIR MONTGOMERY: Commissioner Hinojosa.
2 Oh, and then Commissioner Livingston will be after
3 Commissioner Hinojosa. Oh, you're muted.

4 COMMISSIONER HINOJOSA: Oh, sorry. I
5 wanted to ask if the -- we approved removal of this
6 in replacement with the DaVinci, would you all take
7 away all that slate? Would you all remove all that
8 slate down to the whatever.

9 MR. JOSEPH: Yes, ma'am. Because we have
10 to put belt down -- new belt down and every down
11 synthetic belt. And we have to check to see if
12 there's any rafters or anything -- any wood that's
13 rotten up there that we've got to replace as well.

14 COMMISSIONER HINOJOSA: Okay. Thank you.

15 MR. JOSEPH: Yes, ma'am.

16 COMMISSIONER LIVINGSTON: I have a
17 question.

18 CHAIR MONTGOMERY: Okay. Hang on
19 Commissioner Livingston, I think you were next in
20 line.

21 COMMISSIONER LIVINGSTON: I was just going
22 to ask is that's the entire swatch palette color.

23 MS. MANKOWSKI: It just this one of them,
24 is the vineyard. The other one is a light gray.

25 COMMISSIONER LIVINGSTON: Okay.

1 MS. MANKOWSKI: He just wanted to show you

2 --

3 COMMISSIONER LIVINGSTON: So --

4 MS. MANKOWSKI: -- it doesn't represent
5 the variation.

6 COMMISSIONER LIVINGSTON: Okay. Yeah. I
7 knew they did. No. I knew that they did that. I
8 was just (inaudible).

9 MS. MANKOWSKI: Yeah. Very --

10 MR. JOSEPH: Yeah. It's -- it actually
11 mimics it pretty good. The roof that's up there now
12 this. Yes, sir.

13 CHAIR MONTGOMERY: All right. Who else
14 was online, Commissioner Ander --

15 COMMISSIONER ANDERSON: A question?

16 COMMISSIONER CUMMINGS: Me.

17 MS. MANKOWSKI: Cummings and Anderson.

18 CHAIR MONTGOMERY: Okay. Because
19 Commissioner Anderson already spoke on this one, I
20 don't remember.

21 COMMISSIONER ANDERSON: No.

22 CHAIR MONTGOMERY: Okay. And then
23 Commissioner Cummings, I see you waving at me, Mr.
24 Cummings. Okay.

25 COMMISSIONER ANDERSON: My question is,

1 what is this imitation slate made of? Just what is
2 the material.

3 MR. JOSEPH: It's synthetic.

4 COMMISSIONER ANDERSON: What is it made
5 of.

6 MS. MANKOWSKI: Plastic.

7 MR. JOSEPH: Plastic vinyl. It's plastic
8 --

9 COMMISSIONER LIVINGSTON: Yeah. It's a
10 vinyl plastic mixture.

11 COMMISSIONER ANDERSON: Okay. My next
12 question is, we know what slate looks like after two
13 or 300 years on a house or on a building. Do we know
14 -- is there studies (inaudible) to show what happens
15 in the hot Texas sun when this plastic product gets
16 fried? Is it going to get white? Is it going to get
17 (inaudible).

18 MR. JOSEPH: Well, so far to be honest
19 with you, that DaVinci that you have right here in
20 Dallas, that's on the historical -- one of the
21 historical houses over there is also -- it looks
22 pretty good. So, I haven't got on the roof. I don't
23 want to knock on them people's door and say, can I
24 see your product and see how it looks. But actually
25 they back it up to 50 years, they say, but it hasn't

1 been out that long. So, nobody really knows, to be
2 honest with you.

3 COMMISSIONER ANDERSON: But nobody really
4 knows what's going to happen in the Texas sun with
5 this product.

6 MR. JOSEPH: Well, actually, they -- like
7 I said, they had this -- they have it at 6223 La
8 Vista Drive already this same product. So this same
9 product that's already over there is -- it looks
10 pretty good. So I don't know how long they had it,
11 if it's been there a year, if it's been there two
12 years, if it's been there three years. I don't know
13 when it was approved through you all to put it up on
14 that house, but it's there.

15 COMMISSIONER ANDERSON: Thank you.

16 MR. JOSEPH: Yes, sir.

17 CHAIR MONTGOMERY: Okay. Commissioner
18 Cummings?

19 COMMISSIONER ANDERSON: Just for your
20 information, you mentioned 6223 La Vista, it's on
21 your screen now.

22 CHAIR MONTGOMERY: Is that in the Historic
23 District.

24 MS. MANKOWSKI: Yes.

25 CHAIR MONTGOMERY: It is, okay.

1 MS. MANKOWSKI: That was a --

2 CHAIR MONTGOMERY: I haven't seen it
3 before. I think I would remember the (inaudible).

4 MR. JOSEPH: And it really does, it really
5 is. When you put it down, it's -- I work with a lot
6 of stone code and steel too. When you put those
7 products down and it's on a solid surface, it's not
8 really going anywhere. As long as it's installed
9 right, it holds up to two -- it is showing two inch
10 hail, but that it's -- you know, and then the regular
11 slate's 1.75. So, I say that synthetic is actually
12 holding up better than regular slate to hail.

13 CHAIR MONTGOMERY: All right.
14 Commissioner Cummings, you have a question?

15 COMMISSIONER CUMMINGS: Yeah. I have a
16 couple questions. And I'm very familiar -- I'm just
17 also very familiar with this product. I've actually
18 used this product on a one of the few remaining
19 Carnegie libraries in Texas. So, I'm very rehearsed
20 with the product.

21 The -- but my questions are, this is also
22 a stork materials and we don't like -- we like to
23 replace in kind as we've heard. The slate that's
24 there, there's been talk about the sizes. What's the
25 thickness of the slate that's there that's -- that

1 has been failing.

2 MR. JOSEPH: Yeah. I don't have it on me.

3 It's -- when you butt it up against side by side,

4 it's almost identical. It's probably about --

5 COMMISSIONER CUMMINGS: I know, slate --

6 MR. JOSEPH: Go ahead.

7 COMMISSIONER CUMMINGS: Slate thicknesses

8 I know comes in three sixteenths up to three eighths,

9 typically a quarter inch thick --

10 MR. JOSEPH: I think --

11 COMMISSIONER CUMMINGS: -- they hold up --

12 they've been holding up for a long -- I have a

13 90-year-old house with slate roof. Been going

14 through storms for a while, they hold up really well.

15 I've seen slate used on dormers and vertical

16 applications as well. Let's talk about the roof

17 pitches. It holds up well, so I'm wondering --

18 MR. JOSEPH: It's three eight --

19 COMMISSIONER CUMMINGS: -- I'm trying to

20 figure out what the condition is a little bit more

21 there. If it's a thinner slate tile that's used --

22 MR. JOSEPH: This is three eighths.

23 CHAIR MONTGOMERY: Post replacement is

24 three eighths, what's up there now?

25 MR. JOSEPH: It's the same size.

1 CHAIR MONTGOMERY: It's the same size as
2 that. Okay.

3 MR. JOSEPH: Yeah.

4 CHAIR MONTGOMERY: So, we're going with
5 three eights on old new. Okay.

6 COMMISSIONER CUMMINGS: Okay. So the
7 thickness is three eights, the existing that's up
8 there is three eights.

9 MR. JOSEPH: Yeah.

10 COMMISSIONER CUMMINGS: Okay. All right.
11 Well, thank you for the questions and the answer.
12 Thank you.

13 MR. JOSEPH: Yes, sir. Thank you.

14 CHAIR MONTGOMERY: All right. Anybody
15 else have a question? If not --

16 COMMISSIONER RENAUD: I will, another
17 question.

18 CHAIR MONTGOMERY: Okay.

19 COMMISSIONER RENAUD: The ridge pieces,
20 how are those in the synthetic, is that one piece
21 that actually bridges or is it actually two pieces
22 like a real slate.

23 MR. JOSEPH: It's just like it is up there
24 right now. They have a real, I guess they have a cap
25 one. Yeah. Same as this. It'd be the same as

1 (inaudible).

2 COMMISSIONER RENAUD: Understood. But --

3 MR. JOSEPH: Are you talking about the
4 original?

5 COMMISSIONER RENAUD: -- the ridge --
6 okay. But it's one piece that overlaps rather than
7 two.

8 MR. JOSEPH: Yeah.

9 COMMISSIONER RENAUD: Okay. Thank you.

10 CHAIR MONTGOMERY: All right. If that's
11 all of our questions, then it's time for someone to
12 make a motion. Oh, good, Commissioner Reaves are you
13 going to make a motion?

14 COMMISSIONER REAVES: Yes, sir. I move
15 that we accept Staff recommendation. Do I need to
16 read -- oh, I need to do all that other stuff.

17 CHAIR MONTGOMERY: You have to do all that
18 reading about the address and the ACA number and all
19 that.

20 COMMISSIONER REAVES: Yeah. Okay. I
21 moved for 6205 La Vista Drive, Swiss Avenue
22 Historical District CA234-395CM (inaudible) I move
23 that we accept Staff Task Force recommendation.

24 CHAIR MONTGOMERY: Okay. We cannot move
25 to accept a Task Force recommendation.

1 COMMISSIONER REAVES: Okay. Staff --

2 CHAIR MONTGOMERY: Only a Staff one.

3 COMMISSIONER REAVES: Staff

4 recommendation.

5 CHAIR MONTGOMERY: Okay. So, you're
6 moving to follow Staff recommendations for their
7 reasons that they gave?

8 COMMISSIONER REAVES: Yes.

9 CHAIR MONTGOMERY: That the proposed work
10 is inconsistent with the standards?

11 COMMISSIONER REAVES: Would you like me to
12 read this to you? That the request for the
13 certificate of **appropriate is to replace existing
14 slight shingle roof with DaVinci product synthetic
15 slate in the color vine -- vineyard be denied without
16 prejudice. This proposed work is inconsistent with
17 the standards of the City code section 50 --

18 CHAIR MONTGOMERY: You don't have to read
19 the section.

20 COMMISSIONER REAVES: -- for continuity
21 structures and the Secretary of the Interior
22 Standards for Rehabilitation.

23 CHAIR MONTGOMERY: Okay. Thank you. That
24 was very well spoken. I just don't know how you came
25 up with that so quickly. Okay. You'll have a second

1 on this.

2 COMMISSIONER ANDERSON: I'll second it.

3 CHAIR MONTGOMERY: Who was the second.

4 MS. MANKOWSKI: I think Anderson first.

5 CHAIR MONTGOMERY: Fogleman is our second

6 on this. All right. Is there any comment?

7 Commissioner Livingston?

8 COMMISSIONER ANDERSON: I'd like to make a
9 comment if I may.

10 CHAIR MONTGOMERY: Okay. Well,
11 Commissioner Livingston already had spoken, so let's
12 go.

13 COMMISSIONER LIVINGSTON: Yeah. I just --
14 that's why I asked the question about the -- someone
15 asked it before me about the ordinance and the
16 regulation requirement in the neighborhood, you know,
17 relative to historic as far as that neighborhood and
18 what's consistent. Because in my mind, the material,
19 the product is trying to be designed to emulate that
20 historic product with a consideration of, you know,
21 weather tolerance.

22 So, it's just -- you know, I'm a little
23 bit torn on that product in comparison with a comp
24 roof or some of the other photos in the neighborhood,
25 you know, based on what the whole design of that

1 product is for, which is to mimic original slate, but
2 with more durability.

3 So, I mean, you know, my -- I'm torn
4 because my common sense kind of response to that
5 effort is like, okay, so that's why I won't be
6 supporting the motion.

7 CHAIR MONTGOMERY: All right. Thank you.
8 Commissioner Anderson?

9 COMMISSIONER ANDERSON: I just want to
10 make note --

11 CHAIR MONTGOMERY: Then Commissioner
12 Offutt after Commissioner Anderson.

13 COMMISSIONER ANDERSON: But there was a --
14 once in a lifetime, hopefully a hailstorm about 15
15 years ago. And many of the slate and tile -- most of
16 them on **twist were damaged and literally all of
17 them came back. They went through, got -- the tile
18 manufacturers came to the Lakewood Library and they
19 all got together and matched the color tiles and
20 slate they had and literally all of the houses got
21 new slate roofs from their insurance companies. So,
22 there is a bit of a precedent if you will, that
23 houses in Swiss Avenue keep their original tiles and
24 slate if at all possible.

25 Furthermore, it appears that most of the

1 slate is still up there. A slate and tile protected
2 roof, there's a file -- something goes down, a felt.
3 So, it makes more sense to take the slate off and
4 repair the slate -- the roof, repair the felt and put
5 the tile back on and repair -- replace the -- that
6 what is missing.

7 So yeah, I would be concerned if there was
8 no slate left and we were starting from scratch but
9 the back door of the slate is still there. We'd be
10 throwing away the original material for no good
11 reason. Thank you.

12 CHAIR MONTGOMERY: Commissioner Offutt.

13 COMMISSIONER OFFUTT: Thank you. I asked
14 specifically about the materials because of the
15 incredible mix we have within our district, tiles
16 coming off and composition going up and not being
17 able to tell the difference from a distance. So, I'm
18 -- I will not be supporting this motion because our
19 ordinance specifically allows for complimentary
20 materials to mesh with what was there before. Thank
21 you.

22 COMMISSIONER CUMMINGS: I have a question
23 or a comment for the -- actually for clarification,
24 please.

25 CHAIR MONTGOMERY: Okay.

1 COMMISSIONER CUMMINGS: Clarification of
2 Staff, going back to this materials questioning. Is
3 the -- am I to understand the ordinance will allow a
4 synthetic product to replace in this situation here.

5 MS. MANKOWSKI: It doesn't specifically
6 say it. I'll read it verbatim.

7 COMMISSIONER CUMMINGS: Yeah.

8 MS. MANKOWSKI: It's section N roof forms
9 roman II, materials and colors. Roof materials and
10 colors must compliment the style and overall color
11 scheme of the building or structure. Tar and gravel
12 buildup is only permitted as a roof material on
13 covered porches and porte cocheres with flat roofs.
14 That's all it says.

15 COMMISSIONER CUMMINGS: Okay. Thank you.
16 I will be supporting the denial on the roof. I don't
17 think we are in a situation to start approving
18 synthetic materials across the board such as this.
19 And on something like this, it doesn't seem to be
20 that there is a warrant, a need for this because of
21 lessening the weight. I think slate tiles have a
22 history of lasting for a long time. There may need
23 to be some patching from time to time, but I won't be
24 supporting to replace the roof so.

25 CHAIR MONTGOMERY: All right. Thank you.

1 COMMISSIONER CUMMINGS: In this nature
2 (inaudible).

3 CHAIR MONTGOMERY: Mr. Cummings? I don't
4 know if there's any -- anybody else. I -- I'll say
5 that normally I do not like artificial materials
6 replacing original material. We all understand that
7 vinyl windows do not look right on the thing that's
8 why we dislike them. They aren't inappropriate.

9 Most of the cementitious boards that
10 people want to replace with siding are not approvable
11 right now because they're not in the right shapes.
12 They don't look like the original siding. I'm
13 suspecting that this artificial slate roof, if the
14 colors are right and that it probably at a distance
15 you can't tell the difference. I'm suspecting that,
16 I don't know for sure because I haven't witnessed it.

17 And therefore in a quandary as to what we
18 ought to do about this one, it does appear that if
19 this roof completely fails, they would be able to ask
20 us for a plain old ugly composition roof. I have one
21 of those too. I'm calling it ugly. I have -- most
22 of us have one and that would be less good than the
23 plastic slate is even if real slate is better and not
24 everything's not a yes or no. Some things are a
25 sliding scale.

1 So, I'm not sure, I wouldn't be inclined
2 to allow them to go ahead with the artificial slate.
3 Perhaps not until though they have re-examined -- not
4 to oppose you, sir. They had a second opinion about
5 whether or not they could do that whole take the
6 slate off and check it again.

7 Just to verify that this existing
8 beautiful slate couldn't be reused. But ultimately,
9 if it can't, I think I would think that the plastic
10 might be a good solution. That's just my opinion.
11 Commissioner Cox, you have an opinion?

12 COMMISSIONER COX: I do. Commissioner
13 Offutt, you mentioned that Virginia wouldn't have had
14 something wrong with her roof. Well, Virginia
15 wouldn't have but Dorothy might have. And I can
16 remember sitting in the garden room and talking to
17 Virginia about this.

18 And she was putting in CA for replacing
19 impediment on the front of the house because her
20 mother had taken off the original, some 20 years
21 earlier because she wanted the house to look more
22 modern. And the savage house was not going to ever
23 look more modern, you know, so. But you know, it's
24 just, you go back to that. But I don't think that
25 comes from modern historical district things. I

1 think that's just how her family went on things.

2 CHAIR MONTGOMERY: All right. Thank you.

3 And yes they -- I heard about her mother from
4 Virginia too sometimes. So interesting relationship
5 I'm sure; aren't they all? Any other comments before
6 we vote on this? All right. Then it's time to vote.
7 All those in favor of this motion please say aye.

8 COMMISSIONER ANDERSON: Aye.

9 COMMISSIONER HINOJOSA: Aye.

10 COMMISSIONER REAVES: Aye.

11 CHAIR MONTGOMERY: I am going to say aye.

12 And are there any opposed.

13 COMMISSIONER OFFUTT: Opposed.

14 CHAIR MONTGOMERY: Okay. We're going to
15 do a roll call vote. We do that one when I can't
16 count. Okay. We're (inaudible) Okay. Marcus, you
17 do it.

18 MR. WATSON: District 1, Sherman?

19 COMMISSIONER SHERMAN: Aye.

20 MR. WATSON: District 2, Montgomery.

21 CHAIR MONTGOMERY: I said aye.

22 MR. WATSON: District 3, Fogleman?

23 COMMISSIONER FOGLEMAN: Aye.

24 MR. WATSON: District 4, Taylor?

25 COMMISSIONER TAYLOR: Aye.

1 MR. WATSON: District 5, Offutt.
2 COMMISSIONER OFFUTT: No.
3 MR. WATSON: District 6, Hinojosa.
4 COMMISSIONER HINOJOSA: Aye.
5 MR. WATSON: District 7, Livingston.
6 COMMISSIONER LIVINGSTON: Nay.
7 MR. WATSON: District 9, Renaud.
8 COMMISSIONER RENAUD: Nay.
9 MR. WATSON: District 10, Cox.
10 COMMISSIONER COX: (Inaudible).
11 MR. WATSON: District 11, Gay?
12 COMMISSIONER GAY: Nay.
13 MR. WATSON: District 13, Preziosi.
14 COMMISSIONER PREZIOSI: Nay.
15 MR. WATSON: District 14, Guest?
16 COMMISSIONER GUEST: Aye.
17 MR. WATSON: Alternate Anderson.
18 COMMISSIONER ANDERSON: Aye.
19 MR. WATSON: And Alternate Reaves.
20 COMMISSIONER REAVES: Aye.
21 MR. WATSON: And Alternate Cummings.
22 COMMISSIONER CUMMINGS: Aye.
23 MR. WATSON: I have nine yeses, six nos.
24 CHAIR MONTGOMERY: Okay. So this motion
25 carried if not by a lot. Again, because this was

1 denial, it is possible for a fee to appeal to CPC,
2 the City Plan Commission. And they would solely
3 determine whether they feel we ruled in error that is
4 violated expectations of the ordinance.

5 So, one could do that. You could also try
6 coming back with perhaps more evidence of the utter
7 failure of the existing slate. Something that might
8 sway those last few votes you needed to a different
9 resolution. But as it stands now, you have received
10 a denial on this request and I encourage you to work
11 with Staff to move forward.

12 MR. JOSEPH: I want to clarify real quick.

13 MR. WATSON: Mr. (Inaudible) what's your
14 vote on that?

15 SPEAKER 3: Aye.

16 MR. WATSON: Okay.

17 CHAIR MONTGOMERY: Okay. So that doesn't
18 change anything. So, I'm sorry that things did not
19 go quite your way. I reiterate, I still am not sure
20 which way to go with this and that the --

21 MR. JOSEPH: Excuse me ma'am, a question
22 please.

23 CHAIR MONTGOMERY: -- this might be a
24 wonderful new solution, but I don't know.

25 MR. JOSEPH: How did the Heller house get

1 approved right down the street? Like just asking.

2 CHAIR MONTGOMERY: Good question. And it
3 may have gotten approval. I'm not going -- I'm not
4 insinuating anything, but they may have done it
5 without approval. But each case is unique and stands
6 on its own. So, even if we let everybody else in the
7 whole district get it, we don't have to get -- let
8 you get it. So that's the way it is.

9 MR. JOSEPH: No. Well, I understand what
10 you're saying. I -- and I'll just go back and look
11 at it again, take pictures. But you cannot take that
12 slate off, put it back up and think it's going to be
13 all hunky doors. It's not -- it's brittle, it's old.
14 You're going to have to replace the whole roof
15 regardless.

16 CHAIR MONTGOMERY: Okay.

17 MR. JOSEPH: Point taken. You take that
18 slate off, you're not putting it back up.

19 MR. WATSON: One option you have because
20 this was denial without prejudice. If you can come
21 back and have more evidence that really convince them
22 that it cannot be redone --

23 MR. JOSEPH: Yes, sir.

24 MR. WATSON: -- then you can try again.

25 CHAIR MONTGOMERY: And what might help is

1 -- it's an additional expense. If you consulted
2 someone who regularly works with historic houses, I
3 don't know how much you do that. But a second
4 opinion of someone who's first thought when they see
5 historic houses is, gosh, I want to save every part
6 of it. And if they agree then we'd be really
7 impressed, I suppose. Okay. Because we assume most
8 people think it'd be easier to start over.

9 MS. MANKOWSKI: If I may add. I -- we've
10 had about five roofers look at it and it's -- there
11 is a consensus that the roof is no longer functioning
12 and that this product performs better, has less
13 weight, lasts longer and helps with the temperature
14 as well. So, we've had five roofers. At this point
15 --

16 CHAIR MONTGOMERY: Okay.

17 MS. MANKOWSKI: -- the -- it has a wrap.
18 That roof has been wrapped, it wrapped indefinitely
19 and it was not an inexpensive process to have that.
20 So, what you're asking is for us to unwrap it and
21 re-evaluate?

22 CHAIR MONTGOMERY: I'm not asking you to
23 do anything. I have --

24 MS. MANKOWSKI: You suggesting.

25 CHAIR MONTGOMERY: -- I'm suggesting --

1 MS. MANKOWSKI: Yeah.

2 CHAIR MONTGOMERY: -- what I pretty much
3 said was, I know that there's a natural tendency for
4 people who fix things to think, well, if I got rid of
5 all the other stuff, I could fix it from new and
6 that'd be a lot easier, that's what I want to do too.
7 So, ask someone -- if none of those five that agreed
8 were people who often work with historic houses and
9 usually say, let's try to save it, find somebody like
10 that and let them look at it would be a good idea.

11 It's what I would do if you were my sister
12 and I wanted to suggest, but I can't suggest it to
13 you as a member of this commission. And then you can
14 come back to us. We would like to help you find a
15 solution. And I -- I'm one of the ones on the fence,
16 so I'm speaking as a person who didn't know which way
17 to go.

18 MS. MANKOWSKI: Okay. Thank you very
19 much.

20 CHAIR MONTGOMERY: Bye.
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CERTIFICATE OF TRANSCRIPTION

I, Joseph Juvenson, do hereby certify that the provided audio recording media was transcribed by me or reduced to typewriting under my supervision, that said transcript is a true transcription of the audio recording; that I am neither counsel for, related to, nor employed by any of the parties to the action involved in these proceedings; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Joseph Juvenson

JOSEPH JUVENSON, Official Transcriptionist

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 appropriate-ness.

(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 ~~26-87~~ 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)

SECTION 7

Correspondence

- Notice of July 1, 2024, Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

From: [Mankowski, Christina](#)
Bcc: [Caryn Montague](#); [Scot Montague](#); [Monica Samson](#); [Hunter Freeman](#); [Aaron Treçartin](#); [Fred Peña](#); [Monica Moreno](#)
Subject: Landmark Commission Meeting – Monday, July 1, 2024
Date: Monday, June 24, 2024 5:14:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Applicants,

This email provides details about the upcoming Landmark Commission (LMC) meeting on **Monday, July 1, 2024**. For those of you who performed (unauthorized) work, prior to a Landmark Commission review; for those of you responding to, a prior Landmark Commission review; or for those of you proposing new construction (or demolition): you are strongly encouraged to attend. This is **your opportunity to speak** and to share your design decisions with the Landmark Commission.

Monday, July 1, 2024

9:00 AM – Briefing (Staff Presentations to the Landmark Commission.)

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

The meeting will be held virtually, though City Council Chambers on the 6th Floor at City Hall (Room 6ES) will be available for those who wish to attend in person or who are not able to attend virtually. Those attending in person will be required to follow all current pandemic-related public health protocols.

The July 1st meeting agenda should be posted by Friday afternoon, on June 28th. 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 9:00 AM 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, or provide comments, if your application is for a Courtesy Review. Discussion with applicants is reserved for the 1:00 PM public hearing.

Below you will find the web link and teleconference number for the August 7th Landmark Commission (LMC) meeting. **In addition, you will find an email address for our LMC Coordinator, Elaine Hill, that you will need for signing up to speak at the meeting. **The deadline to sign up to speak is Monday, July 1st by 8:00 AM**, so be sure that you and/or anyone who plans to speak on your behalf has emailed Elaine and signed up on time. There is not a way to sign up to speak, after this deadline closes. When emailing Elaine, be sure you include the speakers full name as well as the address for the case you are requesting to speak on. 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.****

Videoconference

Webinar topic:

July Landmark Commission Meeting

Date and time:

Monday, July 1, 2024 9:00 AM | (UTC-05:00) Central Time (US & Canada)

Join link:

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=mfec220351dc3ac153420605f0ae0416b>

Webinar number:

2491 092 4815

Webinar password:

July24LMC (58592456 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: 249 109 24815

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, July 1st 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.

To request an interpreter, please email (your email address) 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.



Christina Mankowski

City of Dallas | DallasCityNews.net

christina.mankowski@dallas.gov



July 9, 2024

Rumba LLC
5501 Independence Pkwy #301,
Plano, TX 75023

**RE: CA234-395(CM)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
6205 LA VISTA DR**

Dear Rumba LLC:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on July 1, 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 July 30, 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 phone at (214) 671-5052 or email at christina.mankowski@dallas.gov.



Christina Paress
Senior Planner

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is July 30, 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.: CA234-395(CM)

Property Address: 6205 LA VISTA DR

Date of Landmark Commission Action: July 1, 2024

Applicant's Name: _____

Applicant's Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant's Phone Number: _____ Fax: _____

Applicant's Email: _____

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

Owner's Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Phone Number: _____ Fax: _____

Owner's Email: _____

Applicant's Signature _____ Date _____

Owner's Signature (if individual) _____ Date _____
or Letter of Authorization (from corporation/partnership)

Fee for Single Family use/structure: **\$300.00**

Fee for any other use/structure: **\$700.00**

Certificate of Appropriateness

July 1, 2024

Standard	July 1, 2024	PLANNER:	Christina Mankowski
FILE NUMBER:	CA234-395(CM)	DATE FILED:	June 15, 2024
LOCATION:	6205 LA VISTA DR	DISTRICT:	Swiss Avenue Historic District
COUNCIL DISTRICT:	14	MAPSCO:	36-Y
ZONING:	PD-63	CENSUS TRACT:	0014.00

APPLICANT: Rumba LLC
REPRESENTATIVE:
OWNER: ELIA RANDALL & LAURA K

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

1) A Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard".

Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to replace existing slate shingle roof with DaVinci Province Synthetic Slate in the color "Vineyard" be denied without prejudice. The proposed work is inconsistent with 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

July 1, 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 July 30, 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.: CA234-395(CM)

Property Address: 6205 LA VISTA DR

Date of Landmark Commission Action: July 1, 2024

Applicant's Name: Monica Samson - Rumba Holdings LLC

Applicant's Mailing Address: 624 Ambergate Dr.

City: Shady Shores State: TX Zip: 76208

Applicant's Phone Number: 214-763-9224 Fax: _____

Applicant's Email: monica.samson01@gmail.com

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

Owner's Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Phone Number: _____ Fax: _____

Owner's Email: _____

Monica Samson 7/23/2024
Applicant's Signature Date

Monica Samson 7.23/2024
Owner's Signature (if individual) Date
or Letter of Authorization (from corporation/partnership)

Fee for Single Family use/structure: **\$300.00**
Fee for any other use/structure: **\$700.00**

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or rezoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	\$200.00	
Request for a letter from the department explaining the availability of wastewater services for a development site	\$200.00	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	\$2,500.00	
Appeal of an apportionment determination to the city plan commission	\$600.00	
Appeal of an apportionment determination or decision of the city plan commission to the city council	\$600.00	

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Appeal a decision of the landmark \$300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(iv)	\$300.00	
Request for an administrative parking reduction under Section 51A-4.313	\$375.00 and \$25 per space over 10 spaces	

Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing.

(1) Fees for a street name change.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustaining development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.

DENIED WITHOUT PREJUDICE
 CP
 July 1 2024
 Office of Historic Preservation (OHP)
 CERTIFICATE OF APPROPRIATENESS

**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.