



CITY OF DALLAS

April 6, 2023

Via Certified Mail: 7017 1000 0000 9421 5010

Shy Anderson
New Vision Properties & Land
Hedgeston Investments LLC
5606 Bryn Mawr
Dallas, TX 75209

RE: Appeal of Certificate of Appropriateness:
Hearing – February 6, 2023
208 Landis St., Case No. CA223-182(RD)

Dear Shy Anderson:

We have received your correspondence appealing the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 208 Landis Street. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, May 4, 2023.** 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 **May 4, 2023.**

The Dallas Development Code, Section 51A-4.501(g)(6)(E) 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.

Shy Anderson
New Vision Properties & Land
Hedgeston Investments LLC
5606 Bryn Mawr
Dallas, TX 75209

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 February 6, 2023 Landmark Commission hearing. As I mentioned in the email on March 3, 2023, 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 5CN, Dallas, TX 75201 or to phyllis.hill@dallas.gov by **5:00 p.m. Monday, April 17, 2023.** 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 if you have any questions regarding the format of the City Plan Commission hearing or other related matters.

Respectfully,



Elaine Hill
Landmark Commission
Coordinator
Office of Historic Preservation

cc: Julia Ryan, Interim Director, Office of Historic Preservation
Stacy Rodriguez, Executive Assistant City Attorney
Daniel Moore, Assistant City Attorney
Theresa Pham, Assistant City Attorney
Dr. Rhonda Dunn, Senior Planner,
Office of Historic Preservation

INDEX

208 Landis Street CA223-182(RD)

Certificate of Appropriateness

Section 1

Landmark Commission Agenda, February 6, 2023

Section 2

Docket Material

Section 3

Landmark Commission Minutes, February 6, 2023

Section 4

Transcript of the February 6, 2023, Landmark Commission Hearing

Section 5

Historic Preservation Criteria
Dallas Development Code §51A-4.501

Section 6

Correspondence

Section 7

SECTION 1

Certificate of Appropriateness

208 Landis Street
CA223-182(RD)

Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 223 - 182 (RD)
Office Use Only

Name of Applicant: New Vision Properties & Land INC.
Mailing Address: 1823 Sunset Country Center #1111 Tx
City, State and Zip Code: 75101
Daytime Phone: (214) 434-5239 Alternate Phone: _____
Relationship of Applicant to Owner: Partner Kelvin Williams

OFFICE USE ONLY

Main Structure:

☐ Contributing

☒ Non-contributing

PROPERTY ADDRESS: 208 Landis Street Dallas TX 75205
Historic District: _____

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."**

New construction Built

Signature of Applicant: _____

Date: 1-5-23

Signature of Owner: _____
(IF NOT APPLICANT)

Date: 1-5-23

APPLICATION DEADLINE:

Application material 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 approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla Bldg, Dallas, Texas, 75201.

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a 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 at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed 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.

Signed drawings and/or specifications are enclosed ☒ Yes ☐ No

Rhonda D
Office of Historic Preservation

2/13/2023
Date

SECTION 2

Landmark Commission Agenda

February 6, 2023

See Pages 12 - 13 Item #5

Landmark Commission Agenda
Monday, February 6, 2023

3. That the request for a Certificate of Appropriateness to paint accessory dwelling unit (Body -- off-white [Behr: Cotton Sheets]; Trim/Accents -- black [Behr: Black-out]) be approved as submitted.

5. 208 LANDIS ST

Tenth Street Neighborhood Historic District
CA223-182(RD)
Rhonda Dunn

Request:

A Certificate of Appropriateness to construct new primary residential building (on a vacant lot).

Applicant: New Vision Property & Land Inc - Kelvin Williams

Application Filed: 1/5/23

Staff Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved in accordance with drawings and specifications dated 2/6/23 with the following conditions: that roof shingles be asphalt composition shingles; that exterior siding be wood horizontal lap siding; that skirting material be impervious to moisture or rot; that windows be all wood framed or all aluminum framed (not clad) with lite configuration of nine over one (9 over 1) or one over one (1 over 1); that exterior doors be Craftsman style with a minimum of six lites; that front yard setback be within five percent of the average setback for the blockface; that top of foundation be a minimum of 18 inches above grade; and that depth of front porch be a minimum of six feet, behind porch columns. Implementation of the recommended conditions would allow the proposed work to be consistent with preservation criteria Sections (b) and (c) under new construction and additions; the standards in City Code Section 51A-4.501(g)(6)(C)(ii) for noncontributing structures; and the Secretary of the Interior's Guidelines for Setting (District/Neighborhood).

Task Force Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved with the following conditions: elevation of lot should be the same as others on the blockface; front setback should be the same as that of neighboring houses; house should have a front porch with gable roof overhang; depth of front porch should be six feet behind porch columns; foundation should be pier and beam; windows – lite configuration, nine over one or one over one -- and doors should be Craftsman style; and parking should be in rear of building.

Note: After the Task Force meeting, the applicant submitted revised plans illustrating horizontal wood lap siding (#117),

Landmark Commission Agenda
Monday, February 6, 2023

a gabled roof front porch, and an 18 inch above grade foundation slab.

6. 3518 MEADOW ST

Wheatley Place Historic District
CA223-186(RD)
Rhonda Dunn

Request:

A Certificate of Appropriateness to construct new primary residential building (on a vacant lot).

Applicant: Andrews, Queenetra

Application Filed: 1/5/23

Staff Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved in accordance with drawings and specifications dated 2/6/23 with the following conditions: that roof shingles be asphalt composition shingles; that exterior siding be wood horizontal lap siding; that skirting material be impervious to moisture or rot; that windows be all wood framed or all aluminum framed (not clad) with lite configuration of six over one (6 over 1) or one over one (1 over 1); that exterior doors be Craftsman style with a minimum of six lites; that front yard setback be within ten feet, of the average setback for the blockface; that top of foundation be a minimum of 18 inches above grade; that depth of front porch be a minimum of six feet, behind porch columns; that porch columns be 10 to 12 inches in diameter; and that exterior paint colors be selected from a historic palette such as Sherwin Williams, Historic Paint Colors – Arts & Crafts. Implementation of the recommended conditions would allow the proposed work to be consistent with preservation criteria Sections 9.2, 9.3, 9.7, 9.9 and 9.11(a); the standards in City Code Section 51A-4.501(g)(6)(C)(ii) for noncontributing structures; and the Secretary of the Interior's Guidelines for Setting (District/Neighborhood).

Task Force Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved with the following conditions: windows should be all wood with exterior grid and lite configuration of six over one; height of concrete slab foundation should be 18 inches; porch depth should be six feet behind columns; porch columns should be 10 to 12 inches in diameter; siding should be wood, pattern #117; and a historic color palette should be used for (exterior) paint selection.

Note: After the Task Force meeting, the applicant submitted revised plans illustrating horizontal wood lap siding (#117), six over one wood windows, and an 18 inch above grade foundation slab.

SECTION 3

CA223-182(RD)
Docket Material



LANDMARK COMMISSION

FEBRUARY 6, 2023

FILE NUMBER: CA223-182(RD)
LOCATION: 208 Landis St.
STRUCTURE: Non-Contributing
COUNCIL DISTRICT: 4
ZONING: PD-388

PLANNER: Rhonda Dunn, Ph.D.
DATE FILED: January 5, 2023
DISTRICT: Tenth Street (H/60)
MAPSCO: 55-B, 55-F
CENSUS TRACT: 0041.00

APPLICANT: Williams, Kelvin

REPRESENTATIVE: N/A

OWNER: New Vision Property & Land Inc.

REQUEST

A Certificate of Appropriateness (CA) is requested to:

Construct a residential main building (on a vacant lot).

BACKGROUND / HISTORY:

Presently, 208 Landis Street is a vacant lot; hence, it is identified as non-contributing to the Tenth Street Historic District.

City records indicate no pertinent previous applications for Certificates of Appropriateness have been filed for this property (standard or routine).

RELEVANT PRESERVATION CRITERIA:

Tenth Street Historic District (H-60), Ordinance No.: 933758

(g) Yard, lot, and space regulations.

(1) Front yard setback;

(a) A main building on an interior lot must have a front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(b) A main building on a corner lot must have front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

NEW CONSTRUCTION AND ADDITIONS

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

(c) Vinyl and aluminum, or other imitation materials are not acceptable cladding materials for the construction of a new main structure in this district or addition to existing historic structure in this district.

RELEVANT SECRETARY OF THE INTERIOR'S STANDARDS/GUIDELINES FOR THE TREATMENT OF HISTORIC PROPERTIES:

Guidelines for Setting (District / Neighborhood)

- **Recommended:** *Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.*
- **Not Recommended:** *Introducing a new building or landscape feature that is visually or otherwise incompatible with the setting's historic character (e.g., replacing low metal fencing with a high wood fence).*

RELEVANT DALLAS CITY CODE:

Section 51A-4.501. Historic Overlay District

(g) Certificate of Appropriateness.

(6) Standard certificate of appropriateness review procedure.

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

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

PROJECT DESCRIPTION & ANALYSIS:

The subject property is a vacant lot located in the 200 block of Landis St, at the intersection of E. 11th Street and Landis Street. The rear of the property abuts greenspace with frontage on E. Clarendon Drive, in the Tenth Street Historic District. On this lot, the

applicant is proposing to build a non-contributing single-family residence. (There is evidence e.g., remnants of a driveway that a previous structure existed on the lot.)

Construction of a Residential Main Building

The applicant is proposing to build a one story four-bedroom, two-bathroom, wood framed cottage, with a gable-roof front porch. (Reference attached architectural drawings for specifications.) With respect to exterior details:

- Roofing – The proposed roof is a gabled roof with asphalt shingles (Color: “Weathered Wood”).
- Exterior Cladding – The anticipated cladding is horizontal wood lap siding, pattern #117.
- Windows – The proposed windows are single hung, one over one (1 over 1), all wood framed windows.
- Doors – The front and rear exterior doors will be paneled, solid wood doors with six lites.
- Paint Colors – The proposed paint colors are alabaster white for the body, with gray for the trim, and accents. Staff recommends that a color scheme be chosen from a historic paint collection, and that it be complementary to the blockface and the surrounding historic district.

The setbacks, elevation and massing are appropriate to the surrounding historic district.

Overall, the proposed work will not have an adverse effect on the surrounding historic district and is in keeping with the Secretary of the Interior’s guidelines generally, regarding compatibility with a setting’s historic character.

STAFF RECOMMENDATION:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved in accordance with drawings and specifications dated 2/6/23 with the following conditions: that roof shingles be asphalt composition shingles; that exterior siding be wood horizontal lap siding; that skirting material be impervious to moisture or rot; that windows be all wood framed or all aluminum framed (not clad) with lite configuration of nine over one (9 over 1) or one over one (1 over 1); that exterior doors be Craftsman style with a minimum of six lites; that front yard setback be within five percent of the average setback for the blockface; that top of foundation be a minimum of 18 inches above grade; and that depth of front porch be a minimum of six feet, behind porch columns. Implementation of the recommended conditions would allow the proposed work to be consistent with preservation criteria Sections (b) and (c) under new construction and additions; the standards in City Code Section 51A-4.501(g)(6)(C)(ii) for noncontributing structures; and the Secretary of the Interior’s Guidelines for Setting (District/Neighborhood).

TASK FORCE RECOMMENDATION:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be approved with the following conditions: elevation of lot should be the same as others on the blockface; front setback should be the same as that of neighboring houses; house should have a front porch with gable roof overhang; depth of front porch should be six feet behind porch columns; foundation should be pier and beam; windows – lite configuration, nine over one or one over one -- and doors should be Craftsman style; and parking should be in rear of building.

Note: *After the Task Force meeting, the applicant submitted revised plans illustrating horizontal wood lap siding (#117), a gabled roof front porch, and an 18 inch above grade foundation slab.*

SITE MAP
208 Landis St.



The yellow rectangle highlights 208 Landis St. The orange shading indicates Tenth Street Historic District coverage. Basemap Source: Google Earth

CURRENT PHOTO
208 Landis St.



Front, northwest elevation. *Source: Google Maps, Street View.*

ATTACHMENTS:

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

**TASK FORCE
RECOMMENDATION(S)
208 LANDIS ST**

TASK FORCE RECOMMENDATION REPORT
WHEATLEY PLACE / TENTH STREET

DATE: **1/10/2023**

TIME: **4:00 pm**

MEETING PLACE: **Preservation Dallas/Videoconference**

Applicant Name: David Anderson

Address: (Tenth Street Neighborhood HD) 208 Landis St

Date of CA/CD Request: 1/5/2023

RECOMMENDATION:

☐ Approve ☒ Approve with conditions ☐ Deny ☐ Deny without prejudice

Recommendation / comments/ basis: remove all exterior paint / dirt

grail should line up with neighbors porch should line up

with neighbors better dept to have the porch columns

per post and columns, Gate/cover hang, 9/1

9/1 1/1 CRH Hs Stay w/nd Fast Back.

Task force members present

☒ Brenda Gonzalez

☐ Connie Reyes

☒ Larry Johnson

☒ Barbara Wheeler

☐ Kathleen Lenihan

Ex Officio staff members Present: ☒ Dr. Rhonda Dunn ☐ Carlos van Onna

Simple Majority Quorum: ☒ yes ☐ no (three makes a quorum; no more than seven can vote)

Maker:

2nd:

Task Force members in favor:

Task Force members opposed:

Basis for opposition:

CHAIR, Task Force

Barbara Wheeler

DATE 1/10/2023

The task force recommendation will be reviewed by the landmark commission in Briefing Room 6ES, starting with a Staff briefing. The Landmark Commission public hearing begins at 1:00 pm in Room 6ES, which allows the applicant and citizens to provide public comment.
CA223-182(RD) D5-9

**APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
208 LANDIS ST**

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA _____ - _____ ()
Office Use Only

Name of Applicant: Newvision Properties & Land INC.
Mailing Address: 1823 Sunset Country Cedar Hill Tx
City, State and Zip Code: 75101
Daytime Phone: (214) 434-5239 Alternate Phone: _____
Relationship of Applicant to Owner: Partner Kelvin Williams

OFFICE USE ONLY

Main Structure:

____ Contributing

____ Non-contributing

PROPERTY ADDRESS: 208 Landis Street Dallas TX 75203
Historic District: _____

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."**

New construction Built

Signature of Applicant: _____ Date: 1-5-23
Signature of Owner: _____ Date: 1-5-23
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material 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 approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a 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 cannot be reviewed and will be returned to you for more information. You are encouraged to contact a 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 at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed 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.

Signed drawings and/or specifications are enclosed ____ Yes ____ No

Office of Historic Preservation

Date

Certificate of Appropriateness

City of Dallas

Historic Preservation

Rev. 010220

SUBMITTAL CRITERIA CHECKLIST

(Customer use only, do not submit)

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 chips 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 emailed as a PDF to the respective Staff contact. Do not send large files (over 10 MB) without contacting staff first.

WINDOWS AND DOORS

REPAIR ONLY

- ☐ Images of window(s)/door(s) that illustrate existing condition.
- ☐ Detailed description of repair work needed.

REPLACEMENT

- ☐ Window survey – contact respective Staff member for survey form.
- ☐ Images of window(s)/door(s) that illustrate existing condition
- ☐ Specification/cut-sheet/image for proposed replacement window(s)/door(s).

NEW CONSTRUCTION FORM – TO BE FILLED OUT BY APPLICANT

This form must be completed by the applicant and submitted with any Certificate of Appropriateness application for new construction. 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.

Y/N Y Will the proposed new construction require demolition of any structure(s) on the site?
If yes, you must submit a Certificate of Demolition form with your application.

Y/N Y Have you completed a preliminary review of your foundation drawings with a licensed civil or structural engineer?

NOTE: This step is required for construction of a (new) main structure and strongly recommended for accessory structures. Preliminary review does not guarantee final approval of a permit.

Preliminary review: DATE / / NAME OF ENGINEER*:

***Note: Make sure the engineer stamps your drawings.**

LOT COVERAGE

Existing lot coverage NA % (lot coverage includes all structures with a permanent roof, including porches and patios)

Proposed lot coverage 33 %

SETBACKS AND BUILDING HEIGHT

Proposed main structure (skip if no new main structure is proposed):

Front yard setback 15 ft

Average front yard setback on blockface 15 ft

Side yard setbacks LEFT SIDE 11/10 ft RIGHT SIDE 5 ft

Rear yard setback 57 ft OR distance to accessory structure 54 ft

Roof height 17 1/2 ft Average roof height on blockface 17 ft

Proposed accessory structure (skip if no new accessory structure is proposed):

Distance from main structure ft

Side yard setbacks LEFT SIDE ft RIGHT SIDE ft

Rear yard setback ft

Roof height of proposed accessory ft Main structure roof height ft

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

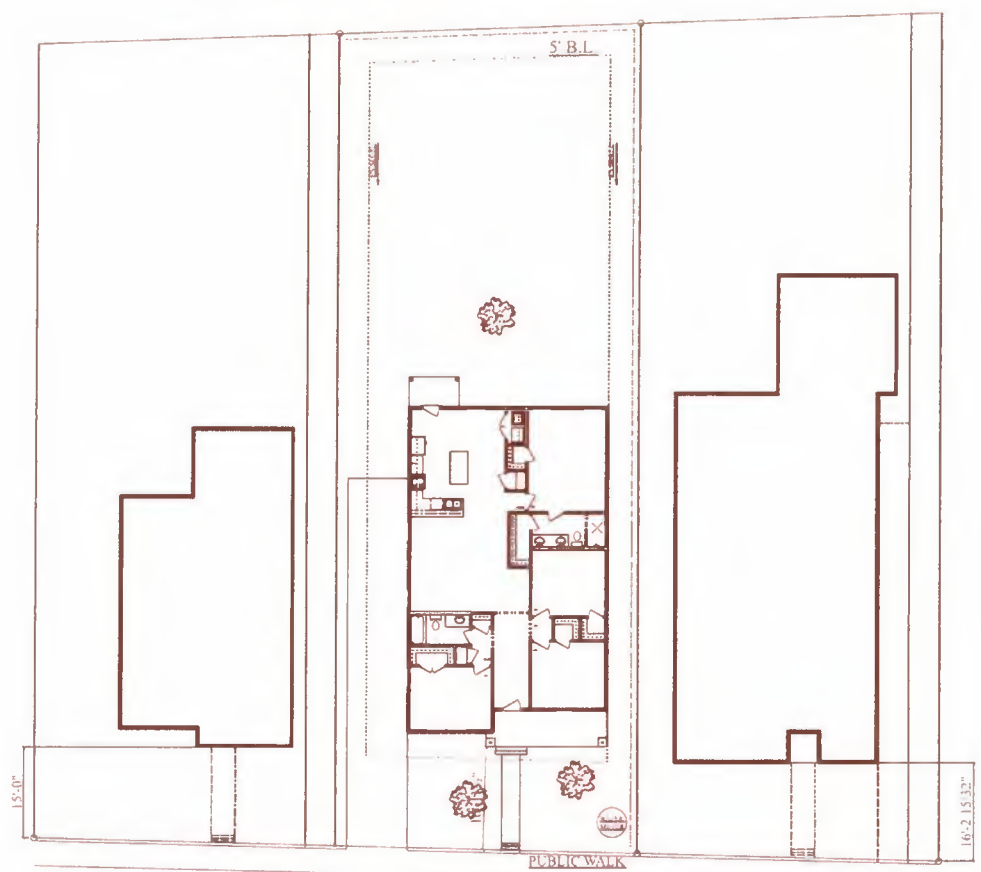
DEMOLITION

Any demolition of a main or accessory structure within an historic district requires a Certificate for 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 cornices, columns, railings or any other distinctive details are required at $1/2" = 1'$.
- 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 drawings.

LOT 3 BLOCK 3/3118
BETTERTONS SPRINGHILL
DALLAS, TEXAS
DALLAS COUNTY



50.00'

50.00'

50.00'



204 LANDIS

208 LANDIS

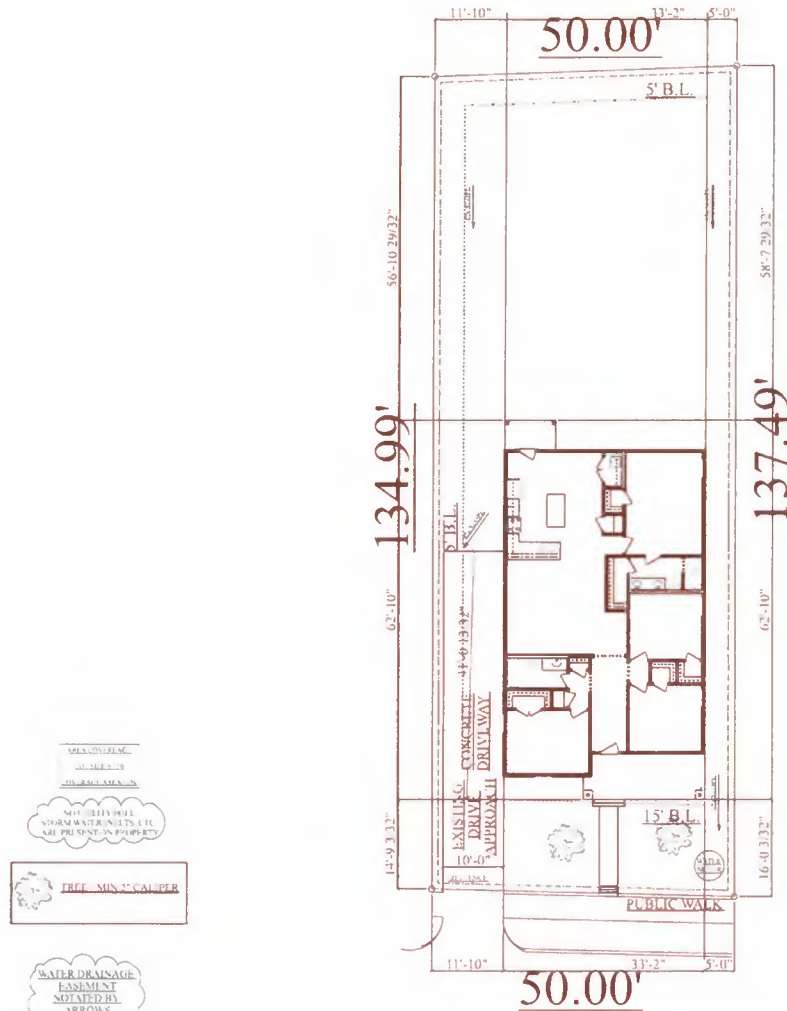
212 LANDIS

CONTEXTUAL SITE PLAN
 SCALE: 1" = 20'-0"

Residential Home Designs (214) 399-0663 DesignsYourWay.RC@gmail.com East Martin Avenue, Westchase, Texas 75165	JUNE 15th, 2022 PLAN ID 1687	NEW VISION PROPERTIES	A NEW SINGLE FAMILY HOME TO BE CONSTRUCTED AT 208 LANDIS STREET LOT 3 BLOCK 3/3118 BETTERTONS SPRINGHILL DALLAS, TEXAS - DALLAS COUNTY	MEMBER A I BD AMERICAN INSTITUTE OF BUILDING DESIGN
--	--	--------------------------	---	---



LOT 3 BLOCK 3/3118
BETTERTONS SPRINGHILL
DALLAS, TEXAS
DALLAS COUNTY



208 LANDIS STREET

 **SITE PLAN**
SCALE: 1" = 20'-0"



Residential Home Designs
(214) 399-0663
DesignsYourWay.RC@gmail.com
East Marvin Avenue
Waxahatchie, Texas 75165

JUNE 15th, 2022

PLAN ID
1687

NEW VISION
PROPERTIES

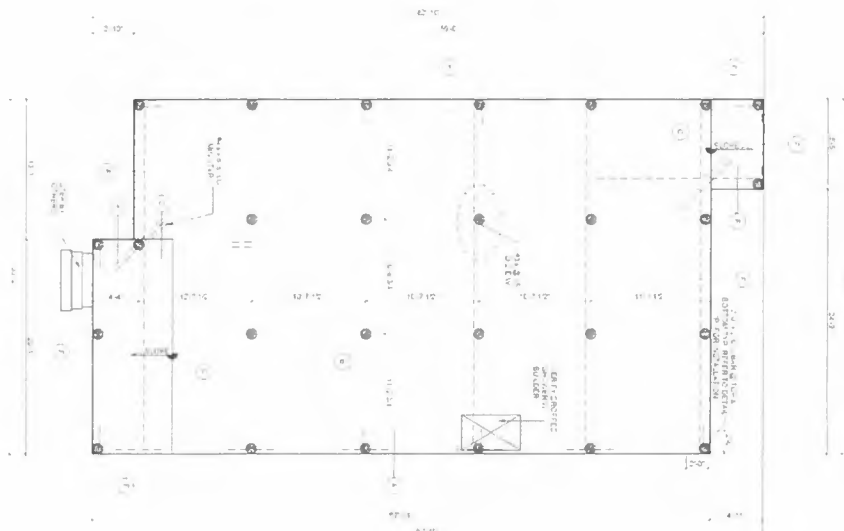
A NEW SINGLE FAMILY HOME
TO BE CONSTRUCTED AT
208 LANDIS STREET
LOT 3 BLOCK 3/3118
BETTERTONS SPRINGHILL
DALLAS, TEXAS - DALLAS COUNTY

MEMBER
**A I
B D**
AMERICAN INSTITUTE OF
BETTER HOME DESIGN

9:57

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

LEFT ELEVATION
SCALE: 1/4" = 1'-0"



SPECIAL BOARDING NOTICE

1. The following persons are hereby notified that they are invited to attend the 1974-75 Annual Meeting of the American Society of Tropical Medicine and Hygiene, to be held at the Sheraton Hotel, Miami Beach, Florida, on November 14-15, 1974. The meeting will be held from 8:00 a.m. to 5:00 p.m. on both days. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida.

2. The following persons are hereby notified that they are invited to attend the 1974-75 Annual Meeting of the American Society of Tropical Medicine and Hygiene, to be held at the Sheraton Hotel, Miami Beach, Florida, on November 14-15, 1974. The meeting will be held from 8:00 a.m. to 5:00 p.m. on both days. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida. The meeting will be held in the Ballroom of the Sheraton Hotel, Miami Beach, Florida.

PIERCOUNT 27

[illegible]

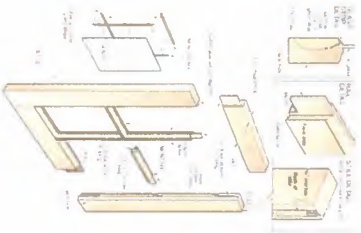
These plans are copyright and are not to be reproduced without the written consent of the Architect.

1. These plans are intended to provide the basic construction details for the project. The Architect is not responsible for the construction of the project. The Contractor is responsible for the construction of the project. The Architect is not responsible for the construction of the project. The Contractor is responsible for the construction of the project.

2. These plans are intended to provide the basic construction details for the project. The Architect is not responsible for the construction of the project. The Contractor is responsible for the construction of the project. The Architect is not responsible for the construction of the project. The Contractor is responsible for the construction of the project.



WINDOW DETAIL
SCALE: 3" = 1'-0"





DALLAS

Feb. 6, 2023

LANDMARK

Discussion Item #5: 208 Landis St.

District: Tenth Street

Non-Contributing

REQUEST

A Certificate of Appropriateness (CA) is requested to:
Construct a residential main building (on a vacant lot).

Staff Recommendation(s)
Approval with condition(s)

Task Force Recommendation(s)
Approval with condition(s)



LOCATION MAP

208 Landis St.

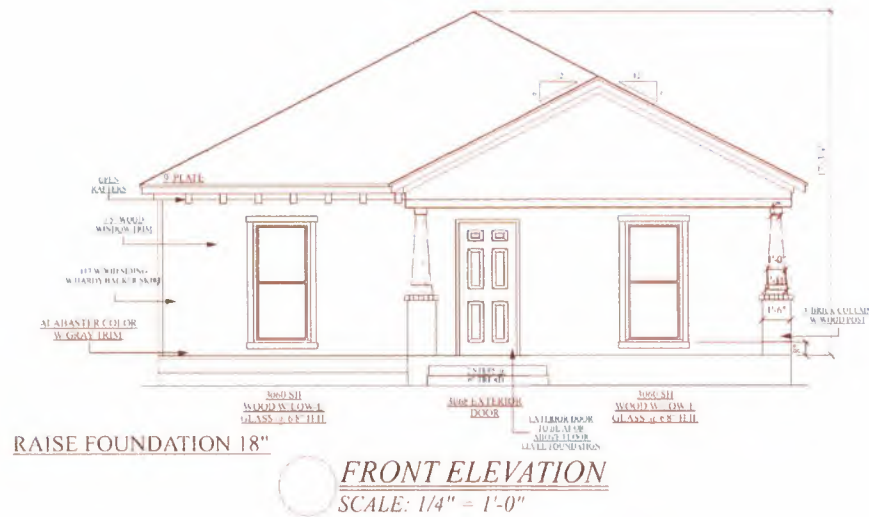
Basemap Source: Google Earth





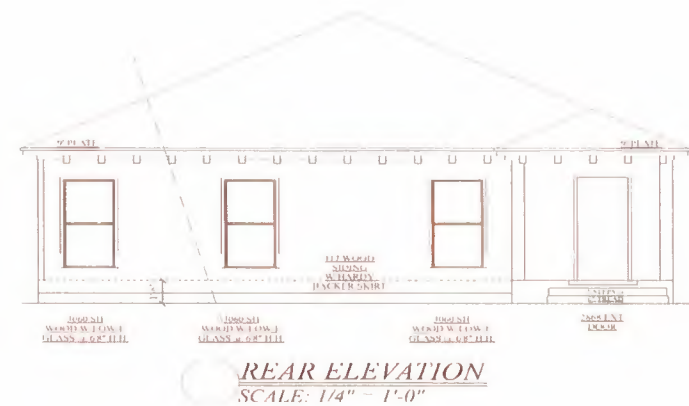
Front, northwest elevation. *Source: Google Maps, 2022.*

Subject Property – Proposed Front and Rear Elevations

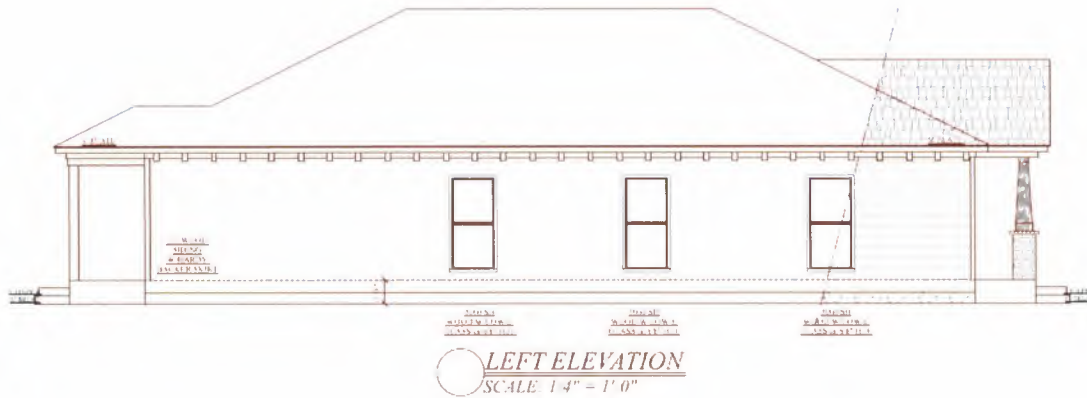


Front, northwest elevation.

Rear, southeast elevation.

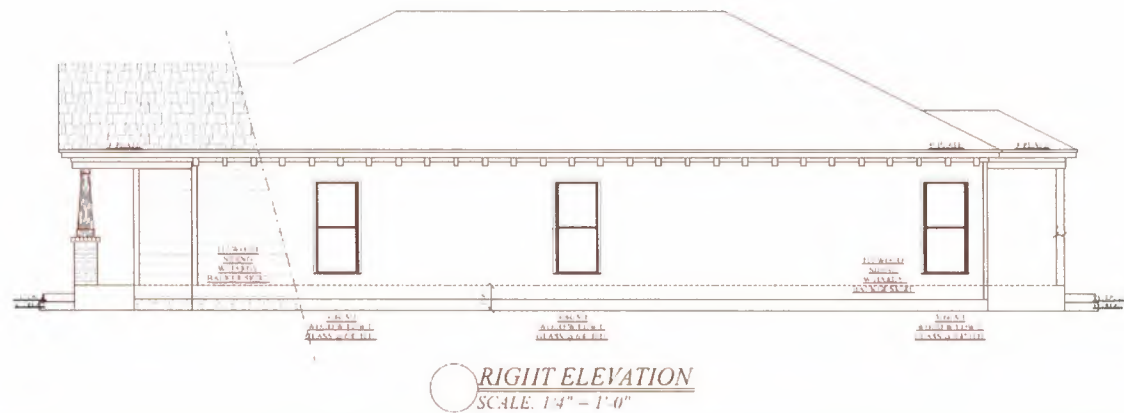


Subject Property – Proposed Left and Right Elevations



Left, northeast elevation.

Right, southwest elevation.



Construction of a Residential Main Building

- **Roofing** – The proposed roof is a gabled roof with asphalt shingles (Color: “Weathered Wood”).
- **Exterior Cladding** – The anticipated cladding is horizontal wood lap siding, pattern #117.
- **Windows** – The proposed windows are single hung, one over one (1 over 1), all wood framed windows.
- **Doors** – The front and rear exterior doors will be paneled, solid wood doors with six lites.
- **Paint Colors** – The proposed paint colors are alabaster white for the body, with gray for the trim, and accents.



Setbacks, elevation and massing are appropriate to the surrounding historic district. (Same blockface as proposed building.)

Construction of a Residential Main Building

Tenth Street Historic District (H-60), Ordinance No.: 933758

(g) Yard, lot, and space regulations.

(1) Front yard setback;

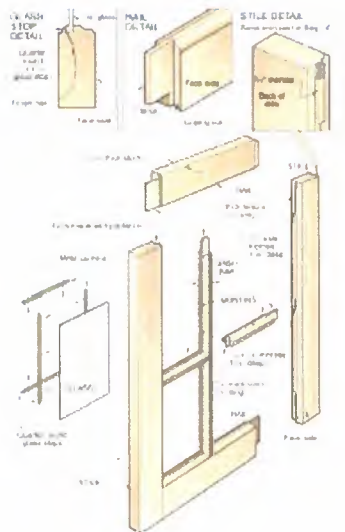
(a) A main building on an interior lot must have a front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

NEW CONSTRUCTION AND ADDITIONS

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

(c) Vinyl and aluminum, or other imitation materials are not acceptable cladding materials for the construction of a new main structure in this district or addition to existing historic structure in this district.

Exterior Details



EXTERIOR WOOD
FRONT & REAR DOOR



30) Year Shingles
Weatherwood

Staff Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be **approved** in accordance with drawings and specifications dated 2/6/23 **with** the following **conditions**: that roof shingles be asphalt composition shingles; that exterior siding be wood horizontal lap siding; that skirting material be impervious to moisture or rot; that windows be all wood framed or all aluminum framed (not clad) with lite configuration of nine over one (9 over 1) or one over one (1 over 1); that exterior doors be Craftsman style with a minimum of six lites; that front yard setback be within five percent of the average setback for the blockface; that top of foundation be a minimum of 18 inches above grade; and that depth of front porch be a minimum of six feet, behind porch columns. Implementation of the recommended conditions would allow the proposed work to be consistent with preservation criteria Sections (b) and (c) under new construction and additions; the standards in City Code Section 51A-4.501(g)(6)(C)(ii) for noncontributing structures; and the Secretary of the Interior's Guidelines for Setting (District/Neighborhood).

Task Force Recommendation:

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be **approved with** the following **conditions**: elevation of lot should be the same as others on the blockface; front setback should be the same as that of neighboring houses; house should have a front porch with gable roof overhang; depth of front porch should be six feet behind porch columns; foundation should be pier and beam; windows – lite configuration, nine over one or one over one -- and doors should be Craftsman style; and parking should be in rear of building.

Note: After the Task Force meeting, the applicant submitted revised plans illustrating horizontal wood lap siding (#117), a gabled roof front porch, and an 18 inch above grade foundation slab.

QUESTIONS

SECTION 4

Landmark Commission Minutes

February 6, 2023

See Page 11 Item #5

LANDMARK COMMISSION MINUTES

February 6, 2023

		Absent:	-	2	Commissioner Spellicy, Commissioner Guest
		Vacancies:	-	1	District 3

The Chair declared the motion denied without prejudice by the Landmark Commission and stated that if the applicant feels that the Landmark Commission erred in their decision, may appeal the decision with the City Plan Commission for a fee.

5. 208 LANDIS ST

Tenth Street Neighborhood Historic District

CA223-182(RD)

Rhonda Dunn

A Certificate of Appropriateness to construct new primary residential building (on a vacant lot).

Speakers: For: No Speakers

Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be **denied without prejudice** with the finding of fact that the proposed work is not compatible with the historic overlay district.

Maker:	Swann				
Second:	Rothenberger				
Results:	14/0				
		Ayes:	-	14	Commissioner Anderson, Commissioner Cummings, Commissioner Gibson, Commissioner Hajdu, Commissioner Hinojosa, Commissioner Livingston, Commissioner Montgomery, Commissioner Offutt, Commissioner Renaud, Commissioner Sherman, Commissioner Slade, Commissioner Swann, Commissioner Rothenberger, Commissioner Velvin,
		Against:	-	0	
		Absent:	-	2	Commissioner Spellicy, Commissioner Guest
		Vacancies:	-	1	District 3

The Chair declared the motion denied without prejudice by the Landmark Commission and stated that if the applicant feels that the Landmark Commission erred in their decision, the applicant may appeal the decision with the City Plan Commission for a fee.

6. 3518 MEADOW ST

Wheatley Place Historic District

CA223-186(RD)

Rhonda Dunn

A Certificate of Appropriateness to construct new primary residential building (on a vacant lot).

Speakers: For: No Speakers

Against: No Speakers

SECTION 5

Transcript of the
February 6, 2023
Landmark Commission
Hearing
208 Landis Street
CA223-182(RD)

1 CERTIFICATE

2 I HEREBY CERTIFY that this transcript is a
3 true record of the content on the file provided to
4 me to the best of my ability.

5

6

7

8

9

10

Maureen Cunningham Brzycki
Maureen Cunningham Brzycki,

11

Dated: March 25, 2023

12

13

14

15

16

17

18 (The foregoing certification of this transcript does
19 not apply to any reproduction of the same by any
20 means, unless under the direct control and/or
21 supervision of the certifying reporter.)

22

23

24

IN RE:
208 LANDIS STREET

AUDIO TRANSCRIPTION OF THE LANDMARK MEETING OF
CITY OF DALLAS - OFFICE OF HISTORIC PRESERVATION

- - -

TRANSCRIBED BY MAUREEN C. BRZYCKI, COURT REPORTER

TRANSCRIPTIONIST DISCLAIMER: Speaker
identifications contained herein have been done to
the best of my ability. Misidentification of
speakers may occur due to things beyond my control,
e.g., similar voice tones, poor audio quality,
overspeaking, overlapping room noises, etc.

Magna Legal Services

866-624-6221

www.MagnaLS.com

1 COMMISSIONER HINAJOSA: And we'll
2 move onto D5.

3 DR. RHONDA DUNN: Dr. Rhonda Dunn,
4 presenting on behalf of City Staff,
5 Discussion Item D5. The property is
6 located -- it's a vacant lot. The
7 property is located at 208 Landis Street
8 in the 10th Street neighborhood,
9 Historic District.

10 The case number is CA223-182RD.
11 The staff recommendation is as follows:
12 That the request for a certificate digit
13 of appropriateness to construct new
14 primary residential building on a vacant
15 lot be approved in accordance with
16 drawings and specifications dated
17 2/6/2023 with the following conditions:
18 That roof shingles be asphalt
19 composition shingles, that exterior
20 siding be wood, horizontal lap siding,
21 that skirting material be impervious to
22 moisture or rot, windows be all wood
23 framed, or all aluminum framed, not clad
24 with light configuration of light over

1 one, or one over one, that exterior
2 doors be craftsman style with a minimum
3 of six lights, that front yard setback
4 be within five percent of the average
5 setback for the block face, that top of
6 foundation be a minimum of 18 inches
7 above grade, and that depth of front
8 porch be a minimum of six feet behind
9 porch columns. Implementation of the
10 recommended conditions would allow for
11 work to be consistent with preservation
12 criteria sections B and C, under new
13 construction and additions. The
14 standards and city codes, Section
15 51A-4.501, subdivision GC, Romanette II
16 for noncontributing structures, and the
17 secretary of interior's guidelines for
18 setting district and neighborhood.

19
20 Also this was written after the
21 first iteration. The contractor has
22 turned in at least two more. So I have
23 the note that says: After the task
24 force meeting, the applicant submitted

1 revised plans illustrating horizontal
2 wood lap siding, a gabled roof, front
3 porch, and 18 inch above grade
4 foundation slab. He also later
5 presented all wood windows, one over
6 one.

7 COMMISSIONER HINAJOSA: Thank you.

8 It's complicated.

9 DR. RHONDA DUNN: Yes, it's
10 complicated.

11 COMMISSIONER HINAJOSA: Do any
12 commissioners have any questions of the
13 staff? There's no incentive to speak on
14 that. But of course, if we'd like to
15 discuss the complexity of this
16 particular application, what we should
17 really do is make a motion first. And
18 then discuss the motion. We can always
19 vote the motion down if we change our
20 minds.

21 MALE COMMISSIONER: I have one
22 question for staff.

23 COMMISSIONER HINAJOSA: Commission
24 Renouds (ph)?

1 MALE COMMISSIONER: One of the other
2 conditions that you mentioned was there
3 was six feet clearance behind the front
4 column on the porch.

5 DR. RHONDA DUNN: Correct.

6 MALE COMMISSIONER: Is that now?
7 From what I saw before it was to the
8 front, not to the back.

9 DR. RHONDA DUNN: To the front?

10 MALE COMMISSIONER: It was to the
11 front of the column rather than to the
12 back of the column, so six foot of clear
13 space.

14 DR. RHONDA DUNN: Oh, okay.

15 It should -- well, what we have
16 is their latest iteration. So it sounds
17 like what you're saying to me is I need
18 to go back to them again and make sure
19 they cleared that six feet behind those
20 columns? Okay.

21 MALE COMMISSIONER: Yes.

22 Before -- I do have a motion,
23 but do we have the addresses to look at?

24 DR. RHONDA DUNN: Yes. Hold on.

1 MALE COMMISSIONER: Okay.

2 DR. RHONDA DUNN: Okay.

3 (Inaudible) just for you,
4 Commissioner (inaudible).

5 MALE COMMISSIONER: Well, I'm sorry
6 to hear that.

7 DR. RHONDA DUNN: 1107 East 11th
8 Street.

9 MALE COMMISSIONER: Okay.

10 It looks -- that image is
11 stretched horizontally. I don't know if
12 we can see it without the stretching.

13 DR. RHONDA DUNN: We can, we can.

14 MALE COMMISSIONER: Because it does
15 affect if way we understand the
16 proportions of the porch, which is what
17 we want to look at. Pretty much. Yeah.

18 DR. RHONDA DUNN: All right.

19 So do you want me to -- we
20 don't have it (inaudible) answer your
21 first question for that, so do you want
22 me to go back --

23 MALE COMMISSIONER: I have image on
24 Clicker on your account. I have it

1 actually up on my screen.

2 DR. RHONDA DUNN: Okay.

3 Can you share?

4 MALE COMMISSIONER: I don't know if
5 I can. However, I can share the
6 address. If I text you the address --
7 well, no. Let's see. If I send you the
8 address in email? No, I don't have your
9 email. If I read you the address --

10 DR. RHONDA DUNN: I will try.

11 MALE COMMISSIONER: The address
12 is -- it is short, but it is www --
13 https://www.clicker.com/photos/cityofdall
14 aspreservation/ -- and then there's a
15 number.

16 DR. RHONDA DUNN: Okay.

17 (Inaudible).

18 MALE COMMISSIONER: I know, I know.

19 DR. RHONDA DUNN: Clicker.com

20 (inaudible).

21 MALE COMMISSIONER: Slash.

22 DR. RHONDA DUNN: Slash. Okay.

23 MALE COMMISSIONER: Photos/slash/city
24 ofdallaspreservation, all one word, all

1 one -- you know, well, that's obvious.
2 DR. RHONDA DUNN: Mm-hm.
3 MALE COMMISSIONER: Slash -- are we
4 ready for a series of numbers?
5 DR. RHONDA DUNN: I'll try.
6 MALE COMMISSIONER: Okay. 29.
7 DR. RHONDA DUNN: 29.
8 MALE COMMISSIONER: 79.
9 DR. RHONDA DUNN: 79.
10 MALE COMMISSIONER: 9047.
11 DR. RHONDA DUNN: 47.
12 MALE COMMISSIONER: 541.
13 DR. RHONDA DUNN: 541.
14 MALE COMMISSIONER: Slash.
15 DR. RHONDA DUNN: Okay.
16 We're trying.
17 MALE COMMISSIONER: I could.
18 DR. RHONDA DUNN: Okay.
19 MALE COMMISSIONER: I'll do whatever
20 helps. I didn't know if I was free to
21 move about the cabin.
22 DR. RHONDA DUNN: Now it says you
23 need to sign up. I don't have a Clicker
24 account.

1 MALE COMMISSIONER: Oh, gosh. I
2 don't think I did either. I accessed
3 this through your City of Dallas page.
4 That's how I got to it. It's up on my
5 screen now. I mean, (inaudible).
6 You're asking me to be technical.

7 Okay. Okay. Oh, gosh. This
8 is not how this is supposed to go.

9 Okay. Wait. Let's see if it
10 will let me download. Okay. There it
11 okay. Premium. Open file. Okay. You
12 know what, it's probably saved, but I'm
13 going to -- oh, yeah. No, I have to
14 find it on my computer, right?

15 Yep. Okay. Go ahead. What do
16 you do? Oh, that's you are. Okay.
17 Excellent. Okay I'll just put the
18 address in there (inaudible) Dallas. It
19 should be here. Where should we save
20 the (inaudible). Wait. Oh, okay.
21 That's weird. It did it by itself.
22 Okay. I think. Oh, no. Oh, no maybe
23 it's at a data (inaudible) overhead.
24 That's probably -- that's what it was.

1 Okay.

2 DR. RHONDA DUNN: (Inaudible).

3 Okay. What's the file name?

4 MALE COMMISSIONER: The file is 1107
5 (Inaudible).

6 DR. RHONDA DUNN: (Inaudible). It
7 just -- it says (inaudible).

8 MALE COMMISSIONER: (Inaudible).

9 DR. RHONDA DUNN: Okay.

10 MALE COMMISSIONER: 1107
11 (inaudible). Do you see it?

12 DR. RHONDA DUNN: (Inaudible).

13 MALE COMMISSIONER: Can I ask a
14 question while we're waiting?

15 MALE COMMISSIONER: Sure.

16 MALE COMMISSIONER: Do you feel
17 comfortable and confident that your
18 concerns can be addressed today and can
19 be revised without us seeing it or does
20 this need to come back?

21 MALE COMMISSIONER: It's going to
22 need to come back.

23 MALE COMMISSIONER: Okay.

24 It's going to have to come

1 back.

2 MALE COMMISSIONER: Yes.

3 MALE COMMISSIONER: Okay.

4 MALE COMMISSIONER: Okay.

5 I think that the screen is
6 stretching it.

7 DR. RHONDA DUNN: Okay. Yeah. This
8 is what I -- oh, no, no. Okay.

9 MALE COMMISSIONER: It looks less
10 stretched. Yeah, it does. It does.
11 Okay. Yeah. It is stretched. I have
12 what it should look like on my -- oh,
13 yeah, that one looks right. That
14 (inaudible) screen over there, that is
15 how it should look. Okay. The other
16 one I wanted to look at -- I guess we
17 can look at after this is the
18 (inaudible), 1220 North Street.

19 DR. RHONDA DUNN: Okay.

20 That one (inaudible). That's
21 what came up for 1220 North Street. Is
22 that what you intended?

23 MALE COMMISSIONER: (Inaudible).

24 DR. RHONDA DUNN: Yeah. 1220 North

1 Street. That's what came up.

2 MALE COMMISSIONER: I'm not seeing

3 any --

4 DR. RHONDA DUNN: (Inaudible).

5 MALE COMMISSIONER: Yes.

6 DR. RHONDA DUNN: No, no.

7 (Inaudible). Okay. Let's see. I guess

8 it only shows one picture on my screen,

9 and it's up.

10 MALE COMMISSIONER: Okay.

11 DR. RHONDA DUNN: Let's go back to

12 the one (inaudible).

13 MALE COMMISSIONER: Okay.

14 (Inaudible). I may have

15 questions, but you want me to just make

16 a motion?

17 DR. RHONDA DUNN: Yeah.

18 (Inaudible).

19 MALE COMMISSIONER: Okay. Sure.

20 Sure.

21 DR. RHONDA DUNN: Okay.

22 MALE COMMISSIONER: Yes. Okay.

23 In the matter of discussion

24 item number 5, 208 -- let's see. C8

1 223-182RD, otherwise known as 208 Landis
2 Street in the Tenth Street neighborhood
3 Historic District, I move that we deny
4 with a finding fact that the proposed
5 work is not compatible with the historic
6 overlying district.

7 MALE COMMISSIONER: Second.

8 MALE COMMISSIONER: Okay.

9 Now we get to --

10 COMMISSIONER HINAJOSA: Did you mean
11 straight denial?

12 MALE COMMISSIONER: Deny without
13 prejudice.

14 COMMISSIONER HINAJOSA: Yeah. We'll
15 have to have them come back.

16 MALE COMMISSIONER: Yes. Deny
17 without prejudice.

18 COMMISSIONER HINAJOSA: Okay.

19 Thank you for your second,
20 Mr. Rothenburg.

21 So now we're ready for
22 discussion of this perhaps using this
23 picture we now have.

24 MALE COMMISSIONER: Yeah.

1 And I'll -- I'll just lead up
2 really quickly to say that everyone who
3 has voiced appreciation for this design
4 is on the mark. It's incredibly rare
5 that something comes to us this
6 appropriately massed and configured and
7 it's got so much going for it, but it is
8 not quite there.

9 Now, of course, I have a
10 question since we're in discussion. But
11 why was the tasking force recommendation
12 about the grading of the property not
13 addressed in the staff recommendation?
14 There were two things that task force
15 addressed. One was the use of concrete
16 piers, and the other one was the
17 restoration of the original grade to the
18 property to match the grade on the lots
19 on either side.

20 DR. RHONDA DUNN: Okay.

21 I think part of what our
22 discussion was, and what this -- what
23 Mr. Johnson's concern was, was in terms
24 of -- of -- well, we basically talked

1 about the foundation. Because I was
2 concerned -- because he felt as if he
3 was going to do a concrete on slab
4 foundation.

5 MALE COMMISSIONER: Right.

6 DR. RHONDA DUNN: And so that's why
7 I came back and said, no we cannot have
8 a concrete on slab.

9 MALE COMMISSIONER: Wait. I'm a
10 little confused. You're saying concrete
11 on slab. But you mean concrete on
12 grade.

13 DR. RHONDA DUNN: Well, yes.

14 MALE COMMISSIONER: Okay.

15 Because --

16 DR. RHONDA DUNN: Concrete on grade.

17 I'm sorry. In other words,
18 it's just going to be the 4-inches.

19 MALE COMMISSIONER: Right.

20 DR. RHONDA DUNN: On top of a mound
21 of dirt.

22 MALE COMMISSIONER: Okay.

23 But we're still seeing,
24 however, a slab foundation, even though

1 it's a slab foundation supported on
2 piers with kind of -- looks like with
3 kind of a waffle slab, which I'll get to
4 later. But since we have this one up on
5 the screen.

6 DR. RHONDA DUNN: Okay.

7 This house on -- since we're
8 trying to establish compatibility and
9 the massing on the proposal is great and
10 the configuration on the porch is pretty
11 good, but where it could use a lot of
12 improvement is in the detailing.

13 DR. RHONDA DUNN: Okay.

14 MALE COMMISSIONER: And this house
15 is already one that can go into the
16 direction of a craftsman's house, and
17 the craftsman that you see there that we
18 lost, it was demolished in December
19 2018, which is really tragic because it
20 really was one of our finest craftsman's
21 houses and had the greatest historic
22 integrity. All those windows are
23 boarded up, but when you look on the
24 other side, they're in tact. So it was

1 really a great loss for the district.

2 And you can see that this
3 really thorough going craftsman house
4 has the brackets, which are absent on
5 the applicant's proposal. But really
6 should be present if we're going to
7 treat this as a craftsman house, and
8 it's so far in that direction, we really
9 should. This is not an in-between kind
10 of house. It is a craftsman's house,
11 but it lost the brackets. And for those
12 brackets to be in proper relation with
13 the columns, they're really going to
14 need to provide a sided beam above the
15 columns.

16 See can see how all of those
17 columns, they don't just go right up to
18 the roof eve, or just a neuro facia
19 board or something. There's actually a
20 sided beam that gives us room to
21 position the brackets over the columns,
22 so that we understand, support, and
23 weightbearing being transferred to the
24 columns. The other thing that -- if you

1 look at where the columns, the brackets
2 and the eaves all come together, you see
3 that the eaves on the applicants proposal
4 are really too short.

5 DR. RHONDA DUNN: Okay.

6 MALE COMMISSIONER: You know,
7 those -- those aren't record tales,
8 they're record stubs. And we got to get
9 away from that look, and you can see how
10 the eve is stretched. This example we
11 lost on the 1107 site has a proportional
12 grace because all of the -- those three
13 elements, the bracket, the supporting
14 column and the eve come together in kind
15 of an uncrowded harmony where each one
16 gets a chance to express itself. And
17 that sided beam that is supported by the
18 columns is something that we read the
19 extended rafter tails against. So you
20 don't have the brackets that are pushed
21 out unnaturally toward the edge of the
22 rafters or that's uncomfortably interior
23 where it looks like there's too much of
24 the rafter (inaudible) off of the beam.

1 The other thing that is missing
2 on the applicant;s proposal that you see
3 clearly on 1107 East 11th is a very
4 defined wide barge board, which is
5 that -- it's actually a piece of fascia,
6 or it could be supported. But it's that
7 final expression, exterior expression of
8 the rafters that is supported by the
9 brackets. And generally on a design
10 like this, the tips of the brackets, the
11 horizontal projections of brackets will
12 pierce through the barge board and
13 you'll see them expressed. And often
14 they'd be tampered or cut in a pyramid
15 pattern. So you see it expressed on the
16 outside of the barge board.

17 Moving down the column, the
18 applicant did provide us with a two-part
19 column. But instead of a cap that he
20 could replicate in a wind wall below the
21 square brick column, he put a grow
22 of --like a -- I guess you call it a
23 (inaudible) course. It's really an end
24 course of brick. Much better to go with

1 a concrete cap like you see or a
2 capstone or a stone cap like you see in
3 this illustration.

4 So to just wrap up on that, I
5 mean, what he's got -- and then there's
6 like at the base of the flared column,
7 there's a weird kind of molding that I
8 can't tell what it's doing, but we
9 really need to see that detail.

10 DR. RHONDA DUNN: Okay.

11 MALE COMMISSIONER: Perhaps put on a
12 larger scale, so we can see what's
13 really going on there. Because that is
14 what greets the visitor. That is the
15 most appealing engaging element of the
16 the structure. And it may be necessary
17 to widen the steps and perhaps introduce
18 a brick -- I guess you call it -- like a
19 half column that doesn't go all the way
20 up to support the roof. It's just apt
21 just for the purpose of finishing the
22 step with a wind wall on either side and
23 having it die comfortably into a brick
24 column.

1 So I think what we're saying is
2 if this applicant were to reference this
3 particular example in working through
4 all the details, you'd have a really
5 exemplary addition to the 10th Street
6 District.

7 Now, if we can go to the other
8 one that will address the issue of the
9 grade, the contours.

10 And this example, by the way,
11 is probably about six lots down, just
12 like not even a block away from the
13 applicant's. So it's highly -- it's
14 local even within the district. Let's
15 see --

16 DR. RHONDA DUNN: (Inaudible).

17 MALE COMMISSIONER: Are we in
18 Google's preview, or are we --

19 DR. RHONDA DUNN: No. I
20 (inaudible).

21 MALE COMMISSIONER: (inaudible).

22 DR. RHONDA DUNN: Yeah.

23 MALE COMMISSIONER: Because I don't
24 know if (inaudible) anymore.

1 DR. RHONDA DUNN: (Inaudible).

2 FEMALE COMMISSIONER: I would advise
3 that the members of the commission do
4 that on Google Streets. It really
5 should come from staff so members of the
6 public can also see what they're basing
7 their decision off of that.

8 MALE COMMISSIONER: That we jumped
9 into Google Street view?

10 FEMALE COMMISSIONER: That you not.
11 Correct.

12 MALE COMMISSIONER: Okay. Okay.
13 That's it. Okay.

14 MALE COMMISSIONER: I have a basic
15 question.

16 Is the staff taking copious
17 notes? I just want to make sure that
18 what you're saying gets to the
19 applicant.

20 DR. RHONDA DUNN: Staff is
21 attempting to take copious notes, but
22 also there will be a recording.

23 MALE COMMISSIONER: Okay. A
24 recording.

1 I just want to make sure --
2 this is very important. I just want to
3 make sure there is nothing lost in the
4 translation.

5 MALE COMMISSIONER: Right right.

6 And while we wait for this to
7 come up, I also want to add there was
8 some reference made -- I think it got
9 corrected in the applicant's proposal,
10 but I just want to be clear on aluminum
11 windows on 10th Street, which are only
12 approved for storm windows and storm
13 doors.

14 You can use aluminum window on
15 a storm window or a storm door. And
16 then it must be painted. It cannot be
17 a --

18 DR. RHONDA DUNN: Mill finish?

19 MALE COMMISSIONER: Mill finish.

20 Thank you. Cannot be a mill finish.

21 DR. RHONDA DUNN: It is not coming
22 up --

23 MALE COMMISSIONER: Oh.

24 That is so unfortunate because

1 this is one of the best illustrations of
2 the point I'm trying to make, which is
3 about how 10th Street houses meet the
4 ground. And they meet the ground as
5 they find it. And this particular house
6 is only about half -- it's only two lots
7 away from the lot under discussion, from
8 the applicant's lot. So although it
9 faces North Street, the (inaudible) of
10 North Street is showing us is the grade
11 of that lot in elevation or like --
12 almost like -- oh, there we go.
13 Perfect. Perfect. And can we see the
14 bottom where the staircase comes down to
15 meet North Street because it shows
16 how -- I mean, there is a -- there is a
17 procession that is created to get to
18 this house because this house is
19 (inaudible) with the grade. And this is
20 what makes 10th Street a -- really a
21 district like no other. The ad hoc
22 responses to things like grade level
23 as -- or like on the lot size, whatever,
24 as they are found. So okay. We can't

1 see it all at once. But I hope y'all
2 are getting the idea of how -- and
3 imagine when you see the grades sloping
4 from the right side of the picture to
5 the left side of the picture, you are
6 seeing in side view, the way that this
7 lot slopes. It starts out at the
8 side -- the right hand elevation, and it
9 slopes down and eventually, you know the
10 land gets all the way to the street.

11 So I also -- while we're
12 looking at this, you can see the skirt
13 on the left hand side is deep enough to
14 stand in -- to stand up in. And now,
15 you might say, well, but it's not as
16 severely sloped on the applicant's lot
17 as it is on this where you actually got
18 slopes in two directions. But the
19 problem is when you say, well, we're
20 going to allow slabs, then you have a
21 condition where the applicant has an
22 incentive to flatten out the lot before
23 the process starts. In other words, and
24 this is what apparently happened here is

1 that there was unauthorized work done to
2 regrade the lot. So they can say, well,
3 we have a flat lot. But as you can see,
4 the land on this lot is nowhere near
5 flat. So it's really important that
6 they use a post foundation, which is
7 more than 95 percent of the houses in
8 10th Street. There's just a few from
9 the very late twenties that have a pier
10 and (inaudible) foundation. And really
11 we shouldn't say pier and (inaudible)
12 because that always implies a concrete
13 perimeter skirt beam -- like a concrete
14 perimeter beam. And these houses, you
15 can see, they do not have -- even though
16 this applicant who did an exemplary job
17 on this house just a couple of years
18 ago, it's really a -- almost a model of
19 how you should do a 10th Street house.

20 There was -- you can see like
21 at the left hand side where the -- the
22 crawl space is a standup space
23 basically. And behind that corrugated
24 foundation skirt, there used to be a

1 cedar beam -- a cedar pier rather -- a
2 cedar post. And the cedar post was
3 taken out, and it was replaced by a
4 concrete post. And that's fine. I
5 think the cedar post really ought to
6 suffice, but that is an appropriate
7 approach to a 10th Street foundation.
8 And that's exactly what this applicant
9 did. He kept a post foundation, but he
10 just substituted a concrete post and
11 since these posts are almost never open
12 and visible, although they were
13 sometimes, you'll see the notation open
14 underneath on a lot of these 10th Street
15 houses that have this much standup space
16 under the first floor. It -- the
17 concrete post is the way to go.

18 DR. RHONDA DUNN: Okay.

19 So --

20 MALE COMMISSIONER: That keeps
21 people from cheating, basically and
22 trying to do their regrading before they
23 ever present something to you.

24 DR. RHONDA DUNN: Okay.

1 MALE COMMISSIONER: Which is what
2 this guy did. We can see it on -- even
3 on the photograph we referenced during
4 the briefing. We can see he regraded
5 the lot with a considerable amount of
6 material to make it flat and 10th Street
7 is one of the hilliest districts that we
8 have, even though Wheatley Place and
9 10th Street have a lot of similarities,
10 Wheatley Place (inaudible) historic
11 period begins in 1960 when it was
12 (inaudible) by Alex Camp, and it's very
13 nearly flat. 10th Street goes back to
14 1888 when the first (inaudible) lots
15 were (inaudible) by W.J. Veterton, and
16 even those were incredibly sloped.
17 Those are ones in front of the cemetery,
18 and I think we all know what the grade
19 changes are like there. So anyway, I
20 thank you all.

21 I'm ready for it to come to a
22 vote. But this is just such a great
23 opportunity to address these things
24 about 10th Street that are often

1 underappreciated. Oh, the other -- one
2 last thing, we don't really require that
3 they use impervious or non-rotting
4 materials. A lot of 10th Street houses
5 have -- 117 that goes all the way down
6 to the ground. But of course, that is
7 100-120 year old wood that lasts a lot
8 longer in contact with the ground than
9 what we have now. Thanks.

10 DR. RHONDA DUNN: Okay.

11 Does anyone else have any
12 comments on the motion? Remember that
13 way back when?

14 Sure.

15 MALE COMMISSIONER: (inaudible) the
16 grade -- that grade (inaudible)
17 fluctuation over time. (Inaudible) what
18 are thoughts on that? (Inaudible)
19 strategy when building?

20 MALE COMMISSIONER: I'm not sure --
21 you said grade fluctuation; Are you
22 talking about -- tell me what you mean
23 by fluctuation. As a result of what?
24 Oh, erosion. Erosion. Okay. Well, if

1 people are keeping the ground reasonably
2 covered, you know, with (inaudible) and
3 stuff, the erosion is really going to be
4 minimal. And we -- in older houses
5 that -- like this one, that they have
6 largely retained their dimensional
7 stability indicating there's been very
8 little erosion that has changed the
9 height of those piers.

10 MALE COMMISSIONER: One other
11 observation I'd like to add and the fact
12 they've come back with a bunch of
13 (inaudible) on that existing site is
14 that that's going to subside because
15 that's only been there a few months
16 compared to years of what's underneath
17 it. Yeah. You get rid of it?

18 MALE COMMISSIONER: You take it off.

19 MALE COMMISSIONER: Yeah.

20 MALE COMMISSIONER: Okay.

21 I mean, during the permit
22 process, I'm presuming the city is going
23 to acquire a erosion control plan, and
24 also a grading plan, and drainage plan,

1 and all those things. Another we should
2 take into consideration is a cross line
3 drainage. (Inaudible).

4 COMMISSIONER HINAJOSA: All right.

5 Does anybody else have any
6 comments on this?

7 All right. Then let's call for
8 a vote. All those in favor of this
9 motion, please say aye.

10 MULTIPLE VOICES: Aye.

11 COMMISSIONER HINAJOSA: Aye.

12 Any opposed? Hearing none, I
13 assume we are unanimous, and so staff
14 will communicate with the applicant
15 about what has occurred here. Let them
16 know about their ability to continue.
17 It's a potentially great project. Do
18 mention that to them. It's just not
19 quite there yet.

20 DR. RHONDA DUNN: I will mention
21 that it's a potentially great project.

22 COMMISSIONER HINAJOSA: They got
23 lots of the comments -- compliments.

24 DR. RHONDA DUNN: Yes. Yes, it did.

1 COMMISSIONER HINAJOSA: Let's start
2 with that.

3 - - -

4 (Whereupon, the excerpt requested ended.)

5 - - -

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 6

Historic Preservation Criteria
Dallas Development Code
§ 51A-4.501

SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.

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

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

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

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

(c) Historic designation procedure and predesignation moratorium.

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

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

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

(aa) List of characteristics on which the initiation is based;

(bb) A brief description of the historical significance of the potential building, site, district or expansion;

(cc) Purpose of the proposed designation; and

(dd) For district expansions, a statement including the history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial district designation, if available.

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

(iii) Procedures for expansions and new districts.

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

(I) Statement of intent for historic designation;

(II) List of potential impacts of historic preservation;

(III) List of neighborhood planning concerns and goals; and

(IV) Any other information that may be relevant.

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

(I) original statement of intent;

(II) transcription of the community meeting;

(III) benefits and incentives of preservation;

(IV) additional neighborhood planning goals;

(V) concepts for additional development incentives paired with historic preservation;

(VI) summary of concerns; and

(VII) summary of economic incentives available to the property owners such as city of Dallas historic tax exemption, tax increment financial districts, and federal or state opportunities.

(VIII) statement reflecting the property owner(s) position, if available.

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

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

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

(ii) procedures for the designation;

- (iii) tax benefits that may be applied to the property after the designation; and
- (iv) rehabilitation or repair programs that the city offers for a property designated as historic.

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

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

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

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

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

- (A) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;
- (B) A description of the historical, cultural, and architectural significance of the structures and site;
- (C) A description of the boundaries of the proposed historic overlay district, including subareas and areas where new construction will be prohibited; and
- (D) Proposed preservation criteria for the proposed historic overlay district.

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

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

- (A) the owner of the property consents to the designation; or
- (B) the designation is approved by a three-fourths vote of:
 - (i) the landmark commission;
 - (ii) the city plan commission; and
 - (iii) the city council.

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

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

(8) Computation of time.

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

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

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

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

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

procedure, votes to terminate the historic designation procedure.

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

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

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

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

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

(d) Predesignation certificate of appropriateness.

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

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a predesignation certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

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

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

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

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

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

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

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

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

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

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

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

(9) Suspension of work. After the work authorized by the predesignation certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

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

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

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

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

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

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

(e) Additional uses and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Notice of designation.

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

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

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

(g) Certificate of appropriateness.

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

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

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

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

(5) Routine maintenance work review procedure.

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

(B) Routine maintenance work includes:

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

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

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

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

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

(vi) the installation of skylights and solar panels;

(vii) the installation of storm windows and doors;

(viii) the installation of window and door screens;

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

(x) the restoration of original architectural elements;

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

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

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

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

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

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

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

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

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

(i) for contributing structures:

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

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

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

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

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

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

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

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

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

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

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

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

(G) Suspension of work. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

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

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

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

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

(h) Certificate for demolition or removal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xiii) All capital expenditures during the current ownership.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Documentation of the age of the structure.

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

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

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

(3) Certificate of demolition or removal review procedure.

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

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

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

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

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

(i) the new structure is more appropriate and compatible with the historic overlay district than the structure to be demolished or removed; and

(ii) the owner has the financial ability and intent to build the new structure. The landmark commission must first approve the predesignation certificate of appropriateness or certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application to demolish or remove.

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

(i) the structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);

(ii) the structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and

(iii) the owner has failed during the last two years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.

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

(i) the structure constitutes a documented major and imminent threat to public health and safety;

(ii) the demolition or removal is required to alleviate the threat to public health and safety; and

(iii) there is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.

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

(i) the structure is non-contributing to the historic overlay district;

(ii) the structure is newer than the period of historic significance for the historic overlay district; and

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

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

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

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

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

for waiver of the time limitation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Initial suspension period.

(aa) The landmark commission may suspend the granting of 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;

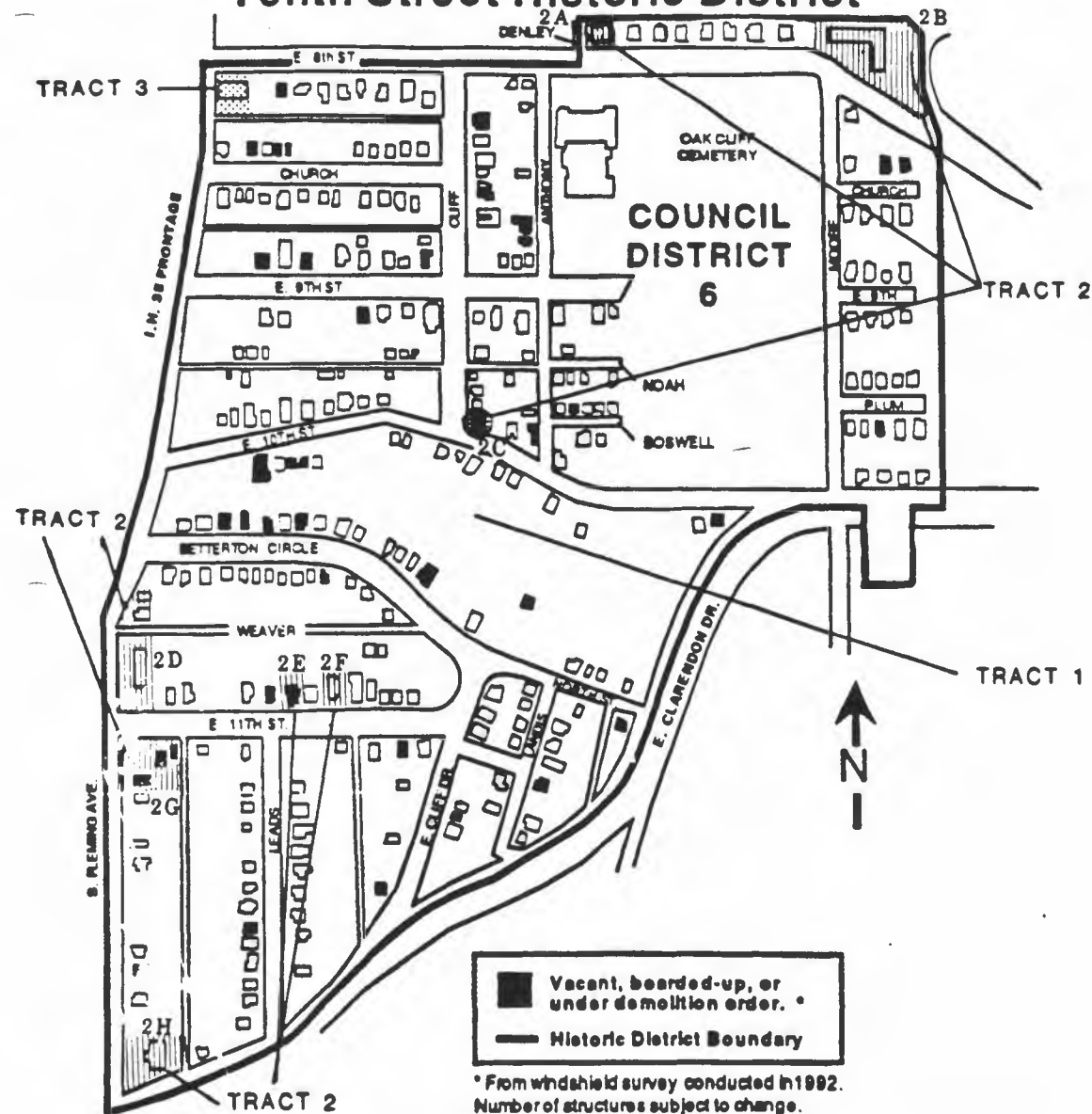
(B) exceeds the landmark commission's authority; or

(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](#))

Tenth Street Historic District



**Census Tract - 41
City Services Analysis Area
Near Southwest**

Prepared By The Department Of Planning And Development
City Of Dallas, Texas
May 1983

**PLANNED DEVELOPMENT DISTRICT FOR
THE TENTH STREET NEIGHBORHOOD**

(a) **Definitions.** Unless otherwise stated, the definitions contained in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply to this ordinance. In the event of a conflict, this section controls. In this ordinance:

(1) **ADDITION** means an enclosed living space added to a main structure.

(2) **APPLICANT** means an owner of property within this district, or an owner's duly authorized agent.

(3) **CERTIFICATE OF APPROPRIATENESS** means a certificate issued by the city in accordance with Section 51A-4.501 of the Dallas City Code, as amended, to authorize the alteration of the physical character of real property in the district or any portion of the exterior of a structure in the district, or the placement, construction, maintenance, expansion, or removal of any structure in or from the district.

(4) **COLUMN** means the entire column including the base and capital, if any.

(5) **COMMISSION** means the Landmark Commission of the City of Dallas.

(6) **CORNERSIDE FACADE** means a building facade facing a side street.

(7) **CORNERSIDE YARD** means a side yard that abuts a street.

(8) **DEPARTMENT OF THE INTERIOR STANDARDS** means the set of Historic Preservation standards established by the U. S. Department of the Interior National Park Service.

(9) **DIRECTOR** means the director of the Department of Planning and Development or that person's representative.

(10) **DISTRICT** means the Tenth Street Historic Overlay District. This district contains the property described in Section 1 of this ordinance.

(11) **ERECT** means to build, attach, hang, place, suspend, fasten, fix, maintain, paint, draw or otherwise construct.

(12) **FENCE** means a structure or hedgerow that provides a physical barrier, including a fence gate.

(13) NEW CONSTRUCTION means new structures built or moved on the property.

(14) MAIN BUILDING means a building on a lot intended for occupancy by the main use.

(15) PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be granted or denied.

(16) PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical.

(20) REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

(b) Interpretations.

(1) Unless otherwise stated, all references to code articles, divisions, or sections in this ordinance refer to articles, divisions, or sections in CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended.

(2) All attached exhibits are part of this ordinance.

(3) Section 51A-2.101, "Interpretations," applies to this ordinance.

(4) The following rules apply in interpreting the use regulations of this ordinance:

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol [L] appearing after a listed use means that the use is permitted by right as a limited use only.

(C) The symbol [SUP] appearing after a listed use means that the use is permitted by specific use permit only.

(D) The symbol [DIR] appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800).

(E) The symbol [RAR] appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800).

(5) For purposes of determining the applicability of regulations in this ordinance and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, this district is considered to be a residential zoning district.

(6) Creation of separate tracts.

This district is divided into three (3) tracts. A map showing the boundaries of the three (3) tracts is attached as Exhibit A.

(c) Main uses permitted for Tract 1.

- Duplex.
- Single family.
- Cemetery or mausoleum.
- Child-care facility (SUP).
- Church.
- Foster home (SUP).
- Public or private school (SUP).

(d) Main uses permitted for Tract 2.

(1) Commercial and business services uses.

- Building repair and maintenance shop.

(2) Institutional and community service uses.

- Cemetery or mausoleum.
- Child-care facility (SUP).
- Church.
- Community service center (SUP).
- Foster home (SUP).
- Library, art gallery, or museum (SUP).
- Public or private school (SUP).

(3) Office uses.

- Financial institution without drive-in window.
- Office (to include medical office).

(4) Recreation uses.

- Public park, playground, or golf course.

(5) Residential uses.

- Multifamily (above retail buildings only).
- Duplex.
- Single family.

(6) Retail and personal service uses.

- Custom print shop.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Hardware store 3,500 square feet or less.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Stationary shop/book store
- Temporary retail use.
- Theater.

(7) Utility and public service uses:

- Police or fire station.
- Post office.

(e) Main uses permitted in Tract 3

- All uses in Tract 2
- Motor vehicle fueling station.

(f) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(g) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls).

(1) Front yard setback:

(a) A main building on an interior lot must have a front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(b) A main building on a corner lot must have front yard setback that is within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(2) Rear and side yard:

(a) Rear and side yard setbacks must be within five percent of the average setback of other main buildings in the same blockface. Documentation establishing average setbacks to be submitted by applicant.

(b) Lots that are thirty feet or less in width have no side yard setback.

(c) Front, rear, side, and corner side yards are illustrated in attached Exhibit B.

(d) Construction or restoration of original buildings is encouraged to preserve the historic nature of the neighborhood.

(3) The board of adjustment may grant a special exception to the setback requirement(s) if the board finds after the public hearing:

- A special exception will not adversely affect the neighboring properties, and
- The improvement is within the general building patterns of the neighborhood.

In granting the special exception to the setback requirement(s), the board may impose any other reasonable condition that would further the purpose and intent of the setback restriction(s)/requirement(s).

(4) Height:

(a) The height of new construction, accessory buildings, or vertical or horizontal additions to existing non-protected structures or facades must not exceed thirty-six feet.

(4) Width requirements of structures:

(a) The width of a new single family residence shall not exceed 42 feet and:

(b) be no more than 20 percent greater than the average width of single family dwellings on the blockface.

(5) Environmental performance standards. See Article VI.

(a) Signs. Signs must comply with the provisions for non-business zoning districts contained in Article VII.

(b) Additional provisions. Development and use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the City of Dallas.

PRESERVATION CRITERIA

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

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

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

SITE AND SITE ELEMENTS

- (a) New construction is prohibited in all front yards within the district.
- (b) The existing original and historic structures must be retained and protected.
- (c) New sidewalks, walkways, steps, and driveways must be of brush finish concrete, brick, stone, or other material if deemed appropriate. No exposed aggregate, artificial grass, carpet, asphalt or artificially-colored monolithic concrete paving is permitted.
- (d) No circular drives are allowed in front yards.
- (e) Exterior lighting must be appropriate to and enhance the structure.
- (f) Landscape plant material must be appropriate and compatible, must enhance the structure and surroundings, and must not obscure significant views of the main building or from the main building. It is recommended that landscape modifications reflect the original historic landscaping design when appropriate.

- (g) After the effective date of this ordinance, any new mechanical equipment must be erected in side or rear yards and must be screened from the street.
- (h) Existing mature trees must be protected. Unhealthy or damaged trees may be removed if deemed appropriate.
- (i) Fences in the rear yard and rear 50% of the side yard cannot exceed 9 feet in height from grade or top of retaining wall.
- (j) Fences that are permitted in the front yard shall have a maximum height of three feet six inches. These fences must be appropriate to the district. Chain link fences are not allowed in the front yard. Fence locations can be found in Appendix C.
- (k) Fences above three feet six inches in the side yards must be located a minimum of 10 feet back from the front facade of the main building. Fences with a maximum height of three feet six inches can be located anywhere in the side yard and may connect to front yard fence.
- (l) Fences in cornerside yards must not be located directly in front of the cornerside facade except that the commission may allow a fence directly in front of all or any portion of the rear 50 percent of the cornerside facade if:
 - 1. more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
 - 2. the fence is less than four feet in height and is compatible with the architectural character of the home.
- (m) Fences in side, rear or cornerside yards must be constructed of one or more of the following materials: wood, brick, stone, iron, a combination of those materials, or other materials if deemed appropriate.
- (n) Tops of fences shall be horizontal, stepped or parallel to grade per Exhibit D.

STRUCTURE

Facades

- (a) The front and side facades are protected facades.
- (b) Reconstruction, renovation or repair of the opaque elements of the protected facades must employ materials similar to the original materials in texture, color, pattern, grain and module size as much as practical.

- (c) The existing solid-to-void ratios of non-protected facades must be maintained as much as practical. All additions and alterations must be architecturally sensitive and appropriate to the overall design of the existing structure.
 - (d) Brick must match in color, texture, module size, bond pattern and mortar color. Brick surfaces not previously painted must not be painted unless the applicant establishes that
 - 1. the color and texture of replacement brick cannot be matched with that of the existing brick surface;
 - 2. the brick is not original or compatible with the style and period of the main building and the district; or
 - 3. Painting is the only method that the brick may be repaired or restored.
 - (e) Stone, cast stone, and concrete elements must be renovated or repaired only with materials similar in size, grain, texture, and color to the original materials.
 - (f) Wood siding, trim, and detailing shall be carefully restored wherever practical. Historic materials should be repaired; they should be replaced only when necessary. Badly deteriorated paint should be removed in accordance with the Department of Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl or aluminum siding or stucco is permitted on main structures. Imitation materials are allowed on accessory structure only if they are keeping with the style and materials on the main structure.
 - (g) COLOR: All colors must comply with the Acceptable Color Range Standards contained in Exhibit E. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

Dominant and trim colors. All structures must have a dominant or body color and no more than three trim colors, including any accent colors. Proper location of dominant trim, and accent colors is shown in Exhibit F. The colors of a structure must be complementary of each other and the overall character of this district. Complimenting color schemes are encouraged through the blockface.
 - (h) Exposing and restoring original historic finish materials is encouraged.
 - (i) Exterior cleaning must be accomplished in accordance with Department of Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.
-

Fenestration and Openings

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

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

- (b) New door and window openings on the front and corner facade are permitted only in locations where there is evidence that original openings have been infilled with other material.
- (c) Decorative ironwork or burglar bars are permitted only on rear facades. Interior mounted burglar bars are permitted on protected facades.
- (d) Glass and glazing shall match original materials as much as practical. Tinted, reflective glazing or reflective film is not permitted.
- (e) Materials placed on or behind window glazing must be appropriate to the district.
- (f) The Department of the Interior standards should be referred to for acceptable techniques to improve the energy efficiency of historic fenestrations.

Roofs

- (a) The slope, massing, configuration and materials of the roof must be preserved and maintained. Original gables, dormers, and porch & roofs must be preserved. Existing parapets, cornices and coping eaves, roof trim and dormers must be retained and when repaired, should be done so with material matching in size, finish, module and color.
- (b) The following roofing materials are allowed: wood shingles, composition shingles, or terra-cotta tiles and other materials if deemed appropriate.
- (c) Solar panels, skylights, and mechanical equipment must be set back or screened so that it is not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

Porches and balconies

- (a) Existing original porches and balconies on protected facades must be retained and preserved; no porches may be enclosed on protected facades.
- (b) All original columns, railings, and other trim and detailing that are part of the porch or balcony configuration must be preserved.
- (c) It is encouraged that existing enclosed porches on protected facades be restored to their original appearance.
- (d) Front porch floor finishes shall be of concrete, wood or other materials if deemed appropriate. Porch floors may not be covered with carpet. Wood floors must be painted or stained. Concrete, brick or stone floors may not be painted. A clear sealant is acceptable.

NEW CONSTRUCTION AND ADDITIONS

- (a) The form, materials, general exterior appearance, color and details of any new construction of accessory building or vertical extension to existing structures must be compatible with the existing historic structure.
- (b) New construction, additions to historic structures, accessory buildings, porches, and balconies must be of appropriate massing, roof form, shape, materials, detailing and color and have fenestration patterns and solids-to-voids ratios that are typical of the historic structure.
- (c) Vinyl and aluminum, or other imitation materials are not acceptable cladding materials for the construction of a new main structure in this district or addition to existing historic structure in this district.
- (d) Chimneys visible from the public right of way must be clad in brick, or stucco. Imitation brick will be reviewed through the certificate of appropriateness process.
- (e) New construction and connections between new and existing construction must be designed so that they are clearly discernible from the existing historic structures as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new and existing construction shall be established and maintained.
- (f) Historic details at parapets and coping must be preserved and maintained where abutting new construction.

ACCESSORY BUILDINGS

- (a) Are only permitted in the rear yard;
- (b) Must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building;
- (c) Must be at least eight feet from the main building; and
- (d) May have garage doors located at the established rear yard setback from the alley if electric garage door openers are installed.

SIGNS

- (a) Temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) and real estate signs may be erected.
- (b) Street signs, protective signs, movement control signs, and historical markers may be erected. A certificate of appropriateness is required to erect one of these signs to ensure that the sign is sensitive and compatible with the appearance of the structure.
- (c) All signs must conform with all applicable provisions of the Dallas City Code, as amended and be compatible with the architectural qualities of the historic structure.

REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

- (a) The review procedure outlined in Section 51A-4.501 of the Dallas City Code, as amended, applies to this district except that a certificate of appropriateness is not required to erect temporary political campaign signs (as defined in Chapter 15A of the Dallas City Code, as amended) or real estate signs.
- (b) Certificate of appropriateness denied by the Landmark Commission, may be appealed to the city council in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

EXHIBIT B

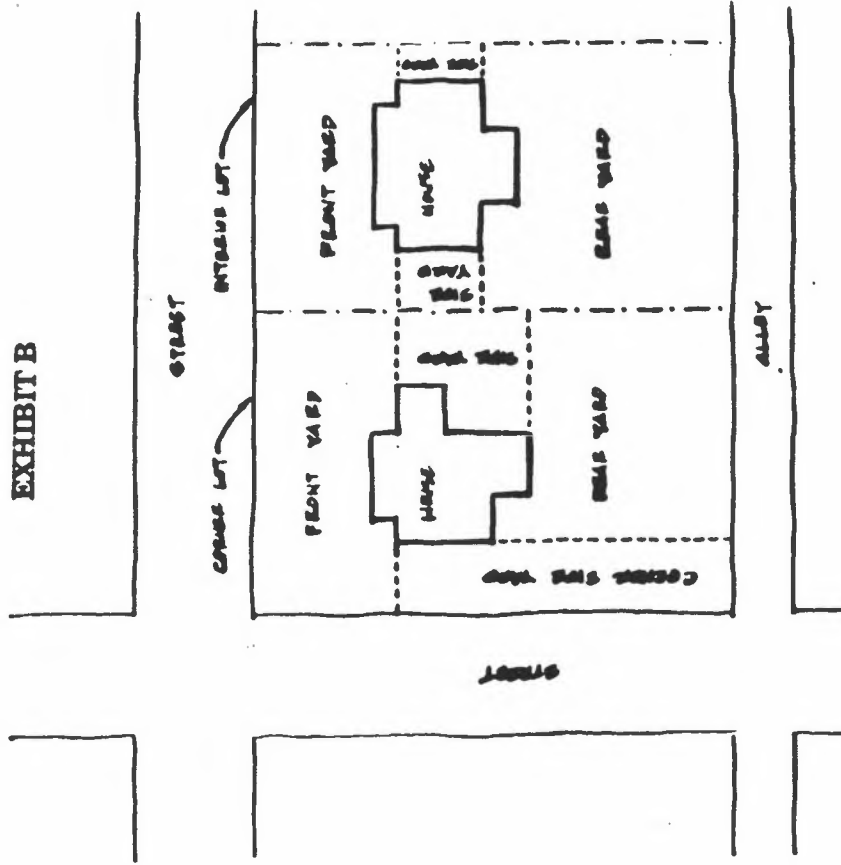


EXHIBIT C

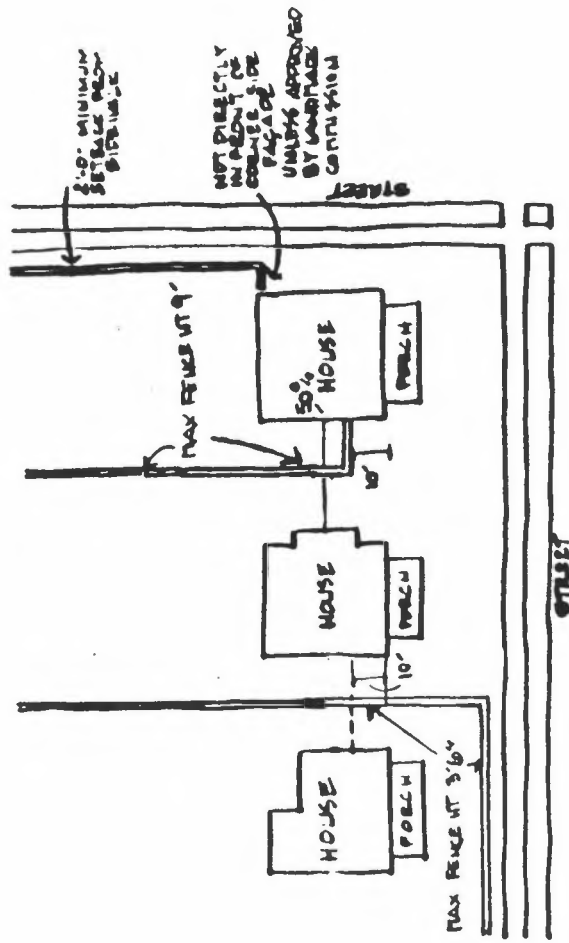


EXHIBIT D

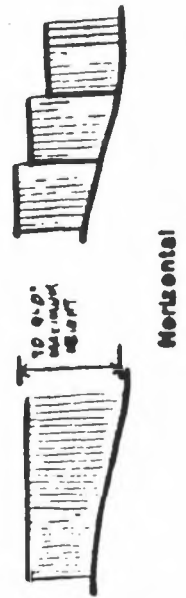


EXHIBIT E

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

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

Body: 9 through 6V/1 through 4C

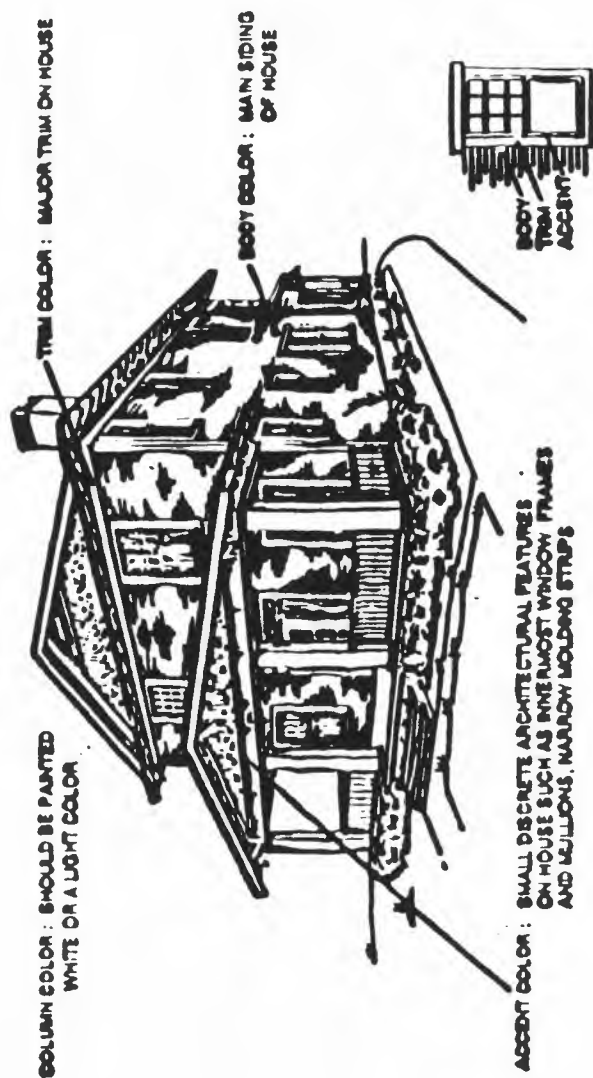
Trim: 9 through 3V/1 through 6C

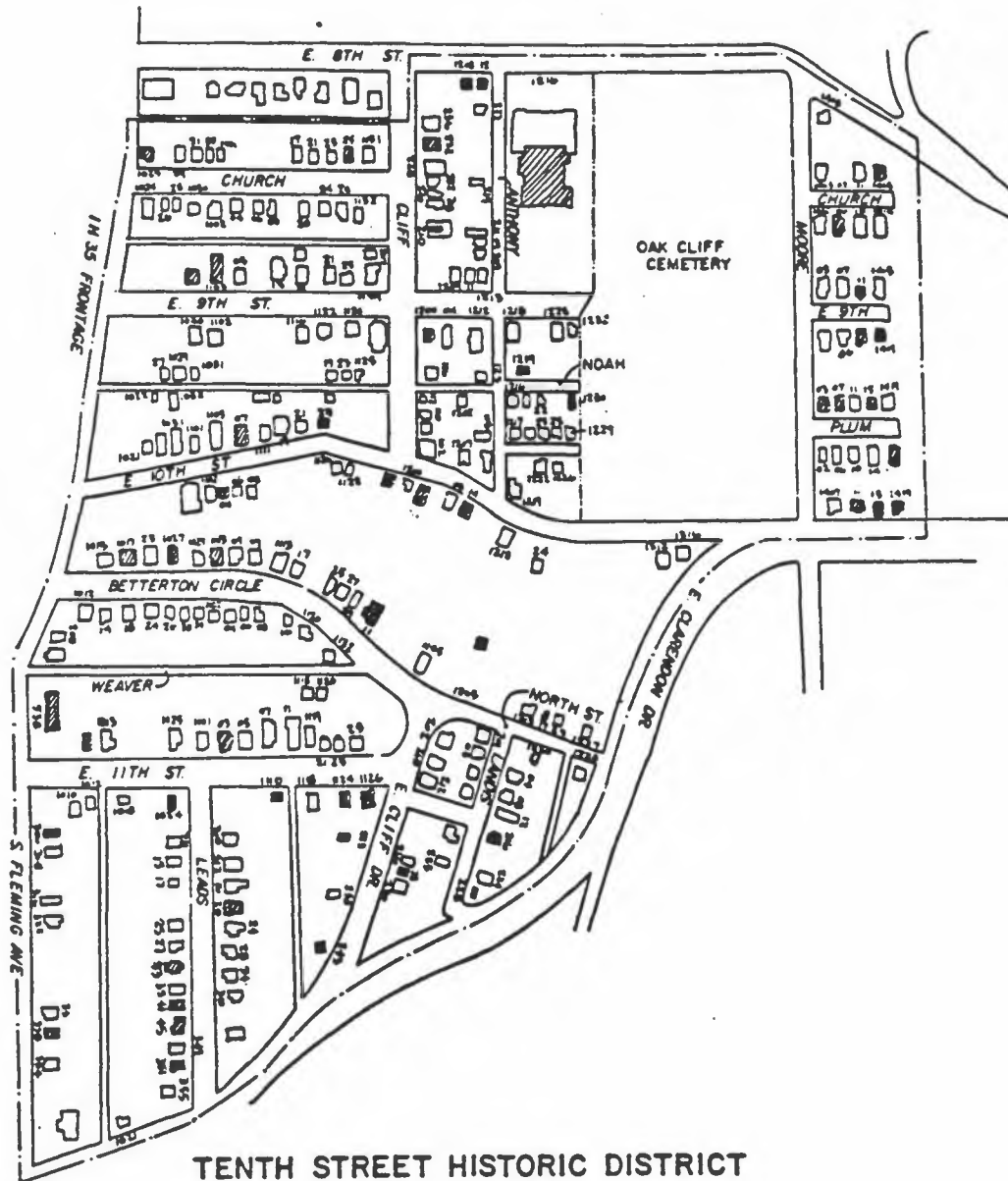
Hue symbols 2.5-10 for: R (Red) G (Green) B (Blue) Y (Yellow) YR (Yellow-Red) GY (Green-Yellow)

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

EXHIBIT F

COLOR PLACEMENT





TENTH STREET HISTORIC DISTRICT

- ☐ CONTRIBUTING
- ☒ NONCONTRIBUTING
- DISTRICT BOUNDARY

SECTION 7

Correspondence

- Notice of February 6, 2023, Landmark Hearing
- Notice of application denied without prejudice
- Request to Appeal from applicant
- Appeal Procedures

Landmark Commission Meeting – Monday, February 6th, 2023

Rhonda Dunn <rhonda.dunn@dallas.gov>

Mon 1/30/2023 11:25 AM

Bcc: Brookover, Steve <brookover@omniplan.com>; Nathan Rylander

<Nathan@industrialreserve.net>; Yvonne Alvarez

<vonny@lalagunahd.com>; NEWVISIONPROPERTIES@OUTLOOK.COM

<newvisionproperties@outlook.com>; Shy <supershy@rocketmail.com>; Monica Johnson

<monica@solarawntodusk.com>; Jose Hernandez <josehernan0722@icloud.com>; sjhale16@icloud.com

<sjhale16@icloud.com>; Queenetra Andrews <andrewsqueenetra@yahoo.com>; Tania Garcia

<tania@webcityproperties.com>; jordan@webcityproperties.com <jordan@webcityproperties.com>; Christina Mankowski <christina.mankowski@dallas.gov>

Dear Applicants,

This email provides details about the upcoming Landmark Commission (LMC) meeting on **Monday, February 6th, 2023**. 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, FEBRUARY 6th, 2023

10:00 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 **February 6th** meeting agenda should be posted by Friday afternoon, on **February 3rd**. 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 **10:00 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 February 6th 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, February 6th by 9:00 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

To join **via computer**:

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m00b6b718104884fbc80a96520d003da0>

Webinar number:

2487 369 0502

Webinar password:

Feb2023LMC (33220235 from phones)

To join via phone only:

Call-in (audio only): +1-469-210-7159 United States Toll (Dallas)

Call-in (audio only): +1-408-418-9388 United States Toll

Access code: 248 736 90502

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, February 6th at 9:00 AM**

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

Please let me know, if you have any questions.

Kind Regards,



Rhonda Dunn, Ph.D.

Senior Planner

City of Dallas | www.dallascityhall.com

Office of Historic Preservation

1500 Marilla St, Room 5DN

Dallas, TX 75201

rhonda.dunn@dallas.gov

(214) 671-5173



How am I doing? Please contact my supervisor at julia.ryan@dallas.gov

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

February 13, 2023

NEW VISION PROPERTY & LAND INC
1823 SUNSET CROSSING,
CEDAR HILL, TX 75104

**RE: CA223-182(RD)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
208 LANDIS ST**

Dear NEW VISION PROPERTY & LAND INC:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on February 6, 2023.

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 March 8, 2023. 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) 671-5173 or email at rhonda.dunn@dallascityhall.com.

A handwritten signature in blue ink that reads "Rhonda Dunn". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Rhonda Dunn
Senior Planner

Certificate of Appropriateness

February 6, 2023

Standard	February 6, 2023	PLANNER:	Rhonda Dunn
FILE NUMBER:	CA223-182(RD)	DATE FILED:	January 11, 2023
LOCATION:	208 LANDIS ST	DISTRICT:	Tenth Street Neighborhood Historic Distr
COUNCIL DISTRICT:	4	MAPSCO:	55-B, 55-F
ZONING:	PD-388	CENSUS TRACT:	0041.00

APPLICANT: NEW VISION PROPERTY & LAND INC**REPRESENTATIVE:****OWNER:** PALMS IRVIN

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

- 1) Construct new primary residential building (on a vacant lot).
Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to construct new primary residential building (on a vacant lot) be denied without prejudice with the finding of fact that the proposed work is not compatible with the historic overlay district.



Landmark Commission Chair

February 6, 2023

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 March 8, 2023

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

RECEIVED
FEB 28 2023
10:32 am
By Office Use Only
Date Received

Landmark Case/File No.: CA223-182(RD)

Property Address: 208 LANDIS ST

Date of Landmark Commission Action: February 6, 2023

Applicant's Name: ^{New Vision Properties & Land} HEDGESTONE Investments LLC - Shy Anderson*

Applicant's Mailing Address: 5606 Bryn Mawr

City: DALLAS State: Texas Zip: 75209

Applicant's Phone Number: 214-542-0029 Fax:

Applicant's Email: Supershy@Rocketmail.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:

Applicant's Signature

2/27/23
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

**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.