

Landmark initiation and appeals

Landmark Commission
May 7, 2018

Mark Doty, Chief Planner
Sustainable Development and
Construction Department
City of Dallas



Historic Designation Initiation process

- Property owner through a zoning change application or;
- Landmark Commission (LMC), City Plan Commission (CPC), or City Council authorization of a public hearing.
 - A notification letter is sent to the property owner at least 10 days prior to the public hearing to initiate.



Other cities processes and procedures

- **Ft. Worth** - City manager, City council, Historic Commission, owner or owners representative.
- **Houston** –
 - Requests for designation are by property owner or HAHC (Commission must have a majority vote to initiate)
 - "Protected Landmark" designation can only be requested by property owner
 - Only City Council can determine designation based on recommendations from planning commission and HAHC
 - *Districts need 67% owner consent



Other cities processes and procedures

- **San Antonio** –
 - Only property owner can initiate,
 - 3rd parties can file for review but must have owner's consent - if no consent, review is scheduled with Commission.
 - If determined it should move forward, review is scheduled with City Council and can proceed without owner's consent.
 - *Districts need 51% owner consent to pass, must have at least 30% at the time of first public hearing.
- **Austin** - Owner or an agent of the owner can initiate, or a 2/3 Commission vote in favor to approve initiation.

4



Other cities processes and procedures

- **Denver** - Initiated by anyone (non-owners require at least 3 persons to sign off on the application who are either residents or owners of property, or business owners within the city/county of Denver)
- **Atlanta** –
 - Owners, city council (with nomination to the director) can initiate.
 - *Districts - owners of 10 properties or 10%, whichever is less.
- **Los Angeles** - Anyone can nominate



Appeal of initiation process

- After the Landmark Commission (LMC) or City Plan Commission (CPC) approves the initiation, the property owner may appeal the initiation to the City Council.
- A written notice to director within 10 days after the action of the LMC or CPC.
- Staff has 180 days after the appeal to prepare and present a designation report to the City Council.
- Landmark Commission must approve designation report.
- Sole issue on appeal is whether the LMC or CPC erred in evaluating the significance of the property based on the criteria.

6

Other cities processes and procedures

- **Ft. Worth** - Written notice of appeal must be filed within 15 days with the Ft. Worth City Secretary's office and the HPO - must specify grounds for appeal.
- **Houston** – property owners can apply for a "Certificate of non-designation", HAHC has 180 days to consider application.
- **San Antonio** – Appeal to Board of Adjustment within 30 days
- **Austin** - Appeal - must be submitted by 14th day after date of decision by board/commission



Other cities processes and procedures

- **Denver** - Appeal must be file within 28 days to the district court, but all "administrative remedies" must be exhausted first.
- **Atlanta** – Appeals filed with Superior Court of Fulton County within 30 days
- **Los Angeles** - Appeals to Planning Commission must be filed within 15 days of the date of action. Decisions can be appealed only once.

