

Memorandum



CITY OF DALLAS

DATE October 19, 2018

TO Honorable Members of the Mobility Solutions, Infrastructure and Sustainability Committee

SUBJECT **Landmark Initiation and Appeals**

On Monday, October 22, 2018, you will be briefed on proposed amendments to the Dallas Development Code to amend existing City of Dallas landmark initiation and appeal procedures and processes. The item was requested to be considered by the Mobility Solutions, Infrastructure and Sustainability Committee during the City Council briefing on April 4, 2018, regarding the appeal of the Lake Cliff Historic District.

Please feel free to contact either myself or Kris Sweckard if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed A. Al-Ghafry'.

Majed A. Al-Ghafry
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol Smith, City Auditor (I)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge

Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Directors and Assistant Directors

Landmark Initiation and Appeals

**Mobility Solutions, Infrastructure
and Sustainability Committee
October 22, 2018**

**Kris Sweckard, Director
Sustainable Development and
Construction
City of Dallas**

**Katherine Seale, Chair
Dallas Landmark Commission**



Presentation Overview

- Purpose and duties of Landmark Commission
- Background
- Council directive
- Existing initiation and appeal procedures
- Recommendations for changes to procedures
- Next steps
- Questions



Purpose of Landmark Commission

- The purpose of the Landmark Commission is to promote the public health, safety, general welfare, and:
 - Protect, enhance, and perpetuate the city's historical, cultural and architectural history
 - Strengthen the economy of the city
 - Increase public knowledge and appreciation of the city's historic past and unique sense of place
 - Create a more livable urban environment
 - Enhance property values
 - Provide financial incentives for preservation
 - Stabilize neighborhoods

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Duties of Landmark Commission

- The duties and powers of the Landmark Commission are codified and outlined in Chapter 51A-4.501 in the Dallas Development Code.
- These duties and powers include but are not limited to:
 - Establishment of historic overlay districts
 - Review of Certificate of Appropriateness and Certificate for Demolition applications
 - Review of Certificate of Eligibility applications in relation to the Historic Tax Exemption program



Current Historic Designation Process

- Initiation by respective body (Landmark, CPC, Council)
 - Property owner(s) may appeal
- Designation Report
- Preservation Criteria
- LMC Recommendation to City Plan Commission
- City Plan Commission recommendation to Council
- City Council votes to designate Landmark structure or District

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Designation Committee

- The Designation Committee is a standing committee of the Landmark Commission.
- The Designation Committee members are volunteers appointed by the Landmark Commission that have an interest or knowledge in historic preservation, history, architecture, or cultural heritage.
- Committee members review and provide recommendations to Landmark Commission regarding Designation Reports for proposed designations of individual buildings, sites, districts, and expansions.
 - Designation Reports include the landmark nomination form and preservation criteria.



Background

- October 2, 2017, the Landmark Commission initiated the expansion of the Lake Cliff Historic District to include 11 new properties: 826, 832 and 834 Blaylock Drive, 1103, 1109 and 1119 N Crawford Street, 829, 830, 834, 835 and 839 N Marsalis Avenue.
- October 11, 2017, written notices of appeal were received by 10 of the 11 property owners.
 - Owner of 829 N Marsalis did not appeal.
- December 13, 2017, and January 17, 2018, Designation Committee met to review and approve the designation report.

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Background

- April 4, 2018 – City Council reviewed appeals of the proposed Lake Cliff expansion.
- City Council determined that the Landmark Commission erred in initiation of the neighborhood expansion.
- Council asked the Landmark Commission to bring recommended changes to the historic initiation and initiation appeal process to the Mobility Solutions, Infrastructure and Sustainability and Quality of Life, Arts and Culture Council Committees within six-months.

Council Directive

- Add more due process for the owner(s)
- Provide more clarity and education to the public
- Provide longer timelines and more meetings to consider initiation and impact of designation
- Create a more inclusive and flexible process

Background

- May 7, 2018 – Landmark Commission chair appointed five members to the Historic Designation and Appeal Process Ad Hoc Committee.
- The Ad Hoc Committee met a total of seven times between May and August to discuss the Council directive and generate recommendations for Council review.
 - Meetings were attended by members of existing historic neighborhoods, Landmark Commissioners, residents of the Lake Cliff expansion area, and other interested citizens.

Current Historic Designation Initiation Process

- Property owner(s) through a zoning change application or;
- One (1) Landmark Commissioner, three (3) City Plan Commissioners, or five (5) City Council members request an item be placed on the agenda for considering of authorization of a public hearing of the requesting body.
 - A notification letter is sent to the property owner(s) at least 10 days prior to the public hearing to initiate.

Proposed Historic Designation Initiation Process

- Property owner(s) through a zoning change application or;
- One (1) Landmark Commissioner for an individual structure or three (3) Landmark Commissioners for a district or expansion of an existing district, or three (3) City Plan Commissioners, or five (5) City Council members request an item be placed on the agenda for considering of authorization of a public hearing of the requesting body.

Proposed Historic Designation Initiation Process

- A notification letter is sent to the property owner(s) at least **15** days prior to the public hearing to initiate.
 - Include but not limited to: process timeline, purpose of initial meeting where proposal is discussed, notice if subdistricts would be included, and indication that the public is allowed to speak and comment.
- Additionally, for expansion of districts, the notification letter will be sent to the entire historic district proposed to be expanded.

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Proposed Historic Designation initiation Process

- Step One – Notice of Intent for Historic Designation
 - Purpose of Notice for Historic Designation is to provide justification of action under consideration.
- Step Two – Community meeting
 - Purpose is to hear from property owners, neighbors, and interested parties regarding the proposed initiation.
- Step Three – Revised Notice of Intent for Historic Designation

Step One – Notice of Intent for Historic Designation

- Generated by the Landmark Commissioner(s), three City Plan Commissioners, or five City Council members and presented at the first meeting.
- It must contain:
 - List of criteria that the potential building, site, district or expansion meets
 - Brief history or description of potential district or expansion
 - Intention of designation
- If the Landmark Commission, City Plan Commission, or City Council feel that sufficient information has been presented in the Notice of Intent for Historic Designation, a Community meeting may be called.
- The Notice of Intent for Historic Designation presented at the Community Meeting (Meeting only for new districts and expansions.)

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Step Two – Community Meeting

- For new districts and expansions.
- Organized at a location within the neighborhood.
- The Notice of Intent for Historic Designation presented at the Community Meeting by the proposing body members.
- Information to be presented will include:
 - Notice of Intent for Historic Designation presented at initial Landmark Commission, CPC, or Council meeting
 - Potential impacts of historic preservation
 - Neighborhood planning concerns/goals
- Opportunity for public comment and discussion will be provided.

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Step Three – Revised Notice of Intent

- After the Community Meeting, if necessary a revised Notice of Intent for Historic Designation is presented to the Landmark Commission, City Plan Commission, or City Council before the vote to initiate the district, subdistrict, or expansion.
- Original Notice of Intent for Historic Designation information plus:
 - Benefits and incentives of preservation
 - Additional neighborhood planning goals
 - Concepts for additional development incentives paired with historic preservation
 - Summary of concerns
 - Transcription of the meeting
 - Summary of economic incentives available to the property owners
 - City of Dallas historic tax exemption
 - Tax Increment Financial Districts
 - Federal or State opportunities

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Notice of Intent for District Expansions

- In addition, a district expansion Notice of Intent must include history and timeline of the existing district designation process.



Current Appeal of Initiation Process

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

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Proposed Changes to Appeal of Initiation Process

- The property owner may appeal the initiation by Landmark Commission (LMC) or City Plan Commission (CPC) to the City Council.
- A written notice to the director within **15** days after the action of the LMC or CPC.
 - **The notice must include why the property owner thinks the criteria used to justify the initiation does not apply.**
- Staff has **90** days after the appeal to present the **'Notice of Intent for Historic Designation'** to the City Council along with the LMC Chair.
- Sole issue on appeal is whether the LMC or CPC erred in evaluating the significance of the property based on the criteria.

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Council Directive

- Staff believes that the Council directives were addressed by:
 - Adding more due process for the owner(s) with extended notice periods and the option for Community Meetings.
 - Providing more information and education options at the Community Meetings.
 - Adding five days to both the original notification of proposed historic initiation and the appeal of initiation.
 - Providing a Community Meeting open to all concerned citizens to voice opinion and options for the proposal.

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Landmark Recommendation

- August 6, 2018 – Landmark Commission approved to present the recommendations to the City Council Committees.



Next Steps

- Fall 2018 - Winter/Spring 2019 – Staff will begin moving the recommendations through the Code amendment process.
 - CPC transfers review responsibility from ZOAC to LMC
 - Staff facilitates the code amendment
 - Landmark Commission review and action
 - City Plan Commission review and action
 - City Council review and action
 - Landmark Commission and Staff will return to Council in one year to share developments

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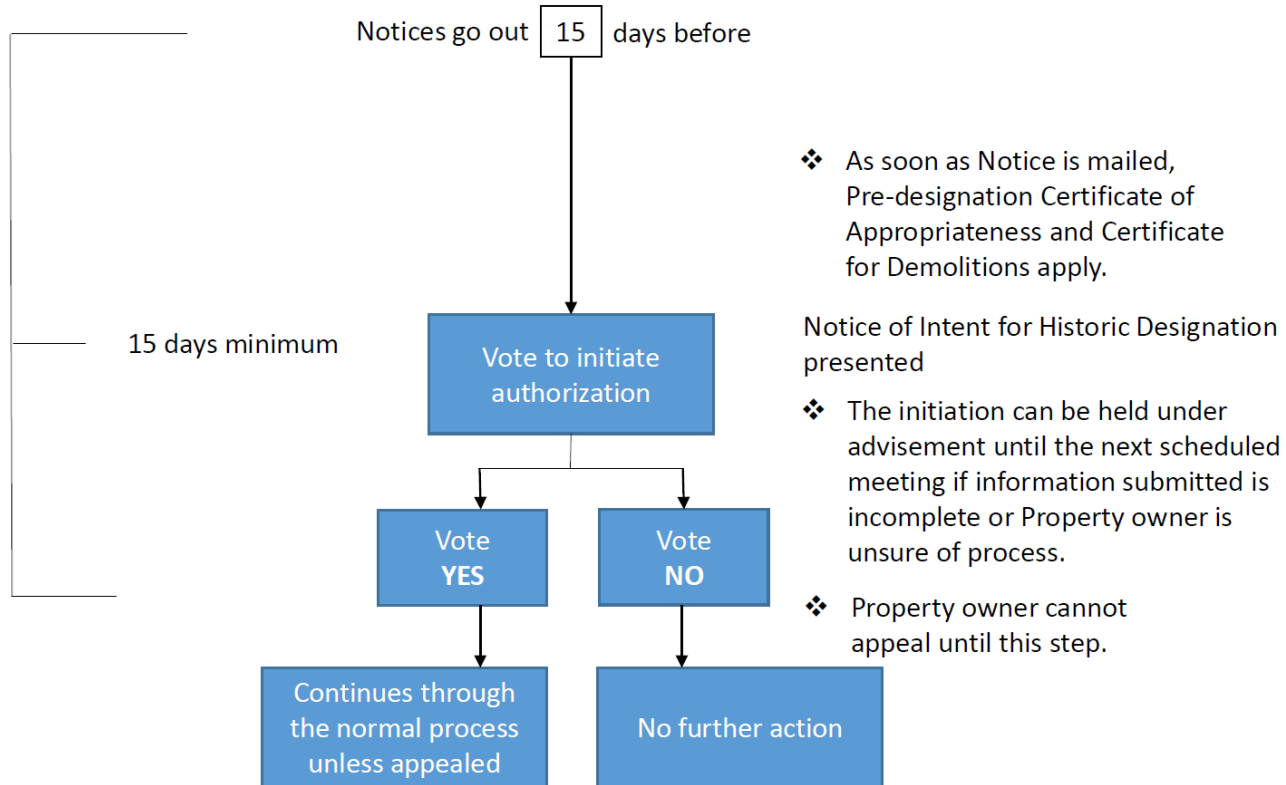
Appendix



Proposed Historic Designation initiation Process

Authorized hearing for INDIVIDUAL STRUCTURES or SITES

One LMC members/three CPC/five CC request

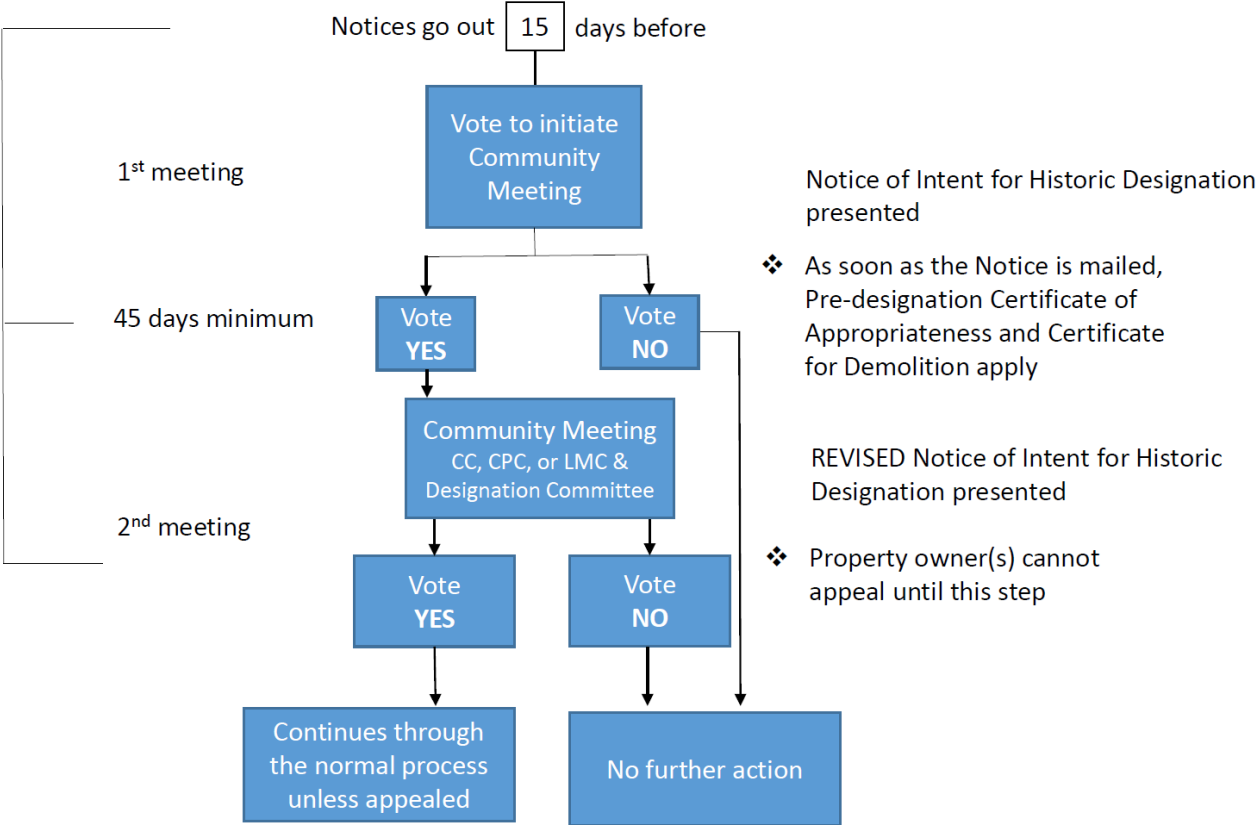


- If appealed – The Notice of Intent for Historic Designation is forwarded to City Council for review.

Proposed Historic Designation initiation Process

Authorized hearing for DISTRICTS OR EXPANSIONS

Three LMC members/three CPC/five CC request



- If appealed – The Notice of Intent for Historic Designation is forwarded to City Council for review.