



CITY OF DALLAS

May 25, 2023

Via Certified Mail: 7014 2120 0003 4355 9585

Bernard Shaw
4000 Parkside Center Blvd., #1500
Dallas, TX 75244

RE: Appeal of Certificate of Appropriateness:
Hearing – March 6, 2023
2431 Parkside Center Blvd. Case No. CA223-240(CM)

Dear Bernard Shaw:

We have received your correspondence appealing the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 2431 Park Row Avenue. Please be advised that the City Plan Commission hearing for **this appeal is scheduled for Thursday, June 15, 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.

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 **June 15, 2023.**

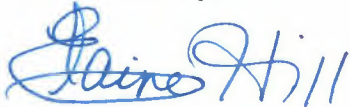
The Dallas Development Code, Section 51A-4.501(g)(6)(E) provides the procedures applicable to a Certificate of Appropriateness appeal. For your convenience, I have enclosed a copy of the ordinance containing the applicable section and a copy of the Appeal Procedures.

Bernard Shaw
4000 Parkside Center Blvd. #1500
Dallas, TX 75244

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, May 30, 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
Kate Singleton, Chief Planner, Office of Historic Preservation
Stacy Rodriguez, Executive Assistant City Attorney
Daniel Moore, Assistant City Attorney
Kathleen Fones, Assistant City Attorney
Theresa Pham, Assistant City Attorney
Christina Mankowski, Senior Planner,
Office of Historic Preservation

THE RECORD

2431 Park Row Avenue

APPEAL

CA223-240(CM)

City Plan Commission

Hearing

06/15/2023

VIA CERTIFIED MAIL 7014 2120 0003 4355 9585

INDEX

2431 Park Row Avenue CA223-240(CM)

Certificate of Appropriateness Section 1

Landmark Commission Agenda, March 6, 2023 Section 2

Docket Material Section 3

Landmark Commission Minutes, March 6, 2023 Section 4

Transcript of the March 6, 2023, Landmark Commission Hearing Section 5

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

Correspondence Section 7

SECTION 1

Certificate of Appropriateness

2431 Park Row Avenue
CA223-240(CM)

Certificate of Appropriateness (CA)

City of Dallas Landmark Commission

CA _____ - _____ () Office Use Only

Name of Applicant: Bernard Shaw
Mailing Address : 4000 Parkside Center Blvd #1504
City, State and Zip Code: Dallas, Texas 75244
Daytime Phone: 469.928.1752 Alternate Phone: _____
Relationship of Applicant to Owner : Property Owner

OFFICE USE ONLY
Main Structure: ____ Contributing ____ Non-contributing

PROPERTY ADDRESS: 2431 Park Row Dallas, Texas 75215
Historic District: South Blvd Park Row

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."**

A Certificate of Appropriateness has already been approved for the house. Applicant is requesting approval for modification for the second floor floor plate to increase from 8 feet to 10 feet. Applicant is providing new elevations reflecting the change. Applicant is also requesting permission to add a two car garage to the property with two garage door(aluminum or acceptable material) entry. Structure will be constructed on a slab foundation, with wood and trim (brick, wood, hardiboard and stucco) to match the house. Paint will match the house as well

Signature of Applicant: _____ Date: 2/2/2023

Signature of Owner: _____ Date: 2/2/2023
(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

SECTION 2

Landmark Commission Agenda

March 6, 2023

See Page 6 Item #9

Landmark Commission Agenda
Monday, March 6, 2023

8. 4823 GASTON AVE

Peak's Suburban Addition Neighborhood Historic District
CA223-232(RD)
Rhonda Dunn

Request

A Certificate of Appropriateness to replace missing and deteriorating aluminum windows with new aluminum windows.

Applicant: Lee, Josh

Application Filed: 2/2/23

Staff Recommendation:

That the request for a Certificate of Appropriateness to replace missing and deteriorating aluminum windows with new aluminum windows be approved in accordance with drawings and specifications dated 3/6/23 with the following condition: that replacement windows be of the same dimensions and lite configuration as the existing. Implementation of the recommended condition would allow the proposed work to be consistent with 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 replace missing and deteriorating aluminum windows with new aluminum windows be approved with the condition that the replacement windows be aluminum.

9. 2431 PARK ROW AVE

South Blvd/Park Row Historic District
CA223-240(CM)
Christina Mankowski

Request:

A Certificate of Appropriateness to increase second floor plate from eight feet to 10 feet.

Applicant: Shaw, Bernard

Application Filed: 2/2/23

Staff Recommendation:

That the request for a Certificate of Appropriateness to increase second story floor plate from eight feet to 10 feet be approved in accordance with drawings and specifications dated 1/31/2023. The proposed work is consistent with South Blvd-Park Row preservation criteria Section 3(b)(1); City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

Task Force Recommendation:

No quorum. Task force is in favor of the modification.

10. 2621 SOUTH BLVD

South Blvd/Park Row Historic District
CA223-241(CM)
Christina Mankowski

Request:

A Certificate of Appropriateness to construct a new accessory building in the rear yard.

Applicant: Ellis, Southern

Application Filed: 2/2/23

Staff Recommendation:

SECTION 3

CA223-240(CM)
Docket Material



CITY OF DALLAS

LANDMARK COMMISSION

March 6, 2023

FILE NUMBER: CA223-240(CM)
LOCATION: 2431 Park Row
STRUCTURE: Contributing
COUNCIL DISTRICT: 1
ZONING: PD 595

PLANNER: Christina Mankowski
DATE FILED: February 2, 2023
DISTRICT: South Blvd/Park Row (H/4)
MAPSCO: 46-S
CENSUS TRACT: 0203.00

APPLICANT: Bernard Shaw

REPRESENTATIVE: N/A

OWNER: Bernard Shaw

REQUEST:

A Certificate of Appropriateness to increase second floor plate from eight feet to 10 feet.

BACKGROUND / HISTORY:

N/A

RELEVANT PRESERVATION CRITERIA:

South Blvd/Park Row Preservation Criteria:

SECTION 3. All alterations, reconstructions and additions to the exterior of any building or structure within the district shall conform to the following criteria. Whether or not a proposed alteration, reconstruction or addition is in conformity with a given criterion shall be determined by the Historic Landmark Preservation Committee in accordance with the provisions of CHAPTER 19A of the Dallas City Code:

(b) Preservation criteria. Construction of new buildings and structures and redevelopment of buildings and structures existing at the time of the passage of this ordinance shall be in compliance with the following criteria and with the existing architectural patterns within the subdistrict. For the purposes of this subsection, "redevelopment" shall mean any alteration to the exterior of a building or structure which is existing as of the effective date of this ordinance:

(1) Height: Buildings and structures may be erected to, but shall not exceed, a height of 36 feet.

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:
 - (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.*

PROJECT DESCRIPTION:

The proposed work consists of the revision of the second story floor plate on previously approved plans.

ANALYSIS:

The proposed work does not cause an adverse effect on the historic characteristic of the district.

STAFF RECOMMENDATION:

That the request for a Certificate of Appropriateness to increase second story floor plate from eight feet to 10 feet be approved in accordance with drawings and specifications dated 1/31/2023. The proposed work is consistent with South Blvd-Park Row preservation criteria Section 3(b)(1); City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

TASK FORCE RECOMMENDATION:

No quorum. Task force is in favor of the modification.

LOCATION MAP

2431 Park Row

Google Maps



Figure 1 – Aerial View of the property.

CURRENT PHOTOS



Figure 2. Front View of Main Structure.

CONTEXT PHOTOS



Figure 3. View from neighboring house.

**TASK FORCE
RECOMMENDATION(S)**

TASK FORCE RECOMMENDATION REPORT
SOUTH BOULEVARD-PARK ROW

DATE: 2-10-2023
TIME: 2:00 P.M.
MEETING PLACE: Virtual & Wilson House

Applicant Name: Bernard Shaw
Address: 2431 Park Row
Date of CA CD Request: 2-2-2023

RECOMMENDATION:

Approve Approve with conditions Deny Deny without prejudice

Recommendation Item #1 comments basis:

Jeanette - for the change.

Greg - no comment

Task force members present

<input type="checkbox"/> Justin Newhart	<input type="checkbox"/> Quishana Pouncy	<input type="checkbox"/> VACANT
<input type="checkbox"/> Jason Brown	<input type="checkbox"/> Felicia Santiago	<input type="checkbox"/> VACANT
<input checked="" type="checkbox"/> Jeanette Bolden	<input checked="" type="checkbox"/> Joshua McDowell	<input type="checkbox"/> VACANT
	<input checked="" type="checkbox"/> <i>Greg Johnston</i>	

Ex Officio staff members present Christina Mankowski

no quorum

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 *no chair present* DATE *2-10-23*

The task force recommendation will be reviewed by the Landmark Commission on Monday, March 6, 2023 via videoconference.

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

**APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS**

APPLICATION INSTRUCTIONS

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

DO

- Contact a Preservation Planner in advance of the deadline to discuss your application and requirements.
- Submit items on the checklist WITH your application. Incomplete applications are not accepted.
- All applications and plans may be submitted via email (preferred).
- Submit scaled and fully dimensioned drawings in size 11"x17" (preferable) or larger. Large plans should be folded, not rolled.
- Submit digital copies of images, photographs, and plans. Contact staff if your file(s) are over 10 MB.
- Review the FAQ on our website for more details. You can find us by visiting dallascityhall.com and searching for "historic preservation."

DO NOT

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

APPLICATIONS RECEIVED AFTER 12:00 PM ON THE SUBMITTAL DEADLINE OR THAT ARE INCOMPLETE WILL NOT BE ADDED TO THE LANDMARK AGENDA

Please provide your **email** address to receive updates regarding your application and meeting dates:
bernardshaw@tx.rr.com

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).

PAINING, STUCCO, REPOINTING

- Image of front façade of house and all areas/facades where painting, stucco, or repointing is proposed.
- Paint chips or specifications (brand, color name and number) with proposed location on structure indicated (body, trim, accent).
- If applicable, specifications including color, lime content ratio, cement content ratio, aggregate color, aggregate content ratio, and joint tooling.

SIDING, TRIM, AND SKIRTING REPAIR OR REPLACEMENT

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

FOUNDATION REPAIR

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

ROOFING

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

GUTTERS

- Specifications/cut-sheets/images for proposed gutters/downspouts.
- Site plan showing where on structure gutters/downspouts are proposed.

FENCES, HARDSCAPING, AND LANDSCAPING

- Site plan showing proposed location of fence, hardscaping, landscaping.
- Photographs of the area(s) where work is proposed.
- Fences - image of proposed fence with description (material, height).
- Hardscaping – description of materials proposed and images if something other than broom finish concrete.
- Landscaping – plant species and images.

Note: Seasonal planting in existing landscaping beds that does not include new shrubs or trees does not require a Certificate of Appropriateness.

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

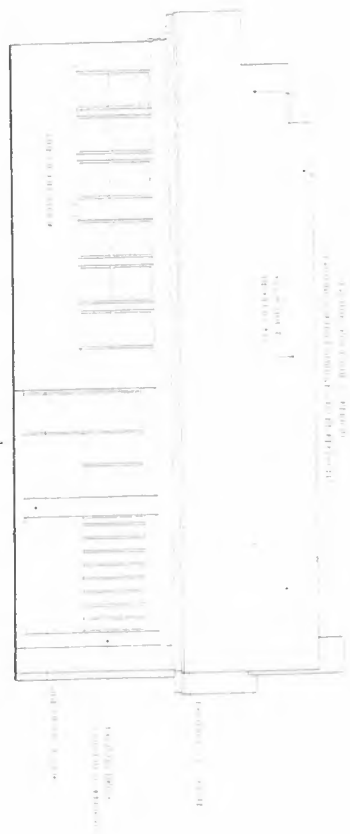
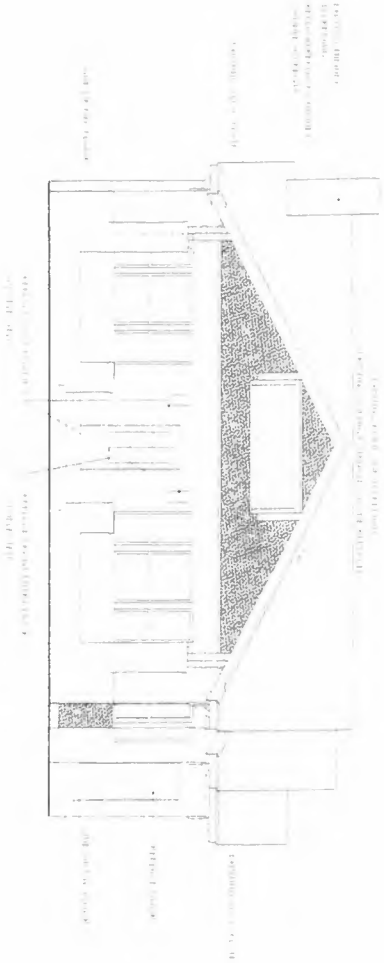
- Sign location indicated (i.e. elevation drawing, photograph showing proposed location marked, rendering, or site plan).
- Image and specifications for proposed sign

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.



NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).

3. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA).

5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODE (NPC) AND THE NATIONAL MECHANICAL CODE (NMC).

6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HEATING, VENTILATION AND AIR CONDITIONING INSTITUTE (HVAC) CODE.

7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL INSULATION INSTITUTE (NII) CODE.

8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PAINT AND COATINGS INSTITUTE (NAPCI) CODE.

9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) CODE.

10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL UTILITIES CODE (NUC).

11. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL GRADING AND DRAINAGE INSTITUTE (NGDI) CODE.

12. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL RETENTION AND EROSION CONTROL SOCIETY (NRECS) CODE.

13. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL STABILIZATION AND REPAIR SOCIETY (NSRS) CODE.

14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL REDEMPTION AND REFORMATION SOCIETY (NRRS) CODE.

15. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL REGENERATION AND REVIVAL SOCIETY (NRRS) CODE.

16. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL RESURRECTION AND RESTITUTION SOCIETY (NRRS) CODE.

EXISTING REAR ELEVATION

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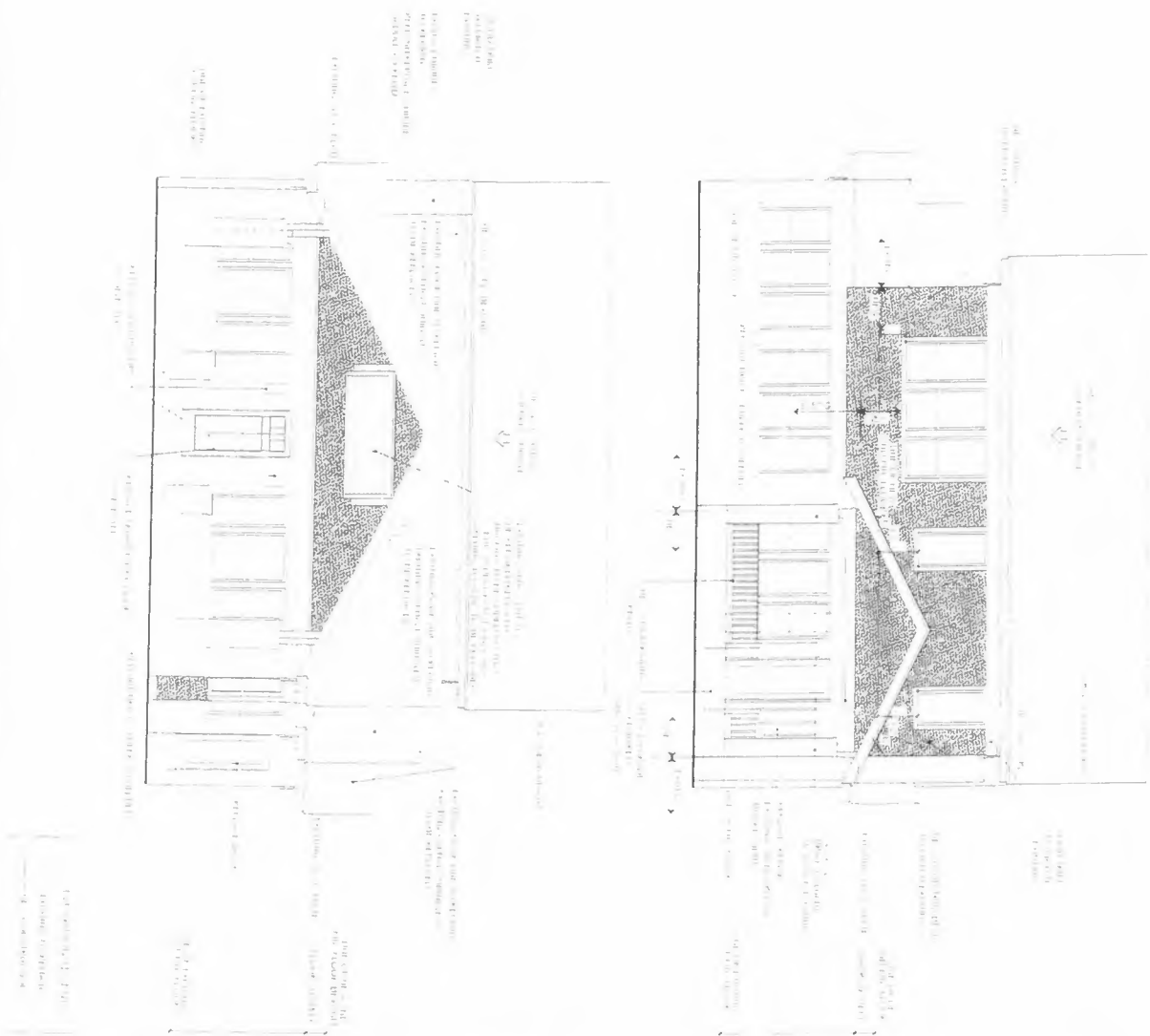
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EXISTING FRONT ELEVATION

	<p>20' 0" = 1" (Scale)</p>	<p>NOT FOR CONSTRUCTION</p>	<p>SHAW RESIDENCE 2431 PARK ROW AVENUE</p>	<p>23-009</p>
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NOTES

1. ALL WORK TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

2. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.

3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

NEW YEAR ELEVATION

NOTES

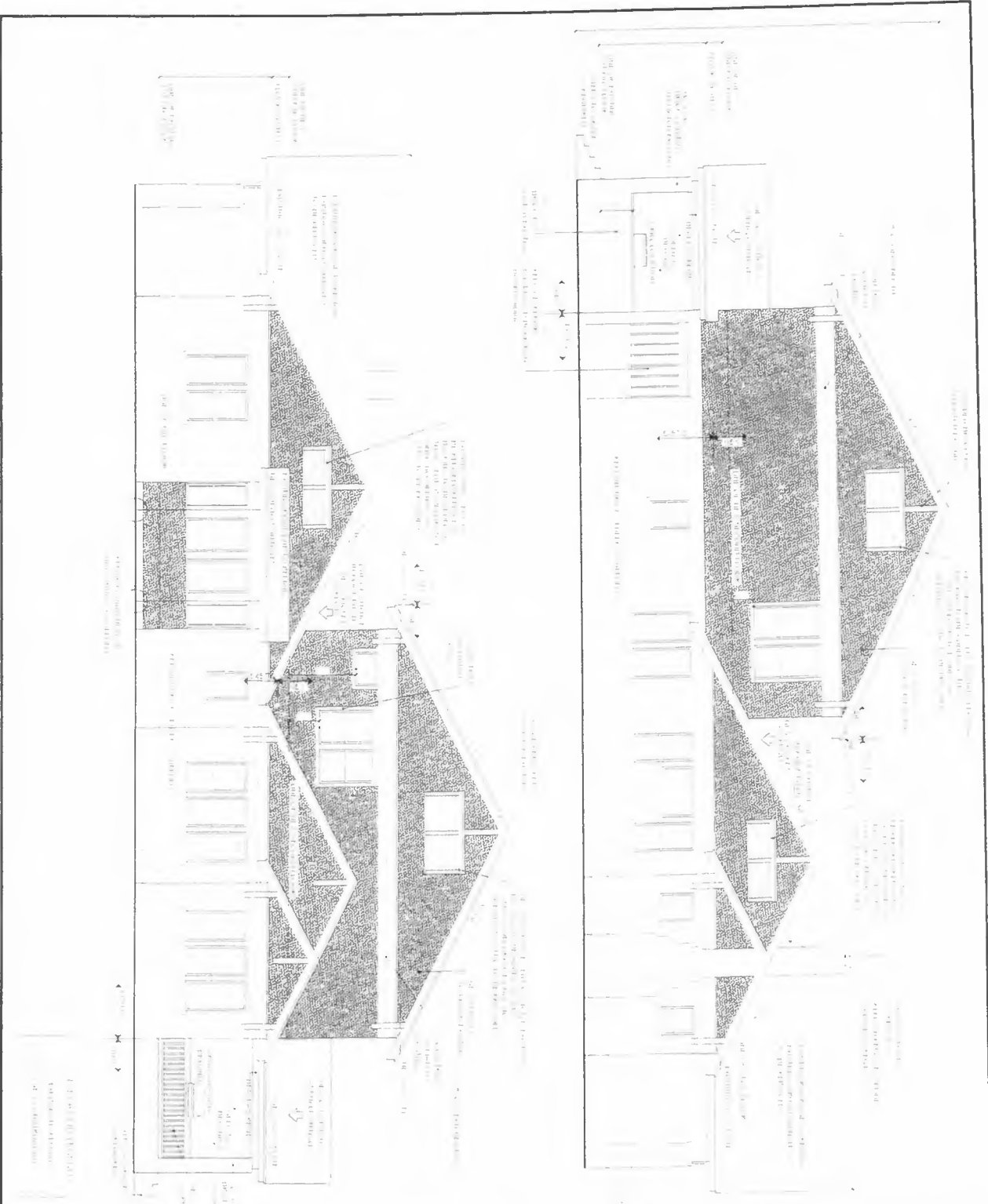
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N.W. FROHL ELEVATION

	<p>SHAW RESIDENCE 2431 PARK ROW AVENUE</p>	<p>SOIL FOR CONSTRUCTION</p>	<p>23-009</p>	
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FRONT ELEVATION

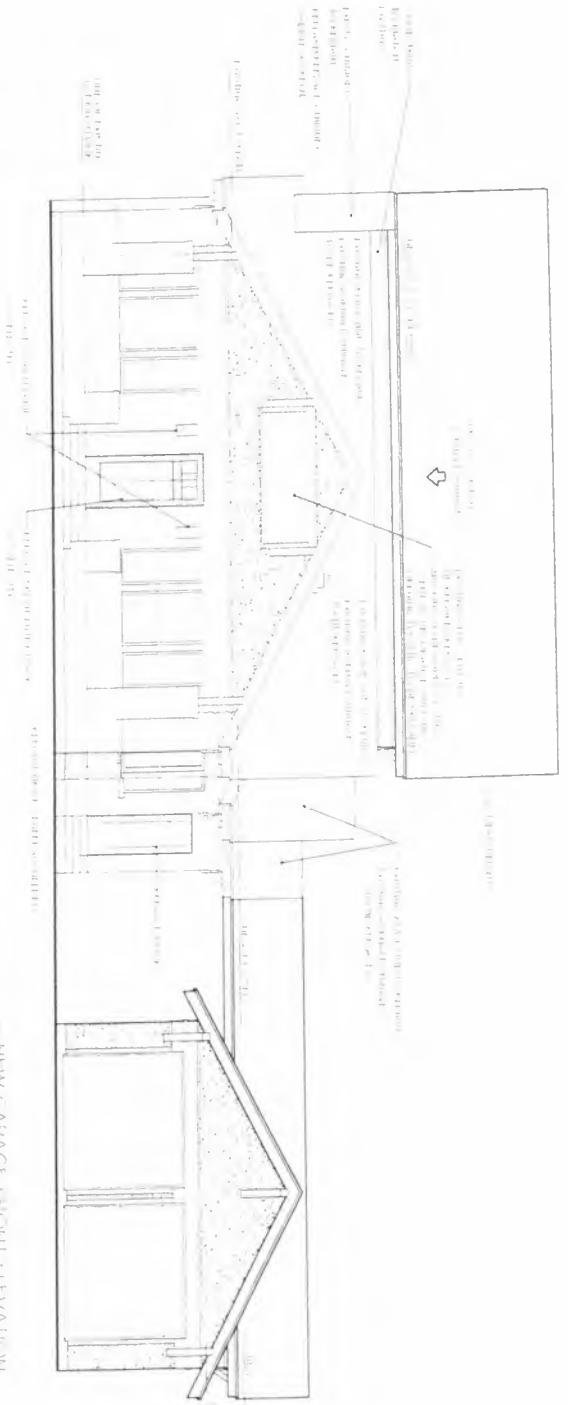
RIGHT SIDE ELEVATION

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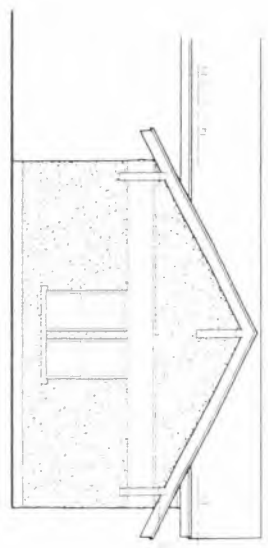
- 1. ALL WORK TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
- 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
- 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION THROUGHOUT THE PROJECT.
- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
- 7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION THROUGHOUT THE PROJECT.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
- 9. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION THROUGHOUT THE PROJECT.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.

<p>DATE: 10/15/2023</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: SHAW RESIDENCE</p> <p>2431 PARK ROW AVENUE</p>	<p>NOT FOR CONSTRUCTION</p>	<p>SHAW RESIDENCE</p> <p>2431 PARK ROW AVENUE</p>	<p>23-009</p> <p>7</p>
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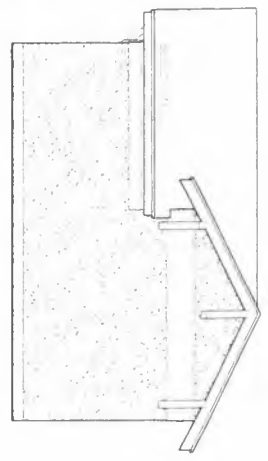
NEW GARAGE FRONT ELEVATION



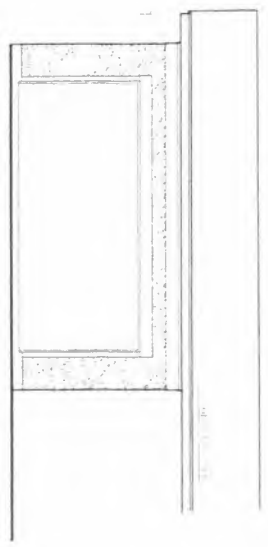
NEW GARAGE FRONT ELEVATION

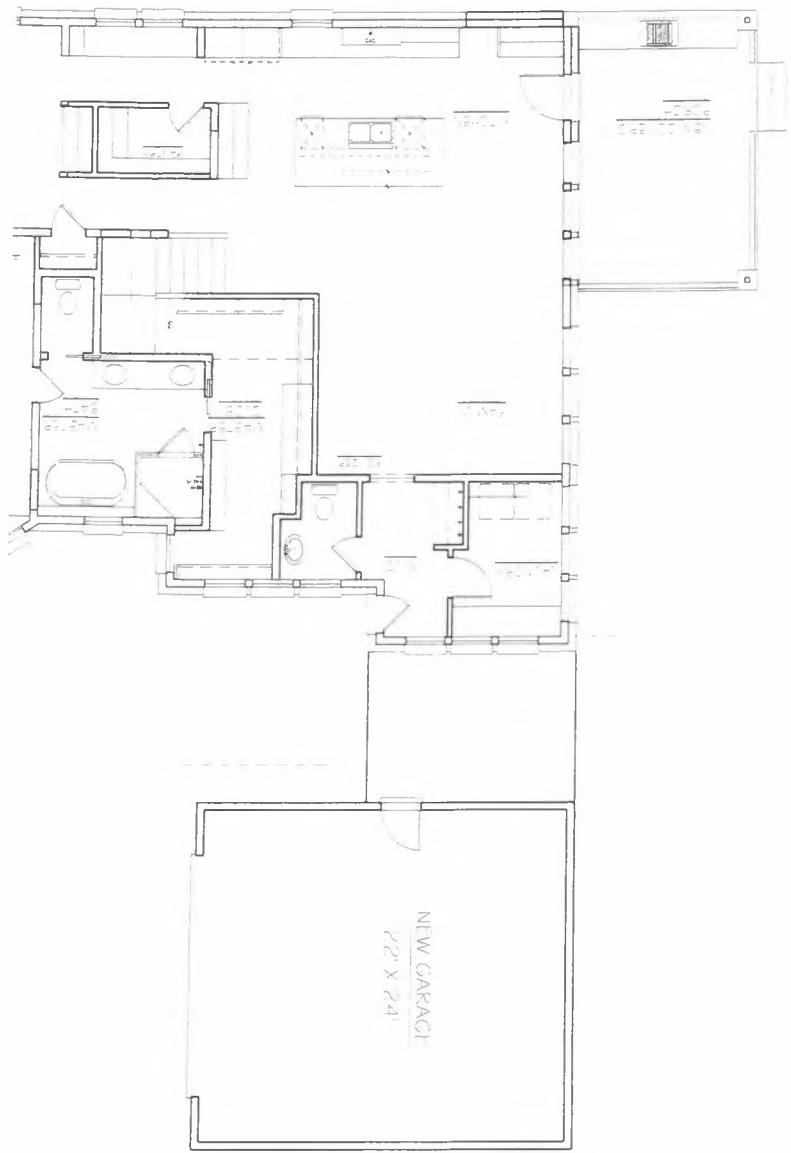


NEW GARAGE SIDE ELEVATION



NEW GARAGE REAR ELEVATION







Consent Item #9: 2431 Park Row



District: South Blvd/Park Row,
Contributing

Applicant Request:
Increase second story floor plate from
eight feet to 10 feet.

Staff Recommendation:
Approve

Task Force Recommendation:
In favor of the modification.





Aerial View of 2431 Park Row.



DALLAS LANDMARK COMMISSION

Current Photos: Front view of the structure.



DALLAS LANDMARK COMMISSION

Context Photos: View from house looking toward Edgewood St



DALLAS LANDMARK COMMISSION

Staff are available for questions.



DALLAS LANDMARK COMMISSION

6

SECTION 4

Landmark Commission Minutes

March 6, 2023

See Pages 4 - 5 Item #9

accordance with drawings and specifications dated 3/6/23. The proposed work is consistent with Fidelity Union Life Complex's preservation criteria Section 4.1(b) under protected facades and Sections 4.3 and 4.6 pertaining to facades; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.

7. 727 LIPSCOMB AVE

Junius Heights Historic District
 CA223-237(CM)
 Christina Mankowski

1. That the request for a Certificate of Appropriateness to replace existing awning over front door with matching extended awning be **approved** in accordance with drawings and specifications dated 3/6/2023. The proposed work is consistent with Junius Heights preservation criteria Section 7; City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.
2. That the request for a Certificate of Appropriateness to replace existing front door be **approved** in accordance with drawings and specifications dated 3/6/2023. The proposed work is consistent with Junius Heights preservation criteria Section 5.1 and 5.3; City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

8. 4823 GASTON AVE

Peak's Suburban Addition Neighborhood Historic District
 CA223-232(RD)
 Rhonda Dunn

That the request for a Certificate of Appropriateness to replace missing and deteriorating aluminum windows with new aluminum windows be approved in accordance with drawings and specifications dated 3/6/23 with the following condition: that replacement windows be of the same dimensions and lite configuration as the existing. Implementation of the recommended condition would allow the proposed work to be consistent with 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).

9. 2431 PARK ROW AVE (Moved to Discussion)

South Blvd/Park Row Historic District
 CA223-240(CM)
 Christina Mankowski

A Certificate of Appropriateness to increase second floor plate from eight feet to 10 feet.

Speakers: For: No Speakers
 Against: No Speakers

Motion

That the request for a Certificate of Appropriateness to increase second floor plate from eight feet to 10 feet be Deny without Prejudice. Raising the roof may have an adverse effect on the district. Applicant to submit additional drawings showing the height of structure on the blockface.

Maker:	Anderson				
Second:	Cummings				
Results:	11/4				
		Ayes:	-	11	Anderson, Cummings, Fogleman, Guest, Hinojosa, Montgomery, Slade, Swann, Rothenberger, Taylor, Velvin

LANDMARK COMMISSION MINUTES
 March 6, 2023

		Against:	-	4	Hajdu, Livingston, Offutt, Spellicy
		Absent:	-	3	Gibson, Renaud, Sherman
		Vacancies:	-	0	

10. 2621 SOUTH BLVD

South Blvd/Park Row Historic District
 CA223-241(CM)
 Christina Mankowski

That the request for a Certificate of Appropriateness to construct a new accessory building in the rear yard be **approved** in accordance with drawings and specifications dated 2/10/2023. The proposed work is consistent with the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures.

11. 4938 SWISS AVE

Swiss Avenue Historic District
 CA223-238(CM)
 Christina Mankowski

That the request for a Certificate of Appropriateness to enclose existing back patio be **approved** in accordance with drawings and specifications dated 1/30/2023. The proposed work is consistent with Swiss Avenue preservation criteria Section 51P-63.116(1)(B) for accessory buildings; City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

12. 5521 SWISS AVE

Swiss Avenue Historic District
 CA223-239(CM)
 Christina Mankowski

That the request for a Certificate of Appropriateness to build an open wood pergola over existing back patio be **approved** in accordance with drawings and specifications dated 1/30/2023. The proposed work is consistent with Swiss Avenue preservation criteria Section 51P-63.116(1)(B) for accessory buildings; City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

13. 3618 JEFFRIES ST

Wheatley Place Historic District
 CA223-226(RD)
 Rhonda Dunn

1. That the request for a Certificate of Appropriateness to replace all existing aluminum windows with new aluminum windows (17 total) be **approved** in accordance with specifications dated 3/6/23 **with the following conditions:** that replacement frames be matte silver anodized aluminum to match the existing; and that lite configuration be one over one (1 over 1). Implementation of the recommended conditions would allow the proposed work to be consistent with Wheatley Place's preservation criterion Section 5.3 pertaining to windows and doors; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards for Rehabilitation.
2. That the request for a Certificate of Appropriateness to install new full concrete driveway be **approved** in accordance with specifications dated 3/6/23 **with the following condition:** that driveway be constructed of brush finish concrete. Implementation of the recommended condition would allow the proposed work to be consistent with Wheatley Place's preservation criterion Section 3.3 under building site and landscaping; the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Guidelines for Setting (District/Neighborhood).
3. That the request for a Certificate of Appropriateness to resurface front porch with brush finished concrete be **approved** in accordance with specifications dated 3/6/23 **with the following condition:**

SECTION 5

Transcript of the
March 6, 2023
Landmark Commission
Hearing
2431 Park Row Avenue
CA223-240(RD)

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TRANSCRIPTION OF AUDIO RECORDING

EXCERPTS FROM THE

CITY OF DALLAS

LANDMARK COMMISSION REGULAR MEETING

MARCH 6, 2023

TRANSCRIBED BY:
Tammy Pozzi, Texas CSR No. 5629
TRANSCRIPTION DATE: May 23, 2023

1 TRANSCRIPTIONIST/REPORTER'S NOTE:

2 Please note that this transcript may contain
3 inaccuracies due to the quality of the audio recording
4 and the interpretation of the transcriptionist. There
5 may also be speakers identified incorrectly due to lack
6 information available at the time of transcription and
7 voice misinterpretation of the transcriptionist.

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1 COMMISSIONER MONTGOMERY: Good afternoon,
2 everybody. This is the public meeting of the Landmark
3 Commission for Dallas. It is 1:08 on March 6th, and I'm
4 calling the meeting to order.

5 I am the chair of the commission, Evelyn
6 Montgomery, and our vice chair is Commissioner Courtney
7 Spellicy. And we will begin by having our beloved staff
8 member Elaine call our roll.

9 ELAINE HILL: District 2 Commissioner
10 Montgomery.

11 COMMISSIONER MONTGOMERY: Present.

12 ELAINE HILL: District 3 Commission --
13 Commissioner Falkeman.

14 COMMISSIONER FALKEMAN: Present.

15 ELAINE HILL: District 4 Commissioner
16 Swann.

17 COMMISSIONER SWANN: Present.

18 ELAINE HILL: District 5 Commissioner
19 Offutt.

20 COMMISSIONER OFFUTT: Present.

21 ELAINE HILL: District 6 Commissioner
22 Hinojosa.

23 COMMISSIONER HINOJOSA: Present.

24 ELAINE HILL: District 7 Commissioner
25 Livingston.

1 COMMISSIONER LIVINGSTON: Present.
2 ELAINE HILL: District 8 Commissioner
3 Spellicy.
4 District 10 Commissioner Hajdu.
5 COMMISSIONER HAJDU: Here.
6 ELAINE HILL: District 12 Commissioner
7 Rothenberger.
8 COMMISSIONER ROTHENBERGER: Present.
9 ELAINE HILL: District 13 Commissioner
10 Slade.
11 COMMISSIONER SLADE: Present.
12 ELAINE HILL: District 14 Commissioner
13 Guest.
14 COMMISSIONER GUEST: Present.
15 ELAINE HILL: District 15 Commissioner
16 Velvin.
17 COMMISSIONER VELVIN: Present.
18 ELAINE HILL: Commissioner Anderson.
19 COMMISSIONER ANDERSON: Present.
20 ELAINE HILL: Commissioner Taylor.
21 COMMISSIONER TAYLOR: Present.
22 ELAINE HILL: Commissioner Cummings.
23 COMMISSIONER CUMMINGS: Present.
24 ELAINE HILL: Thank you.
25 COMMISSIONER MONTGOMERY: Thank you,

1 Elaine.

2 And for the commissioners at home, the --
3 the state law does say you have to be on camera so we
4 make sure it's really you. I'm sure I could tell by
5 your voice, but we still need to see you.

6 And we -- first I must ask, do we have any
7 public speakers who are here to talk about the meet --
8 the minutes of our last meeting, not about the cases
9 today? And no one had registered for that purpose.

10 UNIDENTIFIED SPEAKER: Chairwoman --

11 COMMISSIONER MONTGOMERY: All right.

12 UNIDENTIFIED SPEAKER: -- can you see me?

13 COMMISSIONER MONTGOMERY: No, we can't.

14 We're just seeing your name.

15 UNIDENTIFIED SPEAKER: Oh, God.

16 COMMISSIONER MONTGOMERY: Perhaps someone
17 on high will help you to remedy this computer problem,
18 okay. We -- you can have a minute, you know. Well,
19 that really threw me off, okay.

20 All right. Before we move to reordering
21 our agenda and hearing our cases, I want to remind that
22 us that our -- our vice chair, Courtney Spellicy, is
23 going to be making sure we stick to our own rules, which
24 we sometimes ignore, about the number of times and --
25 that a commissioner may speak on each one and -- and how

1 long we're allowed to speak, so that we can have a
2 smoother and quicker meeting as we move through some
3 complicated cases today.

4 So we begin by asking if Commissioner
5 Spellicy has motions regarding our agenda.

6 COMMISSIONER SPELLICY: Before rearranging
7 the agenda, I'm going to go over the speakers that I
8 have. Currently we have those signed up, Ali Hatefi,
9 Yen Ong, Kay Zafar, James Ferrara, David Griffin,
10 Russell Peters, Noel Aveton, Rene Schmidt and Shawn
11 Walters.

12 If you are present and your name wasn't
13 called, you need to fill out a yellow slip and provide
14 that to Elaine in order for to us include you on
15 those -- the speakers. So with that in mind, then
16 (indiscernible).

17 commssioner hin: Excuse me, I'm sorry,
18 Commissioner, did we already vote on the minutes?

19 COMMISSIONER SPELLICY: No.

20 COMMISSIONER MONTGOMERY: We had been
21 doing that towards the end even though the agenda holds
22 it at the beginning. It makes no difference to me. Do
23 you want to go ahead and do that?

24 Let's just do it at the end. It's a nice
25 finish to the whole thing.

1 COMMISSIONER SPELLICY: So with that in
2 mind, I propose that we rearrange the agenda as follows:
3 First we'll take the discussion item 8 followed by
4 consent item 9. Then we'll do the courtesy review,
5 followed by discussion item 1, 3, 5, 6, discussion item
6 2, 4 and 7.

7 COMMISSIONER MONTGOMERY: And we note that
8 a council -- commissioner has requested that consent
9 item 9 be moved to our discussion area, so that's why
10 it's part of that (indiscernible).

11 So is there a second on this proposed
12 rearrangement?

13 COMMISSIONER ANDERSON: Second.

14 COMMISSIONER MONTGOMERY: Thank you,
15 Mr. Anderson.

16 Call for a vote.

17 All those in favor, please say aye.

18 (Ayes spoken simultaneously.)

19 COMMISSIONER MONTGOMERY: Any opposed?

20 Okay. We are -- we are just rearranged
21 and ready to move on to discussing our consent vote.

22 First let me ask if there's anybody here
23 to speak on a consent item who's here because they need
24 to give us additional information or make a presentation
25 rather than just answer questions, because we're about

1 to move forward with all the consent items unless we
2 need further knowledge on these items, so...

3 Okay, let's go.

4 COMMISSIONER SPELLICY: All right. I move
5 to approve consent items 1 through 8 and consent items
6 10 through 16.

7 UNIDENTIFIED SPEAKER: Second.

8 COMMISSIONER MONTGOMERY: Who was the
9 second?

10 Oh, okay, thank you.

11 And -- and so I'll call for vote on that.

12 All those in favor, please say aye.

13 (Ayes spoken simultaneously.)

14 COMMISSIONER MONTGOMERY: Any opposed?

15 All right. All of those consent items
16 excluding consent 9 have gone forward with staff
17 recommendations, and so if you were here to speak on
18 that, you're done. Congratulations.

19 Okay. So as we said, we're going to start
20 with discussion 8 because that's a quick one and we have
21 several people here who are interested in it, and it is
22 the initiation on Paulus street under landmark.

23 COMMISSIONER SPELLICY: I'm sorry, Madam
24 Chair, if I just may clarify?

25 The last motion was to approve consent

1 item C1 through C8 and C10 through C16, but our consent
2 agenda stops at C14. So just to clarify that, it's C10
3 through C14.

4 COMMISSIONER MONTGOMERY: Yes, that --
5 that is correct. All the consent items except C9 were
6 just voted on and -- however many of them there may be.

7 (REDACTED TEXT)

8 COMMISSIONER MONTGOMERY: All righty.
9 Next on our list is -- we are going to do consent item
10 number 9.

11 CHRISTINA MANKOWSKI: Christina Mankowski
12 for the Office of Historic Preservation. Consent item
13 number 9 -- oh, it's on. Can you hear me now?

14 COMMISSIONER MONTGOMERY: Okay.

15 CHRISTINA MANKOWSKI: Christina Mankowski,
16 Office of Historic Preservation. Consent item number 9,
17 2431 Park Row Avention, the request is a Certificate of
18 Appropriateness to increase second floor plate from
19 eight feet to 10 feet.

20 Are we reading in staff recommendations?

21 COMMISSIONER MONTGOMERY: I think what
22 we've been trying to do is -- is abbreviated ones. You
23 don't have to read all the --

24 CHRISTINA MANKOWSKI: Okay.

25 COMMISSIONER MONTGOMERY: -- numbers and

1 stuff.

2 CHRISTINA MANKOWSKI: Staff is -- the
3 re -- that the request for Certificate of
4 Appropriateness -- Appropriateness to increase second
5 floor -- second-story floor plate from eight feet to
6 10 feet be approved in accordance with the drawings and
7 specifications dated 1/31/23.

8 COMMISSIONER MONTGOMERY: All right, thank
9 you.

10 There is no one signed up to speak on this
11 matter.

12 CHRISTINA MANKOWSKI: Okay. And I did try
13 to pull up previous plans, that particular page, and the
14 new ones, to show that it -- it's not -- it's the same
15 house. And they look pretty close to -- I'll try to
16 share it so that there is --

17 COMMISSIONER MONTGOMERY: All right. That
18 was a question that came up during our briefing on this
19 subject, so --

20 CHRISTINA MANKOWSKI: -- (indiscernible)
21 clarification.

22 COMMISSIONER MONTGOMERY: -- in the
23 absence of a speaker on it, it's kind of all up to us.
24 So let's give Ms. Mankowski a moment to --

25 CHRISTINA MANKOWSKI: Okay.

1 COMMISSIONER MONTGOMERY: -- pull up these
2 pictures --

3 CHRISTINA MANKOWSKI: (indiscernible) --

4 COMMISSIONER MONTGOMERY: -- that we may
5 view them.

6 CHRISTINA MANKOWSKI: That's as close as I
7 could get them to be together. So --

8 COMMISSIONER MONTGOMERY: That's pretty
9 good.

10 CHRISTINA MANKOWSKI: Yeah. The -- the
11 darker -- the one in the back, the darker one, those are
12 the previous plans. And the -- this one here, these are
13 the new plans, and the only difference is the 10-foot
14 will bring the total height to 33 feet 6-and-a-half
15 inches and the -- the total regula -- the -- the max for
16 this district is 36 feet.

17 So you can see that the plans in 2016 were
18 approved. They just hadn't financially gotten to do
19 them yet. And now that they can, you'll see a --
20 initially on the application they did have a garage
21 noted, but I told them to wait because they want to put
22 it on the vacant lot that they don't own yet. So I told
23 them to just wait on that.

24 COMMISSIONER MONTGOMERY: All right. With
25 these close together, it's easy to see that there have

1 been a few small other changes between them. Those
2 upstairs windows are not exactly the same anymore --

3 CHRISTINA MANKOWSKI: Right.

4 COMMISSIONER MONTGOMERY: -- nor is the
5 porch exactly the same. Maybe even some of the other
6 upstairs windows, so...

7 UNIDENTIFIED SPEAKER: I think this is
8 deceiving because they're -- the floor plate -- I mean
9 the -- you -- you match the roof up, but there's quite a
10 difference between the height. If you take down the --
11 if you bring the -- your rear elevation down to -- in
12 line with the -- it's impossible to do that?

13 CHRISTINA MANKOWSKI: I don't know. I --
14 I'm using two different PDFs and --

15 UNIDENTIFIED SPEAKER: If you can bring --
16 bring it up a little -- can you bring it up a little
17 more? Down -- oh, down.

18 CHRISTINA MANKOWSKI: Like this one?

19 UNIDENTIFIED SPEAKER: Up -- up -- up --

20 CHRISTINA MANKOWSKI: Oh, yes.

21 UNIDENTIFIED SPEAKER: -- I guess.

22 CHRISTINA MANKOWSKI: Yeah.

23 UNIDENTIFIED SPEAKER: (indiscernible)
24 trying to line the -- there we -- there we go.

25 CHRISTINA MANKOWSKI: I'm trying, but I

1 don't think they're zoomed in at the exact same --

2 UNIDENTIFIED SPEAKER: Well, I think you
3 can -- now we don't have the other --

4 CHRISTINA MANKOWSKI: Yeah, so --

5 UNIDENTIFIED SPEAKER: -- but there's a
6 huge difference in the roof (indiscernible) that I
7 didn't realize before.

8 CHRISTINA MANKOWSKI: Okay. All right.

9 UNIDENTIFIED SPEAKER: And I might add,
10 just because it says you can have 36 feet in height
11 doesn't mean this building automatically goes 36 feet in
12 height. It's got to fit the --

13 CHRISTINA MANKOWSKI: Right, right.

14 UNIDENTIFIED SPEAKER: -- the district.

15 CHRISTINA MANKOWSKI: That was just per
16 ordinance.

17 COMMISSIONER MONTGOMERY: Okay. So now
18 that we've looked at this, are there any other questions
19 that anybody else had that they want to add into our
20 discussion?

21 COMMISSIONER HINOJOSA: I have --

22 UNIDENTIFIED SPEAKER: (indiscernible) --

23 COMMISSIONER HINOJOSA: -- a question.

24 This is Commissioner Hinojosa.

25 COMMISSIONER MONTGOMERY: Go ahead.

1 COMMISSIONER HINOJOSA: You said that --
2 Christina, you said that the new elevation or roof
3 height is 33 inches. Are there other homes in the area
4 that are compatible to that height?

5 CHRISTINA MANKOWSKI: It was 33 feet,
6 six-and-a-half inches is the total --

7 COMMISSIONER HINOJOSA: Yeah, I'm sorry --

8 CHRISTINA MANKOWSKI: -- height and --

9 COMMISSIONER HINOJOSA: -- 33 feet,
10 uh-huh.

11 CHRISTINA MANKOWSKI: I do believe just
12 driving down and taking the pictures, I think there are
13 other two-story homes on that street. I don't know
14 their exact heights, but I know that there are -- I saw,
15 you know, a couple of two-story homes. Whether they're
16 contributing or not, I can't tell you. I'd have to look
17 at each.

18 COMMISSIONER HINOJOSA: Okay, thank you.

19 CHRISTINA MANKOWSKI: Yes, ma'am.

20 COMMISSIONER MONTGOMERY: I would like to
21 ask staff or our city attorney if we were to approve
22 this request today with the drawing they submitted and
23 the wording that was about raising the floor plate, are
24 we also approving those other subtle differences that I
25 see in the drawings? Any chance that --

1 CHRISTINA MANKOWSKI: No.

2 COMMISSIONER MONTGOMERY: -- that happens?

3 CHRISTINA MANKOWSKI: -- you would just be
4 approving what they're asking as depicted on the plans.
5 That's why I only put the --

6 COMMISSIONER MONTGOMERY: All right. Are
7 there any further questions, or does anybody want to
8 make a motion on the --

9 UNIDENTIFIED SPEAKER: The -- the iss --
10 let me bring -- the issue that I brought up earlier is
11 that this is a street of predominantly what's called a
12 California bungalow. They're brick bungalows, and the
13 roof forms are all very consistent. And popping one up
14 without exploring further how it has an adverse effect
15 on the rest of the block would be a -- a big -- big
16 mistake. So I'm ready to make a motion if anybody else
17 (indiscernible) make a motion.

18 COMMISSIONER MONTGOMERY: Go ahead,
19 Mr. Anderson.

20 COMMISSIONER ANDERSON: I'll make a couple
21 comments, but no.

22 COMMISSIONER MONTGOMERY: Do you want to
23 do it before or after the motion? This is time for
24 questions normally, but...

25 Okay. Well, let's make our motion, and

1 then we can discuss it.

2 UNIDENTIFIED SPEAKER: In -- in the fact
3 of CA223-240(CM), 2431 Park Row Avenue, I recommend
4 denial without prejudice. Raising the roof will have an
5 ad -- adverse effect on the district.

6 COMMISSIONER MONTGOMERY: Do we have a
7 second on this?

8 COMMISSIONER LIVINGSTON: Comment.

9 COMMISSIONER CUMMINGS: Second.

10 COMMISSIONER MONTGOMERY: Who was that I
11 heard online? Is that you Mr. Cummings?

12 COMMISSIONER CUMMINGS: Yes, ma'am.

13 COMMISSIONER MONTGOMERY: Okay,
14 Mr. Cummings has seconded.

15 All right, discussion. Commissioner
16 Livingston?

17 COMMISSIONER LIVINGSTON: Well, my -- my
18 discussion I guess is just going back on the drawing, to
19 understand, you know, with respect to commission that
20 approved that -- that set, I was trying to go through
21 the plans to see the big -- the big change from that.

22 So the two feet -- my -- my clarification
23 is just to understand the two feet is a height max of
24 the interior. That's what's being increased, correct,
25 and the roof line, going up two feet?

1 UNIDENTIFIED SPEAKER: (indiscernible).

2 COMMISSIONER LIVINGSTON: Correct, two
3 feet on the roof line.

4 So, you know, based on the proximity and
5 the way the design is laid out, that's a -- that being a
6 rear of the elevation, I -- I see it consistent with
7 some of the other di -- other properties in the
8 district, so the two feet to me is not inconsistent with
9 the district.

10 COMMISSIONER ANDERSON: What I would like
11 to see is a -- a bit of a street scape showing the
12 existing maybe three or four houses in a row and how
13 this one either fits or doesn't fit that -- that block
14 face or street scape.

15 UNIDENTIFIED SPEAKER: (indiscernible).

16 COMMISSIONER ANDERSON: I don't know
17 enough about -- this drawing doesn't tell me anything.
18 It doesn't tell me how it affects the street. Maybe two
19 feet -- raising the roof two feet is no big deal. It's
20 just -- first of all, it -- it was kind of disguised as
21 we're raising the floor plate. You can raise the floor
22 plate and not raise the roof, so actually when you're
23 raising the roof, it's -- it's a bigger deal than just
24 moving the internal ceiling and floor around.

25 I just feel more comfortable coming back

1 with more information.

2 COMMISSIONER LIVINGSTON: Again, so my
3 co -- again, my comment was, you know, just based on in
4 my opinion the blight of this property -- this property
5 has been sitting this way for, what, 15, 20 years? So
6 the two-foot -- again, the two-foot roof line increase
7 is minimal as far as a concern.

8 The other changes I do agree would need to
9 be closely looked at, spe -- particularly how that
10 garage/carport seemed to me being connected by a roof
11 line, but I didn't want to get into that.

12 But -- but as far as a two-feet increase,
13 I do think it's -- it's a minimal increase. I'm very
14 familiar with this -- with this -- with the other
15 properties in this street, in this district, and --
16 yeah, it's several two-story mansions, across the
17 street, next to it, on both sides. So the height, the
18 two feet, is not a big concern to me with the
19 architectural change.

20 COMMISSIONER MONTGOMERY: All right. Does
21 that mean, Commissioner Livingston, that you don't feel
22 inclined to support this motion?

23 COMMISSIONER LIVINGSTON: That is correct.

24 COMMISSIONER MONTGOMERY: Okay. Of course
25 if we were to support this motion, it gives the

1 applicant a chance to address both that question and
2 some of the other ones we've raised, like are they
3 really changing the porch, are they changing the
4 windows, because the changes do go beyond just an
5 internal thing, it turns out, so they'd have to come
6 back. So that is what we can consider.

7 Do we have any other comments before we
8 move to a vote?

9 COMMISSIONER OFFUTT: I have a comment,
10 Commissioner.

11 COMMISSIONER MONTGOMERY: Go ahead.

12 COMMISSIONER OFFUTT: Yes. I'll be
13 supporting this denial because I believe there is too
14 many gray areas. What's being shown, the changes being
15 shown, I question actually if the -- the dimension is
16 shown properly of the -- of the roof, and I think
17 changing two feet could have an adverse effect. And I'd
18 like to see -- excuse me (indiscernible) other things
19 going on.

20 I'd like to see a clean (indiscernible)
21 with just the changes that are being proposed without
22 other items on the -- on the proposed so there would
23 be -- there would be no gray areas of the -- so I think
24 the drawing needs to be cleaned up. I think the street
25 scape should be provided to make sure we -- we are

1 seeing this clearly.

2 When you start changing (indiscernible),
3 it -- it can -- it can get out of hand quickly, so I --
4 I will be supporting the denial on this until we get a
5 better drawing that isolates what -- what's really being
6 proposed.

7 COMMISSIONER MONTGOMERY: All right, thank
8 you. And it does give them another chance to -- to come
9 back.

10 Any other comments before the vote?
11 All right, then. Let's call for a vote.
12 All those in favor of this motion, please
13 say aye.

14 (Ayes spoken simultaneously.)

15 COMMISSIONER MONTGOMERY: All those
16 opposed to this motion?

17 UNIDENTIFIED SPEAKER: Opposed.

18 UNIDENTIFIED SPEAKER: Nay.

19 COMMISSIONER MONTGOMERY: Okay. Let's go
20 ahead and do the roll call vote, Elaine, just so we're
21 sure.

22 ELAINE HILL: (indiscernible).

23 UNIDENTIFIED SPEAKER: Aye.

24 ELAINE HILL: District 2 Commissioner
25 Montgomery.

1 COMMISSIONER MONTGOMERY: I voted yay.

2 ELAINE HILL: District 3 Commissioner

3 Falkeman.

4 District 4 Commissioner Swann.

5 COMMISSIONER SWANN: Yay.

6 ELAINE HILL: District 5 Commissioner

7 Offutt.

8 COMMISSIONER OFFUTT: No.

9 ELAINE HILL: District 6 Commissioner

10 Hinojosa.

11 COMMISSIONER HINOJOSA: Yay.

12 ELAINE HILL: District 7 Commissioner

13 Livingston.

14 COMMISSIONER LIVINGSTON: No.

15 ELAINE HILL: District 8 Commissioner

16 Spellicy.

17 District 10 Commissioner Hajdu.

18 COMMISSIONER HAJDU: Nay.

19 ELAINE HILL: Nay?

20 COMMISSIONER HAJDU: Yes.

21 ELAINE HILL: Thank you.

22 District 12 Commissioner Rothenberger.

23 COMMISSIONER ROTHENBERGER: Yes.

24 ELAINE HILL: District 13 Commissioner

25 Slade.

1 COMMISSIONER SLADE: Yes.

2 ELAINE HILL: District 14 Commissioner
3 Guest.

4 COMMISSIONER GUEST: Yes.

5 ELAINE HILL: District 15 Commissioner
6 Velvin.

7 COMMISSIONER VELVIN: Yes.

8 ELAINE HILL: Commissioner Anderson.

9 COMMISSIONER ANDERSON: Yes.

10 ELAINE HILL: Commissioner Taylor.

11 COMMISSIONER TAYLOR: Yes.

12 ELAINE HILL: Commissioner Cummings.

13 COMMISSIONER CUMMINGS: Yes.

14 ELAINE HILL: I have four nos.

15 COMMISSIONER MONTGOMERY: Okay. So the
16 motion has still carried, but of course what we're
17 hoping will happen is that the applicant will discuss it
18 with staff and staff will let them know what our real
19 concerns were. Please come back with the exact drawing
20 you want and let staff help them craft their request to
21 cover whatever is different in this new one since 2016.
22 They could have had a few new ideas since then, so --
23 and bring it back.

24 It's not that we don't want you to do the
25 house, and it's not that we're saying it's awful or

1 anything like that. Just -- we want to see the actual
2 drawing of what we're approving and discuss that height
3 thing. And that -- it would help to see the height in
4 context of other heights nearby to see how that works,
5 but hopefully they will ask staff and staff will help
6 them with that.

7 (REDACTED TEXT)

8 (End of recording.)

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REPORTER'S CERTIFICATE
TRANSCRIPTION OF AUDIO/VIDEO RECORDING

I, Tammy Pozzi, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing is a correct transcription, to the best of my ability, from the audio recording of the proceedings in the above-styled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this recording was made, and further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

Certified to by me on this 24th day of May, 2023.



Tammy Pozzi, CSR, TCRR
Texas CSR 5629
Expiration: 10/31/23
Magna Legal Services
Firm Registration No. 633
866-624-6221
www.MagnaLS.com



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 (c). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (c). 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 appropriateness 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.

(i) 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.

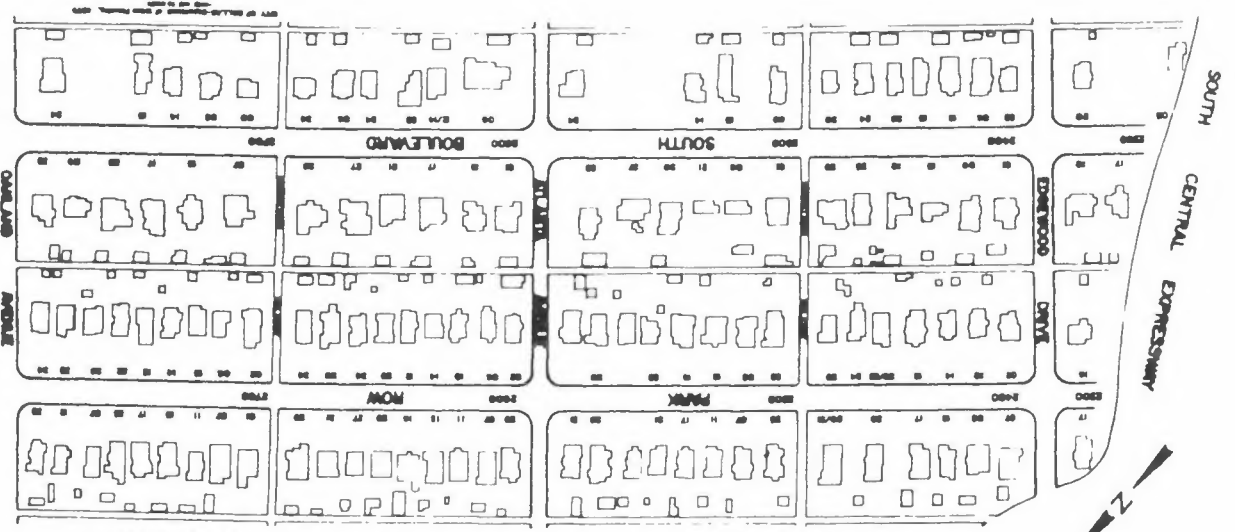
(2) The city plan commission shall affirm the landmark commission decision unless it finds that it:

(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)



SOUTH BOULEVARD-PARK ROW HISTORIC DISTRICT

SOUTH BOULEVARD-PARK ROW

May, 1977

ORDINANCE NO. 15512

An Ordinance amending the basic Zoning Ordinance No. 10962 of the City of Dallas as enacted by the City Council on March 29, 1965, and known as Volume III of the Dallas City Code, as amended, by permitting the following described property, which is presently zoned Single Family Dwelling District 7,500 square feet, to be designated an Historic Landmark Subdistrict and zoned as R-75-K/4 (see boundary map).

Providing that the historic designation shall be granted with reference to the herein described property, subject to certain special conditions; enacting an Historic Landmark Subdistrict as provided in Sections 3-100, 4-121, and 10-1900 of the Comprehensive General Zoning Ordinance of the City of Dallas, being Volume III of the Dallas City Code, as amended; Providing for specific criteria for preservation of the exteriors of existing structures and the development of new structures within the designated subdistrict; Providing a penalty; Providing a severability clause; and Providing an effective date.

WHEREAS, pursuant to Chapter 19A of the Dallas City Code, as amended, a committee known as the Historic Landmark Preservation Committee has been created;

and

WHEREAS, said Committee has thoroughly familiarized itself with the buildings, land, areas and districts within the City which may be eligible for designations as Historic Landmarks and has met and recommended to the City Planning

Commission that the area hereinabove described be designated as an Historic Landmark Subdistrict; and

WHEREAS, the City Planning Commission with the quorum of said body in attendance, held a public meeting on the 17th day of June, 1976, after advertising said public hearing in compliance with the law, in order to consider the suggested revision to said Comprehensive General Zoning Ordinance of the City of Dallas, and adopted such recommended Historic Landmark Subdistrict designation and made its recommendations to the City Council; and

WHEREAS, the City Council on the 9th day of August, 1976, held a public hearing on the proposed revision of the Comprehensive General Zoning Ordinance recommended by the City Planning Commission after notice was published in compliance with the law, at which hearing every property owner and interested person to be heard on the zoning revision was afforded an opportunity to be heard; and

WHEREAS, at the conclusion of said hearing, the City Council directed the City Attorney to prepare a revision of the Comprehensive General Zoning Ordinance in legal form; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the basic Zoning Ordinance No. 10962 of the City of Dallas as enacted by the City Council on March 29, 1965, being Volume III of the Dallas City Code, as amended, be amended insofar as it applies to property hereinafter described, which is hereby designated an Historic Landmark Subdistrict, as provided in Article 10 of the Comprehensive General Zoning Ordinance and Chapter 19A of the Dallas City Code (see boundary map).

SECTION 2. No owner or lessee of property within the district shall, through construction or reconstruction of, or repair to, any building or

structure, adversely affect any historical or architectural feature of the building or structure or the subdistrict as a whole.

SECTION 3. All alterations, reconstructions and additions to the exterior of any building or structure within the district shall conform to the following criteria. Whether or not a proposed alteration, reconstruction or addition is in conformity with a given criterion shall be determined by the Historic Landmark Preservation Committee in accordance with the provisions of CHAPTER 19A of the Dallas City Code:

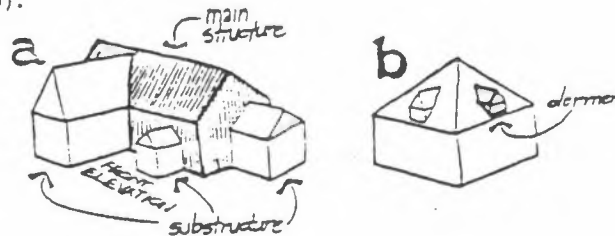
(a) Uses. The property shall retain the zoning classification of R-7.5.

(b) Preservation criteria. Construction of new buildings and structures and redevelopment of buildings and structures existing at the time of the passage of this ordinance shall be in compliance with the following criteria and with the existing architectural patterns within the subdistrict. For the purposes of this subsection, "redevelopment" shall mean any alteration to the exterior of a building or structure which is existing as of the effective date of this ordinance:

(1) Height: Buildings and structures may be erected to, but shall not exceed, a height of 36 feet.

(2) Roofs:

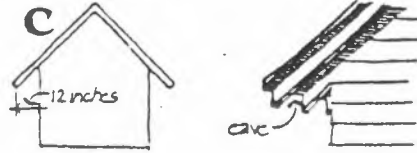
A. In order to maintain the predominant architectural characteristics of the district, roof patterns shall be of complex design through the use of separate substructure roofs and dormer windows a and b).



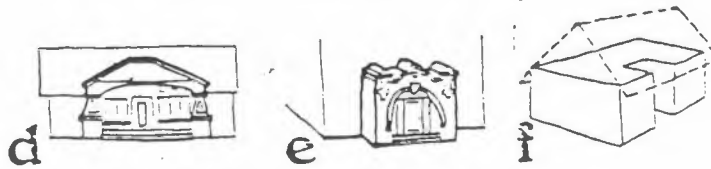
2.3.3.C

B. Flat or mansard roof designs are not permitted.

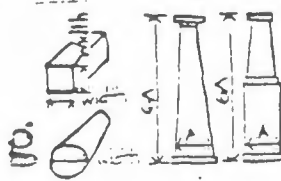
C. Buildings constructed after the effective date of this ordinance shall have roof overhangs of 12 inches or more (figure c). New roofs on redeveloped buildings shall have the same overhang as the roof it replaced.



(3) Front entrance: In order to maintain the strong visual definition of the entrance as the central element of the front facade, front entrances to all primary buildings shall be detailed with either porch treatment (figure d), or canopy treatment (figure e), or shall be recessed (figure f).

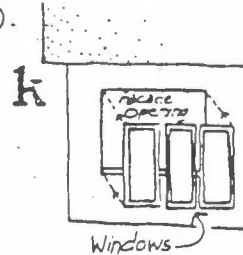


(4) Columns: In order to maintain the quality of massive columns as a predominant architectural characteristic, all columns shall have a minimum width, measured at its widest part (excluding footings), of 1/6 of the height of the column (figure g).



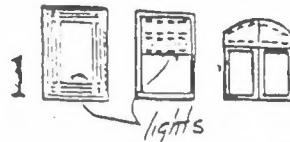
(5) Window openings: In order to maintain the predominant architectural character of the district regarding treatment of facade openings, windows shall be installed or maintained in accordance with the following guidelines:

A. Window openings within the front facade shall contain two or more windows (figure K).



B. Window openings in the front facade of buildings existing at the time of the passage of this ordinance shall be preserved as openings.

C. Windows shall contain three or more lights (figure 1).



D. Reflective or mirror glass in any facade opening is not permitted.

(6) Material:

A. The facade material of additions to or remodelings of redeveloped buildings shall be of the same predominant material used in the remainder of the building.

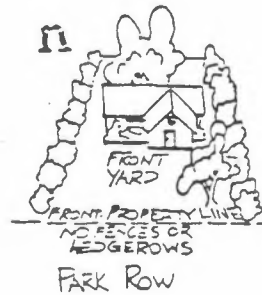
E. The facade material for new buildings shall be of stucco, brick or wood.

(7) Front yard spaces:

A. Fences and hedgerows on South Boulevard shall not extend beyond the front yard set back (figure m).



B. Fences and hedgerows shall not extend along the front property line along Park Row (figure n).



(8) Front yard setback:

A. Buildings and structures along the southeast side of South Boulevard shall be set back from the front property line a minimum of 45 feet. Main buildings shall not be set back beyond a maximum of 55 feet.

B. Buildings and structures along the northwest side of South Boulevard shall be set back a minimum of 50 feet. Main buildings shall not be set back beyond a maximum of 60 feet.

C. Buildings and structures along Park Row shall be set

back a minimum of 50 feet. Main buildings shall not be set back beyond a maximum of 60 feet.

(9) Side yard setback: No building or structure shall be constructed nearer than seven feet to a side property line.

SECTION 4. Development and use of property within this historic sub-district shall be in compliance with R-7.5 regulations unless a different restriction is specified in this ordinance.

SECTION 5. All proposed public improvements within this subdistrict shall be submitted to and approved by the Historic Landmark Preservation Committee in accordance with the procedures specified in Section 19A-9 of the Dallas City Code.

SECTION 6. A person who violates a provision of this Ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$200.

SECTION 7. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

CRITERIA

height:

STRUCTURES SHALL NOT EXCEED A MAXIMUM HEIGHT OF 36 FEET.

The present height of larger two story structures is 36 ft. Therefore, to prevent the intrusion of structures with excessive height and mass, a maximum height of 36 feet was determined.

roof:

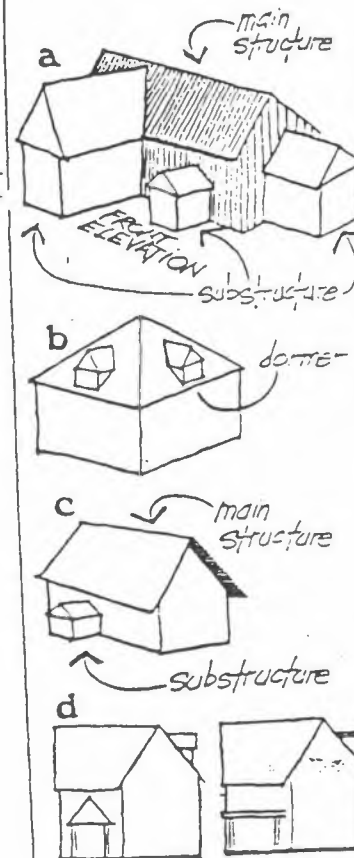
1. THE COMPLEXITY OF ROOF CONFIGURATION SHALL BE ACHIEVED THROUGH ONE OR A COMBINATION OF THE FOLLOWING:

- A. ROOFS OF SUBSTRUCTURES PROJECTING FROM THE FRONT AND SIDE ELEVATIONS (figure a)
- E. USE OF DORMERS ON THE FRONT ELEVATION. (figure b)

2. ROOFS COVERING THE MAIN STRUCTURE SHALL NOT BE OF A FLAT DESIGN. (figure c & d)

3. MANSARD ROOFS SHALL NOT BE PERMITTED IN THE DISTRICT.

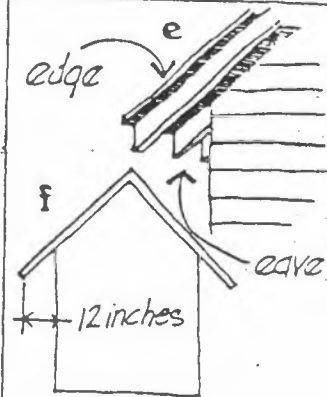
Convergence of roof planes form a varied geometry of lines and angles which is typical of the "prairie style" passing in architecture. Therefore, it is an important quality to preserve.



CRITERIA

4. ROOFS SHALL HAVE AN OVERHANG. IN NEW CONSTRUCTION, THE OVERHANG SHALL BE A MINIMUM OF 12 INCHES. IN CASES OF REMODELING, ROOF OVERHANG SHALL BE THE SAME AS EXISTING.

Roof overhang is one of several key architectural expressions within the district. Therefore, it is an important element of harmony and continuity.

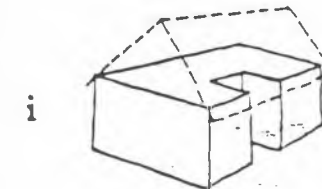


entrances:

1. ENTRANCES SHALL BE DEFINED THROUGH ONE OF THE FOLLOWING MEANS:

- A. PORCHES OR CANOPIES (figure g & h)
- B. RECESS IN THE BUILDING ELEVATION. (figure i)

Strong visual definition of entrance as a central element in a building's facade is a consistently repeated quality from house to house, within the district. Therefore, it is an important element of harmony and continuity.

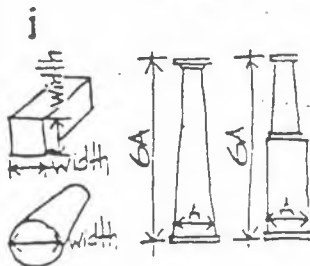


2. IN CASES OF REMODELING A SENSE OF OPENNESS SHALL BE MAINTAINED IN PORCHES AND CANOPIES.

column massing:

1. THE WIDEST DIMENSIONS OF COLUMNS, AT THEIR WIDEST POINT, SHALL NOT BE THINNER THAN 1/6th THE COLUMN HEIGHT. COLUMNS OF LARGER MASSING ARE ENCOURAGED WHEREVER POSSIBLE.

Large massive columns are typical to the "prairie style" of architecture and a key consideration in the original design of buildings. Therefore, they are an important element of character and continuity.



CRITERIA

openings:

1. FACADE OPENINGS WITHIN THE FRONT ELEVATION SHALL BE SUBDIVIDED BY MORE THAN ONE WINDOW.
(figure k)

2. IN THE FRONT ELEVATION, EXISTING FACADE OPENINGS SHALL BE PRESERVED AS FACADE OPENINGS.

3. WINDOWS SHALL BE SUBDIVIDED BY MORE THAN TWO LIGHTS.
(figure l)

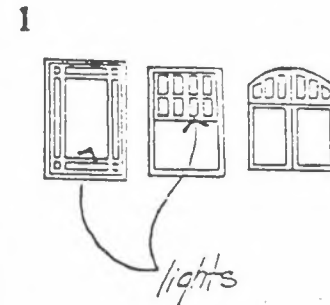
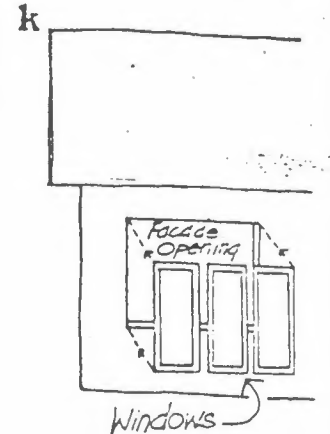
4. NO REFLECTIVE GLASS SHALL BE USED FOR WINDOWS, DOORS, OR OTHER OPENINGS.

material:

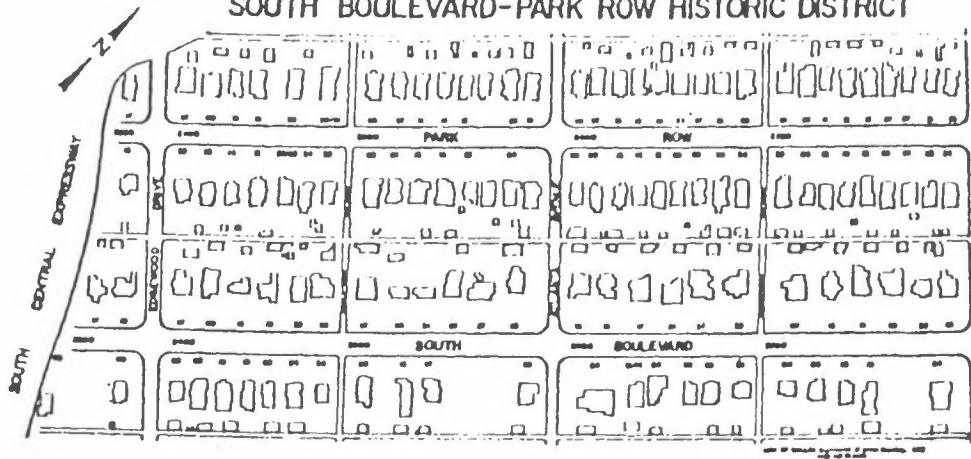
1. IN NEW CONSTRUCTION, THE DOMINANT EXTERIOR MATERIAL SHALL BE STUCCO, BRICK, OR WOOD.

Division of facade openings into several smaller windows is an important element of detail and embellishment. As a result, it helps establish a continuity within the district and is typical of the area's "prairie style" influence.

Division of windows into multiple lights is a further enrichment of the window motif and therefore, an important embellishment as well as element of district continuity. Also, it is typical of the district's "prairie style" influence.



SOUTH BOULEVARD-PARK ROW HISTORIC DISTRICT



CRITERIA

front yards:

1. THERE SHALL BE NO FENCE OR HEDGEROW IN THE FRONT YARD SPACE ALONG SOUTH BLVD.

(figure m)

2. THERE SHALL BE NO FENCE OR HEDGEROW ALONG THE FRONT PROPERTY LINES OF PARK ROW.

(figure n)

setback:

1. SOUTHEAST SIDE OF SOUTH BLVD. SETBACK SHALL BE 50 ± 5 FEET.

2. NORTHWEST SIDE OF SOUTH BLVD. SETBACK SHALL BE 55 ± 5 FEET.

PARK ROW SETBACK SHALL BE 55 ± 5 FEET.

side yard:

SIDE YARDS SHALL HAVE A 7 FOOT MINIMUM.

landuse:

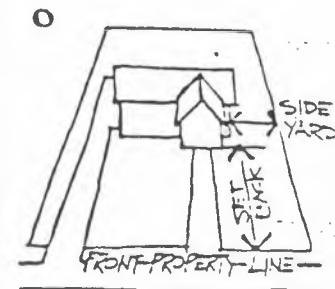
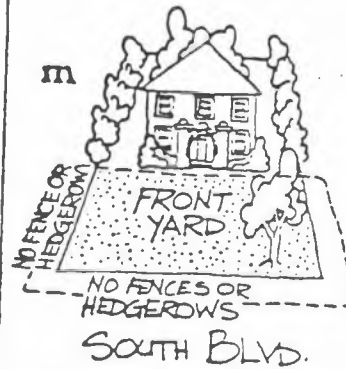
THE PRESENT R-75 ZONING SHALL BE RETAINED (single family zoning) MAKING THE DISTRICT R-75-H.

boundary:

SEE THE FOLLOWING MAP.

The broad openness of front yards on South Blvd. is an important setting for these typically large houses.

Side lot line fences and hedgerows on Park Row are a key environmental feature which enhances the street's higher density and smaller scale.



SECTION 7

Correspondence

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

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Landmark Commission Meeting – Monday, March 6th, 2023

MC Christina Mankowski
BernardShaw@tarr.com Ellis Southern andrewspanier@gmail.com Eric Pederson Arnanda Towler Austin Nixon Russ Peter Mike Bare

Dear Applicants,

This email provides details about the upcoming Landmark Commission (LMC) meeting on **Monday, March 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, MARCH 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 **March 6th** meeting agenda should be posted by Friday afternoon, on **March 3rd**. You may access the agenda once it is posted on the City Secretary's Office website here:

<https://dallascityhall.com/government/citysecretary/Pages/PublicMeetings.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, March 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.**

Mankowski, Christina

From: Christina Mankowski
Sent: Wednesday, March 1, 2023 8:07 AM
Subject: Landmark Commission Meeting – Monday, March 6th, 2023

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Videoconference

To join via computer:

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m6acaf48e26f2b1db2f4b439145a93174>

Webinar number:
2498 926 2837

Webinar password:

MarchLMC2023 (62724562 from phones)

Join by phone

+1-469-210-7159 United States Toll (Dallas)

+1-408-418-9388 United States Toll

Access code: 249 892 62837

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, March 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.

To request an interpreter, please email (your email address) at least 72 hours (3 days) in advance of a meeting. Late requests will be honored, if possible.

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

Please let me know, if you have any questions.

Thank you and have a wonderful day.



Christina Mankowski
Senior Planner
Office of Historic Preservation

City of Dallas | DallasCityNews.net
1500 Marilla St.
Dallas, TX 75201
O: 214-671-5052 | C: 469-597-3862
christina.mankowski@dallas.gov



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.****



March 16, 2023

Bernard Shaw
4000 Parkside Center Blvd,
#1504,
Dallas, TX 75244

**RE: CA223-240(CM)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
2431 PARK ROW AVE**

Dear Bernard Shaw:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on March 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 May 3, 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) 671-5052 or email at christina.mankowski@dallas.gov.



Christina Mankowski
Planner I

Certificate of Appropriateness

March 6, 2023

Standard	March 6, 2023	PLANNER:	Christina Mankowski
FILE NUMBER:	CA223-240(CM)	DATE FILED:	February 10, 2023
LOCATION:	2431 PARK ROW AVE	DISTRICT:	South Blvd/Park Row Historic District
COUNCIL DISTRICT:	7	MAPSCO:	46-S
ZONING:	PD-595	CENSUS TRACT:	0203.00

APPLICANT: Bernard Shaw
REPRESENTATIVE:
OWNER: SHAW BERNARD &

The Landmark Commission decision is: Denied without Prejudice

Information regarding requests:

- 1) A Certificate of Appropriateness to increase second floor floor plate from 8ft to 10ft.
Deny without Prejudice

Conditions: That the request for a Certificate of Appropriateness to increase second floor plate from eight feet to 10 feet be Deny without Prejudice. Raising the roof may have an adverse effect on the district. Applicant to submit additional drawings showing the height of structure on the blockface.



Landmark Commission Chair

March 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 April 5, 2023

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

Office Use Only
Date Received

Landmark Case/File No.: CA223-240(CM)

Property Address: 2431 PARK ROW AVE

Date of Landmark Commission Action: March 6, 2023

Applicant's Name:

Applicant's Mailing Address:

City: State: Zip:

Applicant's Phone Number: Fax:

Applicant's Email:

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

Owner's Name:

Owner's Mailing Address:

City: State: Zip:

Owner's Phone Number: Fax:

Owner's Email:

Applicant's Signature

Date

Owner's Signature (if individual)

Date

or Letter of Authorization (from corporation/partnership)

Fee for Single Family use/structure: \$300.00

Fee for any other use/structure: \$700.00

(3) Fee schedule.

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

Type of Application	Application Fee	Area of Notification for Hearing
Appeal a decision of the landmark \$300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	\$300.00	
Request for an administrative parking reduction under Section 51A-4.313	\$75.00 and \$25 per space over 10 spaces	

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

(1) Fees for a street name change.

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

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

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

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

Certificate of Appropriateness (CA) City of Dallas Landmark Commission

CA 223 - 240 [CM] Office Use Only

Name of Applicant: Bernard Shaw
Mailing Address : 4000 Parkside Center Blvd #1504
 City, State and Zip Code: Dallas, Texas 75244
 Daytime Phone: 469.928.1752 Alternate Phone: _____
 Relationship of Applicant to Owner : Property Owner

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

PROPERTY ADDRESS: 2431 Park Row Dallas, Texas 75215
Historic District: South Blvd Park Row

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."

A Certificate of Appropriateness has already been approved for the house. Applicant is requesting approval for modification for the second floor floor plate to increase from 8 feet to 10 feet. Applicant is providing new elevations reflecting the change. Applicant is also requesting permission to add a two car garage to the property with two garage door(aluminum or acceptable material) entry. Structure will be constructed on a slab foundation, with wood and trim (brick, wood, hardiboard and stucco) to match the house. Paint will match the house as well.

Signature of Applicant: _____ Date: 2/2/2023
 Signature of Owner: _____ Date: 2/2/2023
 (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

C. Montanari _____ 3/9/2023
 Office of Historic Preservation Date

APPLICATION INSTRUCTIONS

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

DO

- Contact a Preservation Planner in advance of the deadline to discuss your application and requirements.
- Submit items on the checklist WITH your application. Incomplete applications are not accepted.
- All applications and plans may be submitted via email (preferred).
- Submit scaled and fully dimensioned drawings in size 11"x17" (preferable) or larger. Large plans should be folded, not rolled.
- Submit digital copies of images, photographs, and plans. Contact staff if your file(s) are over 10 MB.
- Review the FAQ on our website for more details. You can find us by visiting dallascityhall.com and searching for "historic preservation."

DO NOT

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

APPLICATIONS RECEIVED AFTER 12:00 PM ON THE SUBMITTAL DEADLINE OR THAT ARE INCOMPLETE WILL NOT BE ADDED TO THE LANDMARK AGENDA

Please provide your **email** address to receive updates regarding your application and meeting dates:
bernardshaw@tx.rr.com

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).

PAINTING, STUCCO, REPOINTING

- Image of front façade of house and all areas/facades where painting, stucco, or repointing is proposed.
- Paint chips or specifications (brand, color name and number) with proposed location on structure indicated (body, trim, accent).
- If applicable, specifications including color, lime content ratio, cement content ratio, aggregate color, aggregate content ratio, and joint tooling.

SIDING, TRIM, AND SKIRTING REPAIR OR REPLACEMENT

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

FOUNDATION REPAIR

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

ROOFING

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

GUTTERS

- Specifications/cut-sheets/images for proposed gutters/downspouts.
- Site plan showing where on structure gutters/downspouts are proposed.

FENCES, HARDSCAPING, AND LANDSCAPING

- Site plan showing proposed location of fence, hardscaping, landscaping.
- Photographs of the area(s) where work is proposed.
- Fences - image of proposed fence with description (material, height).
- Hardscaping – description of materials proposed and images if something other than broom finish concrete.
- Landscaping – plant species and images.

Note: Seasonal planting in existing landscaping beds that does not include new shrubs or trees does not require a Certificate of Appropriateness.

DENIED WITHOUT PREJUDICE

CRM

Mar 9 2023

Office of Historic Preservation (OHP)
CERTIFICATE OF APPROPRIATENESS

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

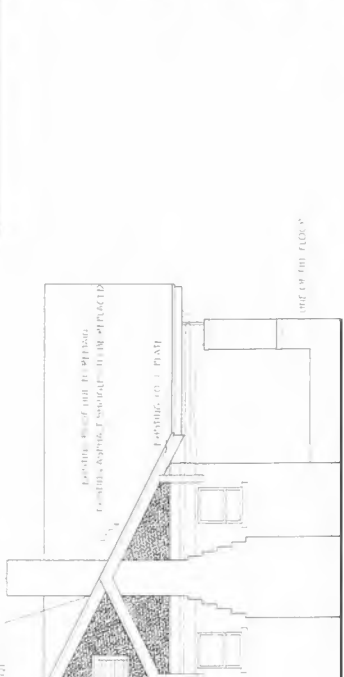
Any demolition of a main or accessory structure within an historic district requires a Certificate for Demolition, which is a different application. Please contact Staff for the Certificate of Demolition application or visit our website to download the application.

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.

NOTES:

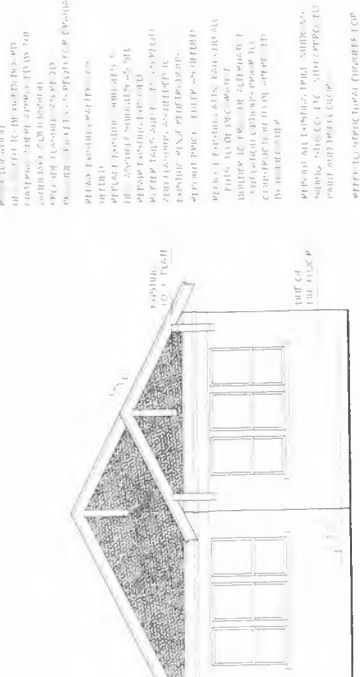
1. All work shall be in accordance with the applicable codes and standards.
2. Refer to all other drawings for details and specifications.
3. Refer to all other drawings for details and specifications.
4. Refer to all other drawings for details and specifications.



EXISTING LEFT ELEVATION

NOTES:

1. All work shall be in accordance with the applicable codes and standards.
2. Refer to all other drawings for details and specifications.
3. Refer to all other drawings for details and specifications.
4. Refer to all other drawings for details and specifications.



EXISTING RIGHT ELEVATION

NOTES:

1. All work shall be in accordance with the applicable codes and standards.
2. Refer to all other drawings for details and specifications.
3. Refer to all other drawings for details and specifications.
4. Refer to all other drawings for details and specifications.

Office of His
 2023
 2023
 2023

NOT FOR CONSTRUCTION

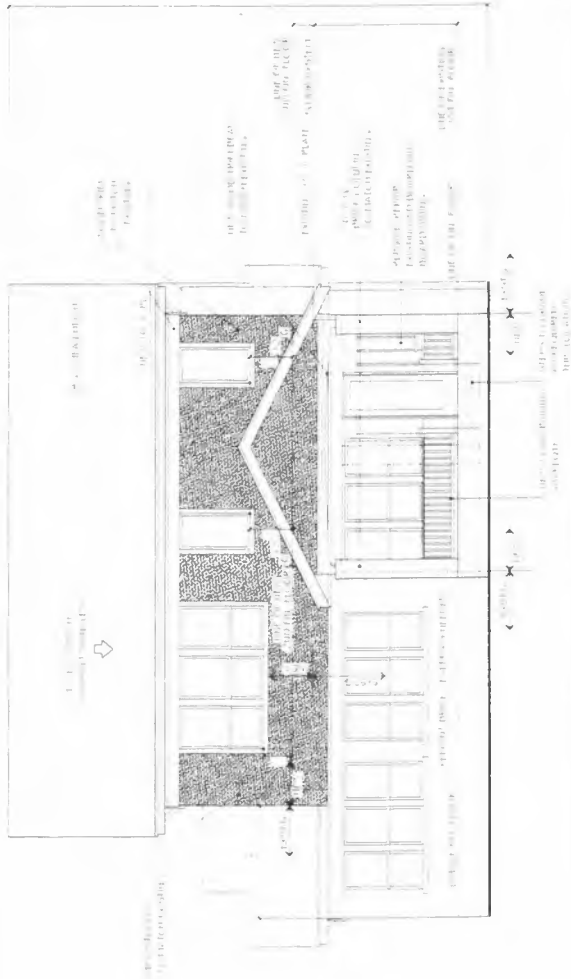
21 PARK ROW AVENUE

CRIMSHAW RESIDENCE
 1 PREJUICE
 2023

Office of His
 2023
 2023
 2023

NOTES:

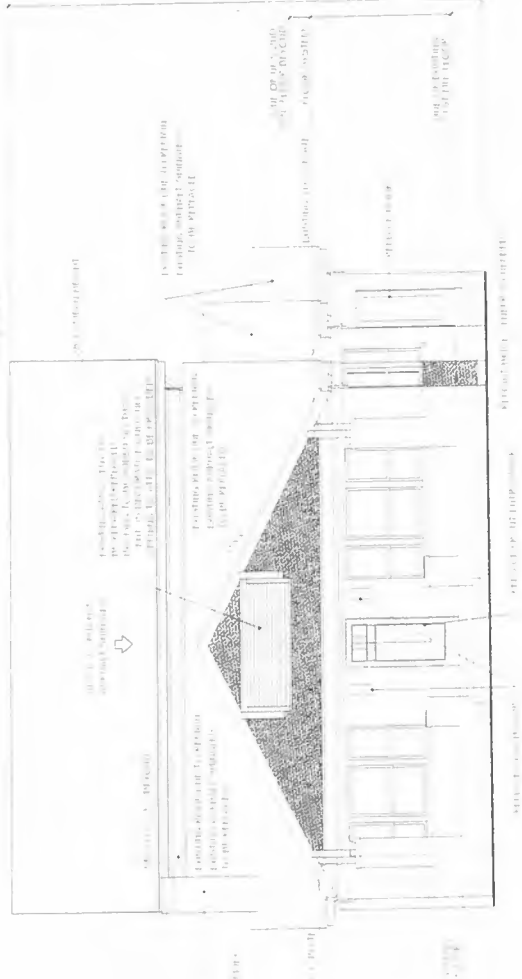
1. All elevations are shown for the proposed building.
2. All elevations are shown for the proposed building.
3. All elevations are shown for the proposed building.
4. All elevations are shown for the proposed building.
5. All elevations are shown for the proposed building.



NEW REAR ELEVATION

NOTES:

1. All elevations are shown for the proposed building.
2. All elevations are shown for the proposed building.
3. All elevations are shown for the proposed building.
4. All elevations are shown for the proposed building.
5. All elevations are shown for the proposed building.



NEW FRONT ELEVATION

LEGEND:

- EXISTING ELEVATION
- NEW ELEVATION

Office of Historic Preservation
 1000 ...
 9/2023
 CRIMSHAW RESIDENCE
 1 PARK ROW AVENUE
 NOT FOR CONSTRUCTION

CERTIFICATE OF APPLICANTNESS

Office of Historic Preservation
MAR 9 2023

CRIMSHAW RESIDENCE
231 BARBOROW AVENUE

NOT FOR CONSTRUCTION

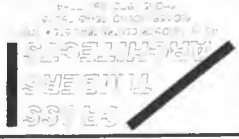
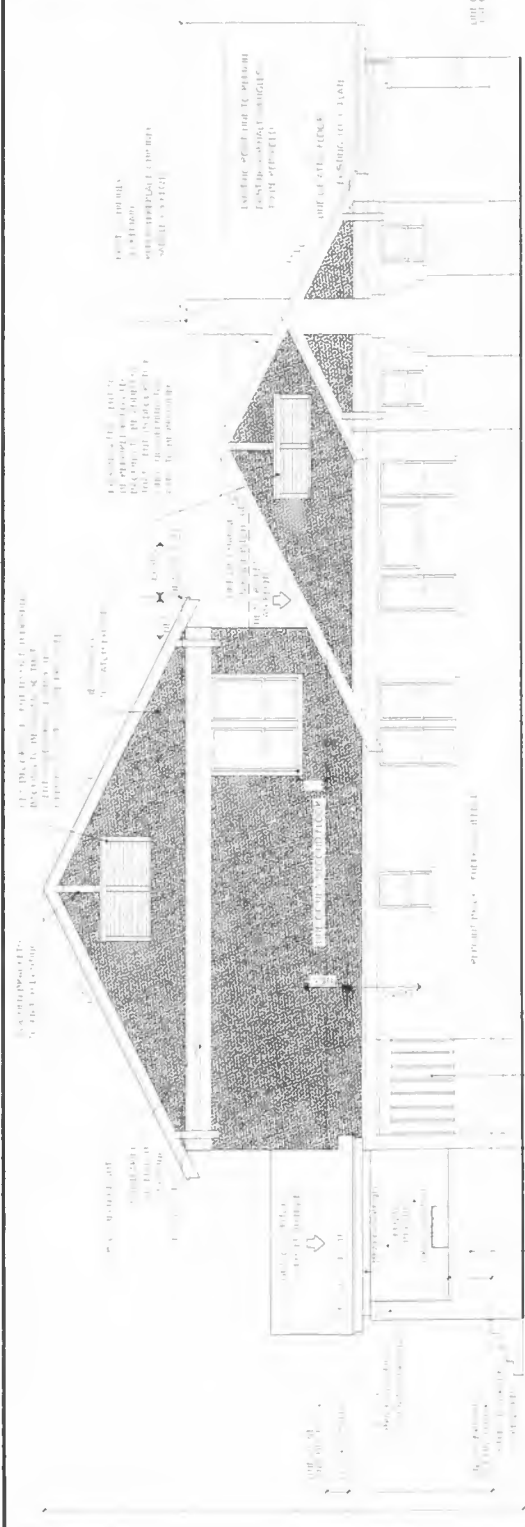


Table with 2 columns: Description, Date. Includes fields for Architect, Date, and other project details.

NOTES:
1. See the site plan for the location of the building.
2. The building is to be constructed in accordance with the applicable zoning ordinance.
3. The building is to be constructed in accordance with the applicable building code.
4. The building is to be constructed in accordance with the applicable fire code.
5. The building is to be constructed in accordance with the applicable health and safety code.



NEW LEFT ELEVATION

NEW RIGHT ELEVATION

NOTES:

1. The building is to be constructed in accordance with the applicable zoning ordinance.
2. The building is to be constructed in accordance with the applicable building code.
3. The building is to be constructed in accordance with the applicable fire code.
4. The building is to be constructed in accordance with the applicable health and safety code.



ELEVATION FOR EXISTING BUILDING

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is April 5, 2023

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

Office Use Only
Date Received

Landmark Case/File No.: CA223-240(CM)

Property Address: 2431 PARK ROW AVE

Date of Landmark Commission Action: March 6, 2023

Applicant's Name: Bernard Shaw

Applicant's Mailing Address: 4000 Parkside Ctr Blvd #1504

City: Dallas State: Tx Zip: 75244

Applicant's Phone Number: 409 928 1752 Fax: _____

Applicant's Email: bernardshaw@tx.cc.com

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

Owner's Name: See Above

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's Phone Number: _____ Fax: _____

Owner's Email: _____

Bernard Shaw 4/5/2023
Applicant's Signature Date

Bernard Shaw 4/5/2023
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**



CITY OF DALLAS

May 12, 2023

Via Certified Mail: 7014 2120 0003 4355 9608

Bernard Shaw
4000 Parkside Center Blvd., #1504
Dallas, TX 75244

RE: Appeal of Certificate of Appropriateness:
Hearing – March 6, 2023
2431 Park Row Ave., Case No. CA223-240(CM)

Dear Bernard Shaw:

You received a letter dated April 6, 2023, stating that the City Plan Commission will consider your appeal of the Landmark Commission's denial without prejudice of a Certificate of Appropriateness application for 2431 Park Row Avenue. Please be advised that the City Plan Commission hearing for **this appeal has been rescheduled for Thursday, June 15, 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 June 15, 2023.

Likewise, the deadline for you to submit a brief on this matter, should you wish to provide the City Plan Commission with one, has also been rescheduled to **5:00 p.m. Monday, May 30, 2023**. You may submit a copy to me at Dallas City Hall, 1500 Marilla Street, Room 5CN, Dallas, TX 75201 or to phyllis.hill@dallas.gov. 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.

Bernard Shaw
4000 Parkside Center Blvd , #1504
Dallas, TX 75244

You may contact me at 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
Christina Mankowski, Senior Planner, Office of Historic Preservation

**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.