DATE: February 27, 2009

TO: Members of the Public Safety Committee

SUBJECT: Certificates for Demolition in Historic Districts and other Demolitions of Substandard Structures

Included on the Public Safety Council Committee agenda for March 2, 2009 is a briefing on the proposed changes to Article 51A-4.501 of the Dallas Development Code related to demolition or removal of buildings in historic districts.

If you need further information please call Theresa O’Donnell at 214-671-9293.

Ryan S. Evans
First Assistant City Manager

Attachment
<table>
<thead>
<tr>
<th>Property Address</th>
<th>Referred to CAO</th>
<th>Legal Action</th>
<th>Date of LMC Hearing</th>
<th>LMC Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church 1403</td>
<td>2/7/2006</td>
<td>Petition filed on 9/21/06. Judge granted original order for demolition, but denied final order after holding the case for several months prior to making a ruling. Petition re-filed 2/4/08. Final Order signed 6/24/08. Awaiting engineer's report.</td>
<td></td>
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</tr>
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<tr>
<td>Gaston 4700</td>
<td>N/A - see Legal Action</td>
<td>Application for CD filed by owner on 10/5/06</td>
<td>11/1/2006</td>
<td>Denied; does not constitute threat.</td>
</tr>
<tr>
<td>Landis 208</td>
<td>N/A - see Legal Action</td>
<td>Petition filed 7/6/06. Final Order signed 3/28/07.</td>
<td>8/4/2003</td>
<td>Denied; staff to pursue receivership.</td>
</tr>
<tr>
<td>Leads 335</td>
<td>CAO internally generated case in 2/2006</td>
<td>Petition filed on 7/6/06. Final Order signed 2/13/08.</td>
<td>10/6/2008</td>
<td>Denied w/o prejudice; CAO awaiting updated engineering report.</td>
</tr>
<tr>
<td>Park Row 2415</td>
<td>8/12/2004</td>
<td>Petition filed 9/10/04. Final Order signed 12/13/04.</td>
<td>1/6/2005</td>
<td>Denied w/o prejudice; owner stated he was attempting to sell property.</td>
</tr>
<tr>
<td>Park Row 2522</td>
<td>8/12/2004</td>
<td>Petition filed 10/04. Final order signed 12/04.</td>
<td>1/6/2005</td>
<td>Denied w/o prejudice; owner stated he was pursuing renovations. Granted CD on 3/7/05.</td>
</tr>
</tbody>
</table>
Certifications for Demolition in Historic Districts and other Demolitions of Substandard Structures

Public Safety Committee Briefing
March 2, 2009
City staff briefed Public Safety Committee on August 4 and December 1, 2008 to seek direction on revisions to the current demolition procedures.
2 important considerations

- Demolition of historic structures is an irreplaceable loss to the architectural integrity of a neighborhood
- Dilapidated structures pose a significant public safety threat to neighborhood residents and others
In past 5 years, CAO and property owners have filed **37 applications for certifications of demolition with the Landmark Commission** involving 30 structures in cases where the CAO obtained demolition order.

- Of the 37 applications, **Landmark Commission denied or held under advisement 10**—mostly due to owner request or incomplete application.

- **The Commission has subsequently approved 6 of the 10**

- **4 applications remain outstanding and preservation staff is working with the CAO to resubmit 2 applications due to the property not being improved**

- **CAO will soon renew request for demolition in other 4 cases**
Background

Challenge is crafting a demolition ordinance that allows removal of dangerous structures within a reasonable timeframe, yet does not promote unnecessary loss to the historic fabric of our architectural heritage.
Example 1

104 S. Edgefield

Example 2

2807 Tanner
Single Family; Notice of Noncompliance signed 2/25/2008; LMC denied w/o prejudice on 11/3/2008; Preservation Dallas working to rehab the building due to its importance to the African American Community.
Background

- Committee directed staff to meet with Landmark Commission to discuss the ordinance changes
- Landmark Commission appointed a task force to deliberate on changes
- Task Force met 5 times; CAO met with them 4 times
- Landmark Commission approved ordinance changes on December 1, 2008
Current ordinance

- When applicant asserts structure is imminent threat to public health or safety, applicant must obtain engineer’s or architect’s report that states:
  - Nature, imminence, and severity of threat
  - Cost and feasibility of restoration
- Landmark Commission may deny proposed demolition even if no one wants to rehab structure
Problems with existing ordinance

- Process is costly
  - Each engineering report costs between $5,000 - $6,000

- Process is time-consuming
  - Each engineering report usually takes 3-8 months

- Process sometimes perpetuates blight
  - Denials and delays sometimes occur due to the current ordinance being designed to evaluate demolitions sought by private owners when the property is not an urban nuisance
Proposed Ordinance

Provisions

- Creates a new category of demolitions that designates “court-ordered” demolition initiated by the city
- Allows either the City or the property owner to initiate a certificate of demolition
- Eliminates requirement for engineering or architect’s report for these structures
- Establishes application criteria
- Public hearing is conducted within a defined period
- Establishes decision-making criteria for the Landmark Commission
- Creates presumption that demolition should be approved
Proposed Ordinance
Provisions (cont.)

- Establishes a ‘suspension’ period that allows for interested party to renovate the structure
- Requires persons rehabbing structures to make reasonable and continuous progress
- Allows staff to file quicker appeals to CPC
  - Hearing will be limited to same evidence reviewed by Landmark Commission
  - No requirement to obtain transcript of Landmark Commission’s hearing, which is costly and time-consuming
- Maintains the Fire Marshal’s authority to order demolition of a structure, without Landmark approval, if a clear and imminent threat exists
Update on Progress

- City Attorney’s Office and Historic Preservation staff has made good progress in researching and understanding the elements of the ordinance.
- Landmark Commission worked diligently to construct a new process that meets the objectives of addressing public safety concerns while maintaining historic preservation principles and goals.
Benefits of this Change

- Speeds up the process for eliminating burned out/collapsed structures
- Provides adequate review of the need to demolish historic properties
- Improves the quality of life and public health and safety in our neighborhoods
Other ways demolition process has been improved

- New Judge is now hearing 25 cases per month (up from 20)
- Council recently approved hiring of additional demolition contractors
QUESTIONS?