

Memorandum



DATE: April 16, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Demolition Process for Urban Nuisances in Existing and Proposed Historic Districts**

Attached is briefing material on the "Demolition Process for Urban Nuisances in Existing and Proposed Historic Districts," to be presented to the Members of the Public Safety Committee on Monday, April 19, 2010.

A handwritten signature in black ink, appearing to read 'Ryan S. Evans'.

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
C. Victor Lander, Administrative Municipal Judge
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Helena Stevens-Thompson, Assistant to the City Manager/ Mayor/City Council



Demolition Process for Urban Nuisances in Existing and Proposed Historic Districts

Public Safety Briefing
April 19, 2010



Background

- This is the fourth time City staff has briefed the Public Safety Committee on proposed changes to procedures for demolishing urban nuisances in historic districts



Issues

- 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



Past demolitions of urban nuisances in historic districts

- In past 6 years, City has demolished roughly 1,200 structures citywide
- CAO and property owners have filed **43 applications for certifications of demolition with the Landmark Commission** involving 35 structures in cases where City obtained demolition order
- Of the 43 applications, **Landmark Commission has denied 13**
- **Landmark Commission has thereafter approved 10 of 13 applications**
- **Staff is re-evaluating need to demolish remaining 3 structures**
- **Staff will soon file more requests to demolish to Landmark Commission**
- **0 of the 35 structures** have been brought up to code

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 repair the structure

Problems with current procedures

- 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 because the current ordinance is designed to evaluate demolitions sought by private owners when the property is not an urban nuisance
 - Usually owners do not appear at hearings or make repairs

Example #1



104 S. Edgefield

City filed lawsuit on 10/4/07. Court signed agreed demolition order on 11/13/07. Owner requested demolition. Landmark Commission denied application on 3/3/08 due to incomplete engineering report. Owner re-filed application after obtaining engineering report. Landmark Commission approved demolition on 9/8/08.

Example #2



2807 Tanner

City filed lawsuit on 8/10/07. Court signed agreed order for demolition on 1/8/08. City filed request for demolition with Landmark Commission 10/2/08. At hearing on 11/3/08, Commission held case for 30 days. Denied CD without prejudice on 12/1/08. Preservation Dallas tried to work with owner. Application for CD re-filed 3/4/10. Preservation Dallas determined property not viable to save. Commission approved demolition on 4/5/10. 8

Competing Goals

- Challenge is crafting an ordinance that allows demolition of dangerous structures within a reasonable time, yet does not result in unnecessary loss to the City's historical, architectural, or cultural heritage





Proposed Procedures

- Creates a new category of demolitions: “court-ordered” demolitions initiated by the City
- Allows either the City or the property owner to request a certificate of demolition
- Eliminates requirement for engineering or architect’s report for these structures
- Establishes application criteria
- Ensures public hearing is conducted promptly
- Establishes another standard for approval for the Landmark Commission
- Creates presumption that demolition should be approved



Proposed Procedures

- Establishes a suspension period that allows for interested party to renovate the structure
- Requires persons repairing structures to make reasonable and continuous progress
- Allows expedited appeals to CPC
 - Hearing will be limited to same evidence reviewed by Landmark Commission
 - CPC may not consider new evidence unless it corrects misstatements or material omissions or involves changed conditions
- Clarifies that Fire Marshal has authority to order demolition of a structure, without Landmark approval, if a clear and imminent threat to public exists



Background

- In December 2008, Public Safety Committee directed staff to meet with Landmark Commission to discuss proposal
- Staff and Landmark Commission reached agreement on proposed changes
- Agreement was reported to Public Safety Committee in March 2009
- Staff then took proposal through zoning process

Zoning Process

- CPC referred issue to ZOAC
- ZOAC requested staff to meet with Landmark Commission to discuss 3 issues
 - Suspension periods for larger structures
 - Notification to Landmark Commission
 - Appeal transcript and standard for CPC review
- Staff and Landmark Commission reached another consensus except on standard of review for CPC
- ZOAC approved Landmark Commission and staff consensus with 3 exceptions
 - Proposal will apply only to residential structures with less than 3,000 square feet
 - CPC will give deference to Landmark Commission on appeals
 - Staff will notify all Landmark Commissioners of court proceedings involving demolitions in historic districts
- On October 15, 2009, CPC approved ZOAC's recommendation by 7-5 vote



Outstanding issues

- Should improved demolition procedures be limited only to residential structures smaller than 3000 square feet?
- Should CPC give deference to Landmark Commission decision instead of municipal court order?



Benefits of revised procedure

- 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

QUESTIONS?

