

Landmark Initiation and Appeals

**Economic Development
Committee
November 4, 2019**

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Presentation Overview

- Background
- Purpose and duties of Landmark Commission
- Existing initiation and appeal procedures
- Council directive
- CPC and LMC differences
- Next steps
- Questions

Purpose of Landmark Commission

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

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Duties of Landmark Commission

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



Current Historic Designation Process

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

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Designation Committee

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

Background

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

Background

City Council's direction for the amendments:

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

Background

- May 7, 2018 – Landmark Commission chair appointed five members to the Historic Designation and Appeal Process Ad Hoc Committee.
 - The Ad Hoc Committee met a total of seven times between May and August 2018 to discuss the Council directive and generate recommendations for Council review.
 - On October 22, Mobility Solutions, Infrastructure and Sustainability and Quality of Life, Arts and Culture Council Committees reviewed Landmark Commission proposed changes.
- March 4, 2019 – Landmark Commission reviewed and approved the draft language.

Background

- April 18, 2019 - City Plan Commission considered the code amendments. Three people spoke during the public hearing, with one in support and two in opposition. CPC held the item under advisement to June 20, 2019 and suggested the Chair appoint an Ad-Hoc Committee to review the points of contention.
 - The CPC Ad Hoc Historic Designation and Appeal Process Committee met three times in 2019: May 21, May 28, and June 4. In addition to the Committee members, other Landmark Commissioners, Designation Committee members, and interested citizens, also attended the meetings to listen.
- June 20, 2019 - City Plan Commission considered the code amendments and recommended approval of amendments.

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Background

- May 25, 2019, HB 2496 signed by Governor – effective immediately – pertains to designating a property an historic district

Current Historic Designation Initiation Process

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

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Proposed Historic Designation Initiation Process

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

Proposed Historic Designation Initiation Process

- A notification letter is sent to the property owner(s) at least 15 days prior to the public hearing to initiate.
 - Include but not limited to: process timeline, purpose of initial meeting where proposal is discussed, notice if subdistricts would be included, and indication that the public is allowed to speak and comment.
 - Historic impact statement (HB 2496): regulations that may be applied, tax benefits, and any rehab or repair programs for historic properties.
- Additionally, for expansion of districts, the notification letter will be sent to the entire historic district proposed to be expanded.

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Proposed Historic Designation initiation Process

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

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Step One – Statement of Intent for Historic Designation

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

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Step Two – Community Meeting

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

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Step Three – Revised Statement of Intent

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

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Statement of Intent for District Expansions

- In addition, for district expansions, the Statement of Intent must include 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.

Current Appeal of Initiation Process

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

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Proposed Changes to Appeal of Initiation Process

- The property owner may appeal the initiation by Landmark Commission (LMC) or City Plan Commission (CPC) to the City Council.
- A written notice to the director within 15 days after the action of the LMC or CPC.
 - The notice must include why the property owner thinks the criteria used to justify the initiation does not apply.

Proposed Changes to Appeal of Initiation Process

- 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 the 45 days of filing initial written notice of appeal with the director, staff will present the 'Statement of Intent for Historic Designation' to the City Council along with the LMC Chair.
- Sole issue on appeal is whether the LMC or CPC erred in evaluating the significance of the property based on the criteria.

Proposed Changes Pursuant to HB 2496

- City may not designate a property historic district unless:
 - The owner consents; or
 - The designation is approved by a three-fourths vote of the landmark commission, city plan commission, and city council.
- The owner of the property may withdraw consent at any time during the designation process.
- If the property is owned by a religious organization, the city may designate the property only if the organization consents to the designation.
- Signed by the Senate and House on May 15, 2019.
- Signed and passed by the Governor May 25, 2019.
- Effective May 25, 2019. (effective immediately)

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Proposed Changes Pursuant to HB 2496

- City Attorney's Office recommends adding this language to adhere to HB 2496 in this amendment so that the City is compliant with state law as part of this code amendment.

CPC and Landmark Differences

- For district expansions, CPC believes that a history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial designation should be included with the revised Statement of Intent, if available.
- Landmark Commission removed the specific requirement for proposed district expansions. CPC language reads “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.” Landmark Commission recommended ending statement at “process.”

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CPC and Landmark Differences

- During both the Council appeal for Lake Cliff and subsequent Committee meetings where Lake Cliff residents were present, it was stressed the importance of understanding why the area(s) for district expansions were not included in the original district.
- While Landmark Commission believes that information will automatically be included with the language as they have approved it, CPC would like to specifically codify the requirement.
- CPC is supportive of the other Landmark Commission revisions.

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CPC and Landmark Differences

- Additional items included by CPC after Landmark Commission approval include:
 - Allowance of an additional 90 days for an Applicant to appeal the initiation if requested within a 45 day period of the appeal being filed.
 - Clarification to follow the City's computation of time to avoid misunderstandings.

Notes - Council Directive

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

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Next Steps

- Staff recommends committee approval to forward the item for Council consideration

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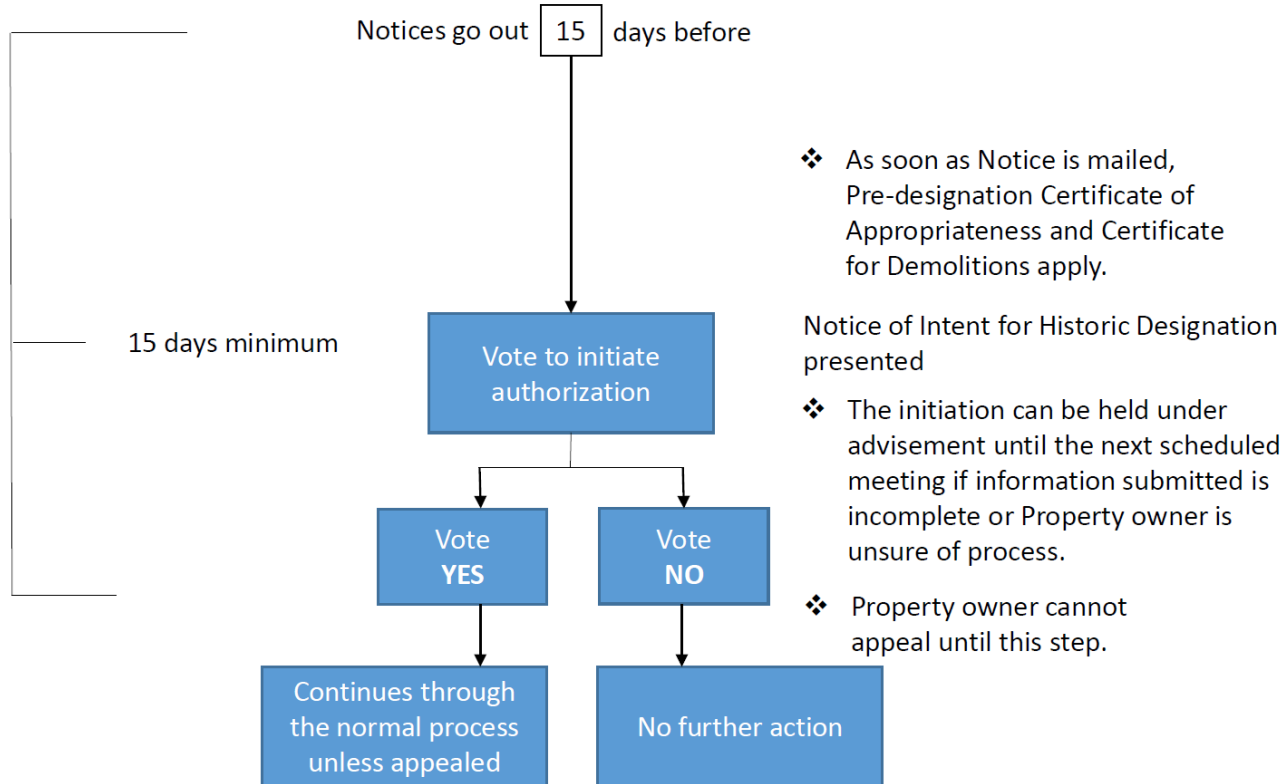
Appendix



Proposed Historic Designation initiation Process

Authorized hearing for INDIVIDUAL STRUCTURES or SITES

One LMC members/three CPC/five CC request



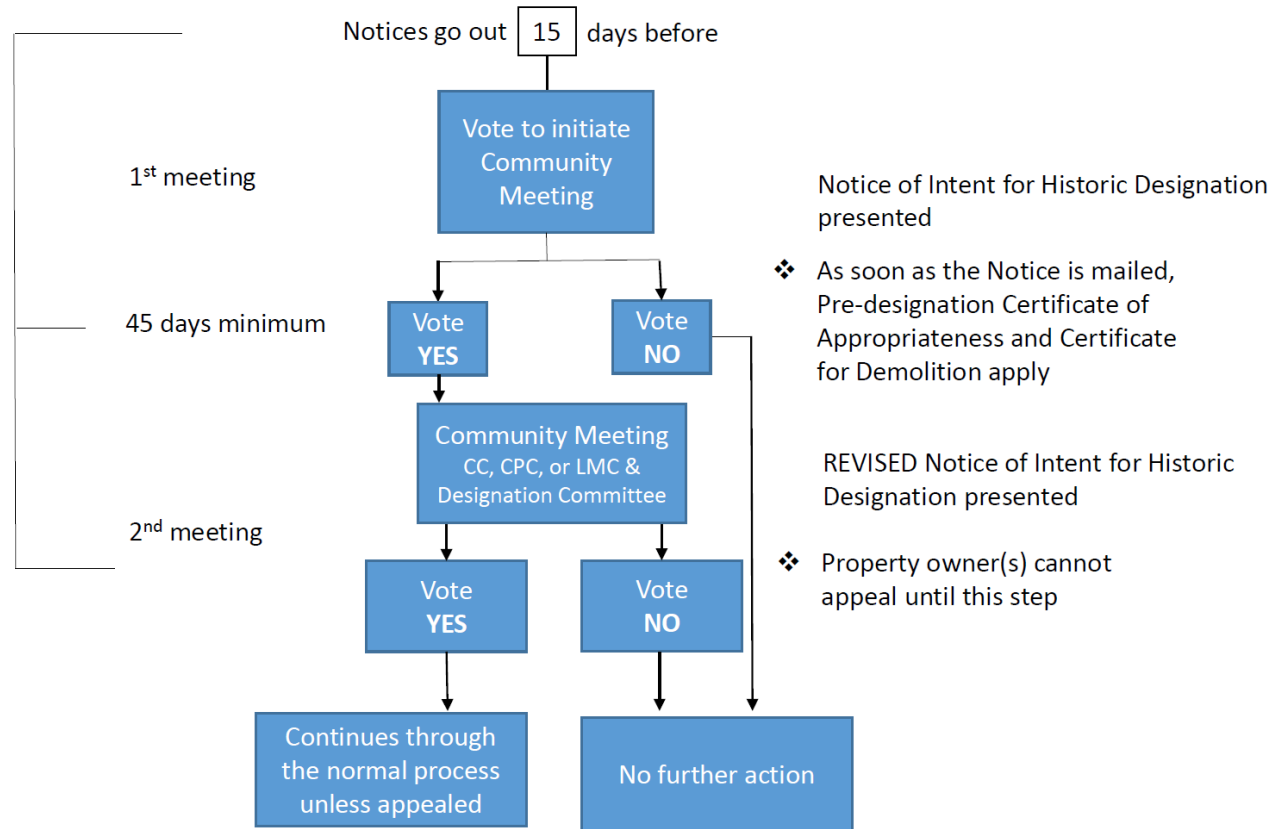
- If appealed – The Notice of Intent for Historic Designation is forwarded to City Council for review.

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Proposed Historic Designation initiation Process

Authorized hearing for DISTRICTS OR EXPANSIONS

Three LMC members/three CPC/five CC request



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

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