

Certificate for Demolition and Removal (CD) City of Dallas Landmark Commission

CD _____ - _____ (_____) Office Use Only

1. Name of Applicant: _____
MAILING Address: _____ City _____ State _____ Zip _____
Daytime Phone: _____ Alternate Phone: _____
Relationship of Applicant to Owner: _____

ADDRESS OF PROPERTY TO BE DEMOLISHED: _____ Zip _____
Historic District: _____

Proposed Work:

2. Indicate which demolition standard you are applying (**choose one option ONLY**):
- _____ Replace with more appropriate/compatible structure
 - _____ No economically viable use
 - _____ Imminent threat to public health / safety
 - _____ Demolition noncontributing structure because newer than period of significance
 - _____ Intent to apply for certificate of demolition pursuant to 51-A-4.501(i) of the Dallas City Code;
- Certificate of Demolition for residential structures with no more than 3,000 square feet of floor area pursuant to a court order
3. Describe work and submit required documents for the demolition standard you are applying (see checklist):
- _____

Application Deadline:

This form must be completed before the Dallas Landmark Commission can consider the approval of any demolition or removal of a structure within a Historic District. This form along with any supporting documentation **must be filed by the first Thursday of each month by 12:00 Noon so it may be reviewed by the Landmark Commission on the first Monday of the following month**, 1500 Marilla 5BN, Dallas, Texas, 75201. **(See official calendar for exceptions to deadline and meeting dates).**

Use Section 51A-3.103 OF THE Dallas City Code and the enclosed 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. You are encouraged to attend the Landmark Commission hearing the first Monday of each month. Information regarding the history of certificates for individual addresses is also available for review.

4. **Signature of Applicant:** _____ **Date:** _____
5. **Signature of Owner:** _____ **Date:** _____

(IF NOT APPLICANT)

Review the enclosed Review and Action Form
Memorandum to the Building Official, a Certificate for Demolition and Removal 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.

Office of Historic Preservation

Date

NOTE: THIS APPLICATION WILL EXPIRE 180 DAYS AFTER THE APPROVAL DATE

Affidavit

Before me the undersigned on this day personally appeared _____ who on his or her oath certifies that the statements contained in the application for a certificate of demolition and removal are true and correct to the best of his or her knowledge and that he or she is the owner, principle, or authorized representative of the subject property.

Affiant's signature

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

SUBMITTAL CHECKLIST

The documentation listed below must be submitted with the application for a Certificate for Demolition or Removal. Incomplete applications will not be docketed for consideration by the Landmark Commission. Please refer to the Certificate for Demolition or Removal criteria in Dallas Development Code §51A-4.501 or contact a City Preservation Planner for further information.

- Color photographs, written descriptions, drawings, or records depicting the current state of the structure. Photographs and drawings must clearly label areas of structural deterioration.
- Drawings to adequately describe site use after demolition.
- Documentation from a qualified real estate appraiser or licensed restoration contractor that the historic building can not be adaptively reused or a structural report by a licensed structural engineer or a licensed restoration contractor that the building is incapable of being repaired.

For an application to replace the structure with a new structure that is more appropriate and compatible with the historic overlay district:

- Record depicting the original construction of the structure, including drawings, pictures, or written descriptions.
- Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
- Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure.
- Complete architectural drawings of the new structure.
- 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:
 - 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;
 - 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
 - be approved as to form by the city attorney.

For an application of **no economically viable use of the property:**

- The past and current uses of the structure and property.
- The name of the owner.
- If the owner is a legal entity, the type of entity and states in which it is registered.
- 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.
- 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).
- The assessed value of the structure and property according to the two most recent tax assessments.
- The amount of real estate taxes on the structure and property for the previous two years.
- The current fair market value of the structure and property as determined by an independent licensed appraiser.
- 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.
- All listings of the structure and property for sale or rent within the previous two years, prices asked, and offers received.
- 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.
- A mortgage history of the property during the previous five years, including the principle balances and interest rates on the mortgages and the annual debt services on the structure and property.
- All capital expenditures during the current ownership.
- Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions.

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.

- Any consideration given by the owner to profitable adaptive uses for the structure and property.
- Construction plans for any proposed development or adaptive reuse, including site plans, floor plans and elevations.
- Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure.
- 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.

For an application to demolish or remove a structure that poses an **imminent threat to public health or safety:**

- Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
- A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.
- 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.

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 historical significance:**

- Documentation that the structure is noncontributing to the historic overlay district.
- Documentation of the age of the structure.
- A statement of the purpose of the demolition.

For an 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:

- An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.
- 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.
- 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 Chapter 54 or 214, as amended.
- 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.
- Any other evidence the city representative or property owner wishes to submit in support of 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. 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.