

THE RECORD

**1105 E. 9th STREET
APPEAL
CD178-015(MP)**

**City Plan Commission
Hearing
12/13/2018**

INDEX

1105 E. 9th Street CD178-015(MP)

Certificate for Demolition	Section 1
-----------------------------------	------------------

Landmark Commission Agenda, October 1, 2018	Section 2
--	------------------

Docket Material and Power Point presentation	Section 3
---	------------------

Landmark Commission Minutes, October 1, 2018	Section 4
---	------------------

Transcript of the October 1, 2018 Landmark Commission Hearing	Section 5
--	------------------

City of Dallas Demolition Standards (Standard 5) Dallas Development Code §51A-4.501	Section 6
--	------------------

Correspondence	Section 7
-----------------------	------------------

SECTION 1

Certificate for Demolition

**1105 E. 9th Street
CD178-015(MP)**

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

CD 178 - 015 (MP)
 Office Use Only

1. Name of Applicant: Allen R. Griffin, Dallas City Attorney's Office
 MAILING Address: 2014 Main Street Ste. 227 City Dallas State TX Zip 75201
 Daytime Phone: 214-670-4436 Fax: 214-670-4814
 Relationship of Applicant to Owner: NA

ADDRESS OF PROPERTY TO BE DEMOLISHED: 1105 E. 9th Street Zip: 75203
 Historic District: Tenth Street

Proposed Work:

2. Indicate which 'demolition standard(s) you are applying:
- 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 certificates 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:
 (please see attached checklist)
Demolition of a structure pursuant to 51-A-4.501(i)

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). You may also fax this form to 214/670-4210, DO NOT FAX PHOTOGRAPHS.

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.

RECEIVED BY
 JUN 07 2018

4. Signature of Applicant: Allen R. Griffin Date: 3/1/2018
 5. Signature of Owner: _____ Date: Current Planning
 (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.

Maust Pui _____ Oct. 18, 2018
 Date

SECTION 2

Agenda

October 1, 2018

See Page 27, Item #18

**Landmark Commission Agenda
Monday, October 1, 2018**

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Recommend entering into the extended suspension period.

Task Force Recommendations:

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code). - We recommend that the house be demolished because it isn't a contributing structure and it is not structurally sound and poses an imminent danger to neighboring structures. This recommendation is from the September 11th Task Force meeting. Task Force does not review the applications again once they've entered into the initial suspension period).

Request:

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Applicant: City of Dallas Attorney's Office - Allen Griffin

Application Filed: 6/6/2018

Staff Recommendations:

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve – The proposed demolition meets the standards in City Code Section 51A-4.501(i)(7) because the court has issued a final order requiring the demolition of the structure and the suspension of the certificate of demolition is not a feasible option to alleviate the nuisance in a timely manner.

Task Force Recommendations: Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve - Approve demolition. (This recommendation is from the July 10th Task Force meeting. Task Force does not review the applications again once they've entered the initial suspension period).

Request:

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Applicant: City of Dallas Attorney's Office - Allen Griffin

Application Filed: 6/6/2018

Staff Recommendations:

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve – The proposed demolition meets the standards in City Code Section 51A-4.501(i)(7) because the court issued a final order requiring the demolition of the structure and the suspension of the certificate of

18. 1105 E 9TH ST

Tenth Street Neighborhood Historic District
CD178-015(MP)
Marsha Prior

Extended Suspension

19. 1107 E 11TH ST

Tenth Street Neighborhood Historic District
CD178-014(MP)
Marsha Prior

Extended Suspension

SECTION 3

- Docket Material
- Power Point presentation



LANDMARK COMMISSION

OCTOBER 1, 2018

FILE NUMBER: CD178-015(MP)
LOCATION: 1105 E. 9th Street
STRUCTURE: Main & Contributing
COUNCIL DISTRICT: 4
ZONING: PD No. 388

PLANNER: Marsha Prior
DATE FILED: June 7, 2018
DISTRICT: Tenth Street
MAPSCO: 55-A
CENSUS TRACT: 0041.00

APPLICANT: Dallas City Attorney's Office

REPRESENTATIVE: Allen Griffin

OWNER: INNERCITY DEVELOPMENT, INC

REQUEST:

Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

BACKGROUND / HISTORY:

9/2/2014 – Landmark Commission approved the Certificate for Demolition (CD134-029(MD)).

7/2/2018 – Landmark Commission moved to enter into an initial suspension period in order to identify an interested party.

8/6/2018 – Landmark Commission moved to enter into an extended suspension period.

The structure is listed as contributing per the Tenth Street National Register District.

ANALYSIS:

Since no interested party has met the requirements of the extended suspension period and since the City Attorney's office has met all the requirements of the demolition standard, Staff is recommending approval.

STAFF RECOMMENDATION:

Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve - The proposed demolition meets the standards in City Code Section 51A-4.501(i)(7) because the court has issued a final

order requiring the demolition of the structure and the suspension of the certificate of demolition is not a feasible option to alleviate the nuisance in a timely manner.

TASK FORCE RECOMMENDATION:

Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve – Approve demolition. (This recommendation is from the July 10th Task Force meeting. Task Force does not review the applications again once they've entered the initial suspension period).

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

CD 178 - 015 (MP)
Office Use Only

1. Name of Applicant: Allen R. Griffin, Dallas City Attorney's Office
MAILING Address: 2014 Main Street Ste. 227 City Dallas State TX Zip 75201
Daytime Phone: 214-670-4436 Fax: 214-670-4814
Relationship of Applicant to Owner: NA
ADDRESS OF PROPERTY TO BE DEMOLISHED: 1105 E. 9th Street Zip: 75203
Historic District: Tenth Street

Proposed Work:

2. Indicate which 'demolition standard(s) you are applying:
- 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 certificates 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:
(please see attached checklist)
Demolition of a structure pursuant to 51-A-4.501(i)

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). You may also fax this form to 214/670-4210, **DO NOT FAX PHOTOGRAPHS.**

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.

RECEIVED BY
JUN 07 2018

4. Signature of Applicant: Allen R. Griffin Date: 3/1/2018
5. Signature of Owner: _____ Date: Current Planning
(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.

Maresh Pini _____ Date: Oct. 18, 2018

Affidavit

Before me the undersigned on this day personally appeared Allen R. Griffin 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 representative of the City of Dallas.

Allen R. Griffin

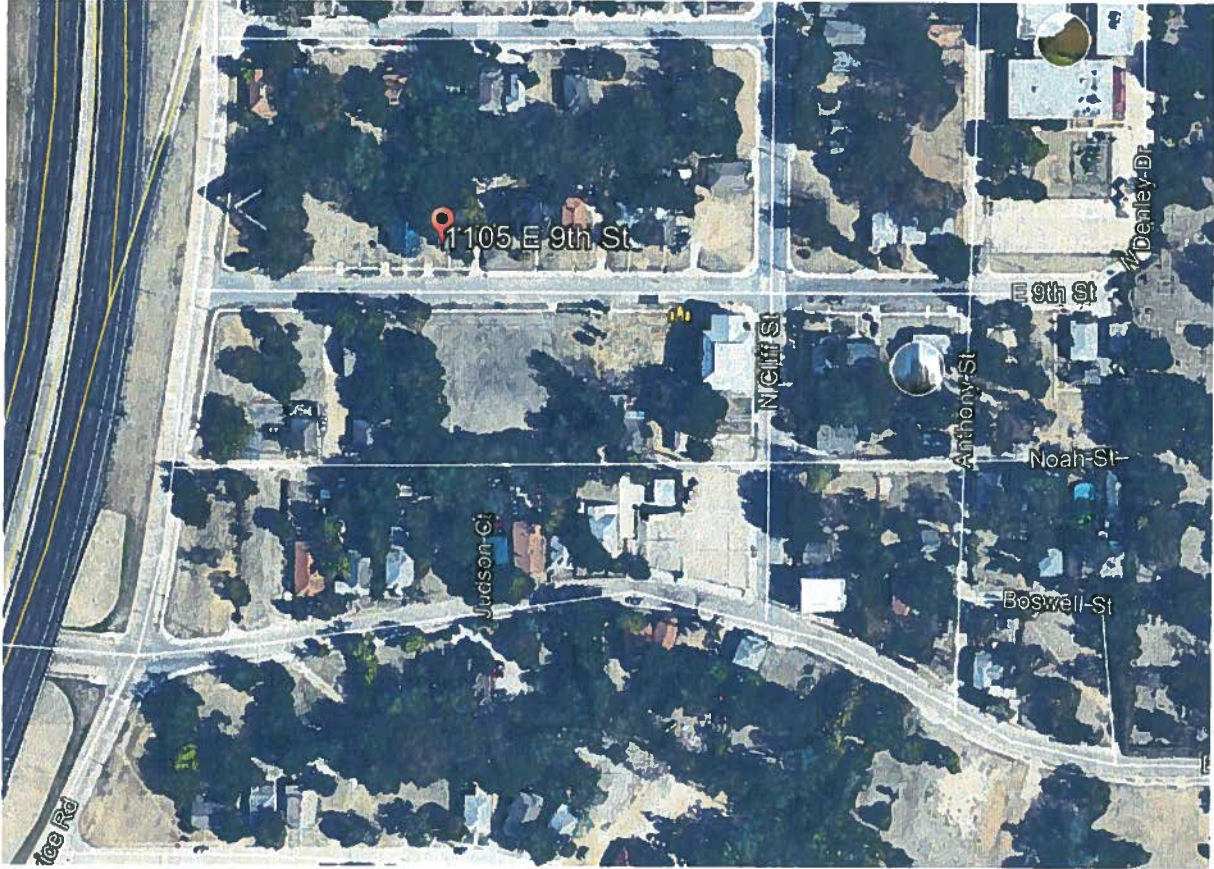
Affiant's signature

Subscribed and sworn to before me this 1st day of March, 2018

Michelle Jennings

Notary Public

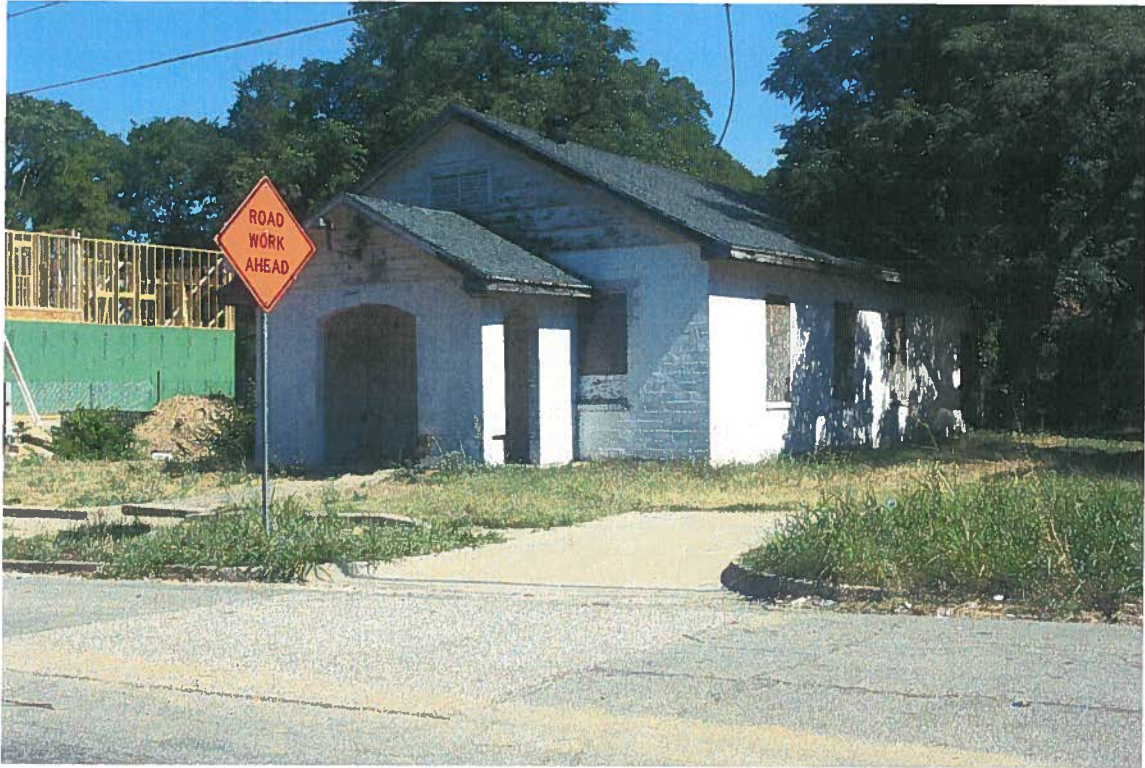




Aerial view



South (front) elevation.



View to left (West) of 1105 E 9th.



View to right (West) of 1105 E 9th.



View across (South) from 1105 E 9th.

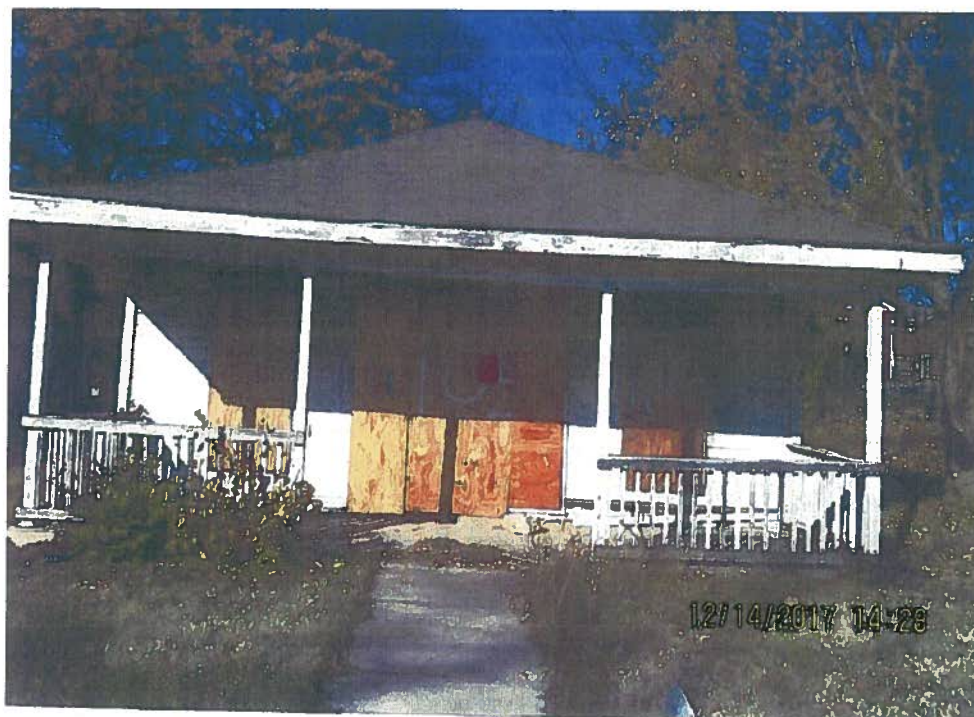


Photo submitted by City Attorney's Office.

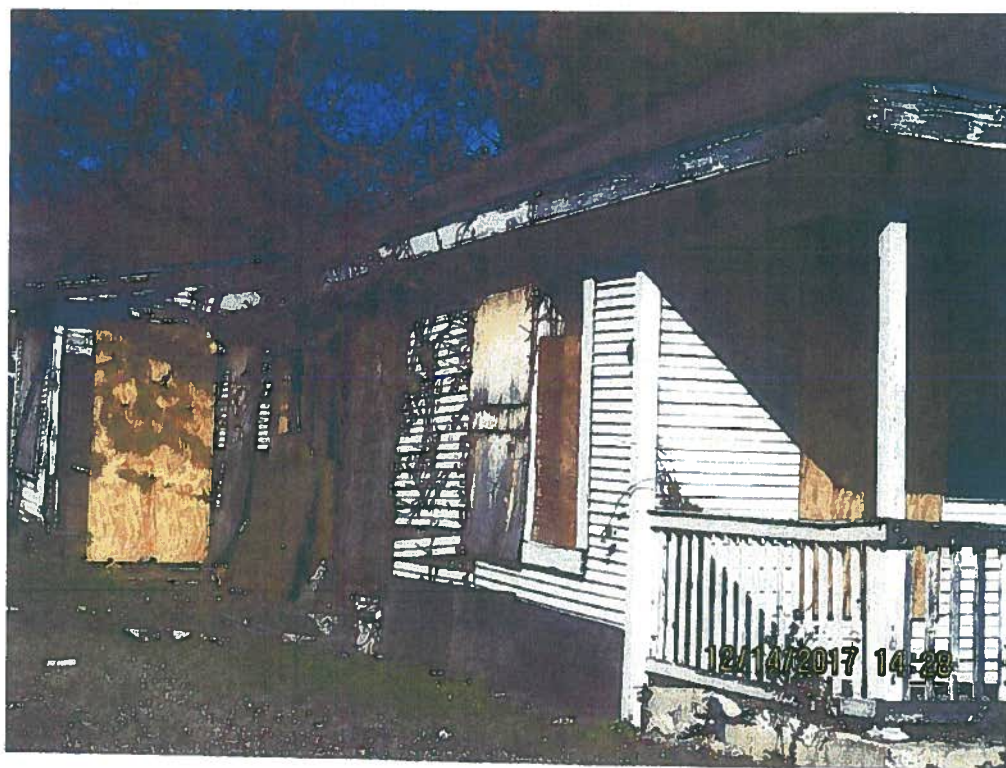


Photo submitted by City Attorney's Office.



Photo submitted by City Attorney's Office.

01/19/2018 09:13:22 AM

201800016814
ORDER 1/2

No. S50-004086-01

CITY OF DALLAS,
Plaintiff,

VS.

1105 E. 9TH STREET,
Defendant,

§
§
§
§
§
§
§

IN THE MUNICIPAL COURT OF

THE CITY OF DALLAS

DALLAS COUNTY, TEXAS

ORDER AUTHORIZING CITY OF DALLAS TO DEMOLISH STRUCTURE ON PROPERTY

On November 13, 2017 the Court ORDERED that the structure located in Lot 12 E 1/2 Block 84B/3066 commonly referred to 1105 E. 9th Street, Texas (the "Property") be demolished by the owner(s), mortgagee(s), lien holder(s) or other persons having an interest in the structure within 30 days. The Court further ORDERED that if said persons fail to abide by the order, within the allotted time, the City of Dallas, through its agents and contractors, is authorized to enter the Property, demolish the structure on the Property, remove all components and personalty, and place a lien on the Property where allowed by law for its incurred expenses.

A copy of the Court's order was mailed to each known owner, mortgagee, lien holder or interested party, via certified mail return receipt requested, within 10 days of the Court's issuance of the order. A copy of the order was also filed with the real property records of Dallas County and with the Dallas City Secretary. Moreover, a copy of the order was posted on the Property and relevant portions of the order, as dictated by law, were published in the November 17, 2017 edition of the Dallas Morning News.

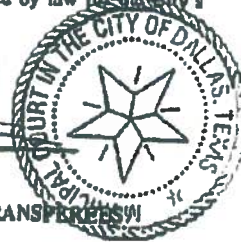
Following the lapse of 30 days from the Court order, the above referenced property was reinspected and the structure was found to be standing, in its same condition, on the property. As a result of the reinspection, a Notice of Noncompliance was mailed to each known owner, mortgagee, lien holder or interested party, via certified mail return receipt requested. A copy of the notice was also posted on the Property and published in the December 20, 2017 edition of the Dallas Morning News.

Upon these findings and pursuant to Article IV-a of Chapter 27 of the Dallas City Code and Section 214.001 of the Local Government Code it is the intention of the City of Dallas to proceed with and act upon the Court's November 13, 2017 orders.

It is therefore ORDERED that the City of Dallas is authorized, through its authorized agents and contractors, to: 1) remove doors, gates, windows, locks, walls, boards and other barriers preventing entry onto the Property; 2) enter the Property to inspect, photograph, and measure for purposes of documentation; 3) demolish the structure and any accessory structure(s) on the Property; 4) remove all components and personalty; and 5) place a lien on the Property where allowed by law for the City's incurred expenses.

Signed this 8th day of January 2018

Presiding Judge



NOTICE TO SUBSEQUENT GRANTEES, LIENHOLDERS OR TRANSFERREES

Pursuant to Article IV-a of Chapter 27 of the Dallas City Code and Section 214.001 of the Local Government Code, notice is hereby given that the filing of this order is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of this order, and constitutes notice of the order on any subsequent recipient of any interest in the property who acquires such an interest after the filing of this order.



DATE: February 1, 2018
TO: Landmark Commission
FROM: Allen R. Griffin, Assistant City Attorney
CC: David Cossum, Director
Neva Dean, Interim Assistant Director
Theresa Pham, Assistant City Attorney
Mark Doty, Senior Planner
Trena Law, Landmark Commission Coordinator
SUBJECT: Notice of Court Order for Demolition

Pursuant to 51A-4.501(i)(4), please be advised that the following properties are located within a City of Dallas Historic District and a court has issued an order for demolition of the structure(s) on these properties:

- (1) 1105 E. 9th Street (Tenth Street) Owner of Record per DCAD, Inner City Development Inc., P.O. Box 6366 Tyler, Texas 75711;
- (2) 1107 E. 11th Street (Tenth Street) Owner of Record per DCAD, Elizabeth L. Lloyd, 1611 Chapman Street Cedar Hill, Texas 75104;
- (3) 3708 S. Malcolm X. Blvd. (Wheatley Place) Owner of Record per DCAD, Human Service Network Inc., 3708 Malcolm X. Boulevard Dallas, Texas 75215;

If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.



DATE: February 9, 2018
TO: Landmark Commission
FROM: Allen R. Griffin, Assistant City Attorney
CC: David Cossum, Director
Neva Dean, Interim Assistant Director
Theresa Pham, Assistant City Attorney
Mark Doty, Senior Planner
Trena Law, Landmark Commission Coordinator
SUBJECT: Notice of Intent to Apply for Certificates of Demolition

Pursuant to 51A-4.501(i)(5)(D) of the Dallas City Code, please be advised that the following properties are located within a City of Dallas Historic District, and this serves as the 30-day written notice of the City's intent to apply for certificates of demolition:

- (1) 1105 E. 9th Street (Tenth Street) Owner of Record per DCAD, Inner City Development Inc., P.O. Box 6366 Tyler, Texas 75711;
- (2) 1107 E. 11th Street (Tenth Street) Owner of Record per DCAD, Elizabeth L. Lloyd, 1611 Chapman Street Cedar Hill, Texas 75104;
- (3) 3708 S. Malcolm X. Blvd. (Wheatley Place) Owner of Record per DCAD, Human Service Network Inc., 3708 Malcolm X. Boulevard Dallas, Texas 75215;

If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.

PRESERVATION CRITERIA CITED FOR STAFF RECOMMENDATION

City Code Section 51A-4.501(i)(7).

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 that 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.

TASK FORCE RECOMMENDATION REPORT
WHEATLEY PLACE / TENTH STREET

DATE: 6/12/2018

TIME: 4:00 pm

MEETING PLACE: Dallas City Hall, 1500 Marilla, Conference Room 5BN

Applicant Name: Allen Griffin (City Attorney' Office)

Address: 1105 E 9th Street (Tenth Street Neighborhood HD)

Date of CA/CD Request: 6/7/2018

RECOMMENDATION:

Approve Approve with conditions Deny Deny without prejudice

Recommendation / comments/ basis:

Motion to approve nomination removed

Task force members present

Kathleen Lenihan

Patricia Williams

Alonzo Harris

Jay Taylor

Andrew Wallace

Ex Officio staff members Present Marsha Prior

Simply Majority Quorum: yes no (four makes a quorum)

Maker:

2nd:

Task Force members in favor:

Task Force members opposed:

Basis for opposition:

CHAIR, Task Force

DATE

The task force recommendation will be reviewed by the landmark commission in the City Council chamber, Room 5ES, starting at 10:00 with a staff briefing.

The Landmark Commission public hearing begins at 1:00 pm in Room 6EN, the Council Chamber, which allows the applicant and citizens to provide public comment.

Discussion Item #18: 1105 E 9th

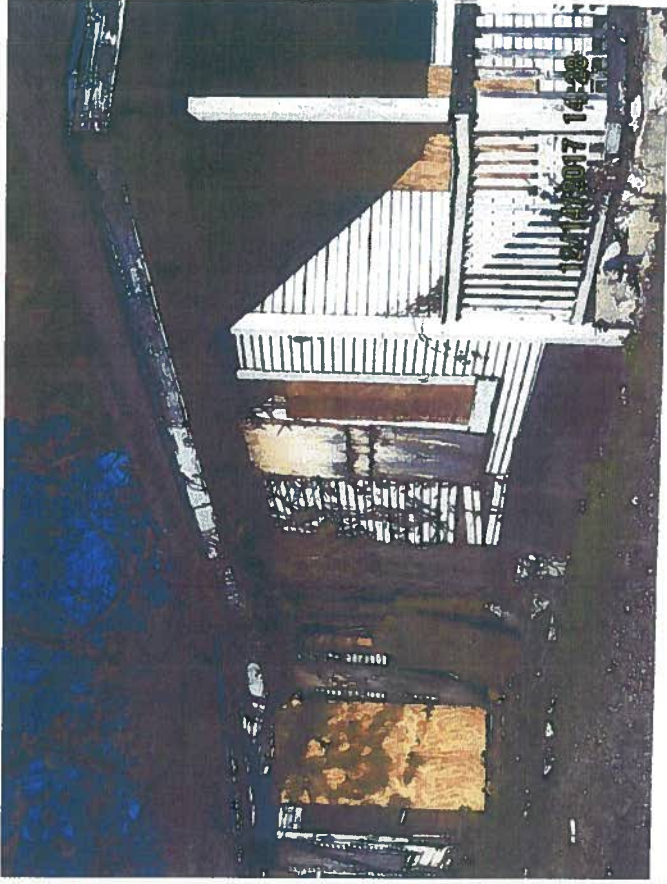
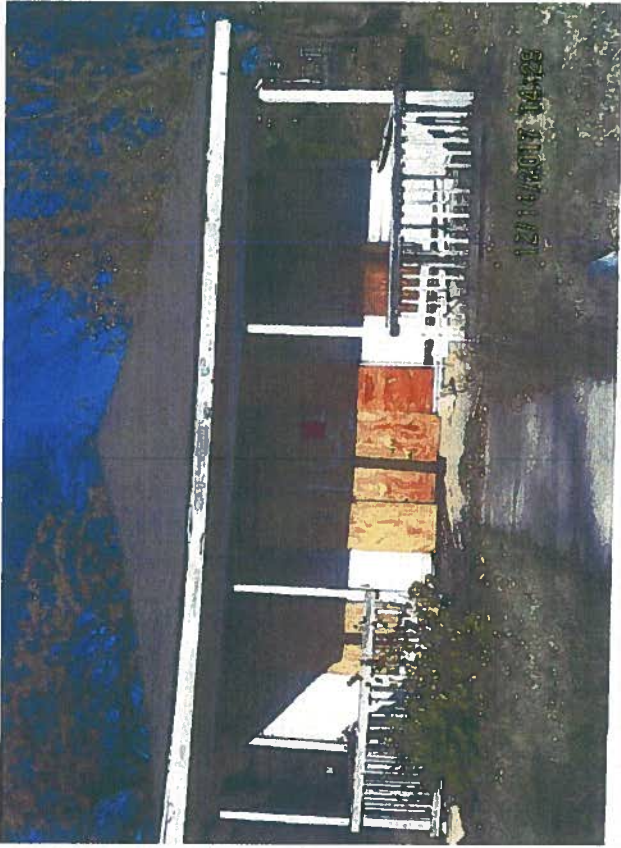


District: Tenth Street Neighborhood

Request: Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Staff Recommendation: Approve

Task Force Recommendation: Approve (This recommendation is from the July 10th Task Force meeting. Task Force does not review the applications again once they've entered the initial suspension period).



DALLAS LANDMARK COMMISSION
CASE #CD178-015(MP)

October 1, 2018

Standard for approval: The landmark commission shall approve the certificate for demolition of a residential structure with no more than 3,000 square feet of floor area if it finds that:

- (A) a court or other tribunal has issued a final order requiring 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.**

Background:

9/2/2014 – Landmark Commission approved the Certificate for Demolition (CD134-029(MD)).

7/2/2018 – Landmark Commission moved to enter into an initial suspension period in order to identify an interested party (CD178-015(MP)).

8/6/2018 – Landmark Commission moved to enter into an 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 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.

Per 51A-4.501(i)(8)(ii)(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 of demolition (the continuing suspension period)

(Dallas Development Code: No. 19455, Section 51A-4.501(i)(7))

- **Interested party was unable to meet the above requirements.**

Staff Recommendation:

1) Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Approve - The proposed demolition meets the standards in City Code Section 51A-4.501(i)(7) because the court issued a final order requiring the demolition of the structure and the suspension of the certificate of demolition is not a feasible option to alleviate the nuisance in a timely manner.

SECTION 4

Minutes

October 1, 2018

See Page 24, Item #18

18. 1105 E 9TH ST

Tenth Street Neighborhood Historic District
CD178-015(MP)

Marsha Prior

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Extended Suspension

Speakers:

For:

Norris Fain

Against:

Shaun Montgomery
Larry Johnson
Rosa Medrano
Demetria McCain
Jennifer Rangel

Motion

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code) – Approve – The proposed demolition meets the standards in City Code Section 51A-4.501(i)(7) because the court has issued a final order requiring the demolition of the structure and the suspension of the certificate of demolition is not a feasible option to alleviate the nuisance in a timely manner.

Maker:	Flabiano				MOTION FAILED
Second:	Allender				
Results:	7/7				
		Ayes:	-	7	*Allender, *Childers, Flabiano, Hinojosa, Montgomery, Richter, Seale
		Against:	-	7	De La Harpe, Payton, Peach, *Sherman, Spellicy, Swann, Williams
		Absent:	-	3	Amonett, Bumpas, Strickland
		Vacancies:	-	1	Dist. 3

10-1-2018 - Landmark Commission denied the application.

19. 1107 E 11th ST

Tenth Street Neighborhood Historic District
CD178-014(MP)

Marsha Prior

Demolish residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Extended Suspension

SECTION 5

**Transcript of the
October 1, 2018
Landmark Commission
Hearing
1105 E. 9th Street
CD178-015(MP)**

TRANSCRIPTION OF EXCERPT OF AUDIO RECORDING

LANDMARK COMMISSION PUBLIC HEARING

CITY OF DALLAS, TEXAS

CASE CD178-015 (MP)

1105 EAST NINTH STREET

DATE OF HEARING: OCTOBER 1, 2018

DATE OF TRANSCRIPTION: OCTOBER 16, 2018

1 T R A N S C R I P T I O N

2 THE CHAIRWOMAN: D18.

3 UNKNOWN SPEAKER: D18 is 1105 East Ninth
4 Street, Tenth Street Neighborhood Historic District,
5 CD178-015 (MP) .

6 Request; demolish residential structure,
7 3,000 square feet or less, pursuant to a court order
8 51A-4.501(1), of the Dallas City Code.

9 Staff recommendation, approve. The proposed
10 demolition meets the standards in City Code Section
11 51A-4.501(17) because the court has issued a final order
12 requiring the demolition of the structure and the
13 suspension of the certificate of demolition is not a
14 feasible option to alleviate the nuisance in a timely
15 manner.

16 UNKNOWN SPEAKER: Task force
17 recommendations; approve demolition. This
18 recommendation is from the July 10th task force meeting.
19 Task force does not review the applications again once
20 they've entered the initial suspension period.

21 THE CHAIRWOMAN: And we have our Applicant,
22 of course, or City Attorney's office and we also have
23 several speakers against. We'll start with our
24 Applicant.

25 MR. GRIFFIN: Good afternoon. On August 4th

1 we entered into -- the commission entered into an
2 extended period suspension on this matter when an
3 interested party, Mr. Johnson, was identified.

4 However, the interested party has not
5 provided the information and evidence required by
6 Section 51A-4.51-018(A)(aa), 1 through 4, which is --
7 I'm sure it's a provision you guys are very familiar
8 with, having to do with providing the guarantee, an
9 anticipated certificate of appropriateness, etcetera.

10 So we're requesting the court grant the
11 certificate, the application, our application for
12 certificate of demolition at this time.

13 But that being said, and in light of the
14 fact that there are continued efforts to attempt to do
15 something with this property that I've been apprised of,
16 and in order to accommodate those attempts, when the
17 certificate of demolition is issued we won't, for a
18 period of at least four months, we're not going to act
19 on that or send that to code so that those efforts can
20 continue to be made to preserve the property.

21 THE CHAIRWOMAN: Thank you, Mr. Griffin.
22 I'd like to hear from our -- is that --

23 MR. GRIFFIN: Yes.

24 THE CHAIRWOMAN: Okay, thank you. I just
25 wanted to make sure that concluded your statements.

1 I'd like to hear from our other folks who
2 have signed up to speak on this item. Ms. Medrano, Ms.
3 Montgomery, and Mr. Johnson.

4 Mr. Johnson, did you -- I'm not sure. I see
5 your D17, I didn't know if you were signed up for this
6 one or not. Here is your form, D18.

7 MR. JOHNSON: Can we get Mr. Griffin,
8 everybody kind of knows him, but could he tell us for
9 the record, he didn't tell us who he was or who he was
10 or what he is, for our record.

11 MR. GRIFFIN: My name is Allen Griffin, I'm
12 here representing the City and the Assistant City
13 Attorney.

14 THE CHAIRWOMAN: Thank you.

15 UNKNOWN SPEAKER: I submitted my yellow
16 form. I don't know if you see it up there. Demetra had
17 signed up but she had -- Demetra had to step out, but I
18 represent the same nonprofit, I turned it in.

19 THE CHAIRWOMAN: Okay, thank you. I have
20 hers here, her form.

21 UNKNOWN SPEAKER: I submitted it to someone.

22 THE CHAIRWOMAN: What is your name?

23 UNKNOWN SPEAKER: Jennifer Wrangell.

24 THE CHAIRWOMAN: Got it.

25 MS. WRANGELL: Thank you. Could someone

1 help me with -- I don't know how to use this.

2 THE CHAIRWOMAN: I just have a question for
3 all of you speakers, did everybody get sworn in? Okay,
4 great. You didn't, Shawn? Okay, I'll swear you in. Do
5 you want to stand and raise your right hand.

6 Do you swear or affirm to tell the truth
7 today? Thank you. You may sit down.

8 MS. WRANGELL: My name is Jennifer Wrangell
9 and I serve as the planning and community outreach
10 director for the Inclusive Communities Project, address
11 3301 Elm Street, 75226.

12 On behalf of ICP, we are against the
13 recommendation to demolish. We have spoken previously
14 against demolitions in Tenth Street, specifically we're
15 speaking on 1105 East Ninth Street.

16 ICP is an organization that works towards
17 fair housing and neighborhood equity. Tenth Street is a
18 historic district and a neighborhood of color. The
19 nature of Tenth Street, when freed slaves built the
20 community, does not lend to homes over 3,000 square
21 feet.

22 The ordinance used against 1105 relates to
23 structures under 3,000 square feet and allows for
24 demolition without genuine effort to help save the
25 property.

1 We ask that you not issue a certificate for
2 demolition. ICP is interested in an investigation on
3 who the true owner is, to look at demolition by neglect
4 for this property, which would help find the resources
5 for repair.

6 Suspension of a demolition certificate in
7 order to investigate will not cause harm nor danger.
8 The first photo you see here, this is Peak Suburban
9 Addition, a historic district in a predominantly white
10 neighborhood.

11 This is a dilapidated structure that has
12 been allowed to stand for a good period of time most
13 likely because the structure is over 3,000 square feet.
14 Thank you for your time.

15 THE CHAIRWOMAN: Thank you. Next speaker.

16 MS. MEDRANO: Hi, my name is Rosa Medrano,
17 1129 Betterton Circle. Again, we are against
18 demolitions. I don't know, Mr. Payton said that we
19 don't have the structures, I don't really know. But we
20 still have the title. All we want is no more
21 demolitions in our historic district and that's it.
22 Thank you.

23 THE CHAIRWOMAN: Thank you. Next speaker.

24 MS. MONTGOMERY: Thank you, Shawn
25 Montgomery. As I stated earlier, I am against any

1 demolitions, past, current, and future. Also, I am not
2 aware that our historic designation has been removed.
3 And I think I have done a little research regarding with
4 the -- regarding a historic designation with the Texas
5 Historical Commission.

6 And because it is a freedman's town, I have
7 been advised that there has not been any freedman's town
8 de-listed with the Texas Historical Commission. So as
9 far as Tenth Street losing its historic designation, I
10 have not received that information as well as a meeting
11 that we did have at M.W. Harley, I believe in April of
12 2018 that questioned -- I do recall advising Ms. Neva
13 Dean that we were concerned about our historic
14 designation and these neighbors here do want to continue
15 to keep our historic designation. We want our
16 structures. Thank you very much.

17 THE CHAIRWOMAN: Thank you, Ms. Montgomery.
18 Any other speakers?

19 MR. LARRY JOHNSON: Larry Johnson. I am the
20 interested party. We searched vigorously for three
21 months for the owner and we just kept getting sent down
22 rabbit trail after rabbit trail after rabbit trail. And
23 we were -- we felt that we were really close to him but
24 our time is up.

25 And I understand that. I also believe that,

1 you know, in certain cases, you know, there's a time
2 for, you know, civil disobedience. There's a time to go
3 by the rules, and then there's a time where rules must
4 be broken for different reasons.

5 We're one of the only intact freedman's
6 towns in the state of Texas and one out of a few in the
7 United States of America. And so I'm asking that, I
8 know what the law states and I know that by law you guys
9 are -- we've put you-all in a really tough position.

10 But at the same time, I would ask that
11 you-all just please consider not granting this
12 certificate of demolition, but allowing us to find this
13 owner and to rebuild our district. Thank you.

14 THE CHAIRWOMAN: Thank you, Mr. Johnson.
15 Mr. Flabiano.

16 MR. FLABIANO: Yeah, I guess I have a
17 question for the folks that are speaking out against. I
18 mean, have, and I appreciate you mobilizing and we
19 talked about this, it should have happened three years
20 ago, five years ago, or however long it's been.

21 Have you contacted your city councilperson
22 and representative? No? Enough said. But there are
23 other city councilmembers that would be happy to hear
24 you and listen to you.

25 MR. LARRY JOHNSON: But to answer your

1 question, Mr. Flabiano, I was able to attend that
2 community meeting with the Glen Oaks Homeowners
3 Association. And at the association I was able to talk
4 to Mr. Casey, Ms. Vana Hammond, and I was also able to
5 talk to the mayor. I spoke with Mr. Casey first and he
6 passed me on to the mayor.

7 And then I spoke to the mayor and then he
8 passed me on to Ms. Vana Hammond, and I've been in
9 contact with Ms. Hammond. And what I was told at this
10 meeting was that what they were going to do was to -- if
11 there had been any conversations between us and our
12 former District 4 councilman, I forgot his name --
13 Caraway, that's his name.

14 If there had any previous conversations with
15 Mr. Caraway, that they would honor those conversations
16 and do accordingly. Well, we were in conversations with
17 Mr. Caraway and this very issue when he was -- when
18 was -- when all this foolishness went down.

19 And so I was told one thing, but something
20 completely different is being done. I was told that we
21 would be considered and that they would look into
22 stopping the demolitions.

23 Well, I've been in contact with Ms. Hammond
24 and now I'm being told that they're not going to stop
25 the demolitions, not until the next councilmember takes

1 their seat sometime in November or maybe even December.

2 And I do have the e-mails, I don't have them
3 in printed form. But, yes, I've been in contact with a
4 few councilmen on this issue.

5 THE CHAIRWOMAN: Other questions,
6 Commissioners? We're in the question period.

7 Commissioner Spellicy.

8 COMMISSIONER SPELLICY: I have some
9 questions for Mr. Griffin. In our briefing there was an
10 indication that Mr. Johnson was willing to going ahead
11 and have the commission move forward with the vote so
12 that it could go through the process and that you'd be
13 able to work with him directly.

14 Could you explain the sort of decision or
15 motivation behind why four months, why you've committed
16 to four months versus any other period of time.

17 MR. GRIFFIN: Well, the certificate of
18 demolition expires and you cannot -- it will expire if
19 you do not begin the work with that certificate of
20 demolition within six months. So I said at least four
21 months, and that's what I'm committing to.

22 So that gives a little leeway in hiring
23 somebody, making sure that the work actually initiates
24 before that six months.

25 COMMISSIONER SPELLICY: Are you or anyone

1 else in your office providing support to him throughout
2 these four months as he attempts to track down the owner
3 or?

4 MR. GRIFFIN: We're limited just like
5 anybody else is, Freedom of Information Act.

6 COMMISSIONER SPELLICY: So looking at the
7 court order from 2017, how long did you spend trying to
8 find the owner? How many months?

9 MR. GRIFFIN: How many months?

10 COMMISSIONER SPELLICY: Yeah, how long did
11 that process take?

12 MR. GRIFFIN: We send out notice every time
13 we have a hearing. I don't know, I mean, it's been --
14 notice goes out every time. It's posted on that
15 property every time that we have a hearing.

16 COMMISSIONER SPELLICY: That lasted more
17 than four months, would that be a correct assumption?

18 MR. GRIFFIN: Yeah. It's, if the order was
19 signed in November, then, you know, we would have -- we
20 went through an extensive title search on each of these
21 properties.

22 COMMISSIONER SPELLICY: So what is supposed
23 to happen within the next four months to help
24 Mr. Johnson be able to handle the situation or to
25 identify or capture the information that the City

1 Attorney's office has been unable to do for at least
2 almost a year because the court order is dated November
3 of 2017.

4 MR. GRIFFIN: The information I had was that
5 there was, at least the information that I was given and
6 what I was acting on when I was speaking or when I was I
7 guess talking to Mark Doty, was that there had been some
8 sort of communication between Larry and this person that
9 owned or they thought they were close so that was news
10 to me.

11 COMMISSIONER SPELLICY: And then what
12 happens at the end of the four months exactly?

13 MR. GRIFFIN: Well, we'll see where we are
14 and if there is something that's -- I'm not going to --
15 if there is progress, then we've got two months to work
16 with.

17 COMMISSIONER SPELLICY: So what -- and what
18 would that progress look like in our briefing? Mr. Doty
19 said very specifically this house was going to be
20 demolished in 180 days, that it would not -- we would
21 not have these multiple certificates like we've had in
22 the past that have run out.

23 MR. GRIFFIN: Well, we're not going to start
24 the process over is what I'm saying. If it comes down
25 to -- if we have something that looks like it's going to

1 happen, like there's actually going to be somebody that
2 steps in at the house, and I don't know what that looks
3 like, whether that's a repair agreement at that point.
4 If that person is identified we can get back into the,
5 you know, the rehab mode, that's great.

6 I will work with whomever if that person
7 is -- if it's feasible, if it looks like this is really
8 going to happen, then I'll work with them.

9 But if --

10 COMMISSIONER SPELLICY: But feasibility can
11 only be achieved if you're actually able to make contact
12 with the owner.

13 MR. GRIFFIN: That's correct.

14 COMMISSIONER SPELLICY: Which the City has
15 been unable to do for over a year.

16 MR. GRIFFIN: That's correct.

17 COMMISSIONER SPELLICY: And with the City of
18 Dallas being the Applicant, does the -- how am I doing
19 on time? I apologize. Sorry.

20 With the City of Dallas being the Applicant,
21 do you have to go -- I'm assuming you have to go through
22 the normal procurement procedures so that would involve
23 putting out a competitive bid to one of the companies
24 that's a, you know, an approved City of Dallas vendor,
25 that entire process.

1 MR. GRIFFIN: That's correct.

2 COMMISSIONER SPELLICY: And so do you intend
3 to start that process to have something lined up before
4 the four-month mark occurs?

5 MR. GRIFFIN: I don't think that's
6 necessary.

7 COMMISSIONER SPELLICY: Okay. That's it for
8 me on this one. Thank you.

9 THE CHAIRWOMAN: Commissioner Swann.

10 COMMISSIONER SWANN: Yes, Mr. Griffin.
11 Would it be accurate to say that Mr. Johnson's chief
12 obstacle to moving forward on this property is lack of
13 clear title?

14 MR. GRIFFIN: That's what I'm aware of, yes.

15 COMMISSIONER SWANN: Okay. I mean, do you
16 agree that it's unreasonable to ask someone with no
17 title to a property to invest money in that property?

18 MR. GRIFFIN: You can't do that. You can't
19 do that under the ordinance.

20 COMMISSIONER SWANN: Right. Okay, is this
21 typical for the deterioration of a Tenth Street property
22 to result from a title issue?

23 MR. GRIFFIN: Okay. Please --

24 COMMISSIONER SWANN: Is that a common
25 occurrence in Tenth Street that clouded title results in

1 neglected properties?

2 MR. GRIFFIN: Sure.

3 COMMISSIONER SWANN: Is it perhaps the most
4 common?

5 MR. GRIFFIN: I don't know the answer to
6 that question.

7 COMMISSIONER SWANN: Okay. Is this property
8 in tax arrears? Have taxes -- are taxes paid up on this
9 property?

10 MR. GRIFFIN: I do not know the answer to
11 that.

12 COMMISSIONER SWANN: Has a foreclosure
13 procedure been initiated on this property by the county
14 for unpaid taxes?

15 MR. GRIFFIN: I have no idea.

16 COMMISSIONER SWANN: Okay. How much will
17 this demolition cost approximately?

18 MR. GRIFFIN: It depends on, you know,
19 whether there's asbestos.

20 COMMISSIONER SWANN: Give me a ballpark.

21 MR. GRIFFIN: Anywhere between, you know,
22 7500 and \$10,000.

23 COMMISSIONER SWANN: Okay. And who bears
24 that cost?

25 MR. GRIFFIN: The City bears that cost and

1 then they put a lien on the property.

2 COMMISSIONER SWANN: So that encumbers the
3 property with a lien.

4 MR. GRIFFIN: That is correct.

5 COMMISSIONER SWANN: Is it likely that
6 property is already encumbered by a number of other
7 liens?

8 MR. GRIFFIN: I would assume so, in fact, I
9 would definitely assume that because there are 193
10 service calls to that property.

11 COMMISSIONER SWANN: Okay. Now, what would
12 you say, when you take the house off that property, the
13 structure off that property, how much would you say --
14 how would you say that affects the value of the property
15 in terms of like appraised value, which of course, is a
16 percentage of --

17 MR. GRIFFIN: I'm not -- I'm sorry.

18 COMMISSIONER SWANN: Okay. All right. Have
19 there been situations in the past where you had severely
20 clouded titles, for whatever reason, that went on to
21 have their titles unclouded and became occupied,
22 contributing homes in the Tenth Street district?

23 MR. GRIFFIN: Sure.

24 COMMISSIONER SWANN: Okay. How has that
25 usually proceeded?

1 MR. GRIFFIN: Oh, you say in the Tenth
2 Street?

3 COMMISSIONER SWANN: Yes, sir.

4 MR. GRIFFIN: I'm not aware of any since
5 I've had this docket, which has been about a year and a
6 half.

7 COMMISSIONER SWANN: Okay. Well, I've seen
8 it happen, a lot of the ones that we come through. But
9 what I'm getting at is really, I mean, do you know of
10 any economical way to clear a title that you-all weren't
11 able to clear and Mr. Johnson is not able to clear?

12 Titles can be clouded for a lot of reasons,
13 heirs. I mean, what is the most expeditious way that is
14 procedurally available to us to uncloud a title in a
15 situation where the taxes were owed on the property?

16 MR. GRIFFIN: I mean, I understand what
17 you're saying. You're saying you want me to say that
18 it's -- when it's foreclosed on by --

19 COMMISSIONER SWANN: Well, is it the truth?

20 THE CHAIRWOMAN: Mr. Swann, Commissioner
21 Swann.

22 COMMISSIONER SWANN: Yes.

23 THE CHAIRWOMAN: I understand what you're --
24 the line, but I just want to redirect us to the
25 considerations that we have as we make our motion. So I

1 appreciate your line of questioning and I agree with
2 you.

3 However, I want to be mindful of the
4 purpose, the question, time is to gain information to
5 make a decision on this application.

6 COMMISSIONER SWANN: That's my intention.
7 Thank you.

8 THE CHAIRWOMAN: Thank you. Commissioner
9 Payton.

10 COMMISSIONER PAYTON: Some kind of way the
11 City is failing to realize that with all of the new
12 development going on, the Bishop Arts District, the
13 improvements on the zoo, the improvements on getting
14 ready to build that park across the freeway there.

15 Some kind of way the City is failing to
16 realize that to have an intact freedman's town is only
17 going to add to the value of tourism. People are going
18 to come from around the world to see that new park, the
19 new zoo, the Bishop Arts District, all of that
20 improvement going on there.

21 And people who have never seen a freedman's
22 town are going to come from around the world and tour
23 buses are going to come up through there and it's really
24 going to make Dallas look good that they have kept a
25 freedman's town intact.

1 It's going to generate tourism. It's going
2 to generate interest. And I think that if the Le Fains,
3 a historical family, he's got the space. They've got
4 the place, and if they can take their place and put it
5 in his space, it's going to all work out for the City of
6 Dallas.

7 And other developers want it.

8 THE CHAIRWOMAN: Commissioner Payton, this
9 is a question mode we're in.

10 COMMISSIONER PAYTON: Oh, I'm sorry, I
11 was --

12 THE CHAIRWOMAN: Do you have a question?

13 COMMISSIONER PAYTON: Well, the question is,
14 does Dallas realize that they've got a diamond in the
15 rough with having a freedman's town. And I'd like to
16 just ask, you mentioned free slaves.

17 There's no such thing as a free slave. So
18 whenever you hear that, correct that because that's an
19 oxymoron, you can't be free and a slave at the same
20 time. All right. Thank you. That's my question, would
21 Dallas realize what it has in the Oak Cliff area?

22 THE CHAIRWOMAN: Thank you, Commissioner
23 Payton. Commissioner Flabiano.

24 COMMISSIONER FLABIANO: Yeah, I'm prepared
25 to do a motion. I guess I have one question for our

1 City Attorney.

2 Similar to the line of question, nobody's
3 attacking you, you're just kind of representing the
4 City.

5 It seems that to correct years and years of
6 neglect, we're going through a demolition mode, and that
7 just increases the liens on the property. And at some
8 point when this is -- if you've got these liens, at what
9 point can the City exercise foreclosure on those
10 properties so that they can be sold at the courthouse
11 steps to interested folks? And why do we need to go
12 through a demo for that to happen?

13 If there's already outstanding liens, at
14 what point do you foreclose on the property, take
15 eminent domain because it's I guess damaging the
16 neighborhood which is an historic district designated by
17 the City. I think you sense the frustration on the
18 commission's side.

19 So I guess at what point can you foreclose
20 on that property? Is that just not even under the
21 ability of the City to do that?

22 MR. GRIFFIN: I mean, that's an issue for
23 special collections. We have a nuisance that needs to
24 be abated and that is the pressure that I'm being put
25 under.

1 Like I said, there are 193 service calls to
2 this property, including vice service calls, narcotics
3 and vice, open, vacant, you've got a school, elementary
4 school that's right there.

5 It's a problem. As far as answering your
6 specific question, I'm not involved in that analysis.
7 That's an issue for special collections. And so maybe
8 that's inefficient, maybe that's -- but whatever it is,
9 we are, whether it's years of neglect, we have this
10 nuisance that needs to be abated on this particular
11 property.

12 THE CHAIRWOMAN: Commissioner Peach.

13 COMMISSIONER PEACH: As I understand there's
14 been 193 service calls, as you've stated. But what part
15 of tearing down the house makes you think that we're not
16 still going to have service calls to this piece of
17 property for the grass being high, for dumping, vagrants
18 can still camp on the land.

19 I don't see how us removing a historical
20 structure really stops those service calls.

21 MR. GRIFFIN: It's the structure itself.
22 That is an attractive nuisance. If you don't have that
23 structure there, you're not going to have a place to
24 hide like you would if there's a structure there.

25 It's not the same, having dumping on that

1 property is not going to be as dangerous or as much of
2 an attractive nuisance as there would be if there's an
3 open and vacant structure.

4 That's just the way it is.

5 THE CHAIRWOMAN: Commission Richter.

6 COMMISSIONER RICHTER: I guess I just have
7 to question the whole process because looking on Dallas
8 County Appraisal District, the value of the building is
9 currently listed as \$9,800. The land is only \$8,000.
10 You're saying it's going to be close to \$10,000 to
11 demolish it.

12 Then you've got all the liens on it. At
13 some point there should be a trigger in our system that
14 says, and I would be willing to bet the taxes are not
15 being paid and haven't been paid for a long time and it
16 just continues to accumulate.

17 If there were a foreclosure process that got
18 it back into the hands of people that would do something
19 with it, economically it makes a lot more sense than
20 going through what we're talking about.

21 And I don't know how that happens, but it's
22 something that I think needs to be evaluated quickly and
23 maybe there's a moratorium that needs to happen on this
24 whole thing until we look at the system.

25 THE CHAIRWOMAN: Commissioner Flabiano.

1 **COMMISSIONER FLABIANO:** Yeah, I have a
2 motion and we can vote on it and then we can discuss it
3 more.

4 So on discussion Item 18 at 1105 East Ninth
5 Street, Tenth Street Neighborhood Historic District,
6 CD178-015(MP), the motion is to follow staff
7 recommendation and approve the demolition of this
8 structure.

9 **THE CHAIRWOMAN:** Thank you, Commissioner
10 Flabiano. Do we have a second? Thank you, Commissioner
11 Allender. We're now in discussion mode.

12 Commissioner Peach.

13 **COMMISSIONER PEACH:** I understand what the
14 City Attorney wants us to do. I understand what staff
15 wants us to do. I can't in good conscience tear down
16 another one of these properties. They're important to
17 the history of Dallas. They're important to the history
18 of the nation.

19 We can't just say they're too far gone,
20 nothing is too far gone. And so, like you said, civil
21 disobedience, I'm not rubber stamping this. I'm not
22 condoning it today.

23 **THE CHAIRWOMAN:** Thank you, Commissioner.
24 Commissioner Swann.

25 **COMMISSIONER SWANN:** Yes, I appreciate the

1 statistics that Commissioner Richter brought up. I
2 actually read those into the record about three meetings
3 ago.

4 I don't mean to pick on Mr. Griffin, but at
5 that meeting I gave you the answers to all the questions
6 that I asked you today. I believe -- I'm going from
7 memory now -- I believe that the tax arrears on this
8 property is twelve years.

9 I'm glad that Commissioner Richter mentioned
10 the fact that the value of the structure in this case is
11 over half the DCAD value of the property. And that is
12 important because if these properties go through a tax
13 sale process, improved properties come in the largest
14 bids and they go first at the tax sales.

15 So when you -- and moreover, I have a lot of
16 experience with title issues and clearing title issues.
17 This is by far, tax foreclosure is by far the easiest
18 way, in some cases the only way to clean up a title.

19 In some cases where you have the too many
20 heirs situations, you can have change inheritance that
21 you trace all the way back to the 1860s or '70s before
22 you can start tracing them forward.

23 It is an impossible burden. And the root
24 cause of the nuisance, I mean, Mr. Griffin, I understand
25 you were charged with abating nuisance. And I am

1 telling you that the root cause of this nuisance is a
2 clouded title that is going to keep anyone now or in the
3 future from approaching this property to improve it.

4 Now, if you want to get it in the hands of
5 somebody who will, with a clear title, grant it, it's a
6 quitclaim deed, it's not perfect, but it's worked for a
7 lot of other properties. I've seen many, many
8 properties come up with tax sale on Tenth Street and
9 that's how I got mine.

10 It is the only way to effectively wipe a
11 title. And to move these properties through demolition,
12 especially ones like this. This one is 107 years old.
13 It was built by William Smith in 1911, it was the same
14 family for probably 70 or 80 years.

15 To rush it through demolition without
16 everyone giving it the possibility of having its title
17 cleaned up with a structure on it which makes it more
18 attractive to someone to bid on it, it doesn't make any
19 sense and it doesn't abate the nuisance either because
20 once again now we have a less desirable property being
21 dumped on, nobody to maintain it.

22 And it's likely to go through tax sale
23 several times before someone is interested in it because
24 it will not go as fast as the improved property. We're
25 also much farther away from having an occupied house,

1 which is our best security.

2 That's how our nuisance is abated, when we
3 have more eyes on the street, more people running dogs,
4 and more people to deal with the vagrancy, you know, the
5 street walking, the drug use and the illegal dumping
6 that you cited.

7 So it makes no sense. And I guess, since
8 this is my last opportunity to speak, I understand that
9 it is the ministerial obligation of this body to grant
10 the certificate of demolition at the expiration of the
11 final period of extension.

12 But I also understand and I've been assured
13 by counsel that I am free, personally free, as a single
14 commissioner, to vote my conscience. That's what I will
15 do. But doing this is not in the best interest of the
16 district. It harms the district.

17 If I look at the page that says all of our
18 grounds for denying work in a district, the proposed
19 work will have an adverse effect on future preservation,
20 maintenance, and use of the structure or historical
21 overlay district.

22 That's what this does. We have better
23 alternatives. They are already in place procedurally
24 and we've not explored them. There's no excuse for
25 that.

1 THE CHAIRWOMAN: Thank you, Commissioner
2 Swann.

3 MS. HOLMES: Madam Chair, if I might
4 interrupt and, thank you, Commissioner Swann, for
5 reiterating where we are with our motion which is a
6 motion to grant the certificate of demolition, which is
7 the Landmark Commission's obligation at this point due
8 to the way that the code is written.

9 And this is not at the City's request. This
10 is not something that the attorney's office or the City
11 chooses to pursue. And I think we've communicated with
12 you that is not our desire, but is the way the code is
13 written and that is really the only question in front of
14 you right now is to, shall grant the certificate for
15 demolition, which is your requirement at this point.

16 THE CHAIRWOMAN: Thank you, Ms. Holmes.
17 Commissioner Williams, do you have a question?

18 COMMISSIONER WILLIAMS: Well, shall grant is
19 one thing, but when the City asks each one of us to
20 become a Landmark Commissioner, they give us a sheet
21 which is numbered one through seventeen, the purpose of
22 the landmark program and therefore the purpose of a
23 Landmark Commissioner.

24 No. 1, being, to protect, enhance, and
25 perpetuate places and areas which represent distinctive

1 and important elements of the City's historical,
2 cultural, social, economic, archaeological,
3 paleontological, ethnic, political, and architectural
4 history.

5 No. 1, and so I ask myself, how do I do that
6 and then vote yes past this? And so, yes, you may see
7 it is our -- we're required or we must do this, but I
8 must personally decline to pass this because the City
9 may have an ordinance that says we have to do this
10 because this is past. But each one of us are still
11 required to have a vote here around the horseshoe on
12 this.

13 So I still have the first purpose and so
14 that's just.

15 THE CHAIRWOMAN: So questions for counsel?
16 I understand, not to beat a dead horse, but you have
17 reminded us several times that it is a ministerial duty
18 of the commission. We are bound by the rules that state
19 we shall approve the demolition.

20 We do have counsel's expression that even
21 with the official approval to demolish that the City
22 Attorney's office has stated that they're willingness to
23 hold off on the demolition for several months is an
24 option.

25 The question to counsel is, if the -- you've

1 heard several commissioners state their declaration to
2 not -- their vote of protest, if you will.

3 What are the ramifications for commissioners
4 who choose that option or are there? Or is it something
5 that just perhaps happens regardless of a Landmark
6 Commission vote because the ordinance is pretty specific
7 if the burden isn't met.

8 So if a motion -- if the motion fails and
9 the commission -- the majority of the commissioners vote
10 to protest, then what is the fallback on any
11 commissioners for not following the ordinance?

12 MS. HOLMES: Madam Chair, if the motion
13 fails, we'll go to executive session.

14 THE CHAIRWOMAN: All right. Well, let's
15 call for a vote, then. Commissioner Hinojosa, did you
16 have anything to add before we call for a vote?

17 COMMISSIONER HINOJOSA: It was something,
18 repeating something, what you've said that Mr. Griffin
19 said that he was -- that the City is willing to extend
20 suspension, I believe for up to four months.

21 THE CHAIRWOMAN: Well, no, they're not
22 extending the suspension. They're just basically not
23 acting on the demolition.

24 COMMISSIONER HINOJOSA: Won't proceed with
25 demolition for up to four months. I didn't know how our

1 vote either way would affect that or impact that.

2 THE CHAIRWOMAN: I don't know that it -- I
3 don't know. It's a question for counsel. I would just
4 say, commissioners, that you all have to vote your
5 conscience and vote obviously how you feel on this, but
6 we do have the City Attorney's office on record saying
7 they're not going to pursue demolition on this case for
8 four months minimum I think.

9 And then we would be revisiting it. And we
10 do have an interested property owner who is willing to
11 work toward working the title, certainly appreciate
12 Commissioner Swann for pointing out that hard reality
13 that it might not matter that foreclosure for this
14 property is really the option for this property to get
15 it to save it.

16 Anything else is unrealistic. Okay,
17 Commissioner Spellicy.

18 COMMISSIONER SPELLICY: I have a question
19 for you, Madam Chair. In the statement that you just
20 made in terms of the commitment from the City Attorney's
21 office, they've committed not to pursue it for four
22 months, but in the briefing have committed that it will
23 be demolished within 180 days.

24 I just want to make certain there's no
25 misunderstanding in terms of voting yes and what they're

1 committed to do in their time line. Is that accurate?

2 Thank you.

3 THE CHAIRWOMAN: Okay. All of those in
4 favor of the motion, please say aye. And let's do a
5 show of hands to just make it easier.

6 Commissioner Allender, Childers, Hinojosa,
7 Montgomery, Flabiano and Seale, I'm voting for it. So
8 one, two, three, four, five, six.

9 And then in opposition? Commissioner Swann,
10 Payton, Williams, De Le Harpe, Spellicy, Richter, Peach,
11 and Sherman.

12 So the motion fails. And it is 5:33 p.m. on
13 October 1st, 2018. The Landmark commission will now go
14 into closed session under Section 551.072 of the Texas
15 Open Meetings Act to deliberate regarding real property
16 on the following matters described on today's agenda.

17 And the time is 5:34.

18 (End of audio file excerpt.)

19

20

21

22

23

24

25

1 **STATE OF TEXAS)**
2 **COUNTY OF DALLAS)**

3 **I, Leslie McDonald Wilkins, Registered Professional**
4 **Reporter No. 029319, certify that the foregoing**
5 **proceeding was transcribed from an audio recording and**
6 **that it was transcribed to the best of my ability.**

7 **GIVEN UNDER MY HAND on this the 16th day of October,**
8 **2018.**

9
10
11
12
13
14
LESLIE McDONALD WILKINS, RPR #029319

15 **Expiration Date: 12/31/18**

ALL-AMERICAN REPORTING #365

16 **P. O. Box 520**

Denton, Texas 76202

17 **(972) 219-5161**

(940) 320-1992

18
19
20
21
22
23
24
25

SECTION 6

**City of Dallas Demolition
Standards (Standard 5)
Dallas Development Code
§ 51A-4.501**

case back to the landmark commission in accordance with Subsection (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). 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 noncontributing 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 noncontributing 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 (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). 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) 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 noncontributing 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 (m). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (m). 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.

(j) 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.

SECTION 7

Correspondence

- Notice of application denied
- Request to Appeal from applicant
- Appeal Procedures

October 18, 2018

City of Dallas Attorney Office
2014 Main Street, Suite 227,
Dallas, TX 75201

**RE: CD178-015(MP)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
1105 E 9TH ST**

Dear City of Dallas Attorney Office:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on June 6, 2018.

Please see the enclosed Certificate of Appropriateness for Details.

PLEASE NOTE: You have the right to appeal this decision within 30 days from the Landmar 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 October 31, 2018. For information regarding the appeals process, please call Elaine Hill at 214-670-420

Encl. Application for Appeal

If you have any questions, please contact me by phone at (214) 670-4131 or ema at marsha.prior@dallascityhall.com.



Marsha Prior
Senior Planner

Certificate of Appropriateness

July 2, 2018

Standard	July 2, 2018	PLANNER:	Marsha Prior
FILE NUMBER:	CD178-015(MP)	DATE FILED:	June 6, 2018
LOCATION:	1105 E 9TH ST	DISTRICT:	Tenth Street Neighborhood Historic Distr
COUNCIL DISTRICT:	4	MAPSCO:	55-A
ZONING:	PD-388	CENSUS TRACT:	0041.00

APPLICANT: City of Dallas Attorney Office
REPRESENTATIVE:
OWNER: INNERCITY DEVELOPMENT INC

The Landmark Commission decision is: Denied

Information regarding requests:

1) Demolish a residential structure 3,000 square feet or less pursuant to a court order (51A-4.501(i) of the Dallas City Code).

Deny

Conditions: Landmark Commission denied the application.



Landmark Commission Chair

July 2, 2018

Date

Please take any signed drawings to Building Inspection for permits.

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

CD 178 - 015 [MP]
 Office Use Only

1. Name of Applicant: Allen R. Griffin, Dallas City Attorney's Office

MAILING Address: 2014 Main Street Ste. 227 City Dallas State TX Zip 75201
 Daytime Phone: 214-670-4436 Fax: 214-670-4814
 Relationship of Applicant to Owner: NA

ADDRESS OF PROPERTY TO BE DEMOLISHED: 1105 E. 9th Street Zip: 75203
 Historic District: Tenth Street

Proposed Work:

2. Indicate which 'demolition standard(s) you are applying:
- 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 certificates 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:
 (please see attached checklist)
Demolition of a structure pursuant to 51-A-4.501(i)

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). You may also fax this form to 214/670-4210, **DO NOT FAX PHOTOGRAPHS.**

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.

RECEIVED BY

JUN 07 2018

4. Signature of Applicant: Allen R. Griffin Date: 3/1/2018

5. Signature of Owner: _____ Date: Current Planning

(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.

Mark Pui _____ Oct. 18, 2018
 Sustainable Development and Construction Date

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is October 31, 2018

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.: CD178-015(MP)

Property Address: 1105 E. 9th Street

Date of Landmark Commission Action: October 1, 2018

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**

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is October 31, 2018

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.: CD178-015(MP)

Property Address: 1105 E. 9th Street

Date of Landmark Commission Action: October 1, 2018

Applicant's Name: City of Dallas /o Dallas City Attorney's Office
Allen R. Griffin + Andrew M. Gilbert

Applicant's Mailing Address: 2014 Main Street, Rm. 227

City: Dallas State: TX Zip: 75201

Applicant's Phone Number: 214-670-4436 Fax: 214-670-4814

Applicant's Email: allen.griffin@dallascityhall.com + andrew.gilbert@
dallas.cityhall.com

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

Owner's Name: Innacity Development, Inc.

Owner's Mailing Address: P.O. Box 6366

City: Tyler State: TX Zip: 75711

Owner's Phone Number: unknown Fax: unknown

Owner's Email: unknown

Allen R Griffin 10/25/2018
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**

**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.