

FILE NUMBER: DCA 145-007

DATE INITIATED: January 21, 2015

TOPIC: Historic Building Demolition Delay Overlay

COUNCIL DISTRICT: All

CENSUS TRACT: All

PROPOSAL: Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay.

SUMMARY: The purpose of the amendment is to create a new overlay to allow a review period for the demolition of buildings older than 50 years and meeting certain criteria within an established overlay.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

The Downtown Dallas Historic Preservation Task Force was formed in December of 2014. Their purpose was to address the vulnerability of Downtown Dallas' historic resources and to explore best practices nationwide for incorporating historic preservation into a broader economic development plan to foster downtown revitalization and growth. The Task Force addressed ways to help preservation and development work together.

The Task Force was comprised of downtown stakeholders, preservationists, developers, architects, planners, and real estate professionals. The Task Force met eight times over four months to formulate recommendations to present to City Council. The recommendations are grouped into three phases.

HISTORIC PRESERVATION TASK FORCE RECOMMENDATIONS:

Phase 1 (0 to 12 months)

1. **Advocacy:** Establish broad-based Preservation Solutions Committee to advocate for historic fabric and be its voice as the City grows and evolves
2. **Simplify Designation:** Streamline the landmark designation application and process.
3. **Assess Staffing:** Broaden staff capabilities to include planning and provide a new focus on public education.
4. **Demolition Delay:** Enhance notification and expand staff review time for proposed demolition of historic buildings in Greater Downtown to foster dialogue and consider alternatives.

Phase 2 (1 to 3 years)

5. **Education:** Educate the public about the goals and accomplishments of preservation.
6. **Downtown Survey:** Conduct a new, state-of-the-art survey of Greater Downtown as a base-layer for direction, to establish preservation priorities, and to provide a tool for existing and future planning.
7. **Incentives:** Identify strategies and incentives that address market conditions and barriers to redevelopment to re-animate vacated and underutilized buildings, such as: more flexibility in preservation criteria.

Phase 3 (3 to 5 years)

8. **Preservation Plan:** Prepare and adopt a new Preservation Plan for Dallas to address the programs and policies that impact the City's historic urban fabric.
9. **Planning:** Create a forum for strategic interdepartmental partnerships where a common interest is being pursued such as Capital Improvements, Tax Increment Finance Districts, Land Use/Zoning, and certain aspects of Economic Development.

The Task Force recommendations were presented to Council's Arts, Culture, and Libraries Committee on April 20, 2015. The Committee recommended a full Council briefing on the recommendations and staff's proposed action plan.

On June 3, 2015, City Council was briefed on the Task Force recommendations. Council generally supports the recommendations of the Task Force and instructed staff to return with the proposed demolition delay as the first action item and pursue the other recommendations in a timely manner.

STAFF ANALYSIS:

Currently, up to 60% of the buildings in Downtown Dallas National Register Historic District are not protected from demolition. Crucial components of Dallas' historic fabric and economic viability can be demolished by any owner at any time with no wait period or review.

The goal of the demolition delay is to create a wait period to give staff the opportunity to review demolition applications for buildings 50 years or older and meeting certain criteria in the Greater Downtown Dallas area and to explore alternatives to demolition when appropriate.

In 2014, staff initiated a 10 day review for all demolition permit applications in the downtown area. Building Inspection staff notifies the Historic Preservation Officer (HPO) of the applications. The HPO tells the Building Inspection staff if the building is a City of Dallas landmark or not. If not, the demolition permit is issued. If the property is a City of Dallas landmark, the property is placed on hold until a certificate of demolition is approved by the Landmark Commission.

The Task Force recommendation for a demolition delay was to increase staff review from 10 days to 30 days with a possible extension of 90 days not to exceed 120 days for buildings and resources over 50 years old within Greater Downtown area. The Task Force also recommended a method of public notification such as a sign be placed on the property as well as notifying Landmark Commission, Designation Committee and Preservation Dallas. It was recommended to allow public comment during the delay period. If no concerns regarding the significance of the building were provided during the first 30 days, the demolition permit would be issued. If concerns were raised, the time period would be extended another 90 days to allow conversations with the owner and interested stakeholders and City staff to discuss viable alternatives.

Ultimately, a demolition permit must be issued if it complies with city codes in affect when the permit application is submitted. After reviewing the Task Force recommendation, other cities' processes, and applicable laws, staff proposes to amend Chapters 51 and 51A to create a demolition overlay. The overlay would be part of the zoning regulations and would be placed on properties through the zoning process. Since the overlay pertains to historic buildings, requests for the overlay would go the Landmark Commission, then to the City Plan Commission, and finally to City Council for approval with public hearings at each body.

Council asked staff to process establishing an overlay on the Greater Downtown area as well as possibly a portion of northern Oak Cliff. Staff is working with City Plan Commission to authorize the hearings for the two areas.

Staff's proposed demolition overlay would apply to buildings or structures at least 50 years old that meet one of the following criteria: 1) located in a National Register District or individually listed, 2) a Recorded Texas Historic Landmark, 3) State Antiquities Landmark, or 4) National Historic Landmark. After a future survey is conducted, the Code could be amended to add "National Register District eligible properties identified in a Historic Buildings Survey" to the criteria list.

The proposed process would begin when an owner submits a demolition application to Building Inspections. Building Inspection staff would notify the Historic Preservation Officer (HPO). This would begin a 10 day review by the HPO. If the property met the criteria listed above, the application would have an additional 30 day delay. If the criteria was not met, the HPO notifies Building Inspection and the demolition permit is issued.

For properties meeting the criteria, staff would list the properties on the City's webpage with staff contact information. The HPO would schedule a meeting with the owner to discuss alternatives to demolition. Staff would invite interested organizations (such as Dallas Downtown, Inc., Preservation Dallas) and stakeholders to the meeting as well as appropriate City departments.

If no viable solution is agreed upon within 30 days, the HPO would notify Building Inspection staff to issue the demolition permit. However, the property owner may agree in writing to extend the delay period to continue to work on alternatives. The time of the additional delay would be negotiated between the HPO and the property owner. If other alternatives were not agreed upon during this extended time period, the HPO would notify Building Inspection staff to issue the demolition permit.

Summary of Staff's proposed demolition delay process for property within a demolition overlay

1. Property Owner submits demolition application to Building Inspection
2. Building Inspection notifies Historic Preservation Officer (HPO) that demolition application has been submitted.
3. Within 10 days, HPO reviews/determines if property meets the criteria.
4. If the property does not meet the delay criteria, HPO notifies BI, demolition permit is issued.
5. If the property meets the delay criteria, HPO meets with owner to discuss alternatives to demolition
 - List properties on the City's webpage
 - Invite interested organizations to the meeting (Dallas Downtown, Inc., Preservation Dallas)
 - Include appropriate City departments
6. If no alternatives are found after 30 days, HPO notifies BI to issue demolition permit.
7. If the property owner is interested in investigating alternatives to demolition, HPO and property owner agree in writing to extend the time period to continue to work on alternatives – no set time period.
8. If other alternatives are not agreed upon during this extended time period, HPO notifies BI to issue demolition permit at the end of the time period