

THE RECORD

1121 E. 9th Street

APPEAL

CD189-006(MP)

City Plan Commission

Hearing

06/06/2019

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1121 E. 9th Street CD189-006(MP)

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SECTION 1

Certificate for Demolition or Removal

1121 E. 9th Street
CD189-006(MP)

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

CD 189 - 006 (MP)
Office Use Only

1. Name of Applicant: Mario Mendez
MAILING Address: 2034 Ravenhurst Dr City Allen State Tx Zip 75013
Daytime Phone: 214 650 3719 Fax: _____
Relationship of Applicant to Owner: _____

ADDRESS OF PROPERTY TO BE DEMOLISHED: 1121 E 9th ST Dallas TX Zip 75203
Historic District: _____

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)

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.**

RECEIVED BY

Use Section 51A-3.103 OF THE Dallas City Code and the enclosed checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner at 214/670-4209 to make sure your application is complete.

Other: In the event of a denial, you have the right to an appeal. You are encouraged to attend the Landmark Commission hearing the first Monday of each month. Information regarding the history of certificates for individual addresses is also available for review.

4. Signature of Applicant: Mario Mendez Date: February 4, 2019
5. Signature of Owner: Mario Mendez Date: February 4, 2019
(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 Giv Date April 5, 2019

Sustainable Development and Construction
NOTE: THIS APPLICATION WILL EXPIRE 180 DAYS AFTER THE APPROVAL DATE

For an application if the city or a property owner seeks demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city , a complete application for a certificate for demolition must be submitted to the landmark commission. Within 10 days after submission of an application, the director shall notify the city's representative or the property owner in writing of any documentation required but not submitted. The application must be accompanied by the following documentation before it will be considered complete:

- An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.
- Records depicting the current condition of the structure, including drawings, pictures, or written descriptions, and including Historic American Buildings survey or Historic American Engineering Records documentation if required by law or agreement.
- A signed order from a court or other tribunal requiring the demolition of the structure in a proceeding brought pursuant to Texas Local Government Code Chapter 54 or 214, as amended.
- A copy of a written notice of intent to apply for a certificate for demolition that was submitted to the director and the landmark commission at least 30 days before the application.
- Any other evidence the city representative or property owner wishes to submit in support of the application.

GENERAL NOTES:

- Note 1: Minimum scale of 1/8" = 1'0" on all plans and elevations, unless otherwise approved by a Preservation Planner. Section details of new cornices, columns, railings or any other distinctive details are required at 1/2" = 1'.
- Note 2: When required to show the relationship to adjacent structures and structure is on a corner, "adjacent" means across the street.
- Note 3: When material descriptions are required, materials to be used must be designated on the elevation drawings.

Affidavit

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

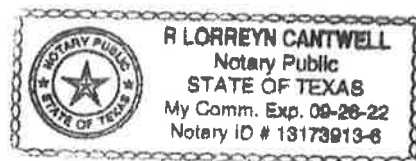
Mario Mendez

Affiant's signature

Subscribed and sworn to before me this 4 day of February, 2019

R Lorrey Cantwell

Notary Public





06/14/2018 16:03



06/14/2018 16:03

11-2018

No. S50-004172-01

CITY OF DALLAS,
Plaintiff,

IN THE MUNICIPAL COURT OF
THE CITY OF DALLAS

VS.

1121 E. 9TH STREET,
Defendant,

DALLAS COUNTY, TEXAS

AGREED ORDER

On the 11th day of June 2018 came on for public hearing the above-styled and numbered cause. Pursuant to Article IV-a of Chapter 27 of the Dallas City Code and Section 214.001 of the Local Government Code, this Court has jurisdiction and makes the following findings:

A vacant structure intended for human occupancy exists on the property located at 1121 E. 9th Street City of Dallas, Dallas County, Texas (hereinafter "structure"). The structure violates numerous minimum housing standards in Chapter 27 of the Dallas City Code as specifically set forth in Plaintiff's Petition and Notice of Public Hearing.

The structure is dilapidated, substandard, unfit for human habitation, a hazard to the public health, safety and welfare, constitutes an urban nuisance, and cannot be repaired without substantial reconstruction. Each owner, mortgagee or lienholder identified was given at least 10 days advanced notice of this public hearing by certified mail, return receipt requested.

Marie Wadler appeared regarding this property and agreed to the entry of this order. No other interested persons appeared for the public hearing regarding the property.

It is therefore ORDERED that the structure and any accessory structure(s) be demolished by the owner(s), mortgagee(s), lienholder(s) and other persons having an interest in the structure within 30 days.

It is further ORDERED that if said persons fail to abide by the order of this Court within the allotted time, the City of Dallas, through its agents and contractors, is authorized to remove doors, gates, windows, locks, walls, boards and other barriers preventing entry onto the Property, enter the Property,

E. 9th

06/14/2018 16:02



201800162381

ORDER 1/2

No. S50-004172-01

CITY OF DALLAS,
Plaintiff,

VS.

1121 E. 9TH STREET,
Defendant,

§
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THE CITY OF DALLAS

DALLAS COUNTY, TEXAS

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Alvaro Alvarado appeared regarding this property and agreed to the entry of this order. No other interested persons appeared for the public hearing regarding the property.

It is therefore ORDERED that the structure and any accessory structure(s) be demolished by the owner(s), mortgagee(s), lienholder(s) and other persons having an interest in the structure within 30 days.

It is further ORDERED that if said persons fail to abide by the order of this Court within the allotted time, the City of Dallas, through its agents and contractors, is authorized to remove doors, gates, windows, locks, walls, boards and other barriers preventing entry onto the Property, enter the Property,

inspect, photograph, and measure the Property for purposes of documentation, demolish the structure and any accessory structure(s) on the property, remove all components and personalty, and place a lien on the property where allowed by law for its incurred expenses. The demolition is to include the foundation of the structure and all debris is to be fully and completely removed.

Signed this 11th day of June 2018

Presiding Judge



AGREED AS TO FORM AND SUBSTANCE:

Allen R. Griffin
Allen R. Griffin
Assistant City Attorney

Mario Mendez
Owner of 1121 E. 9th Street.

NOTICE TO SUBSEQUENT GRANTEEES, LIENHOLDERS OR TRANSFEREES

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.

Filed and Recorded
Official Public Records
John F. Warren County Clerk
Dallas County TEXAS
06/20/2018 09:07:21 AM
\$30.00



[Handwritten signature]

201800162381



DATE: May 2, 2018

TO: Landmark Commission

FROM: Allen Griffin, Assistant City Attorney

CC: David Cossum, Director
Neva Dean, Asst. Director
Theresa Pham, Assistant City Attorney
Mark Doty, Chief Planner
Trena Law, LMC Coordinator

SUBJECT: Notice of Hearing Before a Court Where City is Requesting 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 the City has filed a lawsuit requesting the repair or demolition of the structure(s) located on this property:

- (1) 1121 E. 9th Street (Tenth Street): Owner of Record per DCAD, Mario Mendez 2034 Ravenhurst Drive, Allen, Texas 75013.

Please be advised that a hearing is scheduled with regard to the above-named property on May 7, 2018 at 1:30 p.m. If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.



DATE: June 6, 2018

TO: Landmark Commission

FROM: Allen Griffin, Assistant City Attorney

CC: David Cossum, Director
Neva Dean, Asst. Director
Theresa Pham, Assistant City Attorney
Mark Doty, Chief Planner
Trena Law, LMC Coordinator

SUBJECT: Notice of Hearing Before a Court Where City is Requesting 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 the City has filed a lawsuit requesting the repair or demolition of the structure(s) located on this property:

- (1) 1121 E. 9th Street (Tenth Street): Owner of Record per DCAD, Mario Mendez 2034 Ravenhurst Drive Allen, Texas 75013-2968;

Please be advised that a hearing has been re-set with regard to the above-named property for June 11, 2018 at 1:30 p.m. If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.

SECTION 2

Agenda

April 1, 2019

See Pages 8, Item #4

Landmark Commission Agenda
Monday, April 1, 2019

4. 1121 E 9TH ST

Tenth Street Neighborhood Historic District
CD189-006(MP)
Marsha Prior

Initial Suspension

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).

Applicant: Mendez, Mario

Application Filed: 02/07/19

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 issued a final order requiring 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) – No quorum; comments only – Recommend denying because house is contributing structure. (This recommendation is from the February 12th Task Force meeting. Task Force does not review the applications again once they've entered the initial suspension period).

5. 3517 HAVANA ST

Wheatley Place Historic District
CA189-358(MP)
Marsha Prior

Request:

1. Replace siding on rear elevation.
2. Replace rear door. Work completed without a Certificate of Appropriateness.

Applicant: Davis, Gerald

Application Filed: 03/07/19

Staff Recommendation:

1. Replace siding on rear elevation – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(ii) because synthetic siding would have an adverse effect on the historic overlay district.
2. Replace rear door. Work completed without a Certificate of Appropriateness – Deny without prejudice – The proposed work does not meet the standard in City Code Section 51A-4.501(g)(6)(C)(ii) because a replacement door that does not match the original in material would have an adverse effect on the historic overlay district.

Task Force Recommendation:

1. Replace siding on rear elevation - No quorum; comments only - OK with Hardie board but match width to existing siding.
2. Replace rear door. Work completed without a Certificate of Appropriateness - No quorum; comments only - Approve selection of door and color.

SECTION 3

- Docket Material
- Power Point presentation

**LANDMARK COMMISSION****APRIL 1, 2019**

FILE NUMBER: CD189-006(MP)
LOCATION: 1121 E. 9th Street
STRUCTURE: Main & Contributing
COUNCIL DISTRICT: 4
ZONING: PD No. 388

PLANNER: Marsha Prior
DATE FILED: February 7, 2019
DISTRICT: Tenth Street
MAPSCO: 55-B
CENSUS TRACT: 0041.00

APPLICANT: Mario Mendez

REPRESENTATIVE: None

OWNER: MENDEZ MARIO

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:

12/1/2014 – Landmark Commission approved the Certificate for Demolition (CD145-004(MD)).

3/4/2019 – Landmark Commission entered into an initial suspension to identify an interested party.

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

ANALYSIS:

At the March 4 Landmark hearing, the applicant submitted documentation in support of his demolition request. This documentation is provided in this case report, starting on page D4-19. During the initial suspension, the property owner was in contact with interested parties; however, no terms of agreement could be reached. Applicant wishes to move forward with request to demolish the structure.

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) – No quorum; comments only – Recommend to deny because house is contributing structure. (This recommendation is from the February 12th 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 189 - 006 (MP)
 Office Use Only

1. Name of Applicant: Maria Mendez
 MAILING Address: 2034 Ravenhurst Dr City Allen State TX Zip 75013
 Daytime Phone: 214 650 3719 Fax: _____
 Relationship of Applicant to Owner: _____
 ADDRESS OF PROPERTY TO BE DEMOLISHED: 1121 E 9th ST Dallas TX Zip 75203
 Historic District: _____

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.
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3. Describe work and submit required documents for the demolition standard you are applying:
 (please see attached checklist)

Application Deadline:

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RECEIVED BY

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FEB 07 2019

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 of demolition and removal is also available for review.

Current Planning

4. Signature of Applicant: Maria Mendez Date: February 4, 2019
 5. Signature of Owner: Maria Mendez Date: February 4, 2019
 (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.

Date

Sustainable Development and Construction

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

Certificate for Demolition & Removal

City of Dallas

Historic Preservation

Rev. 3/27/01, 2-11-02, 1-29-03, 5-1-04, 7-8-04, 2-28-05

Affidavit

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

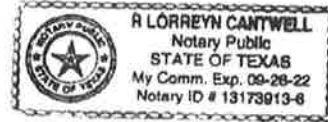
Mario Mendez

Affiant's signature

Subscribed and sworn to before me this 4 day of February, 2019

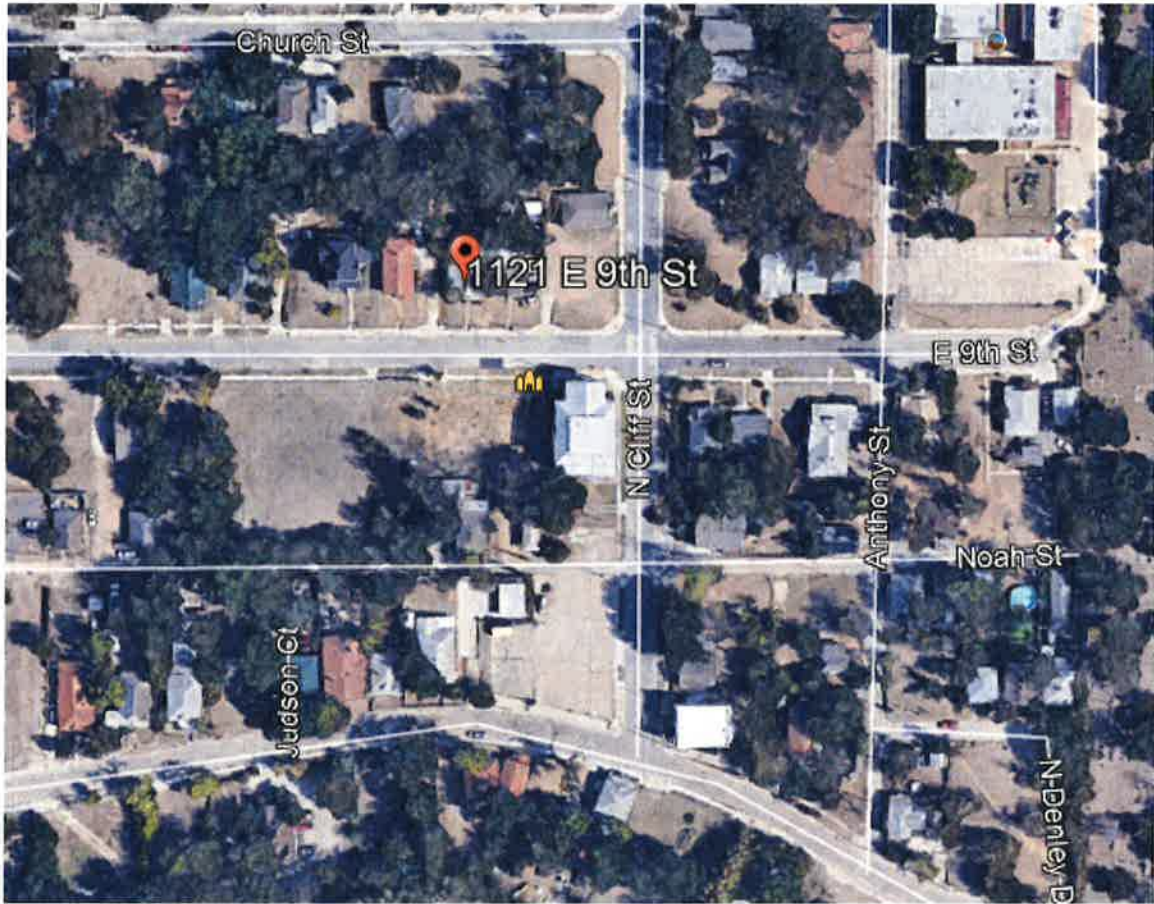
[Signature]

Notary Public

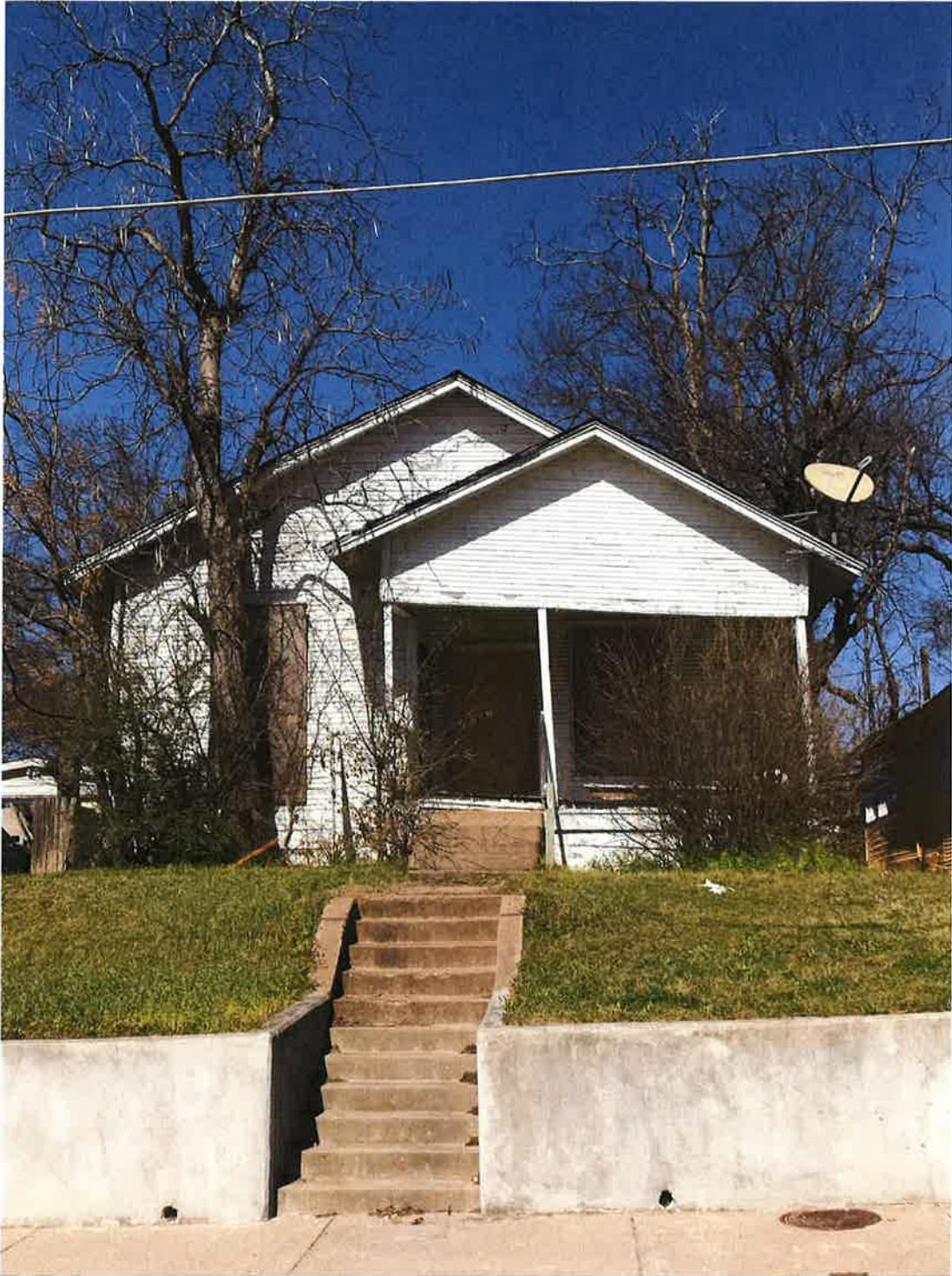


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- An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.
- Records depicting the current condition of the structure, including drawings, pictures, or written descriptions, and including Historic American Buildings survey or Historic American Engineering Records documentation if required by law or agreement.
- A signed order from a court or other tribunal requiring the demolition of the structure in a proceeding brought pursuant to Texas Local Government Code Chapter 54 or 214, as amended.
- A copy of a written notice of intent to apply for a certificate for demolition that was submitted to the director and the landmark commission at least 30 days before the application.
- Any other evidence the city representative or property owner wishes to submit in support of the application.



Aerial view



South (front) elevation.



Photo showing left (West) side and front elevation.

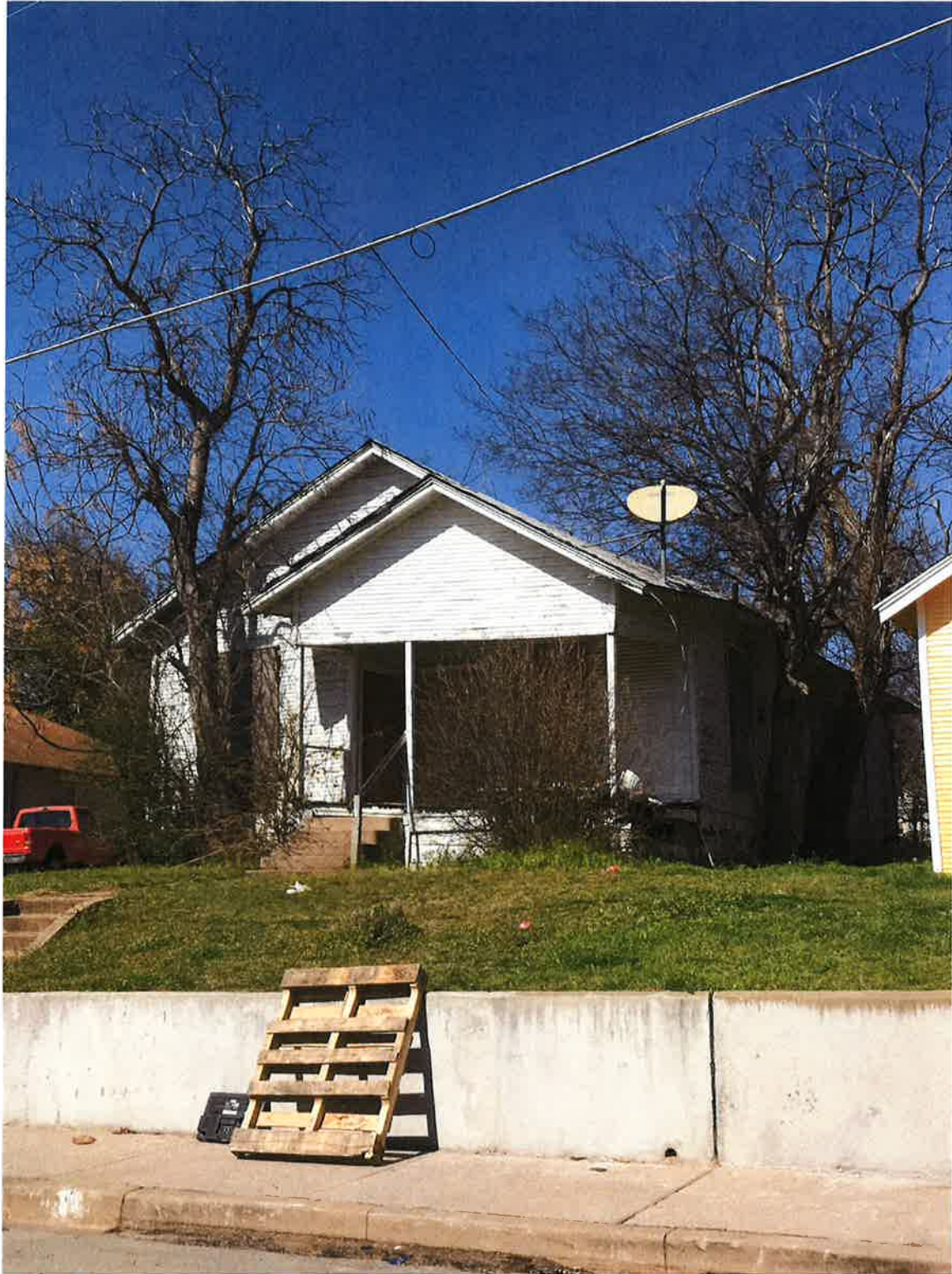


Photo showing right (East) side and front elevation.



Photo from June 2018 showing front elevation.



Photo from June 2018 showing front and portion of right side elevation.



Residential Account #000025147600000

Location Owner Legal Desc Value Main Improvement Additional Improvements Land Exemptions Estimated Taxes History

Property Location (Current 2019)

Address: 1121 E 9TH ST
Neighborhood: 4DSA10
Mapaco: 55-B (DALLAS)

[DCAD Property Map](#)

[2018 Appraisal Notice](#)

Electronic Documents (ENS)

[File Homestead Exemption Online](#)



[Print Homestead Exemption Form](#)

Owner (Current 2019)

MENDEZ MARIO
2034 RAVENHURST DR
ALLEN, TEXAS 750132968

Multi-Owner (Current 2019)

Owner Name	Ownership %
MENDEZ MARIO	100%

Legal Desc (Current 2019)

- 1: OAK CLIFF ORIGINAL
 - 2: BLK 84B/3066 E1/2 LOT 10
 - 3:
 - 4: INT201700265745 DD07282017 CO-DC
 - 5: 3066 84B 01000 2003066 84B
- Deed Transfer Date: 9/20/2017

Value

2018 Certified Values	
Improvement:	\$0
Land:	+ \$4,030
Market Value:	= \$4,030
Revaluation Year:	2018
Previous Revaluation Year:	2017

Main Improvement (Current 2019)

No Main Improvement.

Information from Dallas Central Appraisal District.

2/7/2019

DCAD: Residential Acct Detail

Additional Improvements (Current 2019)

No Additional Improvements.

Land (2018 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	SFR - VACANT LOTS/TRACTS	INDUSTRIAL/MANUFACTURING DISTR	50	107	5,375.0000 SQUARE FEET	STANDARD	\$1.50	-50%	\$4,031	N

* All Exemption Information reflects 2018 Certified Values. *

Exemptions (2018 Certified Values)

No Exemptions

Estimated Taxes (2018 Certified Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS CO COMMUNITY COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.7767	\$1.412035	\$0.2531	\$0.124	\$0.2794	N/A
Taxable Value	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$0
Estimated Taxes	\$31.30	\$56.91	\$10.20	\$5.00	\$11.26	N/A
Tax Ceiling					N/A	N/A
Total Estimated Taxes:						\$114.66

DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES. You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These tax estimates are calculated by using the most current certified taxable value multiplied by the most current tax rate. It does not take into account other special or unique tax scenarios, like a tax ceiling, etc. If you wish to calculate taxes yourself, you may use the Tax Calculator to assist you.

Information from Dallas Central Appraisal District.



201800162381
ORDER 1/2

No. S50-004172-01

CITY OF DALLAS,
Plaintiff,

VS.

1121 E. 9TH STREET,
Defendant,

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DALLAS COUNTY, TEXAS

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It is further ORDERED that if said persons fail to abide by the order of this Court within the allotted time, the City of Dallas, through its agents and contractors, is authorized to remove doors, gates, windows, locks, walls, boards and other barriers preventing entry onto the Property, enter the Property,

Court order.

inspect, photograph, and measure the Property for purposes of documentation, demolish the structure and any accessory structure(s) on the property, remove all components and personalty, and place a lien on the property where allowed by law for its incurred expenses. The demolition is to include the foundation of the structure and all debris is to be fully and completely removed.

Signed this 11th day of June 2018

Presiding Judge



AGREED AS TO FORM AND SUBSTANCE:

Allen R. Griffin
Allen R. Griffin
Assistant City Attorney

Mario Mendez
Owner of 1121 E. 9th Street.

NOTICE TO SUBSEQUENT GRANTEEES, LIENHOLDERS OR TRANSFEREES

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Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
06/20/2018 09:07:21 AM
\$30.00



JFW

201800162381

Court order.



DATE: May 2, 2018

TO: Landmark Commission

FROM: Allen Griffin, Assistant City Attorney

CC: David Cossum, Director
Neva Dean, Asst. Director
Theresa Pham, Assistant City Attorney
Mark Doty, Chief Planner
Trena Law, LMC Coordinator

SUBJECT: Notice of Hearing Before a Court Where City is Requesting 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 the City has filed a lawsuit requesting the repair or demolition of the structure(s) located on this property:

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Please be advised that a hearing is scheduled with regard to the above-named property on May 7, 2018 at 1:30 p.m. If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.

Hearing notice.



DATE: June 6, 2018

TO: Landmark Commission

FROM: Allen Griffin, Assistant City Attorney

CC: David Cossum, Director
Neva Dean, Asst. Director
Theresa Pham, Assistant City Attorney
Mark Doty, Chief Planner
Trena Law, LMC Coordinator

SUBJECT: Notice of Hearing Before a Court Where City is Requesting 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 the City has filed a lawsuit requesting the repair or demolition of the structure(s) located on this property:

- (1) 1121 E. 9th Street (Tenth Street): Owner of Record per DCAD, Mario Mendez 2034 Ravenhurst Drive Allen, Texas 75013-2968;

Please be advised that a hearing has been re-set with regard to the above-named property for June 11, 2018 at 1:30 p.m. If you have any questions with regard to these matters, please feel free to contact me at 214-670-4436.

Thank you.

Hearing notice, re-scheduled.

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: 2/12/2019

TIME: 4:00 pm

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

Applicant Name: Mario Mendez
Address: 1121 E 9th (Tenth Street Neighborhood HD)
Date of CA/CD Request: 2/7/2019

RECOMMENDATION:

Approve Approve with conditions Deny Deny without prejudice

Recommendation / comments/ basis:

RECOMMEND TO DENY BECAUSE
HOUSE IS CONTRIBUTING STRUCTURE

Task force members present

Kathleen Lenihan Jay Taylor Pamela Harrison
 Patricia Williams Andrew Wallace
 Alonzo Harris Barbara Wheeler

Ex Officio staff members Present Marsha Prior Liz Casso

Simple 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.

TO WHOM IT MAY CONCERN:

Throughout this letter I, DOUGLAS PARKER owner of
the property located in 1119 E 9th St Dallas TX 75203
Want to state that the property know
as 1121 E 9th St Dallas TX 75203
Represents an IMMINENT THREAT TO MY FAMILY HEALTH
AND SAFETY.

I have talked to previous and recent owner that the house
needs to be repair or demolish because it is coming down in
pieces. Since the house has been empty it has suffer
tremendous deterioration, many times I have found pieces of
wood with nails in my property that are coming from the walls
of the house. The house has been empty and unoccupied
for many years therefore it has created the perfect conditions
for people to practice drug activities ,dumping trash and to
hide inside the house. I have many times confronted people
that are using the house and the backyard to do drugs. I am
afraid that these persons may be criminals and retaliate
against my self or my family when I tell them to leave the
house.

In a few words , because of the physical conditions of the house
known as 1121 E 9 th st dallas tx 75203 ,the house represents
an imminent threat to my family health and safety. HOUSES
LIKE THIS ONE CREATE CRIMINAL ACTIVITIES THAT MAKE
THIS NEIGHBORHOOD VERY DANGEROUS FOR ANYONE
LIVING IN IT.

Honestly: Douglas Parker Date 03/03/2019

To Whom It May Concern:

I Juan Amador Nunez want to express my concerns about the conditions of the house located at 1121 9 th st dallas tx. I live in the house next to this property, which is very old and damaged. Strong winds can pull pieces out the frame of the house and sometimes I am afraid that this structure is going to collapse over my house while my family is sleeping and cause us physical harm or even worst, it could kill us.

Also, I have noticed many times that people use the house to sleep inside, drink alcohol in the back yard, do drugs and drop trash. Having all this bad activities going on in this house makes the neighborhood look pretty ugly and dangerous. I already let the owner know about this criminal activities going on in his property.

I really think that this neighborhood could be better and safer with out damaged houses like this one. Criminal activity and houses full of trash are no good for nobody.

Sincerely:



Date: 03-03-2019



BLP DESIGN AND CONSTRUCTION

3433 Brushy Creek – Plano, TX 75025
(469)450-3574

CUSTOMER NAME: Mario Mendez

DATE: 4/18/2013

1121 E 9th Street - Dallas, TX 75209

Project Probable Cost

Comparison / Remodeling - Tear Down and New Construction

DESCRIPTION	REMODELING	NEW CONSTRUCTION
HAZARDOUS MATERIALS ABATEMENT		
House	\$ 15,000.00	\$ 2,500.00
Land	\$ -	\$ 1,000.00
TOTAL ABATEMENT	\$ 15,000.00	\$ 3,500.00
SITE WORK		
Utility Work	\$ 2,500.00	\$ 3,000.00
Earth Movement	\$ 2,500.00	\$ 3,000.00
Landscape and Irrigation Repairs	\$ 5,000.00	\$ 5,000.00
TOTAL SITE WORK	\$ 10,000.00	\$ 11,000.00
CONSTRUCTION		
Demolition	\$ 7,500.00	\$ 5,500.00
Concrete Work / Foundation, Driveway, Sidewalk	\$ 7,500.00	\$ 18,500.00
Framing	\$ 25,000.00	\$ 16,000.00
Moisture Protection	\$ 27,500.00	\$ 9,000.00
Roofing	\$ 12,500.00	\$ 10,500.00
Siding / Masonry	\$ 26,500.00	\$ 14,500.00
Doors and Hardware	\$ 7,500.00	\$ 4,500.00
Mechanical / HVAC	\$ 15,000.00	\$ 10,000.00
Plumbing / Rough and Finishes	\$ 20,000.00	\$ 12,500.00
Electrical / Rough and Finishes	\$ 25,000.00	\$ 15,000.00
Finishing / Cleaning	\$ 32,500.00	\$ 18,000.00
TOTAL BUILDING REMODELING	\$ 206,500.00	\$ 134,000.00
TOTAL CONSTRUCTION COST	\$ 216,500.00	\$ 145,000.00
DESIGN COSTS		
PROFESSIONAL FEES		
Architect / Engineer Fees - 5.0% of Construction Cost	\$ 10,825.00	\$ 7,250.00
Reimbursable Expenses - 3.0% of Architect/Engineer Fees	\$ 324.75	\$ 217.50
SUB-TOTAL PROFESSIONAL FEES	\$ 11,149.75	\$ 7,467.50
CONSULTANT FEES		
Civil Consultant / Environmental / Plots - 3.0% of Construction Cost	\$ 6,495.00	\$ 4,350.00
Testing - 0.5% of Construction Cost	\$ -	\$ 725.00
Landscape Consultant - 1.0% of Construction Cost	\$ 2,165.00	\$ 1,450.00
SUB-TOTAL CONSULTANT FEES	\$ 8,660.00	\$ 6,525.00
TOTAL DESIGN COST	\$ 19,809.75	\$ 13,992.50
TOTAL PROJECT PROBABLE COST	\$ 251,309.75	\$ 162,492.50



























Discussion Item #4: 1121 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: No quorum; comments only – Recommend to deny because house is contributing structure. (This recommendation is from the February 12th Task Force meeting. Task Force does not review the applications again once they've entered the initial suspension period).





DALLAS LANDMARK COMMISSION
CASE #CD189-006(MP)

April 1, 2019

TO WHOM IT MAY CONCERN:

Throughout this letter Douglas Parker owner of the property located in 1119 E 9th St Dallas TX 75203 Want to state that the property know as 1121 E 9th St Dallas TX 75203 Represents an IMMINENT THREAT TO MY FAMILY HEALTH AND SAFETY.

I have talked to previous and recent owner that the house needs to be repair or demolish because it is coming down in pieces. Since the house has been empty it has suffer tremendous deterioration, many times I have found pieces of wood with nails in my property that are coming from the walls of the house. The house has been empty and unoccupied for many years therefore it has created the perfect conditions for people to practice drug activities, dumping trash and to hide inside the house. I have many times confronted people that are using the house and the backyard to do drugs. I am afraid that these persons may be criminals and retaliate against my self or my family when I tell them to leave the house.

In a few words, because of the physical conditions of the house known as 1121 E 9th St Dallas TX 75203, the house represents an imminent threat to my family health and safety. HOUSES LIKE THIS ONE CREATE CRIMINAL ACTIVITIES THAT MAKE THIS NEIGHBORHOOD VERY DANGEROUS FOR ANYONE LIVING IN IT

Honestly, Douglas Parker Date 03/05/2019

To Whom It May Concern:

Susan Alexander Nover want to express my concerns about the conditions of the house located at 1121 9th st dallas tx. I live in the house next to this property, which is very old and damaged. Strong winds can pull pieces out the frame of the house and sometimes I am afraid that this structure is going to collapse over my house while my family is sleeping and cause us physical harm or even worst, it could kill us. Also, I have noticed many times that people use the house to sleep inside, drink alcohol in the back yard, do drugs and drop trash. Having all this bad activities going on in this house makes the neighborhood look pretty ugly and dangerous. I already let the owner know about this criminal activities going on in his property.

I really think that this neighborhood could be better and safer with out damaged houses like this one. Criminal activity and houses full of trash are no good for nobody.

Sincerely: Susan Alexander Nover

Date 03-03-2019



DALLAS LANDMARK COMMISSION
CASE #CD189-006(MP)

April 1, 2019

BLP DESIGN AND CONSTRUCTION
 8413 Brushy Creek - Plano, TX 75025
 (469)450-9574

CUSTOMER NAME: Mario Mendez

DATE: 4/18/2013

1223 S 8th Street - Dallas, TX 75208

Project Probable Cost

Comparison / Remodeling - Tear Down and New Construction

DESCRIPTION	REMODELING	NEW CONSTRUCTION
HAZARDOUS MATERIALS ABATEMENT		
House	\$ 13,000.00	\$ 2,500.00
Land	\$ -	\$ 1,000.00
TOTAL ABATEMENT	\$ 13,000.00	\$ 3,500.00
SITE WORK		
Utility Work	\$ 2,200.00	\$ 1,500.00
Earth Movement	\$ 1,300.00	\$ 3,000.00
Landscaping and Irrigation Systems	\$ 1,000.00	\$ 5,000.00
TOTAL SITE WORK	\$ 4,500.00	\$ 9,500.00
CONSTRUCTION		
Demolition	\$ -	\$ 3,300.00
Concrete Work / Foundation, Driveway, Sidewalk	\$ 1,500.00	\$ 18,300.00
Framing	\$ 30,000.00	\$ 16,000.00
Mechanical Protection	\$ 27,900.00	\$ 9,000.00
Roofing	\$ 12,500.00	\$ 16,500.00
Insulation	\$ -	\$ 14,700.00
Doors and Hardware	\$ 2,500.00	\$ 4,700.00
Mechanical / HVAC	\$ 15,000.00	\$ 14,000.00
Plumbing / Rough and Finishes	\$ 20,000.00	\$ 11,700.00
Electrical / Rough and Finishes	\$ 25,000.00	\$ 13,000.00
Painting / Clearing	\$ 14,500.00	\$ 10,000.00
TOTAL BUILDING REMODELING	\$ 100,500.00	\$ 100,500.00
TOTAL CONSTRUCTION COST	\$ 100,500.00	\$ 100,500.00
DEMOR COSTS		
PROFESSIONAL FEES		
Architect / Engineer Fees - 5.0% of Construction Cost	\$ 5,025.00	\$ 7,790.00
Re-insurable Expenses - 0.0% of Architect/Engineer Fees	\$ -	\$ 217.00
SUB-TOTAL PROFESSIONAL FEES	\$ 5,025.00	\$ 7,997.00
CONSUANT FEES		
Civil Consultant / Environmental / Photo - 3.0% of Construction Cost	\$ 3,015.00	\$ 4,380.00
Testing - 0.5% of Construction Cost	\$ -	\$ 726.00
Language Consultant - 0.0% of Construction Cost	\$ -	\$ 1,400.00
SUB-TOTAL CONSULANT FEES	\$ 3,015.00	\$ 6,506.00
TOTAL DESIGN COST	\$ 8,040.00	\$ 14,703.00
TOTAL PROJECT PROBABLE COST	\$ 108,540.00	\$ 115,203.00



DALLAS LANDMARK COMMISSION
 CASE #CD189-006(MP)

April 1, 2019



DALLAS LANDMARK COMMISSION
CASE #CD189-006(MP)

April 1, 2019

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:

12/1/2014 – Landmark Commission approved the Certificate for Demolition (CD145-004(MD)).

3/4/2019 – Landmark Commission entered into an initial suspension to identify an interested party.



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 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.



SECTION 4

Minutes

April 1, 2019

See Pages 7 Item #4

3. Install landscaping in rear yard. - Approve - Approve landscape plan and planting specifications dated 4/1/19 with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
4. Install one new window on rear facade of rear accessory structure. - Approve - Approve drawings and specifications dated 4/1/19 with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).
5. Replace and enlarge one window opening with one custom wood door on rear accessory structure. – Approve - Approve drawings dated 4/1/19 with the finding the proposed work meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

Maker:	Flabiano				
Second:	Williams				
Results:	13/0				
		Ayes:	-	13	*Allender, Amonett, De La Harpe, Flabiano, Hinojosa, Montgomery, Payton, Richter, Seale, Slade, Strickland, Swann, Williams
		Against:	-	0	
		Absent:	-	2	Peach, Spellicy
		Vacancies:	-	1	Dist. 3

4. 1121 E 9TH ST

Tenth Street Neighborhood Historic District
CD189-006(MP)
Marsha Prior

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

Initial Suspension

Speakers: For: No one

Against: No one

Motion

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 without prejudice with finding of fact it will have an adverse effect on the historic overlay district.

Maker:	Swann				
Second:	De La Harpe				
Results:	13/0				
		Ayes:	-	13	*Allender, Amonett, De La Harpe, Flabiano, Hinojosa, Montgomery, Payton, Richter, Seale,

					Slade, Strickland, Swann, Williams
		Against:	-	0	
		Absent:	-	2	Peach, Spellicy
		Vacancies:	-	1	Dist. 3

5. 3517 HAVANA ST

Wheatley Place Historic District
CA189-358(MP)
Marsha Prior

1. Replace siding on rear elevation.
2. Replace rear door. Work completed without a Certificate of Appropriateness.

Speakers: For: Gerald Davis

Against: No one

Motion

1. Replace siding on rear elevation – Approve with conditions – replace using #117 wood siding on rear elevation.
2. Replace rear door – Approve 6 panel steel door.

Maker:	Amonett				
Second:	Flabiano				
Results:	13/0				
		Ayes:	-	13	*Allender, Amonett, De La Harpe, Flabiano, Hinojosa, Montgomery, Payton, Richter, Seale, Slade, Strickland, Swann, Williams
		Against:	-	0	
		Absent:	-	2	Peach, Spellicy
		Vacancies:	-	1	Dist. 3

6. 3611 MEADOW ST

Wheatley Place Historic District
CA189-359(MP)
Marsha Prior

Modify front porch, including portico and columns. Work completed without a Certificate of Appropriateness.

Speakers: For: No one

Against: No one

SECTION 5

Transcript of the
April 1, 2019
Landmark Commission
Hearing
1121 E. 9th Street
CD189-006(MP)

TRANSCRIPTION OF EXCERPT OF AUDIO RECORDING

LANDMARK COMMISSION PUBLIC HEARING

CITY OF DALLAS, TEXAS

CASE CD189-006(MP)

1121 EAST 9TH STREET

10TH STREET NEIGHBORHOOD HISTORIC DISTRICT

DATE OF HEARING: APRIL 1, 2019

DATE OF TRANSCRIPTION: MAY 9, 2019

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

2 CHAIRWOMAN SEALE: D-4.

3 UNKNOWN SPEAKER: D-4 is 1121 East 9th
4 Street, 10th Street Neighborhood Historic District,
5 CD189-006(MP).

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

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

16 UNKNOWN SPEAKER: Task force recommendation;
17 no quorum, comments only, recommend denying because
18 house is contributing structure. This recommendation is
19 from the February 12th task force meeting. Task force
20 does not review the applications again once they've
21 entered the initial suspension period.

22 CHAIRWOMAN SEALE: And for the record, there
23 is nobody here to speak either in favor or in opposition
24 to this item.

25 Questions? Commissioner Flabiano.

1 COMMISSIONER FLABIANO: Yeah, so since the
2 owner is the Applicant and it's gone through the City
3 process, the City appears, because the house meets the
4 criteria of under 3,000 feet and considered a nuisance
5 even though it is the owner.

6 What has happened to our -- in the City
7 staff, all City staff, what has happened to demolition
8 by neglect? And clearly the owner is requesting this.
9 The City, a neighbor hasn't complained and filed this on
10 behalf of the owner.

11 So I guess where is that process now? Is
12 that not even part of it, the consideration anymore?
13 Because I haven't seen one of those in probably five
14 years on the commission that might tend.

15 CHAIRWOMAN SEALE: For the City to process a
16 demolition by neglect, we have to receive a demolition
17 by neglect. We haven't received one from anyone. So
18 there's that, I hope that answers that part of that
19 question.

20 I guess the other part of the question is, I
21 mean, once it reaches the City Attorney's office and
22 gets a court ordered demo, we're way past the demolition
23 by neglect part.

24 Because really, the demolition by neglect
25 standard should be that process is what should keep us

1 from getting to this phase to where we actually get a
2 court ordered demo from the City Attorney's office to
3 demo the property.

4 That's kind of the more preemptive is the
5 demo by neglect. So once you already have the City
6 Attorney submit a court ordered demo issue, we're that
7 far gone unfortunately through the process.

8 COMMISSIONER FLABIANO: So who can -- at
9 some point somebody's got to file, whether it's a
10 another neighbor that the homeowner is neglecting the
11 property. So the neighbors within 10th Street should be
12 the ones filing complaints about the land and homeowner;
13 is that correct?

14 UNKNOWN SPEAKER: Correct. I mean, our code
15 says that anybody can request a demolition by neglect
16 case start for that. So it isn't that we have to wait
17 for -- the property could just be anybody that has -- I
18 feel like that property is a demolition by neglect and
19 then we start that process to review it.

20 COMMISSIONER FLABIANO: Is there a way to
21 reverse what's been done in terms of -- clearly, that is
22 neglect because there is an owner because his name is on
23 the list. I don't know if we can unravel that, but
24 certainly future ones, if the neighborhood was going to
25 be proactive there, they would start targeting these

1 properties where the homeowner doesn't live there and
2 clearly doesn't care.

3 UNKNOWN SPEAKER: Right. I mean, it's to
4 where we would, I mean, the purpose of the demolition by
5 neglect is to get the property owner aware of either
6 making repairs or have the City Attorneys come and get
7 in some sort of repair agreement or something with the
8 property owners so that they don't proceed with these
9 court ordered demos and having them go before a judge
10 who will essentially rubber stamp them, because that's
11 what they do for you-all to review.

12 Did that answer your question?

13 COMMISSIONER FLABIANO: Thanks. It did.

14 CHAIRWOMAN SEALE: Well, I'll speak since
15 nobody else has their light on. The demolition by
16 neglect, I was at Preservation Dallas when this
17 ordinance came through City Hall.

18 And the City was asking for a way to
19 expedite properties that where you did not have a
20 property owner, generally speaking, there was -- these
21 were properties that there was no identified owner or
22 there was multiple owners and sort of the title was up
23 into question and they needed -- the City was vocal
24 about paying for these engineer reports which they
25 claimed cost the City thousands of dollars to just delay

1 the neglect.

2 So that was part of the justification for
3 this ordinance. This however, doesn't seem to, although
4 technically I can appreciate, technically an owner or
5 the City can apply, but to me this seems like a gross
6 misuse of the ordinance.

7 And an owner who is a relatively new owner,
8 it's not like an owner, you know, that's sort of been
9 out of the picture that the City has identified, but
10 it's a new owner that came into a condition knowing that
11 it's a historic district and so on and so forth that is
12 now applying for the standard.

13 I think it's a much different situation than
14 even some of the other cases that we've seen. Because
15 what's to stop anybody from coming into 10th Street and
16 purchasing these properties and then applying under the
17 standard?

18 I mean, we're already losing the district.
19 This is just going to now open up a whole new
20 opportunity for land speculators to come into the
21 district, and, I mean, rubber stamp a demolition. I
22 mean, it's like a loophole that this person has found
23 and is taking advantage of.

24 Commissioner Swann.

25 COMMISSIONER SWANN: Okay. We should also

1 think about what we mean by demolition by neglect. And
2 generally, to satisfy when demolition by neglect is
3 brought against a structure, if you want to satisfy it
4 and bring it into compliance, you mothball the
5 structure.

6 And by "mothball" I mean that you secure it
7 against invasion and vandalism and you secure it against
8 what occurs by weather, you know. You make sure it's
9 waterworthy, it's shedding water, it's not leaking.
10 You're not getting, you know, rot from roof leaks.

11 And from what I've seen of this house just
12 doing a walk-around, the last time I looked at it, it
13 was successfully secured. You know, yes, there's some
14 rot on it, but I mean, there's not a hole in the roof or
15 other obvious problems. It's pretty routine neglect and
16 it's just that close to being mothballed.

17 So the question I have, I have a lot of
18 questions here. And one thing that happens with these
19 cases and this 3,000-square-foot rule, is that these are
20 initiated and the court order, I mean, we are notified
21 when the court order, the hearing has already been set
22 up. We're given notice; isn't that correct, Marsha,
23 that we're given notice when the date of the hearing is
24 set up?

25 By that time this process is already fully

1 in motion. And it's unreasonable to ask that we file
2 demolition by neglect on houses that are successfully
3 mothballed and I'm really meeting the standard for that.
4 And a mothballed house, that should be considered an
5 acceptable condition for 10th Street as long as it is
6 being secured and not contributing to obvious nuisance
7 like open and vacant.

8 Because that is the nature of 10th Street.
9 10th Street properties have title issues. A lot of
10 times they're waiting on their titles to be cleared by
11 tax foreclosure actions and that sort of thing.

12 We have all seen properties on 10th Street
13 that have been in a mothball condition for decades and
14 then have come back to life. We have seen recently a
15 property at 1100 Betterton that was in far worse
16 condition than this property. We've seen it come back
17 beautifully and probably pretty economically.

18 So a lot of -- among the questions that I
19 would ask the owner, were he here, would be, When did
20 you acquire the property at 1121 East 9th? Did you
21 acquire the property through a direct purchase from an
22 owner or by action at a tax sale? Were you aware that
23 you were purchasing property within a Dallas Landmark
24 District?

25 Were you aware that you were buying property

1 within a National Register of Historic Places Historic
2 District? Were you aware that the house on your
3 property is listed as contributing on the National
4 Register?

5 Were you aware that the structure you're
6 seeking to demolish has stood at 1121 East 9th Street
7 for 106 years? How many, approximately how many months
8 have you owned the property now and during that time,
9 what improvements have you made to the property?

10 During that time, what maintenance actions
11 have you taken on the property? You can see here that,
12 I mean, the shrubs are being allowed to grow up in front
13 of the porch. It's not even -- the grass is being cut.
14 I don't know who is doing that, maybe he's doing it.

15 But routine maintenance is not taking place.
16 What actions started the demolition process? What was
17 the initial action? Were you approached by the City?
18 Did you approach the City? Because if you look at the
19 styling of the court case, the plaintiff is the City of
20 Dallas, the defendant is 1121 East 9th Street, the
21 property.

22 Now, Mr. Mendez is noted as having appeared
23 at that action and agreed to pursue the demolition of
24 the house. So I would really like to know how this got
25 initiated because that is relevant to the question of

1 demolition by neglect.

2 I would also like to know why in this case
3 Mr. Mendez is listed as the Applicant, whereas in a case
4 we recently had, Case No. CD178-014, the Dallas City
5 Attorney was listed as the Applicant.

6 And both of those were referred to in our
7 public meeting as owner-initiated demolition. So I'd
8 like for that inconsistency to be explained. So what
9 action started the demolition process? When was the
10 prospect of demolition first raised and by whom?

11 Was it first raised by the owner? Was it
12 first raised by the City Attorney? Was it first raised
13 by Code Compliance? Who started talking about this
14 house as a candidate for demolition?

15 I think that's relevant. Okay. The
16 rationale for approval states that the suspension of a
17 certificate of demolition is not a feasible option to
18 alleviate the nuisance in a timely manner.

19 Okay. We're going to talk about the
20 nuisance. I'd like to ask the owner in his estimation
21 what is the nature of the nuisance here? Are we talking
22 about it's a nuisance to you because you don't want to
23 maintain your property?

24 It's a nuisance to keep up with the shrubs
25 and it's a nuisance to keep it secure? And it's a

1 nuisance to replace the rotten wood? Because the
2 neighbors are not saying it's a nuisance. He got one
3 immediate next door neighbor to sign off on a letter
4 requesting that the house be torn down. But that is not
5 the 10th Street residential association.

6 So what nuisance are we being asked to
7 alleviate and how did that nuisance come into existence?
8 Moreover, what incentives or encouragement were you
9 offered to bring the property into a state of
10 compliance? And was that even approached? Okay. So
11 those are my questions.

12 CHAIRWOMAN SEALE: Thank you. Thank you,
13 Commissioner Swann, great points. Commissioner
14 Strickland.

15 COMMISSIONER STRICKLAND: I have a question
16 for staff. According to the Dallas CAD, it looks like
17 this property was purchased in September 2017 and in the
18 agreed order it's listed as vacant.

19 In anytime from September 2017 until present
20 day, has the current owner of this vacant property ever
21 submitted to perform any -- have they applied for any CA
22 on this property? Have they performed any maintenance
23 on this property? That you are aware of?

24 UNKNOWN SPEAKER: No. They have not.

25 COMMISSIONER STRICKLAND: Now, the City

1 Attorney, the Assistant City Attorney who signed this
2 agreed order that we have in front of us, Allen R.
3 Griffin, has he contacted you to find out any
4 information about this property before it was submitted
5 to the court?

6 Did he find out, did he ask you about any
7 maintenance that was done on this property? Did he find
8 out anything about how long this has been sitting
9 vacant? Did he know -- did he contact staff at all to
10 ask any of these questions?

11 UNKNOWN SPEAKER: No. He did not.

12 COMMISSIONER STRICKLAND: I'll note that on
13 this agreed order, it does list it as a vacant structure
14 but at no point did the City Attorney of the City of
15 Dallas, Assistant City Attorney Allen Griffin ever
16 mention that this is, this property is located in an
17 historic district in his submittal to the court.

18 So it seems that the City Attorney's office
19 is of the opinion that the historic nature of our
20 neighborhoods and our properties is not material
21 information that they need to submit to courts when they
22 are asking for this demolition or at any point pursuing
23 demolition by neglect instead.

24 And I'm questioning why in this case the
25 Applicant -- why is the owner listed as the Applicant

1 and not the City Attorney who was the one who drafted
2 this agreed order and signed it?

3 UNKNOWN SPEAKER: Primarily because I
4 received a CD from a certificate of demolition from
5 Mr. Mendez that he completed and that he signed. And
6 so, and that he did an affidavit for it so then that,
7 from my perspective, made him the Applicant.

8 COMMISSIONER STRICKLAND: Was City Assistant
9 Attorney -- Assistant City Attorney Allen Griffin ever
10 notified of today's hearing and asked to come here to
11 explain his actions and why he did not represent this as
12 a historic property before the Court?

13 UNKNOWN SPEAKER: He was aware that it was
14 going to be on the agenda. I did not ask him to come,
15 but I notified him that it was going to be on the
16 agenda.

17 COMMISSIONER STRICKLAND: So he was aware
18 that there was a hearing and he has chosen not to be
19 here today? Thank you.

20 CHAIRWOMAN SEALE: Thank you, Commissioner
21 Strickland. Commission Richter.

22 COMMISSIONER RICHTER: Just to tag on to
23 that and looking at the Dallas County Appraisal
24 District's records, this is showing that this is a
25 vacant lot. It shows land value only, no improvements.

1 So they've already marked it off. The City is not even
2 having a structure on it.

3 So there are all kinds of issues with
4 nobody's paying attention on this.

5 CHAIRWOMAN SEALE: Thank you. Do we have a
6 motion, Commissioners?

7 COMMISSIONER SWANN: I have a motion.

8 CHAIRWOMAN SEALE: Commissioner Swann?

9 COMMISSIONER SWANN: With regard to
10 discussion item No. 4, 1121 East 9th Street, file No.
11 CD189-006, I move that we deny the application with the
12 finding that the proposed work will have an effect, an
13 adverse effect, on the historic overlay district.

14 CHAIRWOMAN SEALE: Do we have a second?
15 Thank you, Commissioner Swann, for the motion and
16 Commissioner De Le Harpe for seconding the motion to
17 deny the request with a finding that the request will
18 have a detrimental effect on the district, correct?

19 COMMISSIONER SWANN: Correct. Adverse
20 effect.

21 CHAIRWOMAN SEALE: Adverse effect. Thank
22 you. Yes, Counsel.

23 MS. HOLMES: If I might, we're at the
24 initial suspension period where there hasn't been an
25 interested party. And since there's been no one

1 identified, the Commission needs to grant the
2 certificate of demolition per the statute. It's a shell
3 grant.

4 CHAIRWOMAN SEALE: Thank you. Commissioner
5 Strickland.

6 COMMISSIONER STRICKLAND: I'll note that I
7 heard Mr. Dody say that the courts are rubber stamping
8 these motions for demolition because no information is
9 being presented otherwise to the courts.

10 And this entire process is showing that it's
11 backwards for us that all of the powers being held by a
12 vacant, absentee landowner who is striking an agreement
13 with the City Attorney's office that did not come here
14 today to testify, did not present to the Court that this
15 was -- this property was in an historic district and
16 with all of these material -- with all this material
17 evidence being withheld by any decisionmaker along the
18 way and we're the final step in this, I cannot agree
19 that this application is following what we as a
20 commission are tasked with preserving in our
21 neighborhoods.

22 So I will be supporting the motion because I
23 cannot agree with how the City Attorney's office is
24 handling these demolitions.

25 CHAIRWOMAN SEALE: Thank you, Commissioner.

1 Mr. Payton.

2 COMMISSIONER PAYTON: Yeah, I have to agree
3 with her because it just seems like it's just so, out of
4 all the things that could be done that something can be
5 done to help preserve this district. I mean, it's
6 almost like this district has been targeted.

7 , And every week is something in the 10th
8 Street Historic District that's standing in the shadows
9 of the wrecking ball. And I don't know if the people
10 who are buying into it are buying the neighborhood or
11 what's happening over there that nobody shows to say --
12 nobody comes down here to say anything about it one way
13 or another.

14 And you know, let's just, well, nobody said
15 anything, let's just go ahead and demolish it and that
16 answers all of our questions.

17 I'm not going -- I can't support again
18 another demolition in this little square area. It's
19 like out of all the areas in Dallas that 10th Street
20 Historic District is showing any interest to in the
21 preservation of it except Robert and a few people.

22 I don't know, I just, has it run its -- has
23 it run its course as far as appeals or is anybody
24 appealing to save it? What's happening with the 10th
25 Street Historic District that just last week another

1 house got demolished in the 10th Street Historic
2 District.

3 And now here it is we've got another one.
4 In two weeks, you know.

5 CHAIRWOMAN SEALE: Yeah, I think a lot of us
6 are shaking our heads. But we're going to go into
7 executive session. So it is now 3:54 p.m. on April 1st,
8 2019. The Landmark Commission will now go into closed
9 session under section 551.071 of the Texas Open Meetings
10 Act to receive advice from and consult with the City
11 Attorney on the following matters described on today's
12 agenda.

13 (End of requested audio excerpt.)

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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 9th day of May, 2019.

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LESLIE McDONALD WILKINS, RPR #029319

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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

April 4, 2019

Mario Mendez
2034 Ravenhurst Dr,
Allen, TX 75013

**RE: CD189-006(MP)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
1121 E 9TH ST**

Dear Mario Mendez:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on April 1, 2019.

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 May 1, 2019. For information regarding the appeals process, please call Elaine Hill at 214-670-4206.

Encl. Application for Appeal
Ordinance No. 19455

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

March 4, 2019

Standard	March 4, 2019	PLANNER:	Marsha Prior
FILE NUMBER:	CD189-006(MP)	DATE FILED:	February 6, 2019
LOCATION:	1121 E 9TH ST	DISTRICT:	Tenth Street Neighborhood Historic Distr
COUNCIL DISTRICT:	4	MAPSCO:	55-B
ZONING:	PD-388	CENSUS TRACT:	0041.00

APPLICANT: Mario Mendez
REPRESENTATIVE:
OWNER: MENDEZ MARIO

The Landmark Commission decision is: Denied without Prejudice

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 without Prejudice

Conditions: Deny without prejudice with finding of fact it will have an adverse effect on the historic overlay district.



Landmark Commission Chair

March 4, 2019

Date

Please take any signed drawings to Building Inspection for permits.

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

CD <u>189</u> - <u>006</u> (MP)
Office Use Only

1. Name of Applicant: Maria Mendez
MAILING Address: 2034 Ravenhurst Dr City Allen State Tx Zip 75013
Daytime Phone: 214 650 3719 Fax: _____
Relationship of Applicant to Owner: _____
ADDRESS OF PROPERTY TO BE DEMOLISHED: 1121 E 9th ST Dallas TX Zip 75203
Historic District: _____

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)
- _____

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.**

RECEIVED BY

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.

FEB 07 2019

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 of demolition and removal is also available for review.

Current Planning

4. Signature of Applicant: Mario Mendez Date: February 4, 2019
5. Signature of Owner: Mario Mendez Date: February 4, 2019
(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.

Maria Mendez _____ April 5, 2019
Date

APPLICATION FOR APPEAL OF LANDMARK COMMISSION DECISION

The Deadline to Appeal this application is May 1, 2019

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.: CD189-006(MP)

Property Address: 1121 E 9TH ST

Date of Landmark Commission Action: April 1, 2019

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 May 1, 2019

Director, Development Services Department
Dallas City Hall
1500 Marilla St., RM 5/B/N
Dallas Texas 75201
Telephone 214-670-4209

April 12, 2019

Office Use Only
Date Received

Landmark Case/File No.: CD189-006(MP)

Property Address: 1121 E 9TH ST

Date of Landmark Commission Action: April 1, 2019

Applicant's Name: Mario Mendez

Applicant's Mailing Address: 2034 Ravenhurst Dr Allen TX

City: Allen State: Tx Zip: 75013

Applicant's Phone Number: 214 650 3719 Fax: _____

Applicant's Email: mfreedom9020@hotmail.com

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

Owner's Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

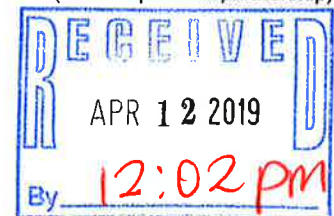
Owner's Phone Number: _____ Fax: _____

Owner's Email: _____

Mario Mendez 04-12-19
Applicant's Signature Date

Mario Mendez 04-12-19
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**



(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	\$200.00	
Request for a letter from the department explaining the availability of wastewater services for a development site.	\$200.00	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	\$2,500.00	
Appeal of an apportionment determination to the city plan commission	\$600.00	
Appeal an apportionment determination decision of the city plan commission to the city council	\$600.00	

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Appeal a decision of the landmark \$300.00 commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	\$300.00	
Request for an administrative parking reduction under Section 51A-4.313	\$375.00 and \$25 per space over 10 spaces	

Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing.

(I) Fees for a street name change.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.

**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.