



STAFF REPORT

Historic Preservation Commission

June 5, 2024

HPCA-24-00023

Case Number: HPCA-24-00023

Property Address: 424 NW 27th Street

District: Jefferson Park Historic District

Applicant: Williams, Box, Forshee & Bullard
Kaitlyn Turner
522 Colcord Drive
Oklahoma City, OK 73102

Owner: RGW Real Estate Holdings LLC
Ryan Watts
4564 Bordeaux Avenue
Dallas, TX 75205

A. CASE ITEMS FOR CONSIDERATION

1. Demolish all structures (elective).

B. BACKGROUND

1. Project Description

This application was originally scheduled to be heard April 3, 2024. The applicant requested that the item be continued until the June 5, 2024 meeting.

In addition to legally required mailed public notice, notice has been sent as a courtesy to property owners within a 300-foot radius due to the request for demolition of a primary structure.

The applicant proposes to demolish all structures on the property. The case was previously heard by the Commission but in December 2023, the case was withdrawn by the applicant because they needed more time to gather additional documentation to support the demolition.

2. Location

Project site is located on the south side of NW 27th Street, mid-block between N Walker Avenue and N Hudson Avenue.

3. Site History

Date of Construction: 1909

Zoned Historic Preservation/Historical Landmark: 1998

National Register Listing: 1995

Description from National Register Nomination Intensive Level Survey:

424 Northwest 27th 1917*. This is a one-story National Folk frame house with a steep roof, and boxed eaves that have been covered with vinyl soffits. The full-width dropped roof front porch may not be original. The original porch columns have been replaced with wrought iron supports and railing. The entrance is off center. The foundation is made of rusticated concrete block. There is a garage apartment in the rear.

* County Assessor's Office lists 1909 as the year built.

Additional Information:

The 1922 edition of the Sanborn Fire Insurance maps illustrates a one-story frame dwelling with one-story front porch extending the entire length of the front (north) façade. A one-story frame "autohouse" is indicated on the easternmost property line with the front face back nearly $\frac{3}{4}$ of the property depth from the front property line. Another one-story frame "autohouse" is indicated on the southernmost property line with the front face on the southwest corner of the property line. The dwelling and porch are indicated to have shingle roofs, and the two auto houses are indicated to have non-combustible roofs. The 1949 edition of the maps indicates the dwelling and porch roofs to be non-combustible roofs.

Sometime between 1922 and 1949, the two autohouses were removed and replaced with a two-story frame structure. It is described as having a three-car autohouse on the lower-level, and a dwelling unit on the upper-level. The structure is indicated near the southernmost property line with the front face near the southwest corner of the property line and is indicated to have a shingle roof.

4. Existing Conditions

A structural engineer assessed the property on December 21, 2023 and reported that the structures should not be inhabited and poses significant health risks (see attached report). This report was updated prior to this meeting to provide additional information regarding the feasibility of repairing the structures. Photographic documentation illustrates areas of concern within both structures.

5. Previous Actions

Previous applications for Historic Preservation Certificate of Appropriateness (HPCA) filed for this property include:

Case Number	Date	Owner	Decision
HPCA-23-00134	12/16/2023	RGW Real Estate Holdings, LLC	Withdrawn

C. ITEMS IN COMPLIANCE

*Unless noted below in Section D., Issues and Considerations, all other case items of this proposal comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020.**

None.

D. ISSUES AND CONSIDERATIONS

This proposal may not comply with the Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts, and with all relevant sections of the Oklahoma City Municipal Code, 2020 as referenced*

below:

1. Item 1, Demolish all structures (elective).

- a. Description: The applicant proposes to demolish both structures on the property. The primary dwelling was built in 1909 and is listed as contributing to the Jefferson Park Historic District. Documentation from the Sanborn maps indicate that sometime between 1922 and 1949, the garage apartment was constructed. The Field Inspection Report states that, in their opinion, the structures are in such a state of decay and ruin that they pose an imminent threat to the public health or safety and demolition of said structures is required to alleviate said threat.
- b. References: *Oklahoma City Municipal Code, 2020*

59-4250.4

L. Demolitions.

(1) *General Provisions.*

- (a) A Certificate of Appropriateness shall be required for the demolition or removal of any structure within any HL or HP District. Applications for demolition permits shall be filed with the Development Services Director, but shall not be issued unless accompanied by a Certificate of Appropriateness.
- (b) A Certificate of Appropriateness shall not be required for the demolition or removal by the City of a structure that has been declared dilapidated by the City Council. Prior to consideration by the City Council, the Historic Preservation Commission shall forward to the City Council a recommendation regarding whether the structure is contributing to the historic integrity of the historic district and whether demolition will adversely affect the historic character of the property or district.
- (c) A Certificate of Appropriateness shall be required for those structures declared dilapidated by the City Council whose removal is not undertaken by the City.

(2) *Findings and Purpose.* Demolition or removal of a historic structure constitutes an irreplaceable loss to the quality and character of the City. Therefore, a Certificate of Appropriateness shall only be granted if one of the following occurs:

- (a) As determined by the Commission, the structure is noncontributing to the historic integrity of the historic district and the demolition will not adversely affect the historic character of the property or district.
- (b) As evaluated by the Commission based upon information including, but not limited to, reports, photographs, or inspection as part of a site visit, the structure is in a state of decay or ruin and poses an imminent threat to public health or safety and the demolition of said structure is required to alleviate said threat.

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- (c) There is no viable economic use of the structure. For purposes of this Paragraph, the term "no viable economic use" shall mean:
1. The structure is incapable of earning a reasonable economic return.
 2. The structure cannot reasonably be adapted for any other use which would result in a reasonable economic return.
 3. The owner, using due diligence, has been unable to find a developer, financier, purchaser or tenant that would enable the owner to realize a reasonable economic return.
- (d) The structure is a garage or other accessory building and meets at least one of the following criteria addressing the functionality and continued use of the historic structure in relation to the impact of a demolition on the historic character of the property and district:
- (1) The structure is not large enough to accommodate a standard size parking space and cannot reasonably be altered to do so;
 - (2) The condition of the structure makes it physically impractical to rehabilitate without the loss of all or nearly all fabric contributing to its historic integrity;
 - (3) The structure is not original to the property;
 - (4) The structure has minimal impact upon the historic integrity of the property and district, due to factors including the structure's lack of historic integrity and significance, architectural significance, or minimal to no visibility from a public way.
- (3) *Economic Review Board.* For demolitions based upon "no viable economic use" of the property, the application shall be referred immediately to the Economic Review Board, which shall consist of three independent experts appointed by the City Manager. Economic Review Board members shall be knowledgeable in the economics of real estate, renovation and redevelopment. "Independent" as used in this Paragraph 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 Historic Preservation Commission, and is not compensated for serving on the Economic Review Board. The Economic Review Board shall have 60 days to hold a public hearing, review the submitted documentation which may include appraisals, profit and loss statements, itemized expenses, listings of the property for sale, current fair market value, records depicting the current conditions of the property and other relevant documentation, consider all options for renovation, adaptive reuse and redevelopment, and forward a written non-binding recommendation to the Historic Preservation Commission.
- (4) *Action by the Historic Preservation Commission.* After the Economic Review Board had made a written recommendation, the application shall be deemed

complete and the Historic Preservation Commission shall hold a public hearing within 65 days of receiving said recommendation for the purpose of considering the Certificate of Appropriateness for demolition or removal. The Historic Preservation Commission shall either approve or deny the application unless the applicant agrees upon a continuance.

- (5) *Burden of Proof.* The applicant has the burden of proof to establish, by a preponderance of evidence, the necessary facts to warrant demolition.
- (6) *Standards for Demolition Approval.* The Historic Preservation Commission shall approve the application for demolition if it finds any of the following:
 - (a) The structure is noncontributing to the historic district and the demolition will not adversely affect the historic character of the property or district.
 - (b) The structure, which has not otherwise been declared a public nuisance by the City Council, poses an imminent threat to public health or safety and the demolition of said structure is required to alleviate said threat.
 - (c) There is no viable economic use of the structure. For purposes of this paragraph, the term “no viable economic use” shall mean:
 - 1. The structure is incapable of earning a reasonable economic return.
 - 2. The structure cannot reasonably be adapted for any other use which would result in a reasonable economic return.
 - 3. The owner, using due diligence, has been unable to find a developer, financier, purchaser or tenant that would enable the owner to realize a reasonable economic return.
 - (d) The structure is a garage or other accessory building and meets at least one of the following criteria addressing the functionality and continued use of the historic structure in relation to the impact of a demolition on the historic character of the property and district:
 - 1. The structure is not large enough to accommodate a standard size parking space and cannot reasonably be altered to do so;
 - 2. The condition of the structure makes it physically impractical to rehabilitate without the loss of all or nearly all fabric contributing to its historic integrity;
 - 3. The structure is not original to the property;
 - 4. The structure has minimal impact upon the historic integrity of the property and district, due to factors including the structure's lack of historic integrity and significance, architectural significance, or minimal to no visibility from a public way.
- c. Considerations: The Commission has three criteria to consider in evaluating demolition, generally, with an additional set of considerations for accessory buildings.
 - (Criterion a) The structure is noncontributing to the historic district and the

demolition will not adversely affect the historic character of the property or district.

The primary structure is indicated to have been built in 1909 and appears to retain character-defining features including the overall form, massing, and window placement and configuration. The building is identified as a contributing property in the Jefferson Park Historic District National Register nomination. As the property contributes to the integrity of the historic District and its demolition would adversely affect the historic character of the District, the application for a demolition of the primary structure does not meet Criterion a.

(Criterion b) The structure, which has not otherwise been declared a public nuisance by the City Council, poses an imminent threat to public health or safety and the demolition of said structure is required to alleviate said threat.

The applicant has the burden of proof to establish, by a preponderance of evidence, the necessary facts to warrant demolition. A Field Inspection Report describes significant structural issues and indicates that the structure is a threat to health and safety. The report indicates that repair would require complete or near complete removal of all historic fabric at the primary structure. It also states that the method of construction of the accessory building is insufficient and cannot be repaired.

(Criterion c) There is no viable economic use of the structure. (See page 5 of Staff Report for further description.)

The applicant has not indicated that there is no viable economic use of the structure. If the lack of a viable economic use of the structure is to be used as a consideration for approval of a demolition, the application must be referred to an Economic Review Board, and financial records must be provided.

(Criterion d) (See page 5 of Staff Report for description.)

The accessory structure appears to meet the criteria (d.3 and d.4) for demolition as, according to the Sanborn maps, it is not original to the property. It was added sometime between 1922 and 1949. Additionally, the structure appears to have minimal impact upon the historic integrity of the property and district, and it is minimally visible from a public right-of-way. The application does not separate the request for demolition of structures, and it is unknown if the applicant would seek demolition of one structure without the other.

d. Recommended Specific Findings:

1. That the primary structure is historic and contributes to the character of Jefferson Park Historic District;
2. That demolition of the primary structure would adversely affect the historic character of the district;
3. That the applicant has submitted documentation indicating that the structures present an imminent threat to public health and safety and are infeasible to repair;
4. That no information regarding “no viable economic use” of the structures has been provided;

5. That the accessory structure does not appear to be original to the property; and
6. That the demolition of the accessory structure appears to meet at least one of the criteria for demolition, but that demolition of an individual structure has not been requested.

E. HPCA-24-00023 STAFF RECOMMENDATION:

1. **Continue Item 1, Demolish all structures (elective)** with the specific finding that additional information is required from the applicant in order to determine whether the action requested is consistent with all relevant Standards and Guidelines and in compliance with the relevant sections of the Municipal Code, 2020*, as referenced in the Staff Report.

Specific Findings:

1. That the primary structure is historic and contributes to the character of Jefferson Park Historic District;
2. That demolition of the primary structure would adversely affect the historic character of the district;
3. That the applicant has submitted documentation indicating that the structures present an imminent threat to public health and safety and are infeasible to repair;
4. That no information regarding “no viable economic use” of the structures has been provided;
5. That the accessory structure does not appear to be original to the property; and
6. That the demolition of the accessory structure appears to meet at least one of the criteria for demolition, but that demolition of an individual structure has not been requested.

Additional information: Further evidence that the imminent threat presented by the structure(s) can be alleviated through no other means than demolition.

OR

Approve HPCA-24-00023 with the specific finding that the proposed work will have an adverse effect on the historic character of the district or property, but is necessary because of an imminent threat to public health and safety, and complies with all relevant Standards and Guidelines and sections of the Municipal Code, 2020*, as referenced in the Staff Report.

Specific Findings:

1. That the primary structure is historic and contributes to the character of Jefferson Park Historic District;
2. That demolition of the primary structure would adversely affect the historic character of the district;
3. That the applicant has submitted documentation indicating that the structures present an imminent threat to public health and safety and are infeasible to repair;

4. That the threat to public health and safety can be alleviated through no other means than demolition;
5. That no information regarding “no viable economic use” of the structures has been provided;
6. That the accessory structure does not appear to be original to the property; and
7. That the demolition of the accessory structure appears to meet at least one of the criteria for demolition, but that demolition of an individual structure has not been requested.

OR

Deny HPCA-24-00023 with/without Prejudice with the specific finding that the proposed work will have an adverse effect on the historic character of the district or property; is not consistent with the provisions of the Standards and Guidelines and is not in compliance with the relevant sections of the Municipal Code, 2020*, as referenced in the specific findings in the Staff Report.

1. That the primary structure is historic and contributes to the character of Jefferson Park Historic District;
2. That demolition of the primary structure would adversely affect the historic character of the district;
3. That the applicant has submitted documentation indicating that the structures present an imminent threat to public health and safety and are infeasible to repair;
4. That alternatives to demolition remain viable for mitigating the threat to public health and safety;
5. That no information regarding “no viable economic use” of the structures has been provided;
6. That the accessory structure does not appear to be original to the property; and
7. That the demolition of the accessory structure appears to meet at least one of the criteria for demolition, but that demolition of an individual structure has not been requested.

Note: Staff recommendation does not constitute Commission action.

**Relevant Sections of Chapter 59 the Oklahoma City Municipal Code governing HP/HL Districts are: §59.3300.1-5; §59.4150.4; §59.4250; §59.7250.1-4; §59.7300.1-7; §59.12200.1-4; §59.13300.1-6.*

Copies of the Standards/Guidelines and Relevant Sections of the Oklahoma City Municipal Code, 2020, are available online at www.okc.gov/planning/hp/index.html ; at Planning Department offices located at 420 W. Main, 9th floor, and each HP Commission Meeting.

RJ