

Date: June 4, 2021

Case No. 210066
Address: 56 Lincoln Ave

Staff Report

The applicant has submitted an application for Project Approval for work at 56 Lincoln Ave, a Contributing structure located in the Ingleside Planning Unit in the City of Deadwood.

Applicant: Tim Conrad
Owner: WALKER, RICHARD C C/O WALKER, IDA
Constructed: ca. 1938

CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL

The Historic Preservation Commission shall use the following criteria in granting or denying the Project Approval:

General Factors:

1. Historic significance of the resource:

This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with early twentieth-century economic activity in the town of Deadwood. In general, this was a period of economic stagnation for the Deadwood region, and relatively few new buildings were constructed in the town. Of the houses which were constructed, however, nearly all displayed elements of the Craftsman architectural style. This mirrored national architectural trends of the period. This is an unusual example of the style constructed in logs.

2. Architectural design of the resource and proposed alterations:

The applicant is requesting permission to demolish the structure and clean up the lot.

Attachments:

no Plans: no

Photos: Yes

Staff Opinion:

The City of Deadwood, South Dakota Code of Ordinances (DCO) 17.68.020 authorizes the City to establish a historic preservation commission to preserve, promote and develop the historical resources of the city.

Under DCO 17.68.020(C)(11) the Historic Preservation Commission is to review and to issue or deny a permit for any undertaking or project which will encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places, which decision to approve or deny shall be based upon the United States Department of the Interior Standards for Historic Preservation Projects codified in 36 CFR 67 as of January 1, 1994. This section shall not apply to any project or undertaking which the Historic Preservation Commission or its staff determines will not encroach upon, damage or destroy any historic property. Such determination shall be based upon the guidelines adopted by the Deadwood Historic Preservation and District Commission(s);

Historic significance of the area and historic property involved:

Deadwood was originally identified as a National Historic Landmark (NHL) in 1961 under the Historic Sites Act. In 1966, with the passage of the National Historic Preservation Act (NHPA), and the addition of the NHL program under that law, all previous NHL's were legally recognized as keeping their status as landmarks.

In 1985, the boundaries were formally established for the National Register District and thus the National Historic Landmark District as being the city limits of the City of Deadwood through the National Park

Service. During this process and in accordance with the National Historic Landmark regulations, the National Park Service notified owners, public officials and other interested parties.

In 1989, there was an attempt to change the period of significance for the Deadwood NHL. Since an NHL cannot be amended to change the time period for a NHL's historic significance (an entire new NHL nomination would have to be completed), the NPS instead accepted the new data as a National Register nomination.

According to the National Park Service, Deadwood, technically, has two historic districts - the NHL district and a National Register District, both with the same boundary. The City of Deadwood provided input throughout the process.

Under 36 CFR 67.2 – the National Register of Historic Places means the National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that the Secretary is authorized to expand and maintain pursuant to section 101(a)(1) of the National Historic Preservation Act of 1966, as amended.

Furthermore, under South Dakota Administrative Rule 24:52:06:13, listing of a property on the national register constitutes listing of that property on the state register. Therefore, the proposed project is also located in the Deadwood State Registered Historic District.

The proposed project clearly is located in the Deadwood National Historic Landmark District, the Deadwood National Register District, and the Deadwood State Historic Register District.

Thus, all the above historic districts are historic properties listed in both the National and State Registers of Historic Places.

In 2010, the South Dakota state legislature added definitions to SDCL 1-19B which added terms to the chapter allowing a district to be considered a historic property. This is defined below:

SDCL 1-19B-1.1. Definition of terms. Terms used in this chapter have the same meaning as defined in § 1-19A-2.

SDCL 1-19A-2. Definition of terms. Terms used in this chapter mean:

(2) "Historic preservation," the research, protection, restoration, and rehabilitation of districts, sites, buildings, structures, and objects significant in the history, architecture, archaeology, paleontology, or culture of the state;

(3) "Historic property," any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology, paleontology, or culture of the state, its communities or the nation;

This area consists of residential properties and is significant historically as one of the primary residential neighborhoods in Deadwood.

This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with early twentieth-century economic activity in the town of Deadwood. In general, this was a period of economic stagnation for the Deadwood region, and relatively few new buildings were constructed in the town. Of the houses which were constructed, however, nearly all displayed elements of the Craftsman architectural style. This mirrored national architectural trends of the period. This is an unusual example of the style constructed in logs.

Guidelines for the Deadwood HPC to consider

DCO 17.68.010 was enacted for the purpose of the protection of the historical resources of the city. The historic preservation commission may use review guidelines which may be consistent with local, state and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Other historic preservation guidelines are also codified in 36 CFR 67.

There is no question the proposed application as submitted damages and destroys the contributing structure and has an adverse affect on the character of the building and the character of the State and National Historic Register Districts and the Deadwood National Historic Landmark District.

This review is based on the GUIDELINES FOR UNDERTAKINGS IN THE CITY OF DEADWOOD NATIONAL HISTORIC LANDMARK DISTRICT as adopted by the City of Deadwood's Historic Preservation and Historic District Commissions. These guidelines for determining if any undertaking, whether publicly or privately funded, will encroach upon, damage, or destroy any historic property included in the Deadwood National Historic Landmark District are as follows:

- Downtown Design Guidelines, Deadwood, South Dakota, *Design Guidelines for Use in the Downtown Historic District*, March 1991;
- Deadwood Residential Neighborhood Design Guidelines, 2005;
- The Secretary Of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings, 1997;
- U.S. Department of the Interior standards for historic preservation projects codified in 36 C.F.R. 67 as of January 1, 1994;
- South Dakota Administrative Rules, Chapter 24:52:07:04_and 24:52:07:05.

The applicant is requesting approval to demolish the resource as submitted. Under DCO 17.68.050 (D) Demolition, the commission is to review the following items as it relates to the applicants request for Project Approval:

1. The individual architectural, cultural and/or historical significance of the resource.

The resource is a contributing resource as stated above; however, it has been vacant for several decades but surprisingly in relatively sound shape as appeared in recent site visits by this office and the commission.

2. The importance or contribution of the resource to the architectural character of the district and, where appropriate, the damaging impact of the resource on the architectural character of the district.

The resource does add to the architectural character of the district through the spatial relationship of its residential size and massing and it is one of the few log structures built during this time period in Deadwood and within the period of significance. The loss of this resource will add to a cumulative adverse effect by damaging the architectural character of the district. This cumulative adverse effect begins to erode the district the character of the National Historic Landmark District and the State and National Register Historic Districts.

3. The importance or contribution of the resource to neighboring property values and, where appropriate, the damaging impact of the resource on neighboring property values.

The values of this property along with adjacent resources appear to have great value to the defined housing shortage in and around Deadwood as identified in numerous recent studies and plans.

4. The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.

Once this residential style building is lost, it is highly unlikely for a new log structure to be built in its place.

5. An applicant for demolition must receive a certificate of appropriateness or project approval for demolition before receiving a demolition permit, which must be received prior to demolition. In order to receive such certificate of appropriateness or project approval, the applicant must submit plans for the property. In planning unit number 4, such plans must include or contemplate new construction, and the applicant shall provide the historic district commission with plans for this purpose which shall include, but shall not be restricted to, project concept, primary elevations, site plans, completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction and a construction or project schedule including satisfactory assurances of compliance with such construction or project schedule. Other than in planning unit number 4, such plans do not have to include new construction.

The applicant has suggested a yard or park area and has not submitted plans for the property;

however, it is not required within the ordinances.

6. Applicants that have received a certificate of appropriateness or project approval for demolition shall be permitted to receive such demolition permit without additional commission action, provided that such certificate of appropriateness includes approval of construction plans if the demolition is located within planning unit number 4. Permits for demolition and construction shall be issued simultaneously if the requirements of this section are met, and the applicant has provided financial proof of his or her ability to complete the project.

Other than recordation, no further action is required by the Historic Preservation Commission should it approve the application for demolition. Furthermore, any final plans for new construction on the site will require additional action by this body.

7. When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

No other city boards, commissions or departments have reviewed this project in its entirety at this time. The appropriate reviews shall be determined based on the actions of the Historic Preservation Commission.

The residential structure is a physical record of its time, place and use. Removal of the structure alters the district and therefore damages and destroys the district creating an adverse effect.

It is staff's opinion that the proposed demolition is inappropriate due to the sheer damage and destruction of the action and will have an adverse effect on the historic character of the State and National Historic Register Districts and the Deadwood National Historic Landmark District.

With the above statements, it is also staff's opinion, should the house be moved within the Deadwood historic district to appropriate location, the setting of this house at a new location would need to be reviewed. This is not part of the application but brought up as a discussion point by the applicant; however, it appears moving the structure would be outside of the Deadwood City limits at this time.

The commission has the option to determine that all reasonable and prudent alternatives have been explored to allow demolition. With this option in mind, one may ask the following questions:

- Is leaving the house at its current location reasonable and prudent?
- Is rehabilitating the structure reasonable and prudent?
- Have **ALL REASONABLE AND PRUDENT ALTERNATIVES** been explored?

Based upon the review of this project as submitted and based on the GUIDELINES FOR UNdertakings in the City of Deadwood National Historic Landmark District, it is staff's opinion that this project DOES cause damage and destroys a historic property included in the national register of historic places or the state register of historic places and fails to address **ALL REASONABLE AND PRUDENT ALTERNATIVES** and therefore is adverse to Deadwood.

Motions available for commission action:

A: If you, as a commissioner, have determined the Project DOES NOT Encroach Upon, Damage or Destroy a historic property then:

Based upon all the evidence presented, I find that this project **DOES NOT** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval.

If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:

B: First Motion:

Based upon all the evidence presented, I move to make a finding that this project **DOES** encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places. [If this, move on to 2nd Motion and choose an option.]

C: Second Motion:

Option 1: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

OR

Option 2: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood and move to **DENY** the project as presented.

OR

Option 3: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented.