



STAFF REPORT

Historic Preservation Commission

August 2, 2023
HPCA-23-00090

Agenda Item: VI.D.2.

Case Number: HPCA-23-00090

Property Address: 436 NW 30th Street

District: Jefferson Park Historic Landmark District

Applicant: Robison & Associates
Jocelyn Lupkin
2927 Paseo
Oklahoma City, Oklahoma 73103

Owner: Mumtaz Khan
17109 Wales Green Ave.
Edmond, Oklahoma 73012

A. CASE ITEMS FOR CONSIDERATION

- 1) Remove north parking (required);
- 2) Install south, off-street parking (required);
- 3) Remove east door, ramp and stair and infill door (required);
- 4) Install driveway (required);
- 5) Install bike rack (required);
- 6) Construct ramp, landing, and railing at north entrance (required);
- 7) Install planter and sidewalk on north (required);
- 8) Construct ramp, land, and railing on south (required);
- 9) Install trash enclosure (required);
- 10) Install fence (required);
- 11) Construct west sidewalk on west (required);
- 12) Install railing on wood platform (required);
- 13) Reverse door opening direction (required);
- 14) Install 6-foot tall fence (required) and
- 15) Install gate at northwest corner of building (required).

B. BACKGROUND

1. Project Description

The applicant proposes to install driveway, parking lot, sidewalks, accessible ramps at the front and rear entrances, landscape beds, fences and a transparent gate at the northwest corner of the building.

A new Certificate is required to allow for finalizing permits and to provide additional time to complete changes to the built railings to meet Code requirement. The proposal also includes the installation of a gate at the northwest corner of the building not previously approved.

2. Location

Project site is located on the south side of NW 30th Street, one property to the east of N Walker Avenue.

3. Site History

Date of Construction: 1924

Zoned Historic Preservation/Historical Landmark: 1998

National Register Listing: 1995

Description from National Register Nomination Intensive Level Survey:

436 NW 30th. 1917. This is a one-story converted house of no distinctive style, built as a bungalow with exposed rafter tails. The false aluminum front was added to indicate a commercial establishment (non-original). The two entrances are on the front. The false front has a concrete block foundation. This building is noncontributing, due to alterations. *Note: While the National Register of Historic Places identifies contributing and non-contributing properties, the City of Oklahoma City's HP zoning does not make this distinction.*

Additional Information:

The 1922 Sanborn map indicates a one-story, frame dwelling with a front porch spanning the western two-thirds of the front (north) elevation and a small rear porch. A one-story, frame "autohouse" (garage) is indicated near the southeast corner of the property. No changes are shown on subsequent maps. By the time of the 1995 National Register nomination, a false commercial front had been constructed on the building. This false commercial front was removed some time after 2015. There do not appear to have been any approvals for the removal of the storefront.

4. Existing Conditions

The building has been converted back to a gable roof, and the previously approved work to install ramps, driveway, parking lot, landscape beds, bike rack, fencing and trash enclosure has been undertaken.

The railings of the ramps do not meet Code requirements and must be changed. The proposed railings are illustrated in drawings.

The proposed gate has been installed but must be reviewed as if it had not.

The proposed fence has been installed but is not consistent with the criteria to locate 40% back in the side yard.

5. Previous Actions

| Case Number | Date | Owner | Decision |
|--|------------|-------------|-----------|
| HPCA-20-00051 | 02/22/2021 | Mumtaz Khan | Withdrawn |
| 3) Construct ramp on rear of structure (elective). 5) Install signage (elective). | | | |
| HPCA-20-00051 | 03/03/2021 | Mumtaz Khan | Denied |
| 1) Install window and entry door to north elevation (elective); and 6) Install drive and parking lot (elective). | | | |
| HPCA-20-00051 | 03/03/2021 | Mumtaz Khan | Approved |
| 2) Remove stair and ramp on east side of structure (elective); 4) Reconfigure entry to rear side of structure (elective). | | | |
| HPCA-21-00061 | 06/02/2021 | Mumtaz Khan | Approved |
| 1) Construct parking lot (elective); 2) Install driveway (elective); 3) Construct ramp and landing at rear (elective); 4) Construct accessible ramp at front entrance (elective); 5) Install raised planters at front (elective); Install landscape beds at driveway and parking lot (elective); 7) Install trash enclosure (elective); and 8) Install fence (elective). | | | |

Other actions, such as variances, other approvals, citations could also be described here.

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.**

1. Item 1, Remove north parking (required); 2, Install south, off-street parking (required); 3, Remove east door, ramp and stair and infill door (required); 4, Install driveway (required); 5, Install bike rack (required); 7, Install planter and sidewalk on north (required); 11, Construct west sidewalk on west (required); 12, Install railing on wood platform (required); and 13, Reverse door opening direction (required).

- a. Description: This proposal removes parking at the street and introduces a landscaped space on the north, at the street, and at the front façade of the building. The proposed paving is higher than the abutting yard as it approaches the south parking and provides a curb for redirection of water. Planters contain plant material to meet required points for the parking and site. The applicant indicates that required parking and required landscape points are met.
- b. References: *Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts*

2.5 Landscape & Landscape Elements

Policy: The term “landscape” comprises the exterior environment of a historic property. Landscape elements can be natural or constructed features, including decks, patios, landforms, site furniture, pools, fountains, terraces, sculptures, planters, trellises, pergolas, outdoor lighting and other features, which generally should be located out of public view. Landscape features should be restrained on the fronts of buildings to allow viewing of the “public face” of the property and maintain historic streetscapes.

Design Justification: Just as the site, context and environment are critical to the character of a historic building, property and district, the landscape is also an important character-defining feature of a historic property. Original or historic landscape elements may be important character-defining features of a historic property and should be preserved. Added landscape features are more appropriate in back or side yards.

Sustainability Justification: Retain existing elements that represent embodied energy or impart some degree of energy efficiency to the building (e.g., a shading pergola). Address sustainability standards when installing new elements, such as light fixtures with solar cells. Screening with landscaping is preferred over fencing, as fencing requires new resources and energy to manufacture and transport. Landscaping with native and low-water plants conserves water.

- 2.5.1: Maintain existing historic landscape and landscape features to preserve the historic district setting.
- 2.5.2: Historic elements, such as retaining walls, should be retained and preserved.
- 2.5.3: Landscape elements in back yards, not visible from any street or adjacent property and less than six feet in height are not subject to review unless a building or other type of permit is required by the Municipal Code.
- 2.5.8: Maintain existing, successful drainage patterns to minimize run-off, which can contain herbicides and pesticides, introducing them into the waste water system.
- 2.5.10: Patios and other paved landscape elements in back yards should use permeable paving systems to minimize changes to drainage patterns and storm water run-off.
- 2.5.11: Actions beyond maintenance have the potential to alter a site or building, which could affect their historic character.
- 2.5.12: The introduction of new materials visible from the public right-of-way will likely be sustainability considerations and require administrative review.
- 2.5.13 Landscape elements that are not visible from any public way and otherwise meet all relevant guidelines may be administratively approved.
- 2.5.14: New retaining walls may be approved to preserve a natural or existing historic slope in the front and side yards only if an earlier retaining

wall on the property can be documented.

- 2.5.15: New retaining walls not to exceed two feet in height may be approved to preserve a natural or existing slope in back yards not visible from the public right of way.
- 2.5.16: The height of a new retaining wall may not exceed the height of the slope it retains.
- 2.5.17: A retaining wall in front or side yards visible from the public right of way shall be constructed of unpainted natural stone, brick or finished concrete that is compatible in texture, color and style to the main building or adjacent paving materials.
- 2.5.18: A retaining wall constructed in side or back yards not visible from the public right of way may be constructed of alternative materials; i.e., concrete block, landscape block, landscape timbers, etc.
- 2.5.35: Significant alteration of the topography of a property through extensive grading, removal or alteration of rolled terraces and similar character-defining features, filling or excavating, is not permitted.
- 2.5.36: Relocating drainage features is discouraged, unless such actions seek to correct poor surface and storm water run-off drainage situations. Storm water harvesting is encouraged.
- 2.5.37: It is not appropriate to alter the overall character of historic districts by substantially reducing the ratio of open space to built space on any site through new construction, additions or introduction of surface paving or other hardscape features.
- 2.5.38: Landscape elements such as stone or masonry edging materials for raised planting beds shall not exceed 18 inches in height in front or side yards and shall match or complement the design, scale and details of such elements historically found within the historic district.

2.3 Sidewalks, Driveways, Parking Lots, Curbs and Vacant Sites

Policy: *Sidewalks, driveways and off-street parking should not interrupt the historic continuity of landscaped front or corner side yards. Historic concrete sidewalks and walkways should be preserved and repaired with concrete that is consistent in pattern, size, texture and color. Historic concrete driveways should be preserved and new driveways should be of concrete rather than asphalt.*

- 2.3.12: Driveways, eight feet or less in width, may be replaced by a driveway of up to ten feet in width; width may vary as the driveway approaches the garage to correspond to the width of the garage door openings. However, property owners are encouraged to limit the quantity of impervious concrete surfaces to assist in reducing storm water runoff.
- 2.3.20: Screen parking from streets and pedestrian areas by placing parking areas at the back of a property and behind primary structures. New parking areas for corner lots shall be located behind primary structures, set back as far as possible from side streets, and placed so as to be as inconspicuous as possible.

- 2.3.21: In addition to being located at the back of the lot, new parking areas for commercial properties must be screened from adjacent residential property by sight-proof screening with fences, walls or dense vegetation at least six feet tall. Landscape screens are preferred, because they absorb carbon dioxide.

c. Recommended Specific Findings:

1. That the front yard of the property has been altered previously from the presumed historic condition;
2. That removal of paving and reinstallation of landscaping in the front yard appears to be an improvement to the appearance and historic integrity of the property and the block;
3. That the proposed driveway exceeds the allowed width and may require a variance;
4. That the proposed parking is largely screened from view due to location, and is an improvement over parking in the front of the property;
5. That the proposed work alters the topography of the site and introduces more impermeable surface;
6. That the property is zoned for commercial use, and has been used in a non-residential manner for some time;
7. That these items were previously approved and appear consistent with illustrations.

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 6, Construct ramp, landing and railing at north entrance (required); and 8, Construct ramp, landing and railing at the south entrance (required).

- a. Description: The ramps, landings, and railing were previously approved at the north and south entrances of the building. The built features are in place but were not constructed per Code and do not meet requirements for accessibility, making it impossible for wheelchair access. The applicant proposes to meet Code requirements by removing the existing wood railings similar to porch railings and installing pipe railings per the drawings. This will provide a narrower railing profile and provide the necessary width to install a handrail at chair height.
- b. References: *Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts*

3.9 Accessory Buildings Including Garages

- 3.9.6: Locate ramps, railings or other accessibility-related installations on the back or side elevation of an accessory building and in an unobtrusive location. If locating a ramp on the primary facade of an accessory building

is necessary, the ramp and railing must be installed in a way that does not damage the historic fabric and is as unobtrusive as possible.

- c. Considerations: Only the front ramps, landings, and railings are visible from the right of way. Railings at the rear abutting the parking area may have no visible effect on the historic character of the site, while front railings inconsistent with the character of the building, block, or district will have an effect on the character of the district as viewed from the street. As the structure has been utilized as a commercial structure for many years and is located in a commercial area, there may be no further adverse effect on the property or block. As the proposed railings are minimal with large areas of transparency, they may be more inconspicuous than the previously approved railings.

Metal pipe railings as proposed for the replacement of the previously approved wood railings are not typical of railings found at the front of historic buildings, and the guidelines recommend meeting accessibility requirements in unobtrusive locations such as the side or rear. Requirements for accessibility appear to have been met by the introduction of the ramp at the rear, and the front ramp may not be necessary for accessibility. However, the existence of a ramp at the front is confusing and misleading to those who might attempt to traverse it should the railings of the ramp make it inaccessible. Removal of the ramp and introduction of steps and a landing has not been proposed.

- d. Recommended Specific Findings:

1. That the ramp and landing are in place per the previously approved HPCA-21-00061;
 2. That the proposed metal pipe railings are stated to be necessary to meet criteria for accessibility;
 3. That the proposed metal pipe railings at the rear ramp are not visible from the street;
 4. That the proposed metal pipe railings at the front are visible from the street; and
 5. That the proposed railings are largely transparent and inconspicuous.
2. **Item 9, Install trash enclosure (required); 10, Install fence (required); 14, Install 6-foot tall fence (required); and 15, Install gate at northwest corner of building (required).**

- a. Description: The applicant proposes the installation of a six-foot tall perimeter fence, a four-foot-tall fence at the rear of the parking area, and a gate at the northeast corner (front) of the building.

The perimeter fence is wood and forward in the side yard of the required 40 percent mark. As a commercial property, this partially meets screening requirements between commercial and residential properties.

The fence at the parking perimeter is wood and twisted metal wire. At four feet tall and located in the back yard, the fence requires review only if visible from the public right of way at the street or alley.

The proposed pedestrian gate is not in excess of six feet tall and is constructed of decorative iron. The gate prohibits access to and from the parking area and the building's long, sheltered area between this commercial property and the abutting commercial mall.

The proposed trash enclosure is constructed of fencing to match the perimeter fence.

- b. *References: Design and Sustainability Standards and Guidelines for Oklahoma City Historic Districts*

2.8 Fences and Walls

- 2.8.4: Fences and fence walls in back yards have more flexible requirements than those in side yards or those that are front yard facing because they are less visible from the public right-of-way.
- 2.8.5: Fences and fence walls are generally permitted in side, corner side, and back yards. Interior side and corner side yard fences and fence walls must be set back from the historic front building line by a distance not less than six feet. Depending on the materials and details of a fence and fence wall, additional requirements of this section may apply.
- 2.8.6: A fence or fence wall located on the street facing side yard of a corner property must be set back from the inner edge of a public sidewalk by a minimum distance of two feet, or six feet from the curb where there is no sidewalk.
- 2.8.8: Fences shall be located behind any open front porch of the main building AND the open front porch of the main building of any adjacent property.
- 2.8.9: Fences and fence walls shall be located at or behind the front 40% of the side yard of the main building unless the fence or fence wall is 75% transparent not including posts or columns spaced a minimum of eight feet apart. Depending on the design and architecture of the main building, additional requirements of this section may apply.
- 2.8.10: Opaque fences and fence walls , those that are less than 75% transparent not including posts or columns space a minimum of eight feet apart, shall not obscure view of significant architectural features of the primary building on the property, such as a bay window, porte-cochere, or other significant character defining building projection or feature.
- 2.8.11: Fences and fence walls are not permitted in front yards, unless supported by historical physical or photographic evidence to the contrary. If a fence or fence wall is appropriate for the front yard, then it shall match the historical configuration and approximate the historical appearance.
- 2.8.12: Fences and fence walls shall not exceed eight feet in height at the back property line or alley.
- 2.8.13: Fences and fence walls shall not exceed six feet in height on side or

front facing locations.

- 2.8.14: Chain link or twisted wire fences shall not exceed four feet in height unless historical, physical or photographic evidence to the contrary documents them to have been taller in the proposed location.
- 2.8.15: Where residential properties are adjacent to commercial or other incompatible uses, alternative fence heights may be considered for appropriateness and with respect to other City ordinances related to fences and fence walls.
- 2.8.16: Acceptable materials for fences and fence walls are wood, brick, stone, cast iron, iron, chain link, twisted wire, painted aluminum that mimics the appearance of cast iron or iron fences, or a combination of these materials. Materials for fences and fence walls should be consistent with materials historically used at each individual property or within the historic district during the period of significance.
- 2.8.17: Wood fences may be left unfinished or painted or stained in colors appropriate to the style and period of the property or the district. The exterior flat fence or fence wall surface, if painted, should be compatible with the color of the main building.
- 2.8.18: Decorative painting and murals shall not be applied to fence or fence wall surfaces visible from the public right-of-way.
- 2.8.19: Tops of new fences or fence walls may be horizontal, stepped, scooped, arched or parallel with the grade, as appropriate to the style and period of the main building or the historic district.
- 2.8.20: Chain link fences shall have a top and bottom rail and may be galvanized.
- 2.8.21: The side of a fence or wall facing the street or alley shall be the “finished” side.

2.4 Service and Mechanical Areas

Policy: Mechanical equipment, such as HVAC units and satellite dishes, should be located out of public view. They should be screened with landscaping (best) or fencing (acceptable).

- 2.4.3: Service and mechanical equipment are commonplace, but their presence must be minimized by appropriate placement and screening. A planted screen is preferred and a fence screen is also acceptable.
- 2.4.4: Service equipment (including ground mounted solar collectors), mechanical areas and trash receptacles, if proposed, must be screened from the street and other pedestrian areas. Loading areas should be located away from primary facades and be well maintained.

- c. Considerations: The four-foot wire and wood fence at the parking area meets the Guidelines in that it does not exceed four feet in height. The proposed fence is

minimally visible from the street at the driveway.

The six-foot tall fence meets the Guidelines for materials and height, but fails to meet requirements for location in that it travels forward of the 40 percent mark in the side yard and forward of the front porch of the abutting residential property. The fence does, however, attempt to meet Municipal Code requirements for screening abutting residential properties from the higher intensity uses of commercial property. However, landscape and screening requirements indicate that appropriate screening includes not only a fence but also landscaping. There remains no location for required landscaping as the site is paved.

The Standards and Guidelines indicate that fencing heights may be eight feet tall where abutting an incompatible use, but they do not address placement. The Standards and Guidelines also do not require landscaping, as it is allowing a residential property to screen itself from commercial uses. In this case, the subject property is responsible for meeting Code requirements for screening. The subject property does not appear to provide the necessary plant material and landscape points required for appropriate screening. As an originally established residential site, the site may not be large enough to function as a fully compliant commercial property, meeting all the listed landscape and screening criteria of the Municipal Codes, Article XI, Chapter 59-11150.

The fence appears to cross the rear property line. The alley is closed, per the applicant, and both properties are owned by the same individual.

The trash receptacle also fails to meet the requirements of Municipal Code for screening and landscaping of trash receptacles, but meets requirements of the Standards and Guidelines. Standards and Guidelines indicate that landscaping is preferred, but that fencing is acceptable.

The proposed gate is transparent and meets the height restrictions of the Standards and Guidelines. However, the gate is forward of six feet back in the side yard. The applicant has indicated that due to the commercial nature of the area and types of abutting businesses, the narrow corridor between the subject property and the abutting mall is less useful than intended, due to the high volume of night pedestrian traffic. As the buildings are in very close proximity, visibility is limited, and security is a concern. This renders the connection between the front ramp and the rear parking unusable.

d. Recommended Specific Findings:

1. That this property may be unique in that the current commercial use cannot accommodate all current landscape and screening criteria of the Municipal Code but meets said screening criteria to the full extent possible;
2. That the proposed fencing and trash receptacle reduce the visual, noise, and light impacts of the specific development on the abutting property despite the lack of landscape material;
3. That the fence buffers the abutting property and mitigates the impact of conflicting land uses; and

4. That the proposed gate provides a pleasant visual character and structure to the built environment that is sensitive to both safety and aesthetic issues at this unique location.

E. HPCA-23-0090 STAFF RECOMMENDATION:

1. **Approve Items 1, Remove north parking (required); 2, Install south, off-street parking (required); 3, Remove east door, ramp and stair and infill door (required); 4, Install driveway (required); 5, Install bike rack (required); 7, Install planter and sidewalk on north (required); 11, Construct west sidewalk on west (required); 12, Install railing on wood platform (required); and 13, Reverse door opening direction (required)** with the specific findings that the proposed work will not have an adverse effect on the historic character of the district or property, 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 front yard of the property has been altered previously from the presumed historic condition;
 2. That removal of paving and reinstallation of landscaping in the front yard appears to be an improvement to the appearance and historic integrity of the property and the block;
 3. That the proposed driveway exceeds the allowed width, and may require a variance;
 4. That the proposed parking is largely screened from view, due to its location and is an improvement over parking in the front of the property;
 5. That the proposed work alters the topography of the site and introduces more impermeable surface;
 6. That the property is zoned for commercial use, and has been used in a non-residential manner for some time;
 7. That these items were previously approved appear consistent with illustrations but require a current CA to finalize permits.
2. **Approve Items 6, Construct ramp, landing and railing at north entrance (required); and 8, Construct ramp, landing and railing at the south entrance (required), with Unique Circumstances** with the specific findings that the proposed work will not have an adverse effect on the historic character of the district or property; that the following **unique circumstances** exist; that the items do not strictly comply with all relevant Standards and Guidelines or are not addressed by them, but are nonetheless consistent with the spirit and intent of the Standards and Guidelines and are in compliance with the relevant sections of The City of Oklahoma City Municipal Code, 2020*, as referenced in the Staff Report.

Specific Findings:

1. That the ramp and landing are in place per the previously approved HPCA-21-

00061;

2. That the proposed metal pipe railings are stated to be necessary to meet criteria for accessibility;
3. That the proposed metal pipe railings at the rear ramp are not visible from the street;
4. That the proposed metal pipe railings at the front are visible from the street; and
5. That the proposed railings are largely transparent and inconspicuous.

Unique Circumstances:

1. That proposed railings are less conspicuous than the built railings and the transparency is consistent with the commercial use and design of the property;
2. That the immediately surrounding area has a substantial level of commercial use and architecture that render the railings unremarkable at this highly altered structure.
3. **Approve Items 9, Install trash enclosure (required); 10, Install fence (required); 14, Install 6-foot tall fence (required); and 15, Install gate at northwest corner of building (required), with Unique Circumstances** with the specific findings that the proposed work will not have an adverse effect on the historic character of the district or property; that the following **unique circumstances** exist; that the items do not strictly comply with all relevant Standards and Guidelines or are not addressed by them, but are nonetheless consistent with the spirit and intent of the Standards and Guidelines and are in compliance with the relevant sections of the Municipal Code, 2020*, as referenced in the Staff Report.

Specific Findings:

1. That the proposed fencing and trash receptacle reduce the visual, noise, and light impacts of the specific development on the abutting property despite the lack of landscape material;
2. That the fence buffers the abutting property and mitigates the impact of conflicting land uses; and
3. That the proposed gate provides a pleasant visual character and structure to the built environment that is sensitive to both safety and aesthetic issues at this unique location.

Unique Circumstances:

1. That this property may be unique in that the current commercial use cannot accommodate all current landscape and screening criteria of the Municipal Codes, but meets said screening criteria as well as reasonably possible.

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.

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