



**Landmarks & Urban
Conservation Commission**



**Agenda Number: 5
Case No.: 16-LUCC-50024
Project # 1010526
July 13, 2016**

Staff Report

Agent	Marina Milelic	<p><i>Staff Recommendation</i> <i>DENIAL of Case # 15-LUCC-50024, Project #1010526, a request for a Certificate of Appropriateness for alteration based on the Findings beginning on page 11.</i></p> <p>Maryellen Hennessy, Senior Planner Staff Planner</p>
Applicant	MBA Properties LLC	
Request	Certificate of Appropriateness for alteration	
Legal Description	Lot 2A Block 51 Terrace Addition	
Address/Location	1512 Gold Avenue SE	
Size		
Zoning	SU2/DR	
Historic Location	Silver Hill Historic Overlay Zone	

Summary of Analysis

The subject site contains a two-story flat roofed apartment built in a contemporary style circa 2006/2007. On this site and the adjacent property to the west, two contributing houses were demolished and replaced with contemporary buildings prior to the establishment of the City designated historic overlay zone. In conjunction with the new development, the site was leveled, removing the rise in elevation that is typical of this block.

The applicant is proposing to construct a six foot tall metal fence with a mechanized gate at the front of the property to secure the parking area.

This request for a Certificate of Appropriateness for alteration has been reviewed against the relevant guidelines for the Silver Hill Historic Overlay Zone and the criteria for approval of a Certificate of Appropriateness contained in the LUC Ordinance.

Staff concludes that the design for the project as submitted would be intrusive to the historic character of the historic district. While the security concerns of the applicant are acknowledged, it is possible that these concerns can be better addressed at the building itself, a non-contributing structure in the district.

PRIMARY REFERENCES: Landmarks and Urban Conservation Ordinance; Design Guidelines for the Silver Hill Historic Overlay Zone.

Development Review Division Report:

SUMMARY OF REQUEST

Requests	<i>Certificate of Appropriateness for alteration</i>
Historic Location	<i>Silver Hill Historic Overlay Zone</i>

AREA HISTORY AND CHARACTER

Surrounding architectural styles, historic character and recent (re)development

	# of Stories	Roof Configuration, Architectural Style and Approximate Age of Construction	Historic Classification & Land Use
General Area	1-2	Craftsman Bungalow; Bungalow; Spanish Pueblo Revival; Mediterranean Revival	Contributing and non-contributing; residential
Site to the North	1	Flat roofed, Southwest Vernacular, 1930's	Non-Contributing; residential
Sites to the South	1		Contributing; residential
Sites to the East	1	Gable roofed Bungalow, circa 1930's	Contributing; residential
Site to the West	2	Modern duplex building	Non-contributing; residential

II INTRODUCTION

Proposal and History

The subject site contains a two-story flat roofed apartment built in a contemporary style circa 2006/2007. On this site and the adjacent property to the west, two contributing houses were demolished and replaced with contemporary buildings prior to the establishment of the City designated historic overlay zone (2010). In conjunction with the new development, the site was leveled, removing the rise in elevation that is typical of this block.

The applicant is proposing to construct a six foot tall fence with a mechanized gate at the front of the property to secure the parking area. A previous application for a fence of this type at this property was considered by the LUCC in November of 2015 and the case was continued with encouragement to the applicant to explore options discussed at the hearing. Subsequently, the applicant withdrew the application in order to provide time to consider various options.

The applicant has submitted evidence from security cameras and testimony in the letter of introduction noting numerous criminal incidents related to the lack of security on the property.

Context

The Silver Hill Historic District was listed on the National Register of Historic Places and the State Register of Cultural Properties in 1986 as recommended in the 1986 University Neighborhoods Sector Development Plan for the area. Silver Hill is cited in the register nominations as the best-preserved example of Albuquerque's first suburban subdivisions built up on the mesa just after the First World War.

The houses in the Silver Hill Historic District were built in a variety of architectural styles popular with middle class Anglo-Americans in the early twentieth century in Albuquerque. Buildings were centered on fifty-foot lots with a twenty-foot front setback and side setbacks of five to ten feet. These long rows of regularly spaced buildings contain fine examples of the Hipped Cottage, Craftsman Bungalow, Mediterranean and Southwest Vernacular architectural styles. The houses are elaborated with details that lend individuality to the modest houses. The district also contains some duplexes, which were designed for compatibility with the single-family houses.

Silver Avenue through the historic district is one of three landscaped "parkways" remaining from early 20th century Albuquerque. It contains trees uniformly planted in a generous median. Street trees are also found in the planting strip between the curb and the sidewalk on Silver, Gold, Lead and cross-streets.

Gold Ave. constitutes the northern boundary of the Historic District and Overlay Zone. The historic building fabric is not as intact on Gold Ave. as it is on other streets in the district such as Silver Ave. and the side streets. Gold Ave. in this vicinity has multiple non-historic apartment building and other intrusions such as the subject newer building.

APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES

III. ANALYSIS

Policies are written in regular text and staff analysis and comment in bold italic print.

Comprehensive Zoning Code

The subject property is zoned SU/DR (Diverse Residential) under the University Neighborhoods Sector Development Plan. The plan was adopted in 1986. This zoning category generally corresponds to the R-1 Residential Zone.

This request includes the erection of a fence in the front yard setback. The zoning code §14-16-3-19 "General Height and Design Regulation for Walls, Fences and Retaining Walls is applicable to this request. §14-16-3-19 (A) (2) (a) limits such fences and walls to three feet in height in the front yard setback area.

The applicant requested and was granted a Special Exception (variance) to the standards by the Zoning Hearing Examiner on August 18, 2015 (15ZHE-80190 Project # 1010526) to allow for a fence of six feet in height (Attachment).

The subject property is located within the Silver Hill Historic Overlay Zone. The Comprehensive Zoning Code §14-16-2-28 establishes controls and procedures for Overlay Zones. §14-16-2-28 (D)(1) states that the area's distinctive characteristics and general preservation guidelines for the area shall be identified by the City Council in the resolution applying the Historic or Urban Conservation Overlay Zone to any given area. Specific development guidelines for each Overlay Zone area shall be adopted by the Landmarks and Urban Conservation Commission. Any construction, alteration or demolition which would affect the exterior appearance of any structure within said Overlay Zone shall not be undertaken until a Certificate of Appropriateness has been approved by the Landmarks and Urban Conservation Commission.

The Code also provides that the adopted specific development guidelines may provide exemptions to the requirement or provide for City staff approval in lieu of Landmarks and Urban Conservation Commission approval. Procedures relating to the issuance of a Certificate of Appropriateness are prescribed in Chapter 14, Article 12, Landmarks and Urban Conservation.

An analysis of the proposal's conformance with the adopted specific development guidelines and the criteria for approval of a Certificate of Appropriateness is provided below.

Resolution -2010-083 Designating the Silver Hill Historic Overlay Zones (2010)

This resolution designated, mapped, and provided general guidelines for the establishment of the Silver Hill Historic Overlay Zone. Contained within this resolution are general guidelines, from which the specific Design Guidelines are derived.

Section 4.A of the general preservation guidelines states "Building alterations, additions, and new construction should not significantly impair or diminish the historic architectural character of the Silver Hill Historic Overlay Zone."

The subject proposal is not a building alteration.

Silver Hill Historic Overlay Zone Development Guidelines

The Landmarks and Urban Conservation Commission approved specific development guidelines as delegated by *Resolution -2010-083 in August 2010*. The guidelines to Protect Neighborhood Character: SITE FEATURES AND STREETSCAPES are applicable to this request.

POLICY: Historic site features should be retained. New site features should be compatible with the architectural character of the historic district.

Guidelines

1. Preserve historically significant site features which may include:

- Historic retaining walls, gardens, driveways and walkways. Some fences and street trees are also examples of original site features that should be preserved.
- Sidewalks, parking (planting) strips, street trees and street lighting are examples of historic streetscape elements that should be considered in all civic projects.
- Street medians and other landscaped, public rights-of-way shall be maintained by the City of Albuquerque. Routine maintenance and repair do not require a Certificate of Appropriateness. Any alteration of the public rights-of-way is subject to approval by the Landmarks and Urban Conservation Commission.

Site grading and lot patterns

2. The historic lot pattern creates a rhythm of buildings and the spaces between them and should be maintained.

- Lot sizes should not be consolidated or subdivided except, where lots have been consolidated in the past; replatting to traditional lot size is desirable.

3. Preserve the historic grading design of the site.

- Altering the overall appearance of the historic grading is not appropriate. While some changes may be considered, these should remain subordinate and the overall historic grading character shall be preserved.
- Any change of more than one foot in existing grade at any point within the front yard setback requires a Certificate of Appropriateness from the LUCC. In cases where a site's grading is a character-defining feature that establishes the visual shape and visual appearance of the Historic District, significantly altering or removing the grade is prohibited.

4. Grading and drainage plans required for new construction shall show both existing and proposed grades.

5. Any existing retaining wall within the front yard setback area that faces a public right-of-way shall be maintained, repaired or restored in place, except that existing retaining walls constructed of materials not common to the period of construction may be replaced with more appropriate materials.

Parking (Planting) Strips

8. Maintain the Parking (planting) strip between the sidewalk and the curb.

- Impervious materials such as brick pavers, concrete pavers and concrete are prohibited.
- City Ordinance prohibits the planting or removal of street trees in the parking strip or other public right-of-way without a permit from the City Forester. Refer to Chapter 6-6-1 (R.O.A. 1994) for information on the removal of street trees.

Fences and Free Standing Walls

7. Preserve historic fences and yard walls when feasible.
 - Replace only those portions that are deteriorated beyond repair.
8. When constructing new fences, use materials that appear similar to those used historically.
 - Simple designs consistent with historic iron fencing, wood picket fencing and other historic types are recommended over more contemporary styles. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.
 - Where an ornate style of fencing can be documented as having been present at the property, that historic fencing may be replicated.
 - A simple metal fence, similar to traditional "wrought iron" or wire, also may be appropriate.
 - Coyote fencing, split rail fencing, bamboo and chain link fencing are not appropriate materials for the historic districts and are prohibited.
 - Vinyl and other synthetic fencing are reviewed on a case-by-case basis. It may be appropriate if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.
 - The use of extruded vinyl fencing material is not permitted in the front yard. Cellular vinyl fencing may be appropriate if painted.
9. A front yard fence should have a "transparent" quality, allowing views into the yard from the street.
 - Using a solid fence, with no spacing between boards, is inappropriate in a front yard.
 - A front yard fence should not obscure the character defining features of the house.
10. Fences taller than three feet may be appropriate in side or rear yards. The fence should not begin before the midpoint of the house.
11. CMU block walls shall be stuccoed and architecturally integrated into the building.

The Policy for Site Features states that new site features should be compatible with the architectural character of the historic district.

The fence with gate proposed is to be metal and six feet in height. The guidelines for fences and walls state that fences should reflect traditional materials, specifically noting that simple metal fences, similar to wrought iron or wire, can be appropriate. The guidelines also state that fences in front yards should have a transparent quality.

Simple metal fences resembling wrought iron are found in this historic district as well as other historic areas within the city. They typically have simple vertical posts, and sometime have a security wire mesh behind. On Gold Ave, west of the subject site street walls with wire fencing above dominate. The style of fence proposed would, in staff's opinion, be rather incongruent with contributing historic properties on the block.

With regard to height, the guidelines note that fences taller than three feet may be appropriate in side or rear yards. Front yard fences are limited to three feet in height by the Comprehensive Zoning Code city-wide, with specific exceptions. As noted earlier in this report, the applicant has been approved for a variance to the height limit to allow for a six foot fence.

Staff finds that there are many front yard retaining walls and fences in the two blocks of Gold Ave. near the subject site that, in combination, are five and six feet tall. This is due to a steep increase in grade from the sidewalk to the houses. When the subject property was re-developed, the streetscape on this block, defined by the continuous pattern of retaining walls, was interrupted. The "gap" in the street is exacerbated by the width of the subject lot —75 feet— wider than the lots containing the historic houses on this block of Gold Ave.

The guidelines state that fence components should be similar in scale to those seen historically in the neighborhood. Staff finds that the unbroken six-foot tall metal fence spanning seventy five feet is not similar in scale to those seen historically in this neighborhood. One can find several masonry walls in the neighborhood that are as long and as high as six and even seven feet, however; these are found exclusively at the sides of a property.

Given the combination of the width, height and material of the proposed fencing, staff finds that it is not altogether compatible with the character of the historic district. Fencing for the parking area might be designed to be more compatible, for example, by constructing a short masonry wall to recreate the pattern of retaining walls on the block. Metal fencing could be added to the top. Another opportunity exists to use the landscape buffer adjacent to the sidewalk to screen the fence with vegetation, however; in the long term ensuring that the landscaping be maintained properly could be problematic. The landscape buffer could be extended.

While the applicant was given time to work with the neighborhood association to find a balance between the proposed fence and a design that would be more in character with the neighborhood, the applicant has stated that:

- *no curb cutouts are planned,*
- *nor are there plans to asphalt the parking lot,*
- *nor do they plan to modify the planters.*

Nothing will change other than the installation of a gate. They hope not to have to change the location of the plants, but will probably need to shift them over a foot or two within the planters to make room.

Landmarks and Urban Conservation Ordinance

This site consists of a non-contributing property in the Silver Hill Historic Overlay Zone and the project is subject to certain provisions of the Landmarks and Urban Conservation Ordinance (Article 12, R.O.A., 1994). The purpose of this ordinance is to:

“Preserve, protect, enhance, perpetuate and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological or geographic significance located in the city; to strengthen the city’s economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city’s heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities.”

Section 14-12-8 (A) of the LUC ordinance provides that:

“Within the boundaries of a historic zone, urban conservation overlay zone, or landmark site, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved.”

Section 14-12-8 (A) of the LUC ordinance provides criteria for approval of a Certificate of Appropriateness:

§14-12-8-B- (1) The change is consistent with the designation ordinance and specific development guidelines for the historic overlay zone.

As discussed in the analysis above, the proposed fence does not comply with the designation ordinance and the development guidelines for the historic overlay zone.

§14-12-8 (B) (2) The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone in which it is located will not be significantly impaired or diminished.

Given the combination of the width, height and material of the proposed fencing, staff finds that it is not compatible with the character of the historic district and as such has considerable potential to diminish the character of the historic zone.

§14-12-8 (B) (3) The change qualified as a “certified rehabilitation: pursuant to the Tax Reform Act of 1976.

Not applicable.

§14-12-8 (B) (4) The structure or site’s distinguished original qualities or character will not be altered. Original shall mean at the time of initial construction or developed over the course of history of the structure.

Not applicable.

§14-12-8 (B) (5) Deteriorated architectural features should be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in like material and design.

Not applicable.

§14-12-8 (B) (6) Additions to existing structure and new construction may be of contemporary design if such design is compatible with the historic zone in which it is to be located.

Not applicable.

§14-12-8 (B) (7) Demolition shall only be permitted if it is determined that the property is incapable of producing a reasonable economic return as presently controlled and that no means of preserving the structure has been found. In making a determination regarding reasonable economic return the Commission may consider the estimated market value of the building, land and any proposed replacement structures, financial details of the property including, but not limited to income and expense statements, current mortgage balances and appraisals, the length of time that the property has been on the market for sale or lease, potential return based on projected future market conditions, the building's structural condition, and other items determined to be relevant to the application.

Not applicable.

IV. NEIGHBORHOOD NOTIFICATION AND PUBLIC COMMENT

The applicant notified the Silver Hill, Spruce Park, Sycamore, University Heights and Victory Hills Neighborhood Associations of this request. The Silver Hill Neighborhood Association submitted a letter objecting to the proposed fencing (Attachment A-2). Subsequently, the applicant provided a letter to the neighborhood association responding to their letter (Attachment).

Additional written public comment was received with regard to this application and is attached to this report. Additional material includes:

- A-1 e mail from Silver Hill neighborhood association
- A-2 e mail from applicant regarding site plan and gate
- A-3 Letter from Melanie Bishop & Lucas Nunno, dated June 21, 2016
- A-4 Letter from Caroline Stewart, undated
- A-5 Letter from Brennan Stewart, undated
- A-6 Email from Mark A. Naro and Tania L. Carson, dated June 21, 2016

Conclusions

This request for a Certificate of Appropriateness for alteration has been reviewed against the relevant guidelines for the *Silver Hill Historic Overlay Zone* and the criteria for approval of a Certificate of Appropriateness contained in the *LUC Ordinance*. As discussed in the analysis above, the proposal conflicts with the guidelines for Neighborhood Character of Site Features and Streetscape.

Staff concludes that the fencing as proposed would introduce a new feature that could be intrusive to the visual character of the historic district. Although there are some high fences

located in Silver Hill, they are either set back from the street or placed atop retaining walls adjacent to the sidewalk. The placement of a 6' high fence along the front sidewalk would not be in keeping with the residential character of the neighborhood.

Various recommendations have been made to the property owner as possible ways to soften the impact of a security fence. Although the owner suggests she might be willing to work with these ideas, there has not been any commitment on the part of the owner to a definite plan.

Suggestions have included building a retaining wall of similar height to the adjoining properties leaving openings for the pedestrian gate to the driveway. Additionally, security measure could be made to the building itself rather than the streetscape.

Should the applicant wish to reapply, more detailed drawings of both a suitable design and accurate site plan showing all of the proposed elements would need to be submitted.

FINDINGS for DENIAL of a request for a Certificate of Appropriateness for alteration - Case 14-LUCC-50024 / Project # 1010526 (July 13, 2016)

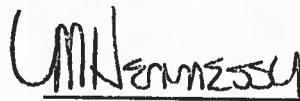
1. This application is a request for a Certificate of Appropriateness for alteration at 1510 Gold Avenue SE described as Lot 2A Block 1 of the Terrace Addition, a property in the Silver Hill Historic Overlay Zone, zoned SU-2/DR.
2. The subject site contains a two-story flat-roofed apartment building built circa 2010. The building is non-contributing to the historic district.
3. The applicant proposes to construct a six-foot tall metal fence with a mechanized gate at the front of the property.
4. Section 14-12-8(A) of the Landmarks and Urban Conservation Ordinance states that within the boundaries of a historic zone, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved.
5. The LUC Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria. The LUC Ordinance Section 14-12(8) (B) (1) states that a Certificate of Appropriateness shall be approved if "*The change is consistent with the designation ordinance and specific development guidelines for the landmark or historic zone*".
6. The proposed work is not inconsistent with the designation ordinance R-2010-083. The proposed work is not consistent with the relevant development guidelines for the historic zone as described in the staff report and in Finding 7 below.
7. The subject site differs from other properties on the block due to changes in the historic site grading that were made when the property was redeveloped. The subject site is flat while other properties on the block have a change in grade from the sidewalk to the house. The subject site is also much wider than other lots on this block of Gold Ave.
8. The development guidelines state that fence components should be similar in scale to those seen historically in the neighborhood. The relatively unbroken expanse of a six-foot tall metal fence spanning seventy five feet is not similar in scale to those seen historically in this neighborhood.

9. The LUC Ordinance Section 14-12(8)(B)(2) states that a Certificate of Appropriateness shall be approved if "The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished".

10. As designed and as noted in Findings 7 and 8 above, the proposed fencing has the potential to diminish the architectural integrity of the historic district. The fence could be designed to better integrate with the existing streetscape of this block of Gold Ave.

RECOMMENDATION - Case No. 16-LUCC-50024/ Project # 1010526 - (July 13, 2016)

DENIAL of 15-LUCC-50024/ Project # 1010526, an application for a Certificate of Appropriateness for alteration at 1512 Gold Avenue SE, based on the above 10 findings.



**Maryellen Hennessy, Senior Planner
Urban Design and Development Division**

Attachments

- 1) Photographs of subject property and nearby houses.
- 2) Letter from Silver Hill Neighborhood Association
- 3) R-2010-083
- 4) Letter from applicant to Neighborhood Association

CITY OF ALBUQUERQUE AGENCY COMMENTS

ZONING CODE SERVICES DIVISION

BUILDING & SAFETY SERVICES DIVISION

HISTORIC PRESERVATION/ADVANCED PLANNING

COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:

PNM

ENVIRONMENTAL HEALTH DEPARTMENT

SOLID WASTE MANAGEMENT DEPARTMENT

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

POLICE DEPARTMENT

PARKS AND GENERAL SERVICES

OPEN SPACE DIVISION

BERNALILLO COUNTY

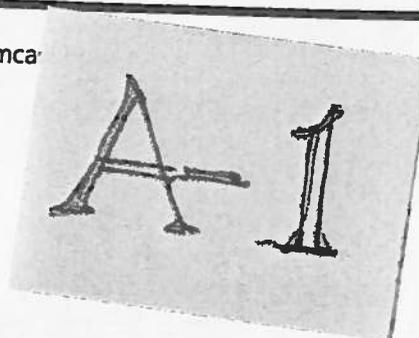
ALBUQUERQUE FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS

Hennessey, Maryellen

From: J.A. Montalbano <ja.montalbano@comcast.net>
Sent: Tuesday, June 07, 2016 10:55 AM
To: Hennessey, Maryellen
Cc: Doak, Elizabeth; Katy Brazier
Subject: Re: Fence at 1512 Gold SE



Hi, Maryellen

We have kept up with the property owner over the past few months. She has not discussed any design modifications with us. She merely has updated us occasionally about trespassers on the property.

We see little appreciable difference between the new design and the old design of this fence. It is entirely inappropriate in the Historic District. We ask that the Committee recognize that the design is still not suitable for Silver Hill.

Ms. Miletic has a security problem at a poorly designed apartment building, not necessarily in the parking area. She references three car break-ins over two years; that's certainly not out of the ordinary, and it's a lower number than you'll find up and down Gold and Silver avenues. If people are wandering through her property -- which can happen at any bungalow along Gold or Silver in our neighborhood -- then those security issues need to be addressed with precautions taken around the building itself.

As we argued last time, creating a gated fortress that is an aesthetic affront to Gold Avenue and the historic district is not the answer. We will have representatives at Wednesday's hearing voicing opposition to this plan, and we will continue to encourage Ms. Miletic to come up with a suitable design that both addresses her problem and is sensitive to the neighbors around her property.

Thanks for your work on this.

James Montalbano
Silver Hill NA
505.243.0827

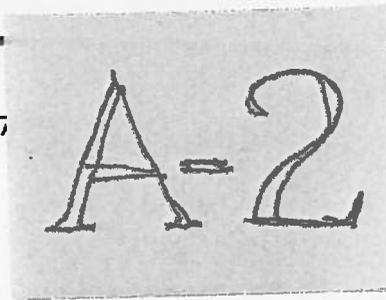
From: "Maryellen Hennessey" <mhennessey@cabq.gov>
To: "ja montalbano" <ja.montalbano@comcast.net>, elizcdoak@aol.com
Sent: Wednesday, June 1, 2016 5:00:09 PM
Subject: Fence at 1512 Gold SE

Hello James and Elizabeth:

You should have received a certified letter from Marina Miletic about the fence and gate at 1512. She has re-applied, you may remember the project from last fall.

Naji, Leslie

From: Hennessy, Maryellen
Sent: Thursday, June 23, 2016 2:07
To: Naji, Leslie
Subject: FW: Touching base



From: marinatheengineer@gmail.com [mailto:marinatheengineer@gmail.com] **On Behalf Of** Marina Miletic
Sent: Thursday, June 23, 2016 12:51 PM
To: Hennessy, Maryellen
Subject: Re: Touching base

Dear Maryellen:

Thanks for the email, Maryellen. I apologize for the confusion - please let everyone know I am sorry about this. The Plat drawing was made by the architect/contractor who originally built the property. In the original plan the curb was cut differently than it is now and the parking lot was supposed to be asphalt. In the end, the curb had to be cut differently than in the drawing because of a water main. Also, the previous owner did not go with asphalt, but left the parking lot gravel. I can re-do this drawing but it will take me a couple of days. I assumed that the plat drawing from the contractor was correct to how the place was built, but it looks like a few things changed.

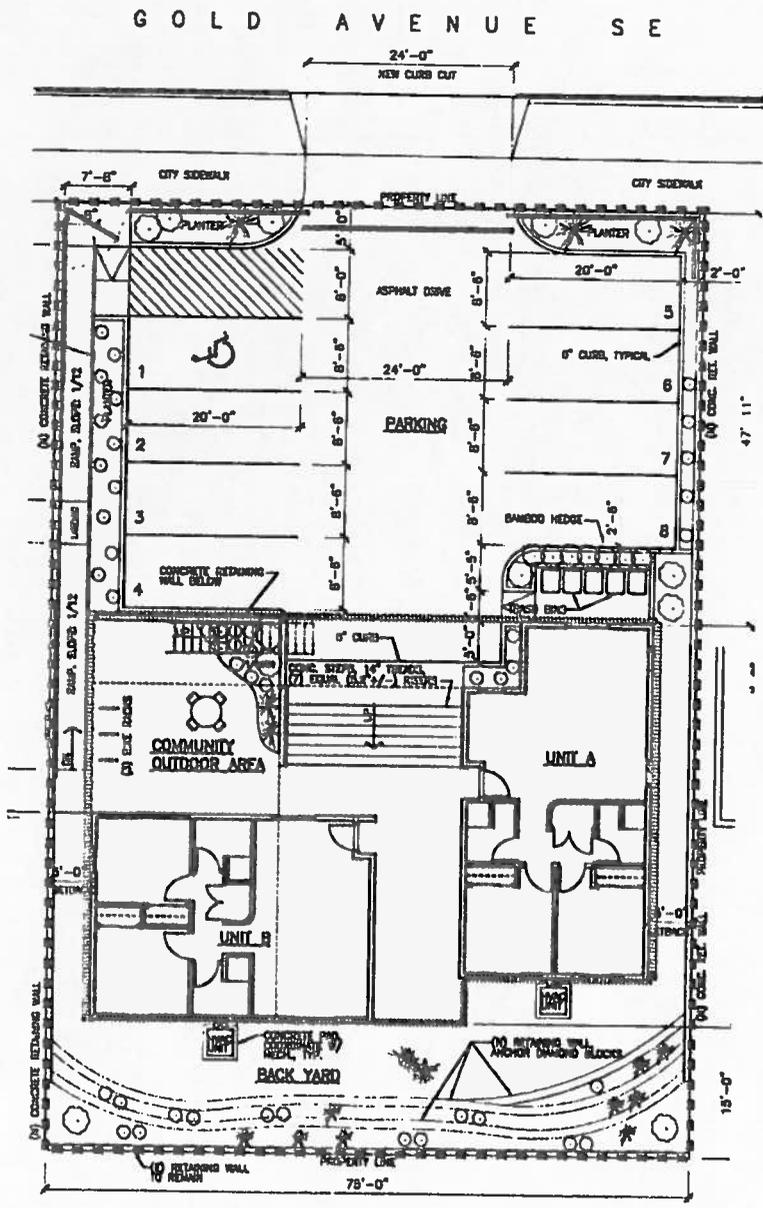
So, we have no curb cutouts planned, nor do we have plans to asphalt the parking lot, nor do we have plans to modify the planters. Nothing will change other than the installation of a gate. We hope we do not have to change the location of the plants, but we will probably need to shift them over a foot or two within the planters to make room.

Regarding the mesh, I have met with many fence/gate installers in town and I was told this is a UA (United Association) welding/gate safety requirement which any insured and bonded gate installer will require. It requires at most a 2" aperture in any place in the gate/fence so that no one can stick their arm or hand through and have it broken. I was told that this is a requirement for any door, overlapping panel, or moving panel. The reason this requirement is in place is because many people have sued door and gate installers and manufacturers over broken or severed limbs.

I hope this helps. Sorry for any confusion.

Marina

MB Properties LLC
Marina Miletic
2270 D Wyoming Blvd. NE #314



Legend

- ■ ■ Property Line
- Existing Street Curb
- ▨ Existing Building
- ⋯ Proposed Pedestrian Gate
- Proposed Fence and Sliding Vehicle Gate

North

West ← → East

South

1512 Gold Avenue SE

To:
Landmarks and Urban Conservation Commission
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102



RE: Request for Certificate of Appropriateness

Dear Commission:

This letter is in regards to a request for a Certificate of Appropriateness for the installation of a fence and gate at 1512 Gold Ave SE, Albuquerque, NM 87106. This will allow the parking lot and walk to be enclosed by a fence and motorized gate. I feel this is important because it will create additional safety measures for tenants, their vehicles, and their personal property.

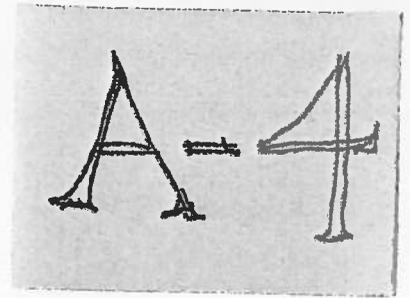
This particular section of Silver Hill is near Central Ave, and unfortunately can often be an unsafe area that is vulnerable to theft. I personally have been approached by people asking for money while getting in and out of my car in the parking lot of 1512 Gold. I have also witnessed people loitering on the front steps of the apartment complex and in the common area. My bicycle was also stolen March 2016 - taken from the second story balcony where it was locked up.

I believe that the installation of a fence and gate at 1512 Gold will not negatively impact the character of the neighborhood. The installation will help to keep neighborhood residents safe and create positive changes for this historic area.

Kindest regards,

Melanie Bishop & Lucas Nunno

To:
Landmarks and Urban Conservation Commission
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102



RE: Request for Certificate of Appropriateness

Dear Commission:

This letter is in regards to a request for a Certificate of Appropriateness for the installation of a fence and gate at 1512 Gold Ave SE, Albuquerque, NM 87106. This will allow the parking lot and walk to be enclosed by a fence and motorized gate. As a resident of this building, I feel this is important to my personal safety.

Several months ago, a homeless man tried to enter my home. He knocked on my door and asked to come in. When I realized that I didn't know who he was, I shut the door, but he tried to push it open and kept asking to come in. He did not leave until my husband came to the door and told him to leave. I do not like feeling scared to be in my own home.

A gate would prevent this problem and make it more difficult for intruders to break in.

Thank you for your consideration.

Caroline Stewart

To:
Landmarks and Urban Conservation Commission
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102



RE: Request for Certificate of Appropriateness

Dear Commission:

This letter is in regards to a request for a Certificate of Appropriateness for the installation of a fence and gate at 1512 Gold Ave SE, Albuquerque, NM 87106. This will allow the parking lot and walk to be enclosed by a fence and motorized gate. As a resident of this building, I feel this is important to the safety of not only the building but my family.

In 2016 alone, I have had two packages stolen from my front porch. A grill chimney, a bag of charcoal and a charcoal grill have also been stolen from my back yard. I have filed police reports and shown them a video of the criminal activity, however, these activities continue to persist. I can no longer have packages be delivered to me – instead having to pick them up from the nearest FedEx or UPS store. This is a hassle I don't think we should have to put up with anymore.

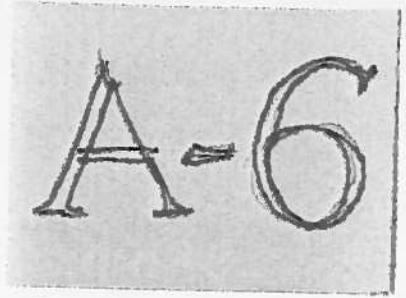
As a newer resident of Albuquerque, it really puts a stain on my perception of the city if I don't feel safe in the area in which I live. It's further frustrating that the Commission is unwilling to do anything about it or help us put up protective measures.

A gate would not only alleviate some of my safety concerns, but also would do away with the hassle of worrying if my personal belonging are being stolen.

Thank you for your consideration.

Brennan Stewart

Albuquerque, NM 87102



RE: Request for Certificate of Appropriateness

Dear Commission:

This letter is in regards to a request for a Certificate of Appropriateness for the installation of a fence and gate at 1512 Gold Ave SE, Albuquerque, NM 87106. This will allow the parking lot and walk to be enclosed by a fence and motorized gate.

As the owner of the building next door at 1510 Gold Ave SE, we feel that allowing the owners of 1512 Gold Ave SE to install a fence and gate is important to us and our tenants as it provides a deterrent for easy access their property and our property.

When we designed and built this property at 1510 Gold Ave SE, we made sure that we included gates and walls that the city would approve that aided in a level of security for our tenants.

Since viewing photos and videos captured by the owner of 1512 Gold Ave SE, that shows trespassers hopping the wall and walking around our property—they gained access by scaling a wall between the two properties, 1510 and 1512 Gold Ave SE—we are in favor of a fence and gate being installed at 1512 Gold Ave SE. This will make it more difficult for perpetrators to gain access to our property, steal from our tenants, and damage our property.

Allowing the owners of 1512 Gold to build the much needed fence and gate system will add to the security that our current and future tenants will benefit from having in place.

Thank you for your consideration in this matter.

Mark A. Naro and Tania L. Carson

From: marinatheengineer@gmail.com [mailto:marinatheengineer@gmail.com] **On Behalf Of** Marina Miletic
Sent: Monday, June 13, 2016 12:48 PM
To: Mark and Tania
Subject: Please help - a favor

Dear Mark and Tania:

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION	Supp. Form S	ZONING & PLANNING	Supp. form Z
<input type="checkbox"/> Major subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor subdivision action		<input type="checkbox"/> Downtown 2010 SDP Conditional Use (\$100)	
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning; includes Zoning within Sector Development Plans)	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar	
SITE DEVELOPMENT PLAN – EPC, DRB & Administrative Approval	P	<input type="checkbox"/> Text Amendment to Adopted Plan(s), Zoning Code, or Subd. Regulations	
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Minor Amendment (Administrative)			
<input type="checkbox"/> Major Amendment (EPC, DRB)			
<input type="checkbox"/> IP Master Development Plan	D	<input type="checkbox"/> Street Name Change (Local & Collector)	
<input checked="" type="checkbox"/> Cert. of Appropriateness (LUCC)	L	APPEAL / PROTEST	A
STORM DRAINAGE (Form D)		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other	
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Marina Miletic PHONE: (505) 217-3500

ADDRESS: 2270D Wyoming Blvd. NE FAX _____

CITY: Albuquerque STATE NM ZIP 87112 E-MAIL: MBP.abq@gmail.com

APPLICANT: MB Properties LLC PHONE: (505) 217-3500

ADDRESS: same FAX: _____

CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: owner List all owners: Marina Miletic, Stephen Bond

DESCRIPTION OF REQUEST new fence and gate

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 2A Block: 51 Unit: _____

Subdiv/Addn/TBKA: TERRACE ADDITION

Existing Zoning: SU2-DR Proposed zoning: _____ MRGCD Map No _____

Zone Atlas page(s): K15 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

15ZHE-80190, Project# 1010526, Hearing Date: 8-18-15, Decision: Approval of Variance Request.

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? No Yes

No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 0.21 acres

LOCATION OF PROPERTY BY STREETS: On or Near: 1512 Gold Ave. SE

Between: Maple and Ash

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE _____ DATE _____

(Print Name) _____ Applicant Agent Revised: 4/2012

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>16LUCC - 50024</u>	<u>CON</u>	_____	<u>\$ 35.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>ADR</u>	_____	<u>\$ 35.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	<u>\$ 10.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>June 8, 2016</u>			Total <u>\$ 80.00</u>

[Signature] 5-16-16 Project # 1010526
Staff signature & Date

FORM L: LAND MARKS AND URBAN CONSERVATION COMMISSION

- CERTIFICATE OF APPROPRIATENESS PUBLIC HEARING
- CERTIFICATE OF APPROPRIATENESS STAFF DECISION
- CERTIFICATE OF COMPLIANCE (HH-Edo UCOZ)

Historic Zone or Designation:	Type of Request:
<input type="checkbox"/> Historic Old Town	<input type="checkbox"/> Alteration
<input type="checkbox"/> Historic Old Town Buffer Zone	<input type="checkbox"/> New Construction
<input type="checkbox"/> Huning Highland	<input type="checkbox"/> Sign (Please read the note below)*
<input type="checkbox"/> Fourth Ward	<input type="checkbox"/> Relocation
<input type="checkbox"/> Eighth & Forrester	<input type="checkbox"/> Demolition
<input type="checkbox"/> City Landmark	<input type="checkbox"/> National Register Nomination Review
<input type="checkbox"/> HH-Edo UCOZ	<input type="checkbox"/> City Landmark Designation
<input checked="" type="checkbox"/> Silver Hill	<input type="checkbox"/> City Overlay Designation
	<input checked="" type="checkbox"/> Other <u>Fencing</u>

Number and Classification of structures on property:

# <input type="checkbox"/> Significant Structures	Does this request involve a residential property?
# <input type="checkbox"/> Contributing Structures	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
# <u>1</u> Noncontributing Structures	Are tax credits or preservation loan funds applied
# <input type="checkbox"/> Unclassified Structures	for in connection with this proposal?
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attention applicants:
 A conference with the LUCC Planner is advised prior to application. Call the LUCC Administrative Assistant at 924-3883 for an appointment. At the conference, the planner will determine if your project may be approved administratively or if a public hearing before the Commission is required. The planner will also determine what materials are required to complete an application. These requirements will be indicated on the "Project Drawing Checklist" that the planner will complete during your pre-application conference. For public hearings, the applicant will prepare packets containing one each of the items with drawings folded to fit into an 8.5" by 14" pocket.

- LUCC public hearing applications:**
 - Project drawing checklist completed during a consultation with LUCC planner
 - All materials indicated on the project drawing checklist. packets
 - Letter detailing the scope of the proposal including:
 1. Extent of work to be done
 2. Use(s) of existing and/or proposed site(s) and structure(s)
 3. Square footage of proposed structure(s)
 4. Proposed phasing of improvements and provisions for interim facilities
 5. Relevant historic facts
 - Zone Atlas map with the entire property precisely and clearly outlined and crosshatched
 - Office of Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement (provided upon application)

- Administrative (Staff) Approval checklist:**
 - Project drawing checklist completed during consultation with LUCC planner
 - All materials indicated on the project drawing checklist and required by the LUCC planner
 - Letter detailing the scope of the proposal including:
 1. Extent of work to be done
 2. Use(s) of existing and/or proposed site(s) and structure(s)
 3. Square footage of proposed structure(s)
 4. Proposed phasing of improvements and provisions for interim facilities
 5. Relevant historic facts
 - Zone Atlas map with the entire property precisely and clearly outlined and crosshatched
 - Administrative Approval (LUCCS) Sign Posting Agreement
 - LUCC building permit waiver signed by the applicant (provided upon approval)

*PLEASE NOTE: Approval of a signs in the overlay zones also require a sign permit from Zoning in addition to LUCC approval.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

 Applicant name (print)

 Applicant signature/date

<input type="checkbox"/> Checklists complete	Application case numbers	Form revised October 2012
<input type="checkbox"/> Fees collected	<u>16 LUCC 50024</u>	<u>[Signature]</u> 5-16-16
<input type="checkbox"/> Case #s assigned	_____	Dev Review Division signature/date
<input type="checkbox"/> Related #s listed	_____	PROJECT# <u>1010526</u>



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

July 6, 2016

Marina Milelic
MB Properties, LLC
2270-D Wyoming Boulevard NE
Phone: 505-217-3500

Dear Marina:

Thank you for your inquiry of July 6, 2016 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(LUCC SUBMITTAL) LOT 2 A, BLOCK 51, TERRACE ADDITION, LOCATED AT 1512 GOLD AVENUE SE, BETWEEN ASH STREET SE AND MAPLE STREET SE** zone map K-15.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL - please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's - siw.

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing (PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from USPS showing date.)** If you have any questions about the information provided please contact me at (505) 924-3914 or via an e-mail message at swinklepleck@cabq.gov.

Sincerely,
Stephani Winklepleck
Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA/HOA FOR THIS PLANNING SUBMITTAL.

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: 07/06/16 Time Entered: 1:55 p.m. Rep. Initials: siw

(LUCC SUBMITTAL) LOT 2 A, BLOCK 51, TERRACE ADDITION, LOCATED AT 1512 GOLD AVENUE SE, BETWEEN ASH STREET SE AND MAPLE STREET SE zone map K-15 for Marina Milelic

SILVER HILL N.A. "R"

***James Montalbano**

1404 Silver Ave. SE/87106 243-0827 (h)

Elizabeth Doak

1606 Silver SE/87106 242-8192 (h)

SPRUCE PARK N.A. INC "R"

***Peter Feibelman**

1401 Sigma Chi NE/87106 242-1946 (h)

Alan Paxton

1603 Roma Ave. NE/87106 244-0980 (h)

SYCAMORE N.A. "R"

Peter Schillke

1217 Coal Ave. SE/87106 243-8368 (h)

Mardon Gardella

411 Maple St. NE/87106

UNIVERSITY HEIGHTS N.A. "R"

***Joe Gallegos**

301 Harvard SE, #59/87106 450-6096 (c)

Julie Kidder

120 Vassar SE/87106 269-3967 (c)

VICTORY HILLS N.A. "R"

***Robert Stenbridge**

P.O. Box 40298/87196 459-6893 (c)

Patty Willson

505 Dartmouth SE/87106 266-8944 (h & w)

***President of NA/HOA/Coalition**

Silver Hill Neighborhood Association
James Montalbano
1409 Silver Ave. SE
Albuquerque, NM 87106
(505) 243-0827

Marina Miletic
MB Properties
2270 D Wyoming Blvd. NE
Albuquerque, NM 87112
(505) 217-3500

Dear James:

I am sending you this letter to notify you of our re-application for a Certificate of Appropriateness to place a 6' tall fence and motorized gate on our property line at our 5 plex apartment building located at 1512/1514 Gold Ave SE, Albuquerque, NM 87106. We are re-applying now after developing new designs for the fence/gate based on the feedback received from the November 15th 2015 LUCC hearing (Agenda #6, Case Number 15-LUCC-50036, Project 1010526). Please see one attached proposed design.

This fence/gate will be a costly expense to us and we have carefully considered the reasons for this modification. We would not make this change to our property unless it were absolutely necessary for the safety of our tenants and their property.

This fence and motorized gate is to enclose our parking lot and walkway ramps for two main purposes:

1. To help prevent future vehicle break-ins and property theft. Over the past 2 years at least three vehicles have been broken into in our parking lot, 1 bicycle has been stolen, 2 other bicycles have had parts stolen, at least 4 package thefts have occurred, and numerous personal articles have been stolen from the backyard.
2. To help prevent tenant harassment/potential apartment break-ins. Homeless people and strangers repeatedly wander onto the property, check to see if tenants are home, leave their backpacks, and generally harass tenants and myself.

Currently we have an average of one thief/trespasser on the property every 3.5 days. Currently, anyone can walk up to any car or any apartment door to see if valuables can be stolen. Some of these criminals are carrying weapons such as baseball bats in their hands. These individuals are on the premises for about 60 seconds, which is long enough to walk around, go into the backyard, find something to steal, and leave. Please see the attached photographs of these criminals.

The Albuquerque Police have been notified about all of these incidents, local and federal police reports have been filed, security camera footage has been submitted to the Police, and extra patrolling has been requested for our building, yet these crimes continue.

Although all properties in the area are potential targets to thieves and vandals, our property is unusual because it is a relatively higher rent building (\$1095/mo), very open and accessible, very easy to walk up to, with relatively expensive vehicles in the parking lot. This makes our property an attractive target to thieves.

The fence and gate we are proposing have been approved for a Variance by ZHE and it has been approved by Traffic Engineering. The next door neighbors have also approved this fence and gate addition. Our neighbor to the east simply asks that the gate not be too loud.

Please help us protect our property and our tenants by supporting this request. This project will be considered at the Landmarks and Urban Conservation hearing on June 8th at 3 pm at Plaza del Sol 600 2nd St. NW.

Address of property:

1512/1514 Gold Ave SE, Albuquerque, NM 87106

Legal Description of Property:

Lot Numbered Two-A (2-A) in Block Numbered Fifty-one (51) of Terrace Addition as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on May 11, 2005, in Volume 2005C, folio 149.

Physical Description:

Located one lot west of the corner of Gold and Ash on the South Side of the street. The property is between Ash and Maple on Gold Ave.

Sincerely,



Marina Miletic
MB Properties
2270 D Wyoming Blvd. NE #314
Albuquerque, NM 87112
(505) 217-3500
Mbp.abg@gmail.com

