



Landmarks & Urban
Conservation Commission



Agenda Number: 6
Case No.: 17-LUCC-50030
Project # 1004971
July 12, 2017

Staff Report

Agent	James Clark Masterworks Architects, Inc.	Staff Recommendation <i>Denial of Case # 17-LUCC-50030, Project #1004971, a request for a Certificate of Appropriateness for exterior fountain based on the Findings beginning on page 9 and subject to additional Recommendations on page 10.</i> Leslie Naji, Senior Planner Staff Planner
Applicant	Kathleen Chavez	
Request	Certificate of Appropriateness for exterior fountain	
Legal Description	Tract 182, MRGCD Map 38	
Address/Location	205 Romero St. NW	
Size	0.18	
Zoning	H-1	
Historic Location	Old Town Historic Zone	

Summary of Analysis

The application is for a Certificate of Appropriateness for an exterior water feature constructed without approval at 205 Romero St. NW.

The applicant installed two stone wall fountains to the base of the Romero House, one at each side of the entrance. The work was installed without LUCC approval or application for a certificate of appropriateness. Unable to grant a CoA as a staff decision, the applicant is hereby submitting to the LUCC for a determination.

This request for a Certificate of Appropriateness for alteration has been reviewed against the Old Town Historic Zone Development Guidelines and the criteria for approval of a Certificate of Appropriateness contained in the LUC Ordinance. While the proposed elements of this request could have been handled as a staff decision, the fact that the request comes post installation coupled with numerous enquiries from the neighbors, it was viewed a hearing by the LUCC was a better determinant of its appropriateness. Staff recommends denial of this application.

PRIMARY REFERENCES:

Landmarks and Urban Conservation Ordinance; Design Guidelines for the Old Town Historic Zone.

Development Review Division Report:

SUMMARY OF REQUEST

<i>Requests</i>	<i>Certificate of Appropriateness for alteration</i>
<i>Historic Location</i>	<i>Old Town Historic Zone</i>

AREA HISTORY AND CHARACTER

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

	<i># of Stories</i>	<i>Roof Configuration, Architectural Style and Approximate Age of Construction</i>	<i>Historic Classification & Land Use</i>
<i>General Area</i>	1-2	Flat; Pitched (gabled and hipped), Carpenter Gothic, Spanish-Pueblo Revival and contemporary interpretations; Territorial Revival, Brick Commercial, 1796 – 1990’s.	Contributing, Unclassified Residential and Commercial
<i>Site to the North</i>	1	Flat roof, New Mexico vernacular with Mission Revival porch, 1915	Contributing, Commercial
<i>Sites to the South</i>	2	Flat roof , New Mexico Vernacular	Unclassified, Commercial,
<i>Sites to the East</i>	1	Old Town Plaza	Contributing Open Space
<i>Site to the West</i>	1	Pitch roof, Bungalow, Stucco with wood shingled gables.	Unclassified, residential

II. INTRODUCTION

Proposal

The request is for a Certificate of Appropriateness after the fact for the installation of exterior garden water features located at the base of the Romero House at either side of the entrance. These bubbling water features over natural stone were constructed in December of 2016 without LUCC approval. Neighboring businesses or residents immediately began calling the City planning department to complain about the feature.

The subject building is one of the few historically designated buildings in the Old Albuquerque Historic District as a contributing property. The original single family house, designed in the Prairie Style, is now home to art galleries and a yogurt shop. Over the past ten years minor changes have been requested for the property concerning signage and fencing. With the desire to provide a relaxing exterior space for customers and visitors to Old Town, the owner of 205 Romero St. has installed bubbling water features to either side of the entrance and seeks approval after the fact.

Context

The Historic Old Town Zone encompasses an area roughly between Mountain Road and Central Ave. on the north and south, and Rio Grande Blvd. and the 19th St. on the west and east. The historic zone was created with the adoption of the City's first zoning Code in 1959 to preserve and promote the educational, cultural and general welfare of the public through the preservation of protection of the traditional architectural character of historic old Albuquerque.

The Spanish Colonial, Territorial or Western Victorian architectural styles of buildings and structures erected prior to 1912 in the area now constituted as the State of New Mexico comprise the traditional architectural character of the H-1 Zone.

Inside of this historic zone is the state registered "Old Albuquerque Historic District". The Old Albuquerque Historic District is a sub-set of the Old Town Historic Zone. The historic district is the core of the Hispano village of Albuquerque, founded in 1706, and the main village in the area until the arrival of the railroad in 1880. The church and plaza are at the center of the district, as in most Hispanic villages of New Mexico.

Of the buildings in the district, only San Felipe de Neri church can be shown to date to the Spanish Colonial period. A few buildings may be in whole or in part from the early nineteenth century, but the majority of the buildings in Old Albuquerque Historic District were built between 1870 and 1900.

Almost every building has seen some degree of remodeling, resulting from the area's growth as a tourist-oriented commercial center after 1940. Old Albuquerque became "Old Town", a district of shops, boutiques, galleries and restaurants. Many buildings acquired Pueblo Revival portals, protruding false vigas and other stylistic elements thought to be conducive to a tourist atmosphere.

History

The Romero House was built in 1915 as a family residence. It is one of the few residences still maintaining its architectural integrity and was counted as a contributing building of local importance with the State designation of the Old Albuquerque Historic District in 1979. By that time, the majority of Victorian and Queen Anne style residences had been covered with Pueblo revival facades and portals to encourage the tourist trade and fulfill images of what an old New Mexican town should be.

Although it has been a commercial property for many years, few changes to the exterior had been made over the years. (See Attachment A) There have been requests for signage as well as an iron entry gate which, though approved, was never installed. Recent changes, all done without LUCC approval or certificates of approval, include the removal of the wrought iron fencing along Romero St. and removal of landscaping at the foundation of the house to make way for the water features.

Guidelines for the Old Town Historic Overlay Zone require review and issuance of a certificate of appropriateness for signage, fencing, exterior lighting, landscaping, and building changes. The property owner's failure to make such applications previously warrants this current review by the Commission.

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 Old Town Historic Zone was designated in 1959 with the adoption of the first Zoning Code for the City of Albuquerque. Old Town was recognized even then as a very special location within Albuquerque, and the H-1 Zone was designated specifically to address the development within Old Town. The H-1 Zone was later amended to include a 300 foot "buffer" zone surrounding Old Town to ensure a coherent visual character for the surrounding neighborhood. Signage, architectural style, and permissive uses are controlled through the H-1 Zoning. The code provides for Certificates of Appropriateness for development with the H-1 and the Buffer zones. Relevant sections of the H-1 Zone (§14-16-2-25, R.O.A., 1994) are attached. (See Attachment B)

Zoning restriction as relate to signage , can be extrapolated to relate to this water feature as relates to Illumination and Motion of signage in Old Town. While the fountain is certainly not a sign, when it was originally unveiled it included moving and color changing lights. Should the water feature remain in place, moving and colorful illumination is inappropriate in Old Town.

Any construction, alteration or demolition, which would affect the exterior appearance of any structure within said Overlay Zone, shall not be undertaken until the Landmarks and Urban Conservation Commission has approved a Certificate of Appropriateness. 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 is provided below.

Development Guidelines for the Old Town Historic Zone

Design Guidelines (as amended through April 9, 1998) have been adopted by the Landmarks and Urban Conservation Commission for building projects in the H-1 Historic Old Town Zone. The Specific Design Guidelines for the Old Town Historic District also apply to the buffer zone within 300 feet of the historic district. The Guidelines are general, and along with standards applicable to the rehabilitation of historic properties, they address contemporary new buildings and pedestrian safety.

1. Every reasonable effort should be made to provide a compatible use for buildings which will require minimum alteration to the building and its environment.

Building usage has had nominal effect on the building exterior.

2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historic material or architectural features should be held to the minimum, consistent with the proposed use.

Removal of the wrought iron fence within the stucco wall pilasters has not been submitted for review. It constitutes the removal of an original feature which changes the character of the property.

3. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of original features, substantiated by physical or pictorial evidence rather than on conjectural designs of the availability of different architectural features from other buildings.

Existing architectural features are not affected by this proposal.

4. Distinctive stylistic features or examples of skilled craftsmanship which characterize older structure and often predate the mass production of building materials should be treated with sensitivity.

Not applicable.

5. Many changes to buildings and environments which have taken place in the course of time are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right, and this significance should be recognized and respected.

Previous changes include the widening of the entry gate, as it changed from a residential use to a commercial use.

6. All buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.

The application of the stone wall fountain to, "enhance the pastoral, old world environment of the plaza", does not support the historic integrity of either the plaza nor the Romero House. The significance of the plaza is as the center of town activity and not the pastoral setting of the area, better exemplified by Martineztown at that time.

It is even less applicable to the Romero House. Built in 1915, it was a modern 'city' dwelling with grassed lawn and shade trees. It is not, nor was, a rural or pastoral setting. The nature of the fountain is not supported by the history of the old Town Plaza area.

7. The design and general appearance of any development or alteration in the Old Town Historic Zone should be limited to the range of design options possible and commonly chosen in Albuquerque prior to the opening of the Santa Fe Railroad in April 1880. The design of any alteration to currently existing structures erected between 1880 and 1912 should be limited to the range of design options possible and commonly chosen at the time of the building's construction.

The Romero House was a late comer to the plaza area. Natural stone water encroachments were not common or characteristic to either the time period or the Old Town area.

8. Contemporary design for new buildings and additions to existing buildings or landscaping in the 300 foot transition zone surrounding the Old Town Historic Zone should not be discouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood, buildings, or its environment.

Landscape changes have resulted in the removal of all front area green space. This has altered the character of the original building site unnecessarily.

9. Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

The water feature covers important structure of the original house. Apparently it is not actually attached to the building façade although it does rest right next to it.

10. Every effort should be made to safeguard the public welfare along vehicular and pedestrian traffic ways. Placement of walls, building projections, fences, planters, shrubs, signs, ramps, steps, etc. should be planned and positioned so that they do not present a potential hazard. Provisions for the handicapped should be planned so that the essential character of the property is not damaged.

Not applicable.

11. Any security device that prevents major features of doors and windows such as ornament, panels, glass panes, and mullions from being seen are prohibited.

Not applicable.

12. Property owners are considering installing security devices are urged to contact LUCC staff for advice and a free handout on how to increase security without detracting from the historic character of a building.

Not applicable.

13. An application for a Certificate of Appropriateness for work, which does not require any type of building or construction permit, may be approved by staff.

This application came for a staff review, which was going to be denied. For this reason, the applicant chose to petition the Commission for a decision.

Landmarks and Urban Conservation Ordinance

This site consists of a contributing property in the Old Town Historic 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 alteration is inconsistent with the urban nature of the Romero House and does not express the nature of Old Albuquerque (Old Town) at its period of significance (1880-1910) nor that of the original structure itself, built in 1915.

§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.

The architectural character of the site or the historic zone will not be significantly impaired or diminished by the proposed alterations; however, it is not enhanced nor complimented by the added structure and further pulls away from the original qualities of one of the few contributing buildings to the Old Albuquerque Historic District.

§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.

The proposal includes changes to the site's original qualities which detract from its historic nature.

§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.

V. Neighborhood/Public Concerns

The application was legally advertised in the newspaper. A sign was posted on the property with notice of the application. There are no affected neighborhood associations with this request.

Prior to the application, a number of calls were received from neighbors in the Old Town area and members of the Merchants Association. All of these were expressing concern for the inappropriate nature of the water feature for Old Town and the use of moving and colored lights (since stopped) that were highlighting the fountain. Although no written response has been received, calls were received by both Historic Preservation and Code Enforcement.

Conclusions

This request for a Certificate of Appropriateness for alteration has been reviewed against the *Old Town Historic Zone Development Guidelines* and the criteria for approval of a Certificate of Appropriateness contained in the *LUC Ordinance*.

While this would typically be handled as a staff decision, it is staff's conclusion that, although this feature may be seen as a positive addition to the site by the owner, such a rustic water feature is not historically appropriate for the Old Town Overlay Zone. Staff's refusal to approve this proposal brings it before the LUCC.

***FINDINGS for Denial of a request for a Certificate of Appropriateness for alteration
- Case 17-LUCC-50030 / Project # 1004971 (July 12, 2017)***

1. This application is a request for a Certificate of Appropriateness for alterations to the building located 205 Romero St. (the Romero House), described as Tract 182, MRGCD Map 38, in the Historic Old Town (H-1) Zone.
2. Section 14-16-2-25(D)(1) of the Comprehensive Zoning Code states "Any construction, modification, addition, alteration, moving or destruction which would affect the exterior appearance of any structure or place in the H-1 zone requires a Certificate of Appropriateness which must be approved by the Landmarks and Urban Conservation Commission."
3. The subject building is a stuccoed brick building; it is a contributing building in the Old Albuquerque Historic District and is classified as of local significance. The building first appeared on the 1918 Sanborn Map where it replaced two earlier adobe structures. Construction was 1915.
4. The proposal is for approval after the fact of a water feature constructed in December of 2016.
5. 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.
6. 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”.

7. The applicant has constructed a water feature in the front garden area against the foundation wall of a contributing historic structure. This feature is neither stylistically nor historically appropriate for the property.
8. Placement of this water feature has resulted in the removal of foundation planting from the property. This, combined with earlier removal of shrubbery planted along the wall adjacent to the sidewalk, has removed this front area of all vegetation.
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. The architectural character of the H-1 Historic Zone diminished by the proposed alterations. The design introduces a mock natural stylistic element which is not the character of the Old Town historic zone.

RECOMMENDATION - Case No. 17-LUCC-50030/ Project # 1004971 – (July 12, 2017)

Denial of an application for a Certificate of Appropriateness for alterations after the fact, for the water features at 205 Romero St NW and immediate removal of said water features.

In addition to removal of the water feature, previously removed wrought iron fencing around the front patio shall be replaced and removed planting areas along the fence and building foundation shall be replanted.

**Leslie Naji, Senior Planner
Urban Design and Development Division**

Attachments

- A) Photograph of property 1979
- B) H-1 Zoning Ordinance