



Landmarks Commission

City of Albuquerque
Planning Department
Landmarks Commission
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: November 9, 2022

OFFICIAL NOTIFICATION OF DECISION

PR-2022-007442
SI-2022-01930
Application for Certificate of
Appropriateness

Consensus Planning, agent for Ernest Cohen, requests approval of a Certificate of Appropriateness for Demolition of four structures outside a Historic Preservation Overlay (HPO), described as Lots 1-6, Block 47, University Heights, Located at 3300 Silver and 208 Wellesley (K-16-Z).

On November 9, 2022 the Landmarks Commission voted to **APPROVE Project # PR-2022-007442, SI-2022-01930**, based on the following Findings and Conditions of Approval.

Findings for Approval:

1. The application for Demolition Outside of an HPO of a building over 50 years old is in an area with demolition review, located at 3300 Silver Avenue SE & 208 Wellesley SE, described as Lots 1-6, Block 47, University Heights Addition, zoned MX-T and R-MH.
2. The subject site is approximately 1 acre.
3. The application is for demolition of a two-story main house and three single-story rental units, located in the Nob Hill/Highland Small Area. The structures are not registered historic properties nor are they located in a Historic District.
4. Removal of the structures is requested to make way for future development of the site.
5. Section 14-16-6-6(B)(3)(a) of the Integrated Development Ordinance specifies that the Historic Preservation Planner shall review the demolition permit application based on the following criteria:
 - a. The structure's historic, architectural, engineering, or cultural significance.

At the time of the initial inventories conducted in 1981, the main house had not been altered, was in excellent condition, and was considered “eligible/significant”. However, the previous owner was unable to maintain the property and structures and, as a result, are in disrepair. Furthermore, additions were made to the main house which do not appear to meet building code requirements.

- b. The structure’s potential to contribute to the city’s economic development or tourism industry.

The buildings do not have the potential for contributing to tourism but, if demolition were approved, the subject site has the potential to contribute to the city’s economic development. The applicant is proposing to demolish the structures in order to redevelop it with a multi-family residential use. Adding more homes in this neighborhood will allow for more people to move into the neighborhood and will contribute to the city’s economic development. It is anticipated that the homes will be market-rate which will improve affordability. Adding more homes to this low-density neighborhood will help support local businesses that depend heavily on foot traffic. Furthermore, this largely underused lot represents the best opportunity to increase the housing supply while also making better use of limited land supply.

- c. The structure’s potential to enhance the city’s heritage and historical identity.

The original developers were the Bachechi family who have not lived on the property for many years. The structure does not have the potential to enhance the city’s heritage and historical identity because the buildings have been altered, are in disrepair, and sit behind a wall that does not allow access or visibility to the property.

- d. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.

The buildings are not unique and are not considered to be the last remaining examples of their kind in the neighborhood, the city, or the region.

- e. The structure’s condition.

The structures are indeed in substandard condition and it appears that there are no utilities to the three rental units on the property. The applicant provided documentation as part of the submittal packet that reveals the interior of the structures are full of debris, old clothes, and household items.

Rehabilitating the structures would require installing new services and would require significant upgrades that would not provide a return on investment for the new owner.

- 6. Section 14-16-6-6(B)(3)(b) of the Integrated Development Ordinance specifies that to invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and

use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or amendment of Historic Designation) in its' evaluation.

Due to the condition of the structures and property, it is not in the public interest to preserve or rehabilitate the subject site. Allowing a new use with increased density will contribute to the city's economic development.

7. Section 14-16-6(B)(3)(c) of the Integrated Development Ordinance specifies that in order to determine whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

See below.

8. Section 6-6-(D)(3)(g) of the Integrated Development Ordinance specifies that if the application of a landmark or a contributing structure in an HPO zone, demolition shall only be allowed 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 LC or City Council 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.

Although this criterion is not directly applied to this case, it is important to note that, even with registered properties, if there is not an economically feasible reuse of the property it can be demolished.

9. Section 14-16-6-7(C)(3)(c) Designation of a Landmark Site or Structure states an application for designation of a landmark site or structure shall be approved if it is of particular historical, architectural, cultural, or archaeological significance and meets any of the following criteria:

- a. It is the site of a significant historic event.

The site is not a place of any significant historic event.

- b. It is identified with a person who significantly contributed to the history of the city, State, or nation.

The Bachechi family is part of Albuquerque's history of Italian immigrants. Family patriarch, Oreste Bachechi built the Kimo Theater in Downtown Albuquerque back in the mid-1920's.

- c. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.

The architecture does not portray an era of a specific group of people.

- d. It embodies the distinctive characteristics of a type, period, or method of construction.

The main building does have the distinctive characteristics of Mediterranean style homes built in the 1930's but the other three buildings do not.

- e. It possesses high architectural value.

The main building still possesses architectural value as a Mediterranean building.

- f. It represents the work of an architect, designer, or master builder whose individual work has influenced the development of the city.

The architect or builder of the house is unknown.

- g. It embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.

While the building has nice architectural details, it is not indicative of great innovation.

- h. Its preservation is critical because of its relationship to already-designated landmarks or other real property which is simultaneously proposed as a landmark.

N/A

- i. It has yielded or is very likely to yield information important in history or prehistory.

N/A

- j. It is included in the National Register of Historic Places or the New Mexico Cultural Properties Register.

N/A

- 10. The clearing of the site without immediate redevelopment will not diminish the historic character of Nob Hill/Highland Subarea.

- 11. The applicant notified the Nob Hill Neighborhood Association, the District 6 Coalition of Neighborhood Associations, the Southeast Heights Neighborhood Association, and neighboring properties within 100 ft., excluding public rights of way of the demolition request.

RECOMMENDATION

Case SI-2022-01930/Project # PR-2022-007742, November 9, 2022

APPROVAL of Case SI-2022-01930 /Project # PR-2022-007742, an application for Demolition Outside an HPO of a building over 50 years old in an area with demolition review, located at 3300 Silver Avenue SE & 208 Wellesley SE, described as Lots 1-6, Block 47, University Heights Addition, based on the above eleven (11) Findings and subject to the following Conditions:

Recommended Conditions of Approval

1. Applicant is responsible to acquire, and approval is contingent upon, all applicable permits and related approvals.
2. Prior to demolition, assurances will be made that the proposed project for which the house is being demolished will in fact be built.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION YOU MUST DO SO IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

The applicant or any person aggrieved by decision of city staff may appeal the decision of the city staff designated by the Mayor relative to a Certificate of Appropriateness to the Commission. The applicant or any person aggrieved by decision of the Commission (LC) may appeal the decision to the City Council. Any city staff or Commission decision is final unless appeal is initiated by application to the city within 15 days of the decision. The date the determination is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or holiday as listed in §3-1-12, the next working day is considered as the deadline for filing the appeal. A building permit dependent on a case shall not be issued and a proposed project not requiring a building permit shall not be initiated until an appeal is decided or the time for filing the appeal has expired without an appeal being filed.

The City Council, after consideration of the appeal record, may decline to hear an appeal if it finds that all city plans, policies and ordinances have been properly followed. If it decides that there is substantial question that all City plans, policies and ordinances have not been properly followed or are inadequate, it shall hear the appeal.

ALL CASES THAT RECEIVED APPROVAL ON November 9, 2022 WILL BE MAILED A CERTIFICATE OF APPROPRIATENESS, AFTER THE 15-DAY APPEAL PERIOD HAS EXPIRED ON November 24, 2022.

Silvia Bolivar

Silvia Bolivar, PLA, ASLA
Planner, Landmarks Commission