



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

Date: April 11, 2024

OFFICIAL NOTIFICATION OF DECISION

VA-2024-00054
PR-2019-002253
SI-2024-00211
Certificate of Appropriateness for
Alterations (new fence) at 201 San Felipe
Street NW.

Larry Garcia, agent for **Ernie Montoya**, requests approval of a Certificate of Appropriateness for Alterations (new fence) at 201 San Felipe St. NW, described as Lot 173, Map 38, Original Town Site, in the Old Town Historic Protection Overlay Zone (HPO-6), zoned MX-T (J-13).

On April 10, 2024, the Landmarks Commission voted to **REMAND VA-2024-00054, PR-2019-002253, SI-2024-00211** back to the Landmarks Commission staff for an Administrative Approval and issuance of a Certificate of Appropriateness - Minor.

1. The application is a request for a Certificate of Appropriateness for a new fence at 201 San Felipe Street NW, a non-contributing building in the Old Town Historic Protection Overlay Zone (HPO-6). The legal description for the subject site is Lot 173, Map 38, Original Town Site, Old Town HPO-6, zoned MX-T.
2. The subject property is approximately 0.051 acres.
3. The property features a single-story structure constructed around 1915 in the New Mexico Vernacular style, with an extension added in the 1950's in the Pueblo Revival style. Adjacent to the eastern side lies a portal, resting on a concrete slab with a flat roof, complemented by a slightly angled roof above. A false façade was constructed in 2006 facing San Felipe Street NW in order to conceal electrical conduits. The main building has a flat roof, while the addition has a lower roofline. The windows consist of metal and white vinyl clad windows. There are panel glass doors situated beneath the portal. The Planning Department's inventory sheets from 1979 and 1995, the building is categorized as "non-contributing".
4. In February 2024, the applicant applied for a Certificate of Appropriateness – Minor following the issuance of a Notice of Violation by Code Enforcement. The applicant intended for the rolling metal gate to provide a physical barrier, discouraging unauthorized entry onto the property while effectively managing its boundaries. However, the Historic

Old Town Association (HOTA) was not informed of the request, leading them to perceive the application as significantly flawed and incomplete. Consequently, the neighborhood association lodged an appeal, asserting that the application lacked essential components. The appeal outlined three requests: 1) that the applicant furnish a complete application along with the requisite supporting documents; 2) that proper notification be extended to HOTA and neighboring associations, and 3) that the applicant attend a public meeting with representatives of HOTA, interested members of the community, and officials from the Planning Department.

5. The applicant is proposing installing a south-facing rolling gate measuring 18'-0" in width, 6'-0" high, supported by 4 x 4 posts made of 14-gauge material and featuring pickets measuring ¾" x ¾". The metal gate will roll horizontally along a track necessitating minimal clearance space. Additionally, there will be a 3'-0" entry gate on the east side, standing at a height of 6'-0". The east side gate is to be set back from the front setback of the property.
6. Section 14-16-6-6(D) of the Integrated Development Ordinance states that within the boundaries of an HPO 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.
7. The affected, registered neighborhood association is the Historic Old Town Association (HOTA). As an appeal has been filed and the matter is now before the Landmarks Commission, property owners within 100 feet of the subject site were not required to be notified. On February 28, 2024, Staff received an email from the Office of Neighborhood Coordination confirming that the sole necessary neighborhood association for the subject site is the Historic Old Town Association (HOTA).
8. The Landmarks Commission voted to remand the case back to the Landmarks Commission staff for an Administrative Approval and issuance of a Certificate of Appropriateness – Minor. This decision was made because the Historic Old Town Association (HOTA), who filed the appeal, did not attend the meeting to discuss their appeal and opposition to the request.
9. The Landmarks Commission concluded that if the Historic Old Town Association (HOTA) had not filed an appeal, the applicant would have received the Certificate of Appropriateness once the 15-day appeal period had ended.

RECOMMENDATION

Case VA-2024-00054, SI-2024-00211/Project # PR-2019-002253, April 10, 2024

REMAND of VA-2024-00054, SI-2024-00211/Project #PR-2019-002253, back to Landmarks Commission staff for an Administrative Approval and issuance of a Certificate of Appropriateness for Alterations at 201 San Felipe Street NW, described as Lot 173, Map 38, Original Town Site, a

property in the Old Town Historic Protection Overlay Zone (HPO-6), based on the above Nine (9) Findings.

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 **April 10, 2024**, WILL BE MAILED A CERTIFICATE OF APPROPRIATENESS, AFTER THE 15-DAY APPEAL PERIOD HAS EXPIRED ON **April 25, 2024**.

Silvia Bolivar

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