



## Landmarks Commission

### Development Review for Albuquerque's Historic Protection Overlay Zones and City Landmarks

Albuquerque's overlay zones were created by the City Council to protect areas of historical, architectural or cultural significance. To ensure that building projects in historic zones are compatible with traditional neighborhood character, in most instances property owners must receive a *Certificate of Appropriateness* from the City before they begin work. These approvals are granted by the Landmarks Commission or by City staff for the Commission. Penalties, including additional fees, public hearings, fines, and court action may be imposed for failure to obtain a Certificate of Appropriateness.

#### *A CERTIFICATE OF APPROPRIATENESS IS REQUIRED FOR:*

- All exterior alterations**, including porches, roofs, and windows
- An **addition** to your building
- New construction**
- Demolition** of a building or part of a building
- Erection** of a fence
- Placement** of any manufactured or pre-built structure
- Change in exterior materials** --- call the LUCC Staff at **924-3927**
- Erecting a business sign**

Even if you have already received approval from the New Mexico State Preservation Department for tax credits, you still need City approval for your project.

#### *NO CERTIFICATE IS REQUIRED FOR* (Building permits may still be necessary)

**Exterior Maintenance** for the purpose of repairing **deterioration** of any architectural feature or any part of the structure. The work must be **identical** in design, size, texture, color and material in order to restore the feature or structure to its original condition. This does NOT include replacing roofing, windows, doors, etc.

**Repainting.** It is recommended that you consider historically appropriate paint colors.

**Re-Stuccoing.** Some finishes are more historically accurate than others. Please consult the City Staff to assist you in obtaining appropriate information.

**Interior** maintenance, alteration or demolition that does not affect or alter the exterior appearance of the structure.



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### **HOW TO OBTAIN A CERTIFICATE OF APPROPRIATENESS**

There are two levels of review for a Certificate of Appropriateness and approval is based upon the design guidelines for the overlay zone. Contact City Staff for the guideline specific to your zone.

**Landmark Commission PUBLIC HEARING** - This is for proposed major alterations, new construction, and demolition for any property listed as Contributing or Significant within the Historic Overlay Zone. Obtain an application and have the Staff explain the submission requirements to you. Additional consultations with Staff may be required, depending on the size and scope of your project. Public notice is given prior to the hearing.

**Landmarks Commission STAFF DECISION** - This is for proposed work that does not require a building permit, fences, and other smaller alterations to sites and structures. An approval can be received in a few days or not longer than 10 working days after you submit your application.

Call The Landmark Commission Staff at **924-3927** to discuss your project and to determine what level of review is required. A checklist of items necessary for applications will be given to the applicant during a consultation. Staff will also provide ***Free Consulting Services***. Staff members are trained in architecture and architectural history. They are available to give limited assistance and they know of other available resources. They will meet with you to discuss a restoration project, maintenance problem, historically appropriate paint color, or other issues.

The Planning Department has information on historic architecture, restoration technology, historic survey and forms for all properties in the districts, files on specific historic properties and preservation products and services. Please call for an appointment.

***Bright green signs posted on properties notify the public of a pending application and the date of the LUCC public hearing.***

***Bright pink signs posted on a property are to notify the public that Staff has approved a Certificate and an appeal of the decision may be filed by an aggrieved party.***

Interested parties should call 924-3927 or 924-3891 with any questions related to the applications.



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### **TAX CREDIT PROGRAMS**

Homeowners may benefit from the New Mexico 50% Rehabilitation Tax Credit. If a property is listed on the State Register of Cultural Properties or classified as a *contributing property* within an historic district listed on the State Register, the property owner may receive a State income tax credit for qualified rehabilitation work. The state must review and approve the proposed project **both before and after** the work is done to ensure that it meets certain standards. The credit applies to one-half of the eligible costs of qualified work with a maximum credit of \$25,000. It is not difficult to follow the procedures and complete an application to participate in this program, see the web site or ask City staff for a brochure.

#### **State Historic Preservation Division**

(505) 827-6320.

228 E. Palace Avenue, Room 321

Santa Fe, NM 87503

[www.nmhistoricpreservation.org](http://www.nmhistoricpreservation.org)

**Federal income tax credits:** owners of income producing properties may also be eligible for a federal income tax credit for a rehabilitation project. The federal income tax credit allows up to 20% of the eligible costs in a rehabilitation project to be claims against federal income tax liability. For information on this project, contact the New Mexico Historic Preservation Division above.

### **OTHER RESOURCES**

**Office of Neighborhood Coordination:** They can identify any associations that have registered with the City of Albuquerque. 768-3334, [onc@cabq.gov](mailto:onc@cabq.gov), 9th Floor of City Hall, Council Services Department. Or use the following link to request required neighborhood contacts.

<http://cabq.gov/neighborhoods/resources>

**Landmarks Commission Office** 924-3927, 600 2nd Plaza Del Sol NW, 3rd Floor

**Neighborhood Housing Services** 243-5511, 1500 Lomas, NW, Albuquerque, NM 87104

This organization offers income-based assistance and strives to be user-friendly and helpful.



## DEMOLITION

To avoid the loss of historic structures, the Landmarks and Urban Conservation Ordinance carefully regulates proposed demolitions in historic zones. In general, applications for demolitions can only be approved if the Landmarks Commission determines that the building cannot produce a reasonable economic return as presently controlled and that no means of preserving the structure has been found.

If the Landmarks Commission denies a demolition request, a demolition moratorium is in effect for a period of twelve months. During this time the Commission and City staff will work with the property owner to find an alternative solution. If the demolition moratorium expires with no solution, City Council can approve demolition if it determines that there is no reasonable way to preserve the building.

Not all buildings within a historic overlay zone are *contributing buildings*, that is, buildings that have been designated as contributing to the historic, architectural character of the district in the official survey. In the Fourth Ward, Huning Highland, Silver Hill and Eighth/Forrester Historic Overlay Zones, the Landmarks Commission has established modified demolition procedures for *noncontributing* buildings. In these areas, a *noncontributing accessory building* (a building detached from and smaller than the main building on the same lot) can be demolished with Staff approval.

## ECONOMIC HARDSHIP

The Fourth Ward, Huning Highland, Silver Hill and Eighth/Forrester Historic Overlay Zones design guidelines contain a hardship clause allowing flexibility in design review for special cases. If a property owner feels that a decision by the Commission causes an undue financial burden, the Commission has the responsibility to further discuss and review the case, offering alternative rehabilitation solutions or reuse options for the property. City staff, the Commission, and the property owner are directed to work together to determine the best approach to meeting the property owner's needs, while maintaining the historical character of the district by avoiding unnecessary demolition and inappropriate remodeling.