



Landmarks & Urban  
Conservation Commission



**Agenda Number: 7**  
**Case No.: 15-LUCC-50031**  
**Project # 1010325**  
**October 14, 2015**

**Staff Report**

<b>Agent</b>	Studio SW Architects	<p><b>Staff Recommendation</b></p> <p><b>APPROVAL of Case # 14-LUCC-50063, Project #1010325, a request for a Certificate of Appropriateness for demolition and new construction based on the Findings beginning on page 9 and subject to the Conditions of Approval on page 10.</b></p> <p style="text-align: right;"><b>Jessica Johnson, Associate Planner</b> <b>Staff Planner</b></p>
<b>Applicant</b>	Daniel and Stacy Cole	
<b>Request</b>	Certificate of Appropriateness for demolition and new construction	
<b>Legal Description</b>	Lots 6 and 7, Block 1 Roehl's Addition	
<b>Address/Location</b>	315 19 <sup>th</sup> St. NW	
<b>Size</b>	0.16 ac.	
<b>Zoning</b>	R-2	
<b>Historic Location</b>	Old Town Buffer Zone	

**Summary of Analysis**

*The application is for a Certificate of Appropriateness for demolition and new construction. The applicant proposes to demolish an existing Southwest Vernacular style house built circa the 1920's, an existing accessory building, and substandard apartment type building. A new two-unit, two-story townhouse building is proposed to be added to the lot. All existing fences and walls on the property would be removed and replaced with masonry walls with stucco finish.*

*The project is a resubmittal of a previously approved LUCC case from January 2015 (Project #1010325, 14-LUCC-50063), which proposed to rehabilitate the existing Southwest Vernacular style house and construct an adjacent two-unit, two-story townhouse building. The former proposal required the approval of several variances to the front and side setbacks from the Zoning Hearing Examiner (ZHE), which was met with neighborhood opposition.*

*The applicant has had the existing adobe house evaluated by a structural engineer. The building was found to be in poor structural condition. This new proposal plans to remove all existing structures from the site and provides economic justification for the demolition of the Southwest Vernacular style house built circa the 1920's. A new two-unit, two-story townhouse which complies with the requirements of the underlining R-2 zoning will be constructed on the lot.*

*The buildings have no historic classification and the property is not located within a registered historic district or within a historic overlay zone. The property is however located within 300 feet of the boundaries of the H-1 Historic Old Town Zone and a Certificate of Appropriateness is required per §14-16-2-25.*

*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. Staff concludes that the proposed development is generally compatible with the architectural character of the buffer area surrounding the H-1 Zone.*

***Development Review Division Report:***

**SUMMARY OF REQUEST**

<b><i>Requests</i></b>	<i>Certificate of Appropriateness for demolition and new construction.</i>
<b><i>Historic Location</i></b>	<i>300 foot area surrounding the H-1 / Old Town Historic Zone</i>

**AREA HISTORY AND CHARACTER**

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

	<b><i># of Stories</i></b>	<b><i>Roof Configuration, Architectural Style and Approximate Age of Construction</i></b>	<b><i>Historic Classification &amp; Land Use</i></b>
<b><i>General Area</i></b>	1-2	Flat; Pitched (gabled and hipped), Spanish-Pueblo Revival and contemporary interpretations	Contributing, Unclassified Residential and Commercial
<b><i>Site to the North</i></b>	1	Flat roofed, Spanish Colonial (Revival) porch, date unknown	Unclassified, Residential
<b><i>Sites to the South</i></b>	1	Flat-roofed, Pueblo Revival, date unknown	Unclassified, residential
<b><i>Sites to the East</i></b>	2	Flat-roofed, Pueblo Revival, date unknown	Unclassified, Institutional
<b><i>Site to the West</i></b>	1	Gable roofed, New Mexico Vernacular, by 1908	Unclassified, residential

**II. INTRODUCTION**

***Proposal***

The applicant requests a Certificate of Appropriateness to demolish an existing Southwest Vernacular style house built in the 1920’s, an existing accessory building and substandard apartment type building. A new two unit, two-story townhouse building is proposed to be constructed on the lot. All existing fences and walls on the property would be removed and replaced with masonry walls with stucco finish. The buildings have no historic classification and the property is not located within a registered historic district. The property is however located within 300 feet of the boundaries of the H-1 Historic Old Town Zone and a Certificate of Appropriateness is required as discussed in the analysis below.

The project is a resubmittal of a previously approved LUCC case from January 2015 (Project #1010325, 14-LUCC-50063), which proposed to rehabilitate the existing Southwest Vernacular style house and construct an adjacent two-unit, two-story townhouse building. The former proposal required the approval of several variances to the front and side setbacks from the Zoning Hearing

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Examiner (ZHE), which was met with neighborhood opposition. The project was reconceived to conform to all existing zoning regulations.

### ***Context and History***

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 19<sup>th</sup> 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. 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.

Development within the 300 feet surrounding the H-1 zone includes a great deal of commercial uses as the H-1 zone is bounded by major streets — Rio Grande Blvd., Mountain Road and Central Ave. Development within the buffer east of Old Town is primarily single family residential with the exception of the Albuquerque Museum.

## ***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. Signage, architectural style, and permissive uses are controlled through the H-1 Zoning. The code was later amended to include a 300 foot "buffer" zone surrounding Old Town with the intent of ensuring a coherent visual character for the surrounding neighborhood. The code provides for Certificates of Appropriateness for development with the H-1 and the Buffer zone.

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*14-16-2-25 (E) (2) A Certificate of Appropriateness shall also be required for any construction, modification, addition, alteration, moving, or destruction which would affect the exterior appearance of any structure or place within 300 feet of the H-1 zone excluding public right of way. However, land zoned R-1 is excluded from this requirement. Procedures for applications for Certificates of Appropriateness shall be the same as those established by Chapter 14, Article 12, Landmarks and Urban Conservation, for HO Historic Overlay Zones. The applications shall be evaluated according to the criteria established by Chapter 14, Article 12, Landmarks and Urban Conservation, and the standards for architectural style and visual character in the H-1 Historic Zone. This requirement shall apply until such time as the HO Historic Overlay one has been applied to the area around the H-1 zone. Thereafter, the requirements for the HO Historic Overlay Zone shall apply and the boundaries shall be as established by the HO Historic Overlay Zone.*

***The code informs that a Certificate of Appropriateness is required in accordance with the Landmarks Ordinance and that the specific development guidelines for the Old Town Historic Zone apply. An analysis of the proposal's conformance with the adopted specific development guidelines is provided below.***

The property is zoned R-2 Residential Zone. The zone category provides suitable sites for houses, townhouses and medium density apartments, and uses incidental thereto.

***The R-2 Residential Zone does not require side-yard setbacks from internal lot lines for townhouses (§ 14-16-2-11.E.3.b). R-2 Residential Zone refers to § 14-16-3-1 Off-Street Parking Regulations for parking requirements, which state that the applicant must provide one parking space per bath room. The proposed two-story townhouse appears to comply with the requirements of the underlining R-2 zoning.***

### ***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.
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.

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.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.

***While the demolition of the existing 1920's Southwest Vernacular style adobe house does not support the intent of the buffer zone, the applicant has provided economic justification for the***

*demolition. Removal of the dilapidated one story apartment building will remove blighted conditions in the neighborhood. These building have no historic significance, nor does the garage structure proposed to be removed.*

*The demolition of any building within the H-1 buffer zone requires a Certificate of Appropriateness from the LUCC, as well as a demolition permit from the City. Demolition criteria are contained in the LUC Ordinance. Please refer to the LUC Ordinance analysis for demolition below.*

*The general style of the new building is compatible with the southwestern style of building that is predominant in the area. The design is compatible with the color, material, and character of the neighborhood, buildings, and its environment as recommended in applicable guideline # 8. The stucco exterior finish and flat roof with stepped parapet reflects the massing and style of the 1920's house currently on the site. The metal awnings and guardrail are a contemporary touch but guideline #8 contemplates contemporary expression if compatible.*

*The size and scale of the new building is controlled by the underlying R-2 zoning and complies with the height limit of 26 feet. Although one story buildings dominate the general area, there are a few two-story buildings in the vicinity including a two story house directly west of the subject property at the intersection of 19<sup>th</sup> St. and Slate. The H-1 zone itself has many two story buildings. The reconceived design has broken the second story massing of each unit into two offsetting planes in order to better fit the units into the context of the Old Town area.*

### Landmarks and Urban Conservation Ordinance

This site consists of a property in the Old Town Buffer 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.....Notwithstanding the above, a Certificate of Appropriateness shall not be required for:*

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- (1) Ordinary maintenance or repair where the purpose of the work is to correct deterioration to the structure and restore it to its condition prior to deterioration;
  - (2) Any construction, alteration, or demolition duly approved prior to the effective date of this article;
  - (3) Any construction, alteration, or demolition which only affects the interior of the structure unless the interior features which will be affected were listed as worth of preservation I the landmark's general preservation guidelines or specific development guidelines.
  - (4) Any construction, alteration, or demolition which is exempted from this requirement by approved development guidelines;
  - (5) Any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe by the appropriate City official after notification of the Commission and consultation with the Chairperson of the Commission and where emergency measures have been declared necessary by such departments; or
  - (6) Any demolition which is approved by the City Council after the demolition moratorium period has elapsed."

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 new building is compatible with the development guidelines for the H-1 "buffer zone". There is no designation ordinance as the area within 300 feet of the H-1 Zone was never designated as an historic overlay as contemplated in 14-16-2-25 (E) (2)***

§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 site is not within a historic zone; no historic overlay was ever designated or mapped as contemplated in 14-16-2-25. The buffer area surrounding the H-1 historic zone functions as more of a design overlay zone, although never officially mapped as such.***

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

***Not applicable.***

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§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.

*The intent of the Landmarks Ordinance is to prevent the unwarranted demolition of classified historic buildings in designated historic overlay zones. The buildings to be removed are not classified historic buildings and the property is not within a designated historic overlay zone or urban conservation overlay zone. As such, the LUCC should use considerable discretion regarding the requested demolition.*

*The applicant's letter of justification notes that due to the poor structural condition of the 1920's adobe house, preliminary contractor estimates suggest a \$300 to \$350-per-square-foot-budget for rehabilitation; totaling to an estimated rehabilitation cost between \$400,000 and \$500,000. The applicant noted that due to the high cost of rehabilitation, it no longer makes economic sense to the owner to restore the adobe house. No other financial information regarding the economic return of the 1920's adobe house as discussed in the ordinance was presented by the applicant.*

*The property owner is in receipt of a Notice from the City's housing code enforcement division stipulating the apartment building on this site is substandard and should be demolished. Staff finds that this notice and the LUCC's consideration of this notice satisfies the exemption contemplated in Section 14-12-8 (A) (5) above.*



### *V. Neighborhood/Public Concerns*

The application was legally advertised in the newspaper. A sign was posted on the property with notice of this application. The Historic Old Town Property Owners Association and the Downtown Neighborhood Association were notified of this application by certified mail.

*Staff received a letter from nearby residents whom raised concerns regarding the details of demolition for the existing fences and sub-standard apartment building, the lack of interior side-yard setbacks, and adequate parking provisions. As discussed in the analysis above, the new development meets the zoning regulations for the R-2 Residential zone. In regards to the concerns raised about the demolition logistics for the existing fences and walls at the adjacent property line, it is not within the purview of the LUCC to stipulate how demolition and construction occur.*

### *Conclusions*

This request for a Certificate of Appropriateness for demolition and new construction 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*. Staff concludes that the proposed development is compatible with the architectural character of the buffer area surrounding the H-1 Zone.

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***FINDINGS for APPROVAL of a request for a Certificate of Appropriateness for alteration, demolition and new construction - Case 14-LUCC-50063 / Project # 1010325 (January 14, 2014)***

1. This application is a request for a Certificate of Appropriateness for demolition and new development at 315 19<sup>th</sup> St. NW, described as Lots 6 and 7, Block 1 of Roehl's Addition, a property that lies within 300 feet of the Historic Old Town (H-1) Zone.
2. 14-16-2-25 (E) (2) of the Comprehensive Zoning Code states that a Certificate of Appropriateness shall be required for any construction, modification, addition, alteration, moving, or destruction which would affect the exterior appearance of any structure or place within 300 feet of the H-1 zone excluding public right of way. However, land zoned R-1 is excluded from this requirement. Procedures for applications for Certificates of Appropriateness shall be the same as those established by Chapter 14, Article 12, Landmarks and Urban Conservation, for HO Historic Overlay Zones. The applications shall be evaluated according to the criteria established by Chapter 14, Article 12, Landmarks and Urban Conservation, and the standards for architectural style and visual character in the H-1 Historic Zone. This requirement shall apply until such time as the HO Historic Overlay Zone has been applied to the area around the H-1 zone. Thereafter, the requirements for the HO Historic Overlay Zone shall apply and the boundaries shall be as established by the HO Historic Overlay Zone.
3. No overlay zone has been designated for the 300 foot area surrounding the H-1 zone since the adoption of the regulation referred to in Finding #2 above.
4. The proposal is to remove an existing 1920's adobe house in the Southwest Vernacular style, a dilapidated one story apartment building and accessory building on the property and to construct a new two unit, two story townhouse building. The proposal intends to remove existing fences and walls in order to construct new masonry yard walls.
5. 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.*
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*

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*consistent with the designation ordinance and specific development guidelines for the landmark or historic zone”.*

There is no designation ordinance related to the 300 foot area surrounding the H-1 zone where the subject property is located. The proposed development is generally consistent with applicable guidelines for the H-1 Historic Zone. The new building is of southwestern regional style and compatible with the architecture of Old Town and the vicinity.

7. 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”. The property is not located within a historic overlay or urban conservation overlay zone. The architectural character of the area within 300 feet H-1 Historic Zone will not be impaired or diminished by the proposed new construction. The design maintains the regional architectural character of the area.
8. 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.”* The intent of the Landmarks Ordinance is to prevent the unwarranted demolition of classified historic buildings in designated historic overlay zones. The buildings to be removed are not classified historic buildings and the property is not within a designated historic overlay zone or urban conservation overlay zone. The applicant has provided economic justification for the demolition of the existing 1920’s Southwest Vernacular style adobe house.
9. The property owner is in receipt of a Notice from the City’s housing code enforcement division stipulating the apartment building on this site is substandard and should be demolished. The LUCC finds that this notice and the LUCC’s consideration of this notice satisfies the exemption contemplated in Section 14-12-8 (A) (5) of the Landmarks Ordinance.
10. The revised Code of Ordinances of Albuquerque New Mexico, 1994, including the Zoning Code, is incorporated herein by reference and made part of the record for all purposes.

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***RECOMMENDATION - Case No. 15-LUCC-50031/ Project # 1010325 – (October 14, 2015)***

**APPROVAL** of a request for a Certificate of Appropriateness for alteration, demolition and new construction at 315 19<sup>th</sup> St. NW described as Lots 6 and 7, Block 1 of Roehl's Addition, a property that lies within 300 feet of the Historic Old Town (H-1) Zone.

**Conditions of Approval**

1. The Applicant is responsible to acquire, and approval is contingent upon, approval of all applicable permits and zoning approvals.

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**Jessica Johnson, Associate Planner  
Urban Design and Development Division**

**Attachments**

- 1) HCPI form
- 2) §14-16-2-25
- 3) § 14-16-3-1
- 4) Map of H-1 zone and buffer area
- 5) Letter from residents of Old Town

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

***ZONING CODE SERVICES DIVISION***

*None received*

***BUILDING & SAFETY SERVICES DIVISION***

*None received*

***COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:***

***PNM***

***ENVIRONMENTAL HEALTH DEPARTMENT***

***SOLID WASTE MANAGEMENT DEPARTMENT***

***FIRE DEPARTMENT/Planning***

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***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***