



Landmarks & Urban
Conservation Commission



Agenda Number: 5
Case No.: 12-LUCC-50047
Project # 1009494
November 14, 2012

Staff Report

Agent		<p>Staff Recommendation</p> <p>APPROVAL of Case # 12-LUCC-50047, Project #1009494, a request for a Certificate of Appropriateness for alteration based on the Findng beginning on page 9 and subject to the condition on page 11.</p> <p style="text-align: right;">Maryellen Hennessy Staff Planner</p>
Applicant	Kirtan Khalsa	
Request	Certificate of Appropriateness for alteration	
Legal Description	Lot 16 & no. ½ of Lots 17, 23, 24 & 25 Block 16, Perea Addition	
Address/Location	309 13 th St. NW	
Size	.	
Zoning	SU2/DNA-SF	
Historic Location	Fourth Ward Historic Overlay Zone	

Summary of Analysis

The subject site at 309 13th St. NW contains a one-story hip roofed house that was constructed in 1913 as a hipped box house with Craftsman detail. The house was altered drastically sometime prior to 1979 and is non-contributing to the Fourth Ward historic district due to the extent of the alterations.

The applicant proposes to add additional floor space by adding a second story addition to the house within the existing footprint. The new building would have a hipped roof and use windows and details similar to the existing.

Staff concludes that the applicant’s proposal to add a full second story to the existing building footprint is not inconsistent with either the development guidelines or the criteria for approval of a Certificate of Appropriateness. The altered building would be compatible with the general characteristics of contributing buildings in the vicinity and reflects designs typically used in the area.

Staff concludes that the change is not so significant as to be detrimental to the character of the house or the historic district.

PRIMARY REFERENCES:

Landmarks and Urban Conservation Ordinance; Design Guidelines for the Fourth Ward Historic Overlay Zone.

Development Review Division Report:

SUMMARY OF REQUEST

<i>Requests</i>	<i>Certificate of Appropriateness for alteration</i>
<i>Historic Location</i>	<i>Fourth Ward Historic Overlay 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	Craftsman Bungalow; Bungalow; Spanish Pueblo Revival; Prairie; Mediterranean Revival; Colonial Revival	Contributing; residential
<i>Site to the North</i>	1	Hipped roof, Hipped Box cottage ca. 1913	Contributing; residential
<i>Sites to the South</i>	1	Gable roofed, vernacular	Contributing; residential
<i>Sites to the East</i>	1	Gable roofed bungalow circa 1914	Contributing; residential
<i>Site to the West</i>			Non-contributing; residential

II INTRODUCTION

Proposal

The subject site at 309 13th St. NW contains a one-story hip roofed house that was constructed in 1913 as a hipped box house with Craftsman detail. The house was altered drastically sometime prior to 1979 as pictured in the HBI form attached. The house appeared as pictured when purchased by the applicant in 1999. The applicant made improvements to the interior and exterior appearance as shown in recent photographs attached. The house is non-contributing to the Fourth Ward historic district due to the extent of the alterations.

The applicant proposes to add additional floor space by adding a second story addition to the house within the existing footprint. The new building would have a hipped roof and use windows and details similar to the existing.

Context

The Fourth Ward historic district is a neighborhood of fine homes that grew up between the original *Villa de Albuquerque (Old Town)* and the “new town” that had grown around the railroad tracks over a mile to the east. The Perea Addition was platted in 1881, less than a year after the arrival of the railroad. Properties were sold slowly, often by the half-block. Some of the earliest fine homes were built on these larger parcels, but only a few houses were built in the area in the nineteenth-century. Residential development at the time was concentrated in the Huning Highland neighborhood east of the railroad tracks. The Fourth Ward began to fill with large new homes after the turn of the century; and by about 1905 it had become the preferred neighborhood for members of the city’s mercantile and professional elite. The second subdivision in the Fourth Ward, the Luna Place Addition, was platted in 1907. Planned as a self-contained boulevard, it ended in the half-moon Luna Circle on the north side of what is now Lomas Blvd. The eastern edge of the historic district also includes portions of the New Mexico Town Company’s Original Townsite.

Similar to Huning’s Highland, the Fourth Ward was never exclusively upper-middle class. Modest cottages sat side by side with the substantial homes of Albuquerque’s influential citizens. A streetcar line ran along Central Ave. from Downtown to Old Town, and a second line running along Lomas, made transportation to jobs and stores easy.

The architectural character and interest of the Fourth Ward Historic District reflects the leisurely pace with which it developed and the high quality of houses built there over the years. The neighborhood boasts a variety of finely executed styles and forms. Styles represented include Italianate; Queen Anne; Classic, Neo-Classic; Tudor Revival; Colonial Revival; Mediterranean, Mission, and Spanish Colonial Revival. Many houses blend elements from a variety of styles or traditions, including the continuing New Mexican Vernacular tradition.

The character of the buildings in the Fourth Ward Historic District is enhanced by the fine streetscapes of the neighborhood. Houses on the north-south streets are set back about 20 feet from the road, allowing a deep front yard as well as sidewalk planting strips; on the east-west streets, the setback is often less, but the planting strips remain. The neighborhood is also noted for its fine, large street trees and good gardens, qualities that enhance both its architecture and its somewhat mid-western flavor.

The Fourth Ward Historic District was accepted to the National Register of Historic Places in 1980 and the City Council mapped the Historic Overlay Zone in 1991.

History

The HBI form from 1979 shows the house prior to the improvements made by the applicant. There is no case history at this site.

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 subject property is zoned SU/ DNA SF under the Downtown Neighborhoods Area Sector Development Plan. This zoning category corresponds to the R-1 Residential Zone and allows for one house per lot and one small accessory living quarters per lot. The sector plan also includes standards for development within the DNA SF zone. The zoning requires that second story additions to existing buildings shall incorporate a minimum horizontal step back of 6 feet from the front façade. Where there is an existing porch, the step back is measured starting at the porch. Building heights are to comply with the R-1 regulations (26 feet maximum) except that height is also subject to 14-16-3-3(A)(7), height limitations to preserve solar access.

The proposed second story addition meets the step back requirements of the plan because the front porch is sufficiently deep to satisfy the requirement. As noted in Zoning comments, the proposed addition may not meet the height standards of the recently adopted Downtown Neighborhoods Sector Development Plan which calls for all buildings to meet the Supplementary Building Height Limitations to Preserve Solar Access (§14-16-3-3(A)(7) of the Comprehensive Zoning Code. Staff recommends that this potential conflict be addressed as a condition of approval as there are potential remedies for the applicant to pursue with regard to the supplemental height regulations.

The subject property is located within the Fourth Ward Historic Overlay Zone. The Comprehensive Zoning Code §14-16-2-28 establishes controls and procedures for Overlay Zones. §14-16-2-28 (D)(1) states that the area's distinctive characteristics and general preservation guidelines for the area shall be identified by the City Council in the resolution applying the Historic or Urban Conservation Overlay Zone to any given area. The Landmarks and Urban Conservation Commission shall adopt specific development guidelines for each Overlay Zone area. 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 have 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.

Resolution –046-1991 Designating the Fourth Ward and Eighth and Forrester Historic Overlay Zones (1991)

This resolution designated, mapped, and provided general guidelines for the establishment of the Fourth Ward and Eighth and Forrester Historic Overlay Zone. Contained within this resolution are general guidelines, from which the specific Design Guidelines are derived. Section 4.B of the designation ordinance states that alterations, renovations or additions to structures listed as non-contributing in the Historic Overlay Zone should be designed to be compatible with surrounding properties. Exterior materials should be those generally found in the area (such as wood, stucco, brick, adobe, stone or cast stone). Review of changes to noncontributing structures should allow flexibility in design to meet the needs of property owners.

The addition utilizes exterior materials found in the area including composite shingles, stucco and wood. With this addition of a second story with a hipped roof, the building takes on the form of the American Foursquare house, a form that is found throughout the historic overlay zone. Review of this proposed addition should allow for the property owner's need for additional living space as referenced in the ordinance.

Resolution 07-287 (2007) Amending resolution number R-46-1991 adopting specific design guidelines for the Fourth Ward historic overlay zone.

The specific development (design) guidelines for the Fourth Ward Historic Overlay Zone were amended and adopted by the LUCC in 2002. In 2007, the City Council ratified the adoption of these guidelines in this resolution. Section 3. ENACTMENT AMENDED states, "Any provision in R-246-1991 that is inconsistent with the guidelines approved by this resolution is superseded."

Fourth Ward Historic Overlay Zone Design Guidelines

The Landmarks and Urban Conservation Commission approved specific development guidelines as delegated by *Resolution –046-1991*. These guidelines were revised in 2002. The guidelines were adopted by the City Council in R-07-287 (see above).

Section II DESIGN GUIDELINES FOR NON-CONTRIBUTING BUILDINGS are applicable to this case.

The general guidelines state that changes to non-contributing buildings shall allow flexibility in design to meet the needs of property owners. Alterations and additions to non-contributing buildings shall further their compatibility within the historic district's streetscape, but not copy or recreate, in detail or whole, historic building designs.

A. Additions to non-contributing buildings:

1. The scale, height, and massing of the addition shall not contrast greatly with the existing structure or surrounding contributing properties. The addition shall not over power or overshadow surrounding contributing buildings.
2. Rooflines shall not be significantly taller than surrounding contributing properties.
3. The standard street setback of the block shall be maintained.

4. The building shall remain oriented to the street.

The proposed second story addition is within the existing building footprint, the front setback is not affected, nor is the building's orientation to the street. The massing and height of the altered building will be very similar to that of a two-story American Foursquare house, a house form that is somewhat common to this historic district. The altered building does not attempt to imitate a historic building, but reflects the form and materials, roof and window shapes of contributing buildings in the historic district.

The roofline will be higher than the one-story houses on this block, but it will be approximately the same height as another house on this block. The house to the south faces Marquette rather than 13th St. The house to the north is a substandard building that is the subject of a Notice and Order to repair or demolish by housing code enforcement. One story and two story houses existing side-by-side is characteristic of this historic district.

As noted in Zoning comments, the proposed addition does not meet the height standards of the recently adopted Downtown Neighborhoods Sector Development Plan which calls for all buildings to meet the Supplementary Building Height Limitations to Preserve Solar Access (§14-16-3-3(A)(7) of the Comprehensive Zoning Code. Staff recommends that this potential conflict be addressed as a condition of approval as there are some remedies provided for in the Code for the applicant to pursue.

Landmarks and Urban Conservation Ordinance

This site consists of a contributing property in the Eighth and Forrester Historic Overlay 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 addition utilizes exterior materials found in the area including composite shingles, stucco and wood. With this addition of a second story with a hipped roof, the building takes on the form of the American Foursquare house, a form that is not uncommon in this historic overlay zone. Review of this proposed addition should allow for the property owner's need for additional living space as referenced in the ordinance.

§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 subject building is not a contributing building in this historic district, and the architectural character and historical value is not critical to this consideration. The architectural character and historical value of the historic zone should not be significantly impaired or diminished as two-story houses with a similar form are historically located in this zone. New two-story houses have also been approved by the LUCC in this historic zone.

§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.

See above.

§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.

The proposed addition would not be considered "contemporary design".

§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.

Additional Considerations

The applicant notified the Downtown Neighborhood Association of this request. No comment has been received as of the preparation of this report.

Conclusions

This request for a Certificate of Appropriateness for alteration has been reviewed against the *Fourth Ward Historic Overlay Zone Design Guidelines* and the criteria for approval of a Certificate of Appropriateness contained in the *LUC Ordinance*. The applicant's proposal to add a full second story to the existing building footprint is not inconsistent with either. The altered building would be compatible with the general characteristics of contributing buildings in the vicinity and reflects designs typically used in the area.

FINDINGS for APPROVAL of a request for a Certificate of Appropriateness for alteration - Case 12-LUCC-50047 / Project # 1009494 (November 14, 2012)

1. This application is a request for a Certificate of Appropriateness for alteration at 309 13th St. NW, described as Lot 16 & no. ½ of Lots 17, 23, 24 & 25 Block 16, Perea Addition, a property in the Fourth Ward Historic Overlay Zone, zoned SU-2/DNA-SF.
2. The subject property contains a one-story hip roofed house that was constructed in 1913 as a hipped box house with simple Craftsman detail. The house has been altered significantly and is non-contributing to the Fourth Ward historic district.
3. The applicant proposes to add additional floor space by adding a second story addition to the house within the existing footprint. The new building would have a hipped roof and use windows and details similar to the existing house.
4. 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.
5. 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”*.
6. The proposed work is consistent with the designation ordinance R-46-1991 Section 4.A which states that alterations, renovations or additions to structures listed as non-contributing in the Historic Overlay Zone should be designed to be compatible with surrounding properties. Exterior materials should be those generally found in the area (such as wood, stucco, brick, adobe, stone or cast stone). Review of changes to noncontributing structures should allow flexibility in design to meet the needs of property owners. The addition utilizes exterior materials found in the area including composite shingles, stucco and wood. With this addition of a second story with a hipped roof, the building takes on the form of the American Foursquare house, a form that is found throughout the historic overlay zone. Review of this proposed addition should allow for the property owner’s need for additional living space as referenced in the ordinance.

7. The specific development guidelines for the Fourth Ward Historic Overlay Zone Section II.B states that changes to non-contributing buildings shall allow flexibility in design to meet the needs of property owners. Alterations and additions to non-contributing buildings shall further their compatibility within the historic district's streetscape, but not copy or recreate, in detail or whole, historic building designs. As analyzed in the staff report, the proposed alteration is consistent with the specific guidelines for additions to non-contributing properties.
8. The LUC Ordinance §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 historic overlay zone. As discussed in the staff analysis, the change is consistent with the designation ordinance and the development guidelines for the historic zone.
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 subject building is not a contributing building in this historic district, and the architectural character and historical value of the building is not critical to this application. The architectural character and historic value of the historic zone should not be significantly impaired or diminished as two-story houses with a similar form are historically located in this zone. New two-story houses have also been approved by the LUCC in this historic zone.
11. The proposed addition does not meet the height standards of the Downtown Neighborhoods Sector Development Plan that calls for all buildings to meet the Supplementary Building Height Limitations to Preserve Solar Access according to §14-16-3-3(A)(7) of the Comprehensive Zoning Code. The Code provides alternatives for the applicant to pursue waivers to the regulations.

RECOMMENDATION - Case No. 12-LUCC-50047/ Project # 1009494 – (November 14, 2012)

APPROVAL of 12-LUCC-50047/ Project # 1009494, an application for a Certificate of Appropriateness for alteration, located at 309 13th St. NW, described as Lot 16 & no. ½ of Lots 17, 23, 24 & 25 Block 16, Perea Addition, a property in the Fourth Ward Historic Overlay Zone, zoned SU-2/DNA-SF based on the above 11 Findings and subject to the following condition.

Conditions of Approval Recommended for 12-LUCC-50016/ Project # 1001729

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

**Maryellen Hennessy, Senior Planner,
Urban Design and Development Division**

Attachments

- 1) HBI form ca. 1979
- 2) photographs of the site and surrounds
- 3) photographs of one and two story houses in the historic zone
- 4) R-46-1991
- 5) excerpt from the Fourth Ward Historic Overlay Zone Design Guidelines
- 6) excerpt from the LUC Ordinance: criteria for approval of a Certificate of Appropriateness

CITY OF ALBUQUERQUE AGENCY COMMENTS

ZONING CODE SERVICES DIVISION

The proposed 2nd story addition to the existing dwelling unit must comply with section 14-16-3-3(2)(7) Building Height Limitations to Preserve Solar Access. A signed and notarized letter waiving any Solar rights from the owner of the property directly to the North may be used to exempt the project from the requirements of this section. A variance of height or distance separation may also be obtained to comply with this section.

BUILDING & SAFETY SERVICES DIVISION

HISTORIC PRESERVATION/ADVANCED PLANNING

COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:

PNM

ENVIRONMENTAL HEALTH DEPARTMENT

SOLID WASTE MANAGEMENT DEPARTMENT

FIRE DEPARTMENT/Planning

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