



Landmarks Commission

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

Date: July 15, 2020

Notice of Decision

PR-2020-003678
VA-2020-00115
Application for Certificate of
Appropriateness

City of Albuquerque P&RD, Bataan Memorial Park,
requests removal and replacement of five trees at 3401
Lomas Blvd. NE, Blk A McDuffie Place Second Unit
(Except Port out to Lomas R/W). City Landmark(J-16-Z)

On July 8, 2020 the Landmarks Commission voted to Approve, Project PR-2020-003678 VA-2020-00115, based on the following findings and conditions.

Findings for Approval:

1. This application is a request for a Certificate of Appropriateness for the property described as Bataan Memorial Park, Block A, McDuffie Place Second Unit, located at 3401 Lomas Boulevard NE and zone NR-PO-A.
2. The subject property is approximately 4.56 acres and contains the Bataan War Memorial. It is listed on the New Mexico State Register of Cultural Properties and is a City of Albuquerque Landmark.
3. The proposal is for the removal of five diseased or damaged trees and the replacement of 14 trees with trees that comply with guidelines for Bataan Memorial Park.
4. The proposed project is consistent with the landmark designation ordinance. The proposed work complies with the relevant development guidelines for the historic landmarks and ABC Comp Plan goals and policies as described in the staff report.
5. Section 14-16-3-5(D) of the Integrated Development Ordinance states that on a City landmark, the appearance of any structure, including but not limited to interior and exterior elements, landscaping, and signs, shall not be altered; new structures shall not be

constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

6. Section 14-16-6-6(D) of the Integrated Development Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria. The IDO Section 14-16-6-6(D)(3)(a) 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 the specific HPO zone where the property is located”*
7. The IDO Section 14-16-6-6(D)(3)(b) 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”*.
8. The removal of trees, if necessary due to the health of the trees and or any safety risks they may cause, is considered an expected and necessary, albeit temporary, impact on the nature of the park.
9. The IDO Section 14-16-6-6(D)(3)(d) states that a Certificate of Appropriateness shall be approved if *“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.”*

The proposal will cause no harm to the original, distinguishing qualities of the site and will allow for it to flourish in the future.

Conditions of Approval Recommended for Case No. VA-2020-00115/ Project # 2020-003678

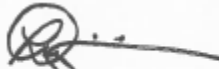
1. Parks and Recreation Department will replace all trees with Princeton Elms having a minimum caliper of 2”.
 2. All trees will be adequately watered and cared for to insure successful growth.
 3. Any tree failing to thrive will again be replaced in the next planting period.
-

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.

Sincerely,



Leslie Naji

Senior Planner, Landmarks Commission