



***Environmental
Planning
Commission***

**Agenda Number: 3
Case No.: 10EPC-40013
Project # 1008208
April 8, 2010**

Staff Report

<i>Agent</i>	Planning Department
<i>Applicant</i>	City of Albuquerque
<i>Request</i>	Recommendation to map the historic overlay zone on the Silver Hill Historic District
<i>Legal Description</i>	Multiple tracts and multiple blocks of the Terrace Addition and the Buena Vista Heights Addition (see attached map)
<i>Address/Location</i>	Gold, Silver and Lead Avenues SE between Yale Blvd. and Sycamore St. SE
<i>Zoning</i>	SU2/SF, DR, UC

Staff Recommendation

APPROVAL of Case #10EPC-40013, Project #1008208, a recommendation to the City Council to map the historic overlay zone on the Silver Hill historic district, based on Findings 1-18 beginning on page 17.

***Staff Planner
Maryellen Hennessy***

Summary of Analysis

This request is for a Recommendation of approval to map the Historic Overlay Zone on the major portion of the Silver Hills Historic District.

The Historic Overlay Zone (and related City Landmark designation) is the City's only regulatory deterrent to demolition of privately owned historic buildings.

The LUCC determined that the request to map the historic overlay zone is consistent with the city's adopted plans and policies should be recommended to the City Council as shown on the boundary maps.

Development Review Division Report:

SUMMARY OF REQUEST

<i>Requests</i>	<i>A recommendation to the City Council to map the Historic Overlay Zone</i>
<i>Location</i>	<i>Silver Hill Historic District</i>

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2	Central Urban; University Neighborhoods Sector Development Plan	Residential/ Commercial
<i>North</i>	SU-2	same	Residential
<i>South</i>	SU-2	same	Residential/ Commercial
<i>East</i>	SU-2	same	Residential
<i>West</i>	SU-2	same	Hospital

Background

This is a request for the EPC to forward a recommendation of approval to the City Council to apply the Historic Overlay Zone (HOZ) to the area that constitutes the Silver Hill Historic District. The historic district includes multiple tracts and multiple blocks of the Terrace Addition and the Buena Vista Heights Addition and is located on Silver Ave. and portions of Gold and Lead Avenues SE between Yale Blvd. and Sycamore St. SE.

The Comprehensive Zoning Code, §14-16-2-28 (D)(1), provides the procedures for mapping a Historic Overlay Zone (see Analysis page 6). The Landmarks and Urban Conservation Commission (LUCC) is to conduct a public hearing on the application, and if the LUCC recommends approval or amendment, the application is transmitted to the Planning Commission for review. The Planning Commission conducts a public hearing on the application only if new, relevant events have occurred since the LUCC hearing, or if the Planning Commission concludes that a public hearing is necessary to carry out the intent of the Zoning Code.

The Planning Commission forwards the application to the City Council with the LUCC's recommendation and the Planning Commission's evaluation. Only the City Council is authorized to approve any HO map change.

The LUCC conducted a special public hearing on this application on February 24th, 2010 and the decision was to recommend approval. Staff is not aware of any new or relevant events associated with this request. The purpose of this hearing is for the EPC to consider any new information related to the application, and, if warranted, to accept additional opportunity for public comment.

Overlay zones are mapped in addition to the provisions of another zone. The majority of properties in the Silver Hill Historic District are zoned SU2/SF (Single Family) and SU2/DR (Diverse Residential). A very few properties are zoned SU2/UC (University Commercial) and SU2/RDT (Residential Townhouse Duplex). The overlay zone does not change any permissive, conditional or prohibited uses of the underlying zoning, but the overlay zone applies additional standards to development proposals.

Under the HOZ, properties are subject to the requirements of the Landmarks and Urban Conservation (LUC) Ordinance (§14-12). The LUC Ordinance requires design review of new construction and alterations to existing buildings by the Landmarks and Urban Conservation Commission (LUCC) or its staff. The HOZ also controls demolition of existing buildings in the district. The design review is conducted in accordance with development guidelines adopted specifically for the zone. Approved projects are issued a "Certificate of Appropriateness" that certifies that the proposed development is in substantial compliance with the guidelines.

The boundaries of the proposed Silver Hill Historic Overlay Zone nearly match those of the registered Silver Hill Historic District with two exceptions. A vacant lot on Sycamore St. and a church on Yale Blvd. are excluded from the proposed overlay zone.

History

The Silver Hill Historic District was listed on the National Register of Historic Places and the State Register of Cultural Properties in 1986 as recommended in the 1986 University Neighborhoods Sector Development Plan for the area. The Plan also recommended that the City and affected property owners consider the development of a Historic or Urban Conservation Overlay Zone for the Silver Hill Historic District.

The historic registers are the official inventories of the State and National governments, cataloging and recognizing historic buildings, districts and landscapes. Listing on these registers provides some financial incentive to property owners, but there is no associated regulatory control over these historic properties in privately funded development. Only a local regulation can provide protection.

Silver Hill is cited in the register nominations as the best-preserved example of Albuquerque's first suburban subdivisions built up on the mesa just after the First World War.

The houses in the Silver Hill Historic District were built in a variety of architectural styles popular with middle class Anglo-Americans in the early twentieth century in Albuquerque. Buildings were centered on fifty-foot lots with a twenty-foot front setback and side setbacks of five to ten feet. These long rows of regularly spaced buildings contain fine examples of the

Hipped Cottage, Craftsman Bungalow, Mediterranean and Southwest Vernacular architectural styles. The houses are elaborated with details that lend individuality to the modest houses. The district also contains some duplexes, which were designed for compatibility with the single-family houses.

Silver Avenue through the historic district is one of three landscaped “parkways” remaining from early 20th century Albuquerque. It contains trees uniformly planted in a generous median. Street trees are also found in the planting strip between the curb and the sidewalk on Silver, Gold, Lead and cross-streets.

There were a total of two hundred forty-six contributing buildings and 89 non-contributing buildings in the district at the time of its listing on the historic registers. The contributing buildings included one hundred and sixty two primary buildings built between 1915 and 1935 and 84 unaltered detached garages built before 1935. In 1987 it was noted that of the one hundred eighty one primary buildings in the district in 1935, 93% remained. The district was deemed to be well intact and conditions remained that way during the following decades.

History of the HO Zone request

2006 signaled a change in the status quo for the Silver Hill Historic District. A hillside house at 1512 Gold in the historic district was demolished and replaced with a new multi-unit building whose design included the lowering of grades all across the site to nearly street level. A front-yard parking area is located between the building and the street. Both the re-grading and the front yard parking area are uncharacteristic of the neighborhood.

In November of 2006, residents’ concern prompted a City Council resolution (R-06-135) setting a six-month moratorium on building permits for dwelling units in a large portion of the Silver Hill neighborhood. During the moratorium, the City was to conduct a study to consider amendment of the University Neighborhoods Sector Development Plan. The amendment was intended to “involve standards and controls to prevent inappropriate new development in the (study) area.”

Consultants Sites Southwest LLC and Cherry/See/Reames Architects and city planning staff held a public meeting in the neighborhood in February 2007, and with the assistance of facilitators gathered public opinion on Silver Hill design and preservation issues. After the public meeting, City staff and the consultant team held a series of meetings with a task force that included Silver Hill residents. Not long after the final task force meeting in April 2007, the moratorium on building permits for dwelling units expired.

In 2007, a second historic hillside house at 1510 Gold SE was demolished, the site re-graded to eliminate the retaining wall and retained front yard, and a new building started in its place. Unlike 1512 Gold SE, this new multi-unit building has indoor parking with street-facing garage doors at the lower level (1 of 3).

In late summer 2007, the consultants delivered a draft report to City staff. The report recommended mapping the Historic Overlay Zone in the Silver Hill Historic District as well as

other changes within the historic district and study area. The draft report was considered by staff to be a work in progress and was not publicly distributed. Between 2007 and 2009, planning efforts to revise the University Neighborhoods Sector Plan stalled. Several approaches to controlling basic elements of the neighborhood's design character were considered and rejected, and staff worked intermittently on the proposed amendments.

Early in 2009, the Planning Department settled on recommendations that included mapping a Historic Overlay Zone for the Silver Hill Historic District. The recommendations were mailed to all affected property owners, inside and outside the historic district and a public meeting was scheduled but later postponed indefinitely.

The Silver Hill Neighborhood Association asked for assistance from their City Councilor for consultant services related to one of the Planning Department's recommendations – the Historic Overlay Zone. Another consultant held meetings and discussions with some residents.

In early fall of 2009, the Office of the Mayor directed the Planning Department to move forward with a request to apply the Historic Overlay Zone in the Silver Hill Historic District and to hire Cherry/See/Reames Architects to assist with the request.

In September 2009, City Council again set a three-month moratorium on residential building permits in the Silver Hill neighborhood. City Council later extended the moratorium passed in September 2009 until June 20, 2010, and reduced the affected area to the proposed Silver Hill Historic Overlay Zone.

The Planning Department filed the application with the LUCC requesting a recommendation for the Historic Overlay Zone in November 2009. All affected property owners were mailed an invitation an informational public meeting on December 16, 2009. Fifteen people attended.

Context

The Silver Hill Historic District lies between two Major Activity Centers, as mapped in the Comprehensive Plan, the University of New Mexico and Central New Mexico Community College. To the north is Central Ave. and Presbyterian Hospital complex is to the west. Land use to the south is primarily residential.

Its location near UNM in particular had harmful effects on the Silver Hill Historic District before its historic registration in 1986. When the zoning of most lots was R-3, residential, multi-lot projects such as the apartment buildings at 205 Maple SE and 1707 Silver SE broke the historic development pattern. These developments also introduced non-characteristic façade materials and front-yard parking areas.

Since 1986, when properties were re-zoned under the new sector plan, no such inconsistent development had occurred until 2006.

ANALYSIS OF APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES

Policy citations are in regular text. Staff analysis is written in ***bold italic***.

City of Albuquerque Comprehensive Zoning Code

§14-16-2-28 addresses Overlay Zones (appended to this report). §14-16-2-28 (B)(1) states that the historic overlay zone is mapped in addition to the provisions of another zone. It may be used in any area, which is suitable for preservation and which has historical, architectural or cultural significance and which, in addition:

- a) Embodies the distinctive characteristics of a type, period, or method of construction;
- b) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural type;
- c) Has yielded, or is likely to yield, information important in history or prehistory;
- d) Possesses high artistic values; or
- e) Has a relationship to designated landmarks or a historic zone, which makes the area's preservation critical.

§14-16-2-28 (D)(1) and (2) provide the controls and procedures for historic overlay zones. The HO (historic overlay) is mapped through the regular zone map amendment procedures except that the Landmarks and Urban Conservation Commission (LUCC) conducts the public hearing on the application. On the basis of plans, policies and ordinances, adopted by the City Council, the LUCC may recommend approval or amendment of the application, or it may deny the application.

If the LUCC recommends approval or amendment, the application is transmitted to the Planning Commission for review. The Planning Commission conducts a public hearing on the application only if new, relevant events have occurred since the LUCC hearing, or if the Planning Commission concludes that a public hearing is necessary to carry out the intent of the Zoning Code.

The Planning Commission forwards the application to the City Council with the LUCC's recommendation and the Planning Commission's evaluation. Only the City Council is authorized to approve any HO map change. The City Council must include the area's distinctive characteristics and general preservation guidelines in any resolution applying the HO. Public notice is required as provided in §14-16-2-28 (D) (2)(e).

If a HOZ change is approved by the City Council, the LUCC approves specific development guidelines for the area within 60 days of the approval by City Council. Those specific

development guidelines are to be consistent with the adopting resolution and are used to evaluate development proposals.

The LUCC determined that the Silver Hill Historic District meets the criteria for an area suitable for preservation. It has historic, architectural and cultural significance as evidenced by its listing on the State and National Registers of Historic Places. It embodies the distinctive characteristics of a type, period, or method of construction and portrays the environment of a group of people in an era of history characterized by a distinctive architectural type. More detailed information about the significance of the district can be found in the National Register of Historic Places nomination appended to this report. A recommended list of the area's distinctive characteristics and suggested general preservation guidelines are appended to this report.

Albuquerque-Bernalillo County Comprehensive Plan of 1988, amended 2003

The plan sets out goals and policies concerning land use, environmental protection and heritage conservation.

LAND USE

Section II.B.5 This site is located in the Established Urban Area as defined in the Comprehensive Plan. The Goal of the Established Urban Area is to "create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable Established Urban Area policies include:

Policy d: "The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern."

Possible techniques include:

"2) Specify development guidelines based on local environmental characteristics and community values in sector and area plans; implement through Comprehensive Land Development Code or traditional zoning, subdivision, and development review process.

Policy g: "Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate."

Possible techniques include:

"2) Implement through Zoning and Subdivision Ordinances."

Policy l: "Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area."

Possible techniques include:

"1) Achieve through sector plans and zoning ordinances.

Policy o: “Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and expanded.”

Silver Hill is a distinct, identifiable community within the metropolitan area. Designating a historic overlay zone on Silver Hill Historic District would serve to perpetuate the architectural traditions that have distinguished this area from other neighborhoods in the city. Without the HOZ, the design of new development that respects the existing conditions and cultural resources would be difficult to achieve and could not be guaranteed. This is evidenced by recent redevelopment that is significantly different from the existing character of the neighborhood. The request furthers the Established Urban Area goal.

The policies are clear that, in addition to respecting existing social and cultural conditions, new development should respect existing natural and environmental conditions. This includes the natural topography. Re-grading could be avoided and quality design that is appropriate to the Plan area would be encouraged and/or required by development guidelines associated with the HOZ. The request furthers Established Urban Area policies d, g, l and o.

Section II.B.6 This site is also located in the Central Urban Development Area, a portion of the Established Urban Development Area as defined in the Comprehensive Plan, and is subject to the Central Urban policies as well as the Established Urban Area policies. The Goal of the Central Urban Area is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

Policy b: Upgrading effort in neighborhoods within the central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The Central Urban Area contains the majority of the City’s historic neighborhoods. While it is neither feasible nor desirable to conserve all of the historic housing stock that remains from earlier years of the city’s development, it is feasible to recognize and enhance individual neighborhoods that qualify as registered historic districts and that retain much of their original character. The request supports the Central Urban Area goal and policy b.

HISTORIC RESOURCES

Section II.C.5 The goal for Historic Resources is “to protect, reuse or enhance significant historic districts and buildings.” Applicable Historic Resources policies include:

Policy a: “Efforts to provide incentives for the protection of significant districts and buildings shall be continued and expanded.”

Possible techniques include the following:

“3) Amend City and County Ordinances to preserve designated structures.”

Policy b: “Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued where appropriate.”

Possible techniques include the following:

- “2) Nominate additional qualifying historic districts and properties to State and Federal Registers.”
- “4) Map the Historic Overlay Zone in qualifying historic districts.”

Policy c: “Increase public and inter-agency awareness of historic resources and preservation concerns.”

The Comprehensive Plan is specific with regard to historic resources. It says that research, evaluation and protection of significant historic districts and buildings should be continued and expanded and that application of the Historic Overlay Zone is an appropriate tool to accomplish that goal.

Silver Hill Historic District was nominated and listed in both registers in 1986. Silver Hill Historic District has qualified for the Historic Overlay Zone since 1986, but this is the first application to map the HOZ there. The HOZ is the only mechanism to manage development in a historic district. The proposal supports the Historic resources goal and furthers policies a, b and c.

COMMUNITY IDENTITY AND URBAN DESIGN

Section II.C.9. The Goal is “to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.”

“Policy b In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to an effect upon the following:

- 1) The natural environment (partial list)
Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills, and escarpments
- 2) Built environment (partial list)
Height and massing of buildings
Setbacks from the street
Placement of entrances and windows
Landscaping materials, both planting and hardscape
Relationship between built and natural environment
- 3) Local history (partial list)
Architectural styles and traditions
Current and historic significance to Albuquerque

The Silver Hill neighborhood was developed on the rolling hills leading to the foothills of the Sandia Mountains. The district straddles a ridge flanked by the remains of two small arroyos. Consequently, it has a distinct topography. Many lots have a ten to fifteen foot drop over their 142-foot length. On many properties this grade change was compensated for with retaining walls, and on other properties, houses are one-story at the upper end and two-story at the lower end.

Recent redevelopment in the neighborhood has not exhibited a similar incorporation of the natural topography. Maintaining the historic development patterns including height and massing of buildings, setbacks and architectural features could be achieved with development guidelines that are specific to the historic district. The LUCC and its staff are qualified to assess the effect of a proposed development on the noted characteristics.

The proposal supports the Community Identity and Urban Design goal and furthers policy b.

University Neighborhoods Sector Development Plan

The University Neighborhoods Sector Development Plan is a rank-three plan adopted in July 1986. The areas covered by the Plan are the neighborhoods east and west of University Blvd. between Hazeldine and Grand on the west side of University and Central and Garfield west of University to Girard. The purpose of neighborhood sector plans is to define and propose solutions for problems in small areas of the city that need particular attention. Major issues that prompted the 1986 plan were traffic, zoning and land use, crime and transient population. The plan outlined a strategy for maintaining the area's special qualities and to encourage appropriate infill development, pedestrian orientation and positive interrelations between businesses, institutions and residents.

The plan establishes zoning and sets forth several land use and transportation goals, objectives, and recommendations beginning on page 2 of the plan.

In the Neighborhood Issues chapter Historic Preservation is discussed (III.M, pg. 48). There are details about the importance of recognizing and valuing historically significant properties within the area. Among the recommendations in the Plan was the nomination of the Silver Hill District to the State and National Registers of Historic Places and consideration of implementing of a historic overlay zone for that area in order to further protect the historic houses.

The Sector Development Plan recommended the Silver Hill Historic District's listing in the State and National registers of Historic Places, and both registers listed the district in 1986. Listing in either register, however, does not protect the historic buildings and other characteristics of the district from demolition or inappropriate alteration, leaving the preservation of the district largely to chance.

Another recommendation of the University Neighborhoods Sector Development Plan (No. 4, p. 49) reads, "The City and affected property owners should consider the development of an Urban

Conservation or Historic Overlay Zone for the Silver Hill district area.” The City did not act on this recommendation between 1986 and 2006, but now it appears imperative.

In 2006, a historic house in the district was demolished and replaced with a new building inconsistent with the area’s historic character. The City enacted a moratorium on residential permits in Silver Hill and began a study whose purposes included seeking “standards and controls to prevent inappropriate new development” in the area. During early 2007, the City gathered public opinion and that of a task force in a series of meetings. The City then discussed its options with planning and historic architectural consultants. The City concluded that the only viable way to protect the Silver Hill Historic District from inappropriate new development was to map the Historic Overlay Zone. The Historic Overlay Zone (and related City Landmark designation) is the City’s only regulatory deterrent to demolition of privately owned historic buildings.

The proposal is consistent with the University Neighborhoods Sector Development Plan

Landmarks and Urban Conservation Ordinance

The Landmarks and Urban Conservation Ordinance was first adopted by the City of Albuquerque in 1976 (Article 12, R.O.A., 1994). The intent 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.”

§14-12-6 describes the powers and duties of the Commission. §14-12-6(C) provides that the Commission shall:

“Conduct a public hearing on an application for a historic or urban conservation overlay zone. The Commission may recommend approval or amendment of such an application to the City Council or it may deny the application. Historic and Urban Conservation Overlay Zone procedures, including procedures for appeal of the Commission’s denial of an application, are prescribed by the Zoning Code.”

The Lucc conducted a special public hearing on this application on February 24th, 2010 and the decision was to recommend approval. The request is consistent with the intent of the LUC Ordinance.

R-270-1980, Policies for Deciding Zone Map Change Applications

This resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. Several tests must be met and the applicant

must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

While the application to apply the HOZ does not change the existing zoning, conformance with the new design regulations does have the potential effect of limiting use of property, therefore justification under R-270-1980 is provided.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

A. Demonstrate how the proposed zone change will contribute to the health, safety, and general welfare of the neighborhood, community, and city. Specifically, demonstrate why the proposed zone change will not have a substantial adverse effect on the environment, public facilities, & services, roadways, schools, parks, fire & police facilities, and drainage facilities.

Mapping the HOZ will preserve the distinctive characteristics of an area of the city with historic and architectural significance, and the educational value that derives from its significance. The HOZ will promote appropriate treatment of exterior, publicly visible, distinctive characteristics of the Silver Hill Historic District by adopting and applying specific development guidelines for the area.

It will involve the City of Albuquerque Landmarks and Urban Conservation Commission in decisions on the alteration and demolition of existing buildings, and construction of new buildings in the Silver Hill Historic District. The requested mapping of the Historic Overlay Zone will not change permissive uses in the subject area. Emphasizing the preservation of existing buildings and characteristics it will help stabilize the area by promoting a cohesive architectural character in this metropolitan neighborhood.

Designating a HOZ on the historic district will promote the welfare of the community by protecting historic and cultural resources. The request will not require any additional city services or facilities other than Lucc review of development and demolition applications.

B. Demonstrate how the proposed zoning and permissive uses will contribute to the stabilization of the area. The proposed zoning should be compatible with adjacent zoning and land uses.

The requested zone map amendment, a historic overlay, will change no permissive uses and do no harm to the adjacent property, neighborhood, or the community. The proposed zoning will contribute to stabilization of the area by promoting a cohesive architectural character and continuity of land use.

C. Demonstrate how the proposed zone change would be in accordance with the applicable goals and policies of the governing ranked plans including, but not limited to, Albuquerque/ Bernalillo County Comprehensive Plan, Area Plans, or Sector Development Plans.

The request furthers and promotes the goals and policies referenced on pages 7 – 10 of this staff report. The Comprehensive Plan is specific with reference to the importance of evaluating, conserving and enhancing historic and cultural resources. The request is not inconsistent with any identified goals or policies. The request is also consistent with the University Neighborhoods Sector Development Plan as discussed above.

D. Demonstrate why the existing zoning is inappropriate based on at least one of the following three elements:

1. An error existed when the zone map was created. Identify the errors made in the original zone map, and explain why your request is an appropriate remedy to the error.
2. A change in the neighborhood or community conditions justifies the change in zoning. Since establishment of the site's existing zoning, what changes have occurred in the character of the neighborhood, community, or city to justify the proposed zone change? (Note: Development in accordance with applicable plans and zoning is NOT a changed condition).
3. A change in zone is more advantageous to the community as articulated in the governing ranked plans. Please cite policies that are relevant to your request and how these policies are furthered by your request.

The request to map a HOZ in the Silver Hill Historic District is consistent with D.2 and D.3 of R-270-1980.

D.2 The 1986 University Neighborhoods Sector Development Plan rezoned the area and recommended the nomination of a portion of the Silver Hill neighborhood to the National Register of Historic Places. This was accomplished. It also recommended consideration of a historic or urban conservation overlay zone to protect the historic housing. This recommendation was not implemented. The historic district remained relatively undisturbed between 1986 and 2006 when two redevelopment projects interrupted the historic development patterns. The two new projects appear unrelated to the architectural context of the neighborhood.

D.3 Mapping the HOZ is more advantageous to the community because it furthers applicable goals and policies of governing plans. A historic area is threatened but potentially protected under historic resource/preservation policies in the governing ranked plans. Twenty years after the National-Register listing of the Silver Hill Historic District in 1986, its distinctive character was harmed by two redevelopment projects in 2006 and 2007 that resulted in new construction inconsistent with the historic district's distinctive characteristics. Such a destructive trend could be stopped if the City were to prevent unnecessary demolition and the control the character of the new buildings for appropriateness.

Achieving design consistency is more advantageous than not doing so in a historic district whose significance and value are collective in nature. If the trend towards higher intensity

infill development continues in the neighborhood, the Silver Hill Historic District as it has been since 1920's – 1930's will be gone.

E. Demonstrate how the permissive uses in the requested zone change will not be harmful to the adjacent property, neighborhood, or community.

The permissive uses will remain the same with the application of the HO, and therefore be no more harmful than existing zoning.

F. The zone change request should not result in un-programmed capital expenditures by the City.

The request will not result in un-programmed capital expenditures by the City.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The applicant does not have cost of land or other economic interests related to the request.

H. Location on a major street is not, in itself, sufficient justification of apartments, office, or commercial zoning.

Not applicable.

I & J. If your zone change request would be classified as a "spot zone" or "strip zone," please demonstrate compliance with one of the two items below:

1. The proposed zone change will clearly facilitate realization of the Albuquerque/ Bernalillo Comprehensive Plan and other applicable ranked Plans.
2. The proposed zone change COULD function as a transition between adjacent zones or land uses.

The request does not constitute a spot or strip zone.

Additional Considerations

If this historic overlay zone is to be enacted, the City will be responsible for enforcing the Landmarks and Urban Conservation Ordinance in the subject area. Public education is needed to inform people of the requirements of the LUC Ordinance and one-on-one guidance needs to be provided by staff. Zoning enforcement is needed when violations are identified. An additional two hundred or so buildings will be added to the LUCC's and its staffs responsibilities.

Neighborhood notification

The procedures and controls required by §14-16-2-28 (D) state that notification requirements for a hearing on an application for a historic overlay zone by the Landmarks and Urban Conservation Commission are to be the same as those for a hearing by the Planning Commission for a zone map amendment. Signs were posted in the subject area notifying of the LUCC hearing on February 24, 2010. Individual written notice to property owners was provided although not required. The Silver Hill, Spruce Park, Sycamore and University Heights Neighborhood Associations were notified. The legal advertisement included a nine square inch map of the proposed boundaries. Individual property owners were also notified of the EPC's consideration of the recommendation at the April 8, 2010 hearing.

CONCLUSIONS

In 2006 and 2007, historic houses in the Silver Hill Historic District were demolished and replaced with new buildings that are inconsistent with the area's historic character. The City Council enacted a moratorium on residential building permits in Silver Hill and directed City Planning to begin a study which purposes included seeking "standards and controls to prevent inappropriate new development" in the area. During early 2007, City Planning gathered public opinion and that of a task force in a series of meetings. The City then discussed its options with planning and historic architectural consultants. The City concluded that the only viable way to protect the Silver Hill Historic District from inappropriate new development was to map the Historic Overlay Zone. The Historic Overlay Zone (and related City Landmark designation) is the City's only regulatory deterrent to demolition of privately owned historic buildings.

The request to map the Historic Overlay Zone is consistent with the city's adopted plans and policies as discussed above. The LUCC has recommended to the City Council a zone map amendment to apply the Historic Overlay Zone to the Silver Hill Historic District as shown on the boundary maps.

Staff recommends that the EPC conclude that the LUCC followed procedures as cited in the Comprehensive Zoning Code and concur with the LUCC recommendation.

FINDINGS for a recommendation to the City Council to map the Historic Overlay Zone - Case #09-LUCC-50049 / Project # 1008068 (February 10, 2010)

1. This application is a request for a recommendation to the City Council to map a Historic Overlay Zone on the major portion of the Silver Hill Historic District zoned SU-2/SF, SU2/DR and SU2/UC. The subject area contains multiple tracts and multiple blocks of the Terrace Addition and the Buena Vista Heights Addition and generally includes properties on Silver Ave. and portions of Gold and Lead Avenues SE between Yale Blvd. and Sycamore St. SE.
2. The Silver Hill Historic District was nominated to the National Register of Historic Places and the State Register of Cultural Properties in 1986. It was noted in the nomination to be Albuquerque's best preserved suburban subdivision of the early post-World War I period with a high percentage of historic district buildings built before 1940.
3. The Silver Hill Historic District includes Single-family houses, duplexes, and apartment buildings in the Pueblo Revival, Southwest Vernacular, Craftsman Bungalow, Mediterranean, English Cottage, Hipped Cottage, and Prairie Style Bungalow styles and types.
4. The Silver Hill Historic District demonstrates a largely consistent pattern of lot sizes and building setbacks enlivened by architectural and topographic variety. It has a hilly topography with retaining walls where many yards meet street rights-of-way
5. The Silver Hill Historic District contains historic accessory buildings including many garages, which show the evolution of this building type and its gradual integration with the house
6. The Silver Hill Historic District remained largely intact and unaltered in the decades between its listing on the historic registers in 1986 and 2006.
7. In 2006 and 2007, two historic houses were demolished and replaced with new development that is inconsistent with the character of the historic district.
8. Registered historic district status provides no mandatory design review or other regulatory control to prevent the destruction of the resources that are recognized as having architectural, historic and cultural significance to the city.

9. In November of 2006, a City Council resolution (R-06-135) set a six-month moratorium on building permits for dwelling units in a large portion of the Silver Hill neighborhood. During the moratorium, the City was to conduct a study to consider amendment of the University Neighborhoods Sector Development Plan. The amendment was intended to “involve standards and controls to prevent inappropriate new development in the (study) area.” Need citation for extension and dates.
10. The Comprehensive City Zoning Code provides for the creation of Historic Overlay Zones in areas that are suitable for preservation and have historical, architectural and cultural significance.
11. The Silver Hill Historic District has been recognized as an area of historic and cultural significance through its listing on the National Register of Historic Places and State Register of Cultural Properties.
12. A Historic Overlay Zone map amendment would provide standards and controls for conserving the distinctive character of the historic district by application of the Landmarks and Urban Conservation Ordinance.
13. The Landmarks and Urban Conservation Commission conducted a public hearing on the application to apply the Historic Overlay Zone on the subject area on February 24, 2010 in accordance with §14-16-2-28. The Commission recommended to the City Council that the overlay be applied to the subject area.
14. Mapping the Historic Overlay Zone on the Silver Hill Historic District furthers the Established Urban Area goal “to create a quality urban environment which perpetuates the traditions of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Silver Hill is a distinct, identifiable community within the metropolitan area. Designating a historic overlay zone on Silver Hill Historic District would serve to perpetuate the architectural traditions that have distinguished this area from other neighborhoods in the city.

The request furthers policies d, g, l and o of the Established Urban Area.

Policy d: “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern.” Specific development guidelines associated a Historic Overlay Zone can control the design of new development to respect the existing cultural resources.

Policy g: “Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.” This policy can be implemented through ordinances to create a zoning overlay to guide development in the Silver Hill Historic District where there is a distinct topography.

Policy l: “Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.” Recent redevelopment has not been appropriate to the Plan area. Appropriate design can be accomplished with specific development guidelines associated with an HOZ.

Policy o: “Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and expanded.” This policy emphasizes the redevelopment and rehabilitation of older neighborhoods, not the teardown approach to new development. Controls on demolitions and appropriate new development can be accomplished with the application of an HOZ.

15. Mapping the Historic Overlay Zone on the Silver Hill Historic District furthers the goal of the Central Urban Area to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.” Protection of historic neighborhoods that qualify as registered historic districts and that retain much of their original character serves to recognize and enhance individual neighborhoods.

The request furthers Policy b of the Central Urban Area.

Policy b: In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to an effect upon many factors including the natural environment including topography and landscape features, the built environment, setbacks, placement of windows and doors, local history and architectural styles and traditions and historic significance to Albuquerque. The Silver Hill neighborhood was developed on the rolling hills leading to the foothills of the Sandia Mountains and it has a distinct topography. On many historic properties this grade change was compensated for and incorporated into the streetscape. The built environment contains historic houses with relatively consistent patterns of windows and doors and a range of architectural styles popular at a specific time in Albuquerque’s history. Recent redevelopment in the neighborhood has not exhibited a similar incorporation of the natural topography or a relationship to the existing architectural styles. Maintaining the historic development patterns including height and massing of buildings, setbacks and architectural features could be achieved with development guidelines that are specific to the historic district. The LUCC and its staff are qualified to assess the effect of a proposed development on the noted characteristics.

16. Mapping the Historic Overlay Zone on the Silver Hill Historic District supports the Historic Resources goal “to protect, reuse, or enhance significant historic districts and buildings” by

providing controls on new development to achieve appropriate changes and placing controls on the demolition of historic properties.

17. Mapping the Historic Overlay Zone on the Silver Hill Historic District supports the Community Identity and Urban Design goal “to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods” and specifically policy b. The Silver Hill neighborhood has a distinct topography that resulted in the use of retaining walls and houses that have differing floor levels, both of which contribute to the architectural character of the neighborhood. Recent redevelopment in the neighborhood has not exhibited a similar incorporation of the natural topography. Maintaining the historic development patterns including height and massing of buildings, setbacks and architectural features can be achieved with development guidelines that are specific to the historic district.
18. Mapping the Historic Overlay Zone on the Silver Hill Historic District was recommended for consideration in the University Neighborhoods Sector Development Plan.
18. The request to map the HOZ is justified per R270-1980. More specifically, it is justified per Sections D.2, a change in the neighborhood or community conditions justifies the change in zoning, and D.3, a change in zoning is more advantageous to the community as articulated on page 13 of the staff report.

RECOMMENDATION - - Case #10EPC-40013 / Project # 1008208 (April 8, 2010)

APPROVAL of Case #10EPC-40013 / Project # 1008208, an application for a recommendation of approval to the City Council to map the historic overlay zone on the Silver Hill Historic District based on the above 18 Findings.

**Maryellen Hennessy, Senior Planner
Current Planning Division**

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Attachments:

- A-1 §14-16-2-28 Comprehensive Zoning Code OVERLAY ZONES
- A-2 Recommended list of distinctive characteristics
- A-3 Recommended general preservation guidelines
- A-4 §14-12 Landmarks and Urban Conservation ordinance
- A-5 National Register Nomination
- A-6 Quick History of Regulations in Silver Hill Neighborhood
- A-7 Process Flow Chart
- A-8 Photographs
- A-9 City Council Resolutions
- A-10 LUCC Notice of Decision
- A-11 LUCC minutes February 24, 2010

CITY OF ALBUQUERQUE AGENCY COMMENTS

ZONING CODE SERVICES DIVISION

Reviewed. No comments.

BUILDING & SAFETY SERVICES DIVISION

HISTORIC PRESERVATION/ADVANCED PLANNING

PNM

ENVIRONMENTAL HEALTH DEPARTMENT

SOLID WASTE MANAGEMENT DEPARTMENT

FIRE DEPARTMENT/Planning

COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:

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