



Landmarks & Urban  
Conservation Commission



**Agenda Number: 6**  
**Case No.: 11-LUCC-50038**  
**Project # 1008919**  
**September 14, 2011**

**Staff Report**

<b>Agent</b>	McElheney Architects
<b>Applicant</b>	Marie Coleman
<b>Request</b>	Certificate of Appropriateness for alteration
<b>Legal Description</b>	Tract 217 MRGCD Map 38
<b>Address/Location</b>	2111 Church St. NW
<b>Size</b>	
<b>Zoning</b>	H-1
<b>Historic Location</b>	Old Town Historic Zone

**Staff Recommendation**

*Approval of Case # 11LUCC50033, Project #1004137, a request for a Certificate of Appropriateness for alteration, based on the Findings beginning on page 10 and subject to Conditions of approval on page 11.*

**Maryellen Hennessy**  
**Senior Planner**

**Summary of Analysis**

*This is an application for a Certificate of Appropriateness to remodel an existing one-story house and attached garage. The project design calls for the removal of the wood frame building structure of the house and building a new two-story building with an insulated concrete panel system. The new structure would incorporate the existing garage structure and include new dwelling units on the first and second levels. A new carport is included in the alteration. All new construction would be within the existing building footprint.*

*The proposed alteration to the building at 2111 Church St. is generally consistent with the development guidelines for the H-1 Historic Old Town Zone. There are elements of the proposed design that are not consistent with the development guidelines and should be modified to be more consistent with the materials and architectural details that might have been used prior to the opening of the Santa Fe Railroad in April 1880 and that are common to the district.*

*The development on this premise approaches the maximum allowed per the zoning code, however; the project seems compatible with its environs with regard to scale and character. This particular premise has more intense elements at the rear of the historic building at 2111 Church St., yet the modest scale of the older house on Church St. has been preserved. Any new development is at the rear and, for the most part, barely visible from the public right of way. The new structure will provide two new residential units that will contribute to mixed use zoning in Old Town.*

**PRIMARY REFERENCES:**

*Landmarks and Urban Conservation Ordinance; Design Guidelines for the H-1 Historic Zone; Comp. Zoning Code.*

***Development Review Division Report:***

***SUMMARY OF REQUEST***

<b><i>Requests</i></b>	<i>Certificate of Appropriateness for Alteration</i>
<b><i>Historic Location</i></b>	<i>Old Town Historic Zone</i>

***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; gabled and hipped pitch; Spanish-Pueblo Revival, New Mexico Vernacular, Queen Anne, Territorial Revival, Contemporary; 1840's to present	Residential, Commercial, Institutional
<b><i>Site to the North</i></b>	1	Gabled; New Mexico Vernacular; ca. 1915	Commercial
<b><i>Sites to the South</i></b>	1	San Felipe de Neri Church	Institutional
<b><i>Sites to the East</i></b>	1	Flat; Spanish-Pueblo revival ca. 1880.	Commercial
<b><i>Site to the West</i></b>	2	Flat roofed, Spanish Pueblo Revival; ca. 1910 with second story addition ca. 1980-1990's.	Commercial

***II. INTRODUCTION***

***Proposal***

The proposal is to remodel an existing one-story house and attached garage. The living area in the one-story house is approximately 975 sq. ft. and the overall building approximately 1,730. The project design calls for the removal of the wood frame building structure of the house and building a new two-story building with an insulated concrete panel system. The new structure would incorporate the existing garage structure and include new dwelling units on the first and second levels. A new carport is included in the alteration. All new construction would be within the existing building footprint.

***Context***

The subject building is a smaller, wood frame house on a separate lot at the rear of the premises at 2111 Church St. The building was constructed circa 1960. The attached garage was built circa 2003.

The premises also contains the Church Street Café restaurant. The property is in the center of the block and buildings to the north and east are one-story and a two-story building is close to the property line on the west.

The district that we call "Old Town" is the core of the Hispano village of Albuquerque, founded on this location in 1706, and the main village in this area of the Rio Grande valley until the arrival of the railroad in 1880. Then New Albuquerque was established a mile and a half to the east. San Felipe de Neri Church and the Plaza are the center of the district, as they are in most Hispanic settlements in New Mexico. The pattern of the streets focusing on the plaza, which can be seen on maps as early as 1886, reinforces the centripetal plan.

The Old Town Historic Overlay Zone (H-1) differs from other City Historic Overlay Zones. H-1 is a zoning designation with it's own section in the City Zoning Code. The historic zone is one of the country's earliest, having been created with the adoption of the City's Zoning Code in 1957. It pre-dated the creation of the National Register of Historic Places, and the whole system of Registered Historic Districts that we utilize today. The citizens of Albuquerque recognized the importance of this neighborhood to its cultural heritage and they took measures to protect what could be protected fifty years ago.

The entire H-1 zone is not a registered historic district. The Old Albuquerque Historic District was registered with the State in 1980, and it is limited to the Plaza and a more or less one-block radius surrounding the Plaza. The Historic District was not accepted by the National Register of Historic Places due to the loss of integrity (changes) to the historic properties. Because of this condition, many of the buildings in the H-1 zone are "unclassified", that is, they do not have designations as Contributing or Non-contributing as would be the case in other historic overlay zones, where the boundaries of the registered district and the overlay are usually the same. Only those properties within the registered historic district would have such designations.

Of the buildings in the district, only San Felipe de Neri Church and Rectory, built in 1793 after the first church was destroyed, can be shown to date back to the colonial period. A few other buildings may be wholly or in part from the early 19th Century, but the majority of the buildings in Old Albuquerque were built between 1870 and 1900, and reflect the appearance of Old Albuquerque before the railroad brought new materials and styles and an Anglo-dominated community. A devastating flood in 1874 most likely affected many of the adobe structures that pre-dated those found today.

Unlike our other historic districts, 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, and many of it's New Mexican Vernacular buildings acquired Pueblo Revival portals, protruding false vigas, and other elements felt to be conducive to a tourist atmosphere.

### *History*

The primary building at 2111 Church St. incorporates portions of an historic adobe building (Case de Ruiz). An extensive rehabilitation of that building with additions was approved by the LUCC. Subsequently, alterations were approved for various changes and additions to the building in 2006 & 2009 (Project # 1007673).

### *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 H-1, a zoning category specific to Old Town (§14-16-2-25). The Code also provides that development within the area within 300 feet surrounding Old Town, generally called the “Buffer Zone” is also subject to a Certificate of Appropriateness. Although the applicant’s letter notes that the site is within the H-1 Buffer Zone, it is actually within the H-1 Zone proper.

§14-16-2-25 provides the land uses permitted in the zone, standards for signage and general development regulations for height, lot size, setbacks, density and parking. Building heights are limited to 26 feet; there are no established setbacks other than that which the LUCC may require. §14-16-2-25(G) states:

The Landmarks and Urban Conservation Commission may require setbacks up to but not exceeding those specified in the R-1 zone where such are found important to the scale and character of the immediate area.

The setback requirements for the R-1 zone are variable and are included as an Attachment to this report.

Floor area ratio is limited to .75 and no off-street parking is required other than for loading.

For the purposes of the Comprehensive Zoning Code, the following definitions apply:

Floor area ratio: The heated gross floor area divided by the area of the premises.

Premises: Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

***The proposed two-story structure is to be 26 feet in height, which complies with the code. The new floor area ratio after the remodeling is stated to be .65 and that ratio includes all of the structures on the premises. The premises consists of Tracts 216 and 217 Map 38 and Tracts A and B of the Lands of Coleman and Sanzari. The lots are contiguous and held in single ownership; therefore, the entire site is included when calculating the floor area ratio.***

***The new building is proposed to be built within the existing footprint, except that the north wall of the new construction will be moved two and one-half feet back. Existing setbacks are very close to the property lines.***

§14-16-2-25-(D)(1) provides that any construction, alteration or demolition which would affect the exterior appearance of any structure within the H-1 Zone shall not be undertaken until a Certificate of Appropriateness has been approved by the Landmarks and Urban Conservation Commission. 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 §14-12, Landmarks and Urban Conservation.

§14-16-2-25-(C) directs the Landmarks and Urban Conservation Commission to adopt specific development guidelines for the H-1 Zone. The guidelines are to establish standards for evaluation of applications for a Certificate of Appropriateness. Guidelines for the H-1 Zone are appended to this report.

*An analysis of the proposal's conformance with the adopted specific development guidelines and the criteria for approval of a Certificate of Appropriateness is provided below.*

## ***APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES***

### ***Old Town Historic Zone Design Guidelines***

The Landmarks and Urban Conservation Commission approved specific development guidelines as required by §14-16-2-25. The guidelines are general in nature and parallel to the Secretary of the Interior's Standards for Rehabilitation with respect to historic buildings. Guidelines 1 through 5 and Guideline number 9 are oriented toward the rehabilitation and preservation of historic buildings.

*The subject building is a smaller, wood frame house at the rear of the site constructed sometime after 1957. The current owner built the attached garage within the last decade. The structures affected by the proposed alteration are not historic buildings. Architectural features, craftsmanship and distinguishing qualities are issues that are relevant to historic buildings.*

Guidelines numbers 8 through 13 address the Buffer Zone, security features and pedestrian paths.

*These guidelines are not germane to this proposal.*

Guideline number 7 is the guideline most applicable to this application:

“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

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range of design options possible and commonly chose at the time of the building's construction."

*The height and massing of the proposed building is large when compared to many on the one-story buildings in Old Town, but the scale is similar to other two-story buildings in the area. There is a two-story buildings built very close to the property line on the adjacent property to the west. The new work is at the rear of the premises on an interior lot that is accessed from Church Street. The new building does not affect the street pattern, nor, in staff's opinion, does the large mass of the altered building dominate neighboring properties. There are similar conditions on this block, where two story buildings are constructed close to the lot line adjacent to one-story properties. Views from Romero and San Felipe streets and from adjacent properties are included as an Attachment to this report.*

*§14-16-2-25 (A) cites the Spanish-Colonial, Territorial and Western Victorian as the architectural styles of buildings and structures erected prior to 1912 as the traditional architectural character of the H-1 Historic Old Town Zone. The architectural style of the addition would best be described as Spanish-Pueblo Revival. This contemporary interpretation of Spanish colonial adobe buildings has been found to be an acceptable architectural style in Old Town Historic Zone and many examples can be found in the historic zone.*

*The exterior materials are stucco with wood and metal architectural features. Stucco is an exterior finish that is common to the district and certainly reminiscent of the pre 1880 buildings in la Villa de Albuquerque.*

*Historically, in the H-1 zone, many buildings had prominent porches, portales, entries and other features that offered shading. Detached ramadas might be found that provided shaded areas out of doors. Today, portales are used to define entries and as outdoor eating areas. Trellis structures, which can be construed as contemporary ramadas, are also to be found here and there in the zone. These elements create visual continuity in Old Town.*

*Cantilevers, overhangs and awnings did not exist on buildings prior to 1880, nor were they common to pre-1912 buildings. The pre-railroad adobe buildings had deep windows that did not admit enough light to necessitate awning features. The metal awnings over the windows proposed in the design of this building, which is basically Spanish Pueblo-Revival in massing and style, introduces a feature that was not within "the range of design options possible and commonly chosen in Albuquerque prior to the opening of the Santa Fe Railroad in April 1880".*

*The open wood trellises proposed, as noted above, are not architecturally out of place, however; the proposed steel trellis introduces a material that was not a commonly chosen in Albuquerque prior to the opening of the Santa Fe Railroad in April 1880.*

*The same issue presents itself with regard to the metal panels and railings on the exterior stairs on the south facade. Although the submittal includes the example of a metal gate on the premises as perhaps a precedent, that is not a justification for introducing this design feature that is out of character and dissimilar in material to the architecture of Historic Old Town. Staff recommends that wood be substituted for the steel material.*

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***Landmarks and Urban Conservation Ordinance***

This site consists of a property in the Historic Old Town 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.”*

§14-16-2-25(D)(1) of the Comprehensive Zoning Code provides that any construction, alteration or demolition which would affect the exterior appearance of any structure within the H-1 Zone shall not be undertaken until a Certificate of Appropriateness has been approved by the Landmarks and Urban Conservation Commission.

§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 alterations are generally consistent with the development guidelines with regard to architectural style. The proposed the metal trellis, awnings and exterior stair detail are not consistent with the guidelines.***

§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 proposed the metal trellis, awnings and exterior stair detail are not consistent with the guidelines and as contemporary features have the capacity to impair or diminish the architectural character and historic value of the 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.

***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.

*There is a degree of interpretation when considering whether or not this standard should be applied in this application. The LUC Ordinance §14-12-8 defines demolition as "The complete removal of a structure located within a historic zone or urban conservation overlay zone or within the boundaries of a landmark site."*

*The small house was built prior to the garage, but the two building elements are attached. An argument could be made that the removal of the small house constitutes a demolition. In the alternative, it might also be argued that since the attached garage is not to be removed, that it is not the removal of an entire structure and qualifies as an alteration. In staff's opinion, the LUCC has the authority to make a determination on whether or not the proposal constitutes a demolition.*

*This criterion for approval of a Certificate of Appropriateness supports the intent of the Landmarks and Urban Conservation Ordinance when demolition of a historic building is being contemplated. The intent of the ordinance is "to preserve, protect, enhance, perpetuate and promote the use of structures and areas of historic, cultural, architectural, engineering, archeological or geographic significance." The subject structure is not a historic building; it was built sometime after 1957. The building is wood framed and of rather poor quality. The building contributes nothing to the historic and architectural character of Old Town, nor is it visible from any public view.*

*It does not seem reasonable to apply criteria (B)(6) to structures that do not have any particular historic, cultural or architectural significance. In most of the historic overlay zones the specific development guidelines provide an exception to this criteria for non-contributing properties, that is, structures that do not contribute to the historic and architectural character of the historic district.*

*Staff supports consideration of this application as an alteration and concludes that it would be unfair to burden the applicant and the LUCC with an economic test that is intended to protect historic structures.*

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***IV. AGENCY AND NEIGHBORHOOD CONCERNS***

The Historic Old Town Property Owners Association was notified of the application. No comment from that association has been received as of the writing of this report. A letter objecting to the project on behalf of the property owners adjacent to the subject property is received and appended to this report.

***V. CONCLUSION***

The proposed alteration to the building at 2111 Church St., with the exception of the contemporary metal features discussed in the analysis, is generally consistent with the development guidelines for the H-1 Historic Old Town Zone. Zoning Enforcement has offered no comments regarding inconsistency with the Comprehensive Zoning Code. The development on this premises is almost to the maximum allowable density, but still within the .75 F.A.R. permitted.

There are elements of the proposed design that are not consistent with the development guidelines and should be modified to be more consistent with the materials and architectural details that might have been used prior to the opening of the Santa Fe Railroad in April 1880 and that are common to the district. Wood is used almost exclusively in Historic Old Town for these types of features.

The development on this premise is rather intense, approaching the maximum allowed. However, the project seems compatible with its environs with regard to scale and character. This particular premise has some more intense elements at the rear of the historic building at 2111 Church St., yet the modest scale of the older house on Church St. has been preserved. Any new development is at the rear and, for the most part, barely visible from the public right of way. The existing and proposed structures together create a frame for the very pleasant exterior courtyard found behind the restaurant. The adjacent two-story building to the west contributes to the scale and this sense of enclosure.

The new structure will provide two new generous residential units that will contribute to mixed use zoning in Old Town. Adding residential uses is good for Old Town; the presence of people in the neighborhood at night is good for the security of the many businesses located there and for pedestrians who might want to stroll around the district at night.

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***FINDINGS for a request for a Certificate of Appropriateness for alteration - Case #11-LUCC-50038 / Project # 1008919 (September 14, 2011)***

1. This application is a request for a Certificate of Appropriateness for alteration at 2111 Church St. NW, described as Tract 217 MRGCD Map 38, a property in the Old Town Historic Zone, and zoned H-1. Tract 217 and adjacent lots Tract 216, and Lots A & B, Lands of Coleman and Sanzari are held in single ownership.
2. The subject property, Tract 217, contains a structure that incorporates a one-story house built after 1957 with an attached accessory building built circa 2003. The property is not within the State Registered Old Albuquerque Historic District and the subject building is not a historic building.
3. The applicant proposes to alter the one-story structure and construct a two-story building that incorporates the existing eastern garage element. The existing building is approximately 1,731 sq. ft. The new structure would include two new residential units. The new building is proposed to be 3,522 sq. ft.
4. The new two-story building occupies almost the entire building lot and is one parcel in a larger premise as described above and as provided in the Comprehensive Zoning Code. The proposed building will be constructed per the existing setbacks. The scale and character of the proposed building is similar to the development on adjacent properties and other properties in the area as analyzed in the staff report.
5. The Comprehensive Zoning Code §14-16-2-28 and the Landmarks and Urban Conservation Ordinance §14-12-8 state 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. §14-12-8(B) provides criteria for approval of a Certificate of Appropriateness.
6. The LUC Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria. §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*”.
7. As proposed, the request contains elements that both do and do not comply with applicable criteria §14-12(8)(B)(1) as analyzed in the staff report. The Spanish-Pueblo

Revival style new building is substantially in conformance with the Design Guidelines for the Old Town Historic Zone, however; the proposed metal trellis, window awnings and stair details are not compliant with the design guidelines. Such details would not have been among the range of design options possible and commonly chosen in Albuquerque prior to the opening of the Santa Fe Railroad in April 1880.

8. The project includes the removal of the existing wood frame residential portion of the building. The existing garage/storage area will be retained in this proposal. §14-12(8)(B)(7) states that 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. The LUCC finds that this project is not a demolition as defined in §14-12, and that the subject building is not a historic building. The intent of the Landmarks and Urban Conservation Ordinance is fulfilled.

***RECOMMENDATION - Case No. 11-LUCC-50038/ Project # 1008919 – (September 14, 2011)***

**APPROVAL of 11-LUCC-50038/ Project # 1008919**, an application for a Certificate of Appropriateness for alteration, located 2111 Church St. NW, described as Tract 217 MRGCD Map 38, a property in the Old Town Historic Zone, zoned H-1, based on the above 8 Findings and subject to the following Conditions:

**Conditions of Approval Recommended for 11-LUCC-50038/ Project # 1008919**

1. The proposed metal window awnings, trellises and stair details are not included in this approval. Wood should be substituted for the metal material on the exterior stair and trellis. The window awnings are to be deleted.
2. Approval is contingent upon conformance with all applicable zoning regulations.

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

Attachments:

1. HBI form
2. Sanborn Insurance Maps

3. Bernalillo County Ownership data
4. Historic Old Town Development Guidelines
5. Photographs of site and area properties
6. §14-16-2-25 H-1 Zone regulations
7. §14-16-2-6 excerpt for setbacks in the R-1 Zone
8. LUC Ordinance §14-12-8(B)
9. Letter of objection from adjacent property owners

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

### ***ZONING CODE SERVICES DIVISION***

No comment

### ***BUILDING & SAFETY SERVICES DIVISION***

Building permit required

### ***HISTORIC PRESERVATION/ADVANCED PLANNING***

### ***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***