



Landmarks & Urban
Conservation Commission



Agenda Item 7
November 14, 2012

Case # 12-LUCC-50021
Project # 1009281

Staff Report

Agent	Planning Department
Applicant	Parks and Recreation Department
Request	Adoption of Specific Development Guidelines
Legal Description	Block A, Unit 2 of McDuffie Place Addition
Address/Location	3401 Lomas NE
Size	4.6 acres
Zoning	R-1 Residential Zone
Historic Location	Bataan Memorial Park, City Landmark

Staff Recommendation

Adoption of forty policies, numbers 1.1 through 8.3 on pages 14-24 of the Bataan Memorial Park Management Plan of 11/16/2009, and eight preservation standards listed on page 2 of the Plan, as **Specific Development Guidelines** in Case #12-LUCC-50021, Project #1009281, to fulfill this request pursuant to the recent City Landmark designation of Bataan Memorial Park.

Ed Boles
Historic Preservation Planner

Summary of Analysis

*Per § 14-12-7(C) of the Landmarks and Urban Conservation Ordinance, the Commission is charged with adopting **Specific Development Guidelines** for any City Landmark designated by the City Council. The Bataan Memorial Park Management Plan accepted by the Parks and Recreation Department in 2009 provides forty policies and ten action items about several areas of the park's physical and historic character.*

Many of the forty policies relate directly to park features found by the Commission on June 13, 2012 to be significant and worthy of preservation. The policies are the essence of the Management Plan developed with the active participation of the State Historic Preservation Division, Bataan-Corregidor Memorial Foundation of New Mexico, Inc., and the Summit Park Neighborhood Association. The ten action items are not suitable as specific development guidelines.

It would be appropriate to adopt the forty policies in the Management Plan since they are specific and consistent with the Bataan Memorial Park City Landmark designation ordinance.

It would also be appropriate to adopt by reference the eight Secretary of the Interior's Standards for Preservation, which like the forty policies are included in the Bataan Memorial Park Management Plan.

PRIMARY REFERENCES:

- 1.Landmarks and Urban Conservation Ordinance
- 2.Bataan Memorial Park Management Plan -- November 16, 2009
- 3.Application for Registration of Bataan Memorial Park, State Register of Cultural Properties – February, 1999



Development Review Division Report:

SUMMARY OF REQUEST

<i>Requests</i>	<i>Certificate of Appropriateness for new construction</i>
<i>Historic Location</i>	<i>Eighth and Forrester Historic Overlay Zone</i>

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	Hipped, gabled and flat, Simplified Queen Anne, Bungalow, Southwest Vernacular	Contributing and Non-contributing, residential
<i>Site to the North</i>	1	Hipped with front facing gable, Hipped Box by 1907	Contributing, residential
<i>Sites to the South</i>	1	Hipped, Hipped Box, ca. 1907	Contributing, residential
<i>Sites to the East</i>	1	Gabled, southwestern, 1925	Non-contributing residential
<i>Site to the West</i>	1	Gabled, Bungalow, ca. 1920	Unclassified, residential

II. INTRODUCTION

Proposal

This is a proposal to construct an accessory building at the rear of the property, adjacent to the alley. The new building is to be approximately 625 sq. ft. The new building would have a gabled roof and be used as an accessory dwelling unit. The applicant proposes to use either stucco or horizontal siding on the exterior.

The Contributing building on the site is a one and one-half story house in the Queen Anne Cottage style built 1907-1908. The HBI notes that the house may be older. It is a brick house with hipped and gable roof elements. Segmented arches detail the windows.

Context

The Eighth and Forrester Historic District is described in the State and National Register nomination as “a fine and little-altered neighborhood of simple lower-middle class housing, predominately from the first decade of the twentieth century.” The nomination also states:

“Developed and largely built up in the first decade of the twentieth century, the Eighth Street/Forrester Historic District is an excellent example of a working-class neighborhood, unscarred by substantial modern alteration or intrusion. The district is most important for its architecture, for its small, simple and attractive houses, scaled-down version of styles popular in the period between 1901 and 1925.”

Simple cottages are the predominant form in this district. A few larger houses, described as late adaptations of the Queen Anne style, are larger primarily by comparison with the simple cottages. They would not be considered large in other historic neighborhoods, such as the Fourth Ward Historic District. There are a number of southwestern revival styles built between 1922 and 1929, and these houses resemble the earlier cottages in their modest size and ornamentation.

The nomination goes on to say in conclusion “...the real strength of the area lies in the small houses, simple in form and restrained in detail, which make up the almost unbroken context of these streets. Preserved by relative isolation imposed by the street pattern and by the lack of money for grandiose re-modeling throughout the years, these buildings keep the feeling and visual dimensions of a lower-middle class district in the early years of this (twentieth) century.”

The Eighth and Forrester 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

There is no case history on this property. A one-story garage/accessory building was approved at 903 Forrester in August 2011.

III. ANALYSIS

APPLICABLE PLANS, ORDINANCES, GUIDELINES & POLICIES

Policies are written in regular text and staff analysis and comment in bold italic print.

Comprehensive Zoning Code

The subject property is zoned SU/SF under the Downtown Neighborhoods Area Sector Development Plan. The plan was revised in 2012. This zoning category corresponds to the R-1 Residential Zone with an exception that allows for one secondary dwelling unit of 650 square feet maximum per lot.

The proposal to construct the 620 square foot accessory unit complies with the code regulations.

The subject property is located within the Eighth and Forrester 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. Specific development guidelines for each Overlay Zone area shall be adopted by the Landmarks and Urban Conservation Commission. Any construction, alteration or demolition which would affect the exterior appearance of any structure within said Overlay 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 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 Zones. For this case, this resolution will be referred to only as it applies to the Eighth and Forrester Historic Overlay Zone and the subject property contained therein, excluding references to the Fourth Ward Historic Overlay Zone. Contained within this resolution are general guidelines, of which the specific Eighth and Forrester Historic Overlay Zone Design Guidelines are derived.

Section 3.C of the designation ordinance states that new construction is controlled by the underlying zoning, with height, setback, density and other zoning regulations determining the maximum allowable building size. New construction should utilize materials generally found

in the area and have parking at the rear of the structure. New construction should follow the general scale and massing of surrounding development.

The proposed new accessory building complies with the underlying zoning regulations and utilizes materials found in the area. The applicant proposes to use asphalt shingles on the roof and either stucco or horizontal siding on the building exterior. The scale of the accessory building is appropriate for the surrounding development.

Eighth and Forrester Historic Overlay Zone Design Guidelines

The Landmarks and Urban Conservation Commission approved specific development guidelines in 1991 as delegated by *Resolution -046-1991*. These guidelines were revised in 1998 adding a section addressing security features.

The development guidelines were adopted in 1991 and have not been revised significantly since that time. The guidelines do not address accessory buildings, as the majority of guidelines for other historic overlay zones do.

However, the proposed accessory building is compatible with the historic district with regard to its location on the site, the exterior building materials, and roof shape and massing. The new building will not be substantially visible for Forrester St. and complies with the 2012 Downtown Neighborhoods Sector Development Plan.

Landmarks and Urban Conservation Ordinance

This site consists of a contributing property in the Fourth Ward 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 construction of a new accessory building complies with the designation ordinance and the development guidelines for the historic overlay zone.

§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 Contributing building is not affected by this proposal. The proposed accessory building is located at the rear of the property, a common location for accessory buildings historically. It will not be visible from the street. The characteristic features of the streetscape such as the common front setbacks, the clearly defined planting strips and the long running blocks will not be affected by the proposal. The new building will not detract from the architectural character, historical value, or archaeological value of the structure or site or 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.

The Contributing building is not affected by this proposal. 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.

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.

Not applicable.

IV. AGENCY AND NEIGHBORHOOD CONCERNS

The Downtown Neighborhoods Association was notified of the request. The application was advertised legally in the newspaper and a sign was posted on the property. No comment has been

received as of the writing of this report. There is no known objection to this request.

V. CONCLUSION

New accessory buildings are not discussed in the development guidelines for the historic overlay zone. The proposed new building is to be located appropriately at the rear of the property. The new building utilizes materials commonly found in the historic district. It is appropriately scaled and reflects the forms of contributing buildings in the district.

FINDINGS for a request for a Certificate of Appropriateness for alteration - Case #12-LUCC-50048 / Project # 1002190 (November 14, 2012)

1. This application is a request for a Certificate of Appropriateness to construct a new accessory building at 907 Forrester NW, described as Lot 40, Block 2 of the Coronado Addition in the Eight and Forrester Historic Overlay Zone.
2. The property contains a contributing building; a brick house is the Queen Anne Cottage style built circa 1907.
3. The new building is to be an accessory dwelling unit of approximately 625 square feet to be located at the rear of the property.
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 Section 3.C of the designation ordinance which states that new construction is controlled by the underlying zoning, with height, setback, density and other zoning regulations determining the maximum allowable building size. The proposed new accessory building complies with the underlying zoning regulations and utilizes materials found in the area. The scale of the accessory building is appropriate for the surrounding development.
7. The development guidelines for the Eighth and Forrester Historic Overlay Zone address new construction of single and multi-family residences, but do not address accessory buildings. However, the proposed accessory building is compatible with the historic district with regard to its location on the site, the exterior building materials, roof shape and massing. The new building will not be substantially visible for Forrester St.
8. 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”*.

9. The Contributing building is not affected by this proposal. The proposed accessory building is located at the rear of the property, a common location for accessory buildings historically. It will not be visible from the street. The characteristic features of the streetscape such as the common front setbacks, the clearly defined planting strips and the long running blocks will not be affected by the proposal. The new building will not detract from the architectural character, historical value, or archaeological value of the structure or site or historic zone.

10. The revised Code of Ordinances of Albuquerque New Mexico, 1994, including the Zoning Code, is incorporated herein by reference and made part of the record for all purposes.

RECOMMENDATION - Case No. 12-LUCC-50048/ Project # 1002190 – (November 14, 2012)

APPROVAL of an application for a Certificate of Appropriateness for alteration, located at 907 Forrester NW, described as Lot 40, Block 2 of the Coronado Addition in the Eight and Forrester Historic Overlay Zone, based on the above 10 Findings.

Conditions of Approval Recommended for 12-LUCC-50048/ Project # 1002190

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

2. The applicant proposes to use asphalt shingles on the roof and either stucco or horizontal siding on the building exterior. Stucco, wood or cementitious lap sidings are all appropriate.

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

Attachments:

HBI form
R-046-1991
Excerpt from LUC Ordinance §14-12-8(B)
Excerpt from Eighth and Forrester Development Guidelines
Photographs of site

CITY OF ALBUQUERQUE AGENCY COMMENTS

ZONING CODE SERVICES DIVISION

10' foot minimum distance between adjacent buildings.

BUILDING & SAFETY SERVICES DIVISION

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