



LOS ALAMOS

County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

BCC Agenda - Final

Historic Preservation Advisory Board

Mark Rayburn, Chair; Leslie Linke, Vice-Chair; Jorge Maldonado, and Patrick Moore, Members

Wednesday, February 7, 2018

5:30 PM

Throne Room

1. ADMINISTRATIVE ACTIONS

A. Call to Order/Introductions

B. Approval of Today's Agenda

C. Review/Approval of Meeting Minutes

- (1) [10379-18](#) Minutes from the Historic Preservation Advisory Board Meeting on January 10, 2018.

Recommended Action

I move that the Board approve the Minutes for January 10, 2018.

Presenters: Historic Preservation Advisory Board

Attachments: [A - January 10, 2018 HPAB Minutes Draft](#)

D. Public Comment for Items Not on the Agenda

II. HISTORIC PRESERVATION BUSINESS (Items for Discussion and Possible Action)

A. Chairman's Report

- (1) [10380-18](#) Election of HPAB Chair and Vice-Chair for 2018.

Presenters: Historic Preservation Advisory Board

III. REPORTS

A. Reports and Updates

- (1) [10383-18](#) Update on the Fuller Lodge Interpretive Plan
Heather McClenahan, Executive Director
Los Alamos Historical Society

Presenters: Historic Preservation Advisory Board

- (2) [10387-18](#) Condition of the Maple Tree between the History Museum and Fuller Lodge

Presenters: Historic Preservation Advisory Board

Attachments: [A - Maple Tree](#)

- (3) [10386-18](#) Review and Approve the FY19 HPAB Work Plan

Recommendation: Approval of the FY19 HPAB Work Plan
Attachments
A - FY19 HPAB Work Plan

Presenters: Historic Preservation Advisory Board

Attachments: [A - FY2019 HPAB Work Plan DRAFT to HPAB](#)

IV. INFORMATIONAL ITEMS

V. PUBLIC COMMENT

VI. NEXT MEETING(S)/FUTURE AGENDA ITEMS

The next meeting is March 20, 2018, in Fuller Lodge, the Throne Room. 5:30-7 p.m.

VII. ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in Community and Economic Development Department at 505-662-8293 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

February 07, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: (1)

Index (Council Goals):

Presenters: Historic Preservation Advisory Board

Legislative File: 10379-18

Title

Minutes from the Historic Preservation Advisory Board Meeting on January 10, 2018.

Recommended Action

I move that the Board approve the Minutes for January 10, 2018.

Attachments

A - Draft Minutes for HPAB January 10, 2018.

Date/Time

Wednesday, January 10, 2018, 5:30 pm

Location

Fuller Lodge, Throne Room
2132 Central Avenue, Los Alamos, NM 87544

Board Members

- Mark Rayburn, (Chair), **Present**
- Leslie Linke, (Co-Chair), **Present**
- Patrick Moore, **Present**
- Jorge Maldonado, **Absent**

Others Present

- Barbara Lai, Senior Management Analyst, CDD
- Wayne Kohlrust, Project Manager, Public Works Department
- Tamara Baer, Planning Manager, CDD
- Linda McCormick, Resident of Los Alamos
- Jordan Jarrett, Archeologist at Bandelier

I. Administrative Actions

A. Call to Order/Introductions

As a quorum was present, the meeting was called to order at 5:30 pm.

B. Approval of Today's Agenda

The Agenda was approved.

C. Review/Approval of Meeting Minutes

The minutes of December 13, 2017 were approved as written.

D. Public Comment/Public Hearings

No public comment.

II. Historic Preservation Business (Items for Discussion and Possible Action)

A. Chairman's Report

Chair Rayburn welcomed the visitors attending the meeting.

III. Staff Reports

A. Reports and Updates

History Museum Drainage Project

Wayne Kohlrust reported on a drainage problem at the History Museum. He explained that there is leakage of water under the floor of the building caused by the watering of the lawn. Mr. Kohlrust stated that the floor on the west side has some cracks because many years ago, the original slab for the floor was not installed with the proper footings and with uniform thickness.

Kohlrust reported that the solution for the water problem is to remove the grass from the west side of the building and around the chimney. The grass will be replaced with rock landscaping so water will no longer enter the area. The exhibit room floor will be carpeted in April.

Fuller Lodge Sound System

Disclosure of Outside Employment Form

Ms. Lai presented the Disclosure Form to the Board and explained that this is an annual requirement by County Ordinance. She requested that each member complete the form and return it to her by email or in person. Ms. Baer stated that volunteer work of a Board member does not need to be declared on the form. Ms. Lai will convey the completed forms to the Human Resources Department.

The existing sound system is being replaced in Fuller Lodge with a more sophisticated system that will be programmable. Two powerful, but compact speakers will be installed in the Pajarito room and two smaller speakers in the anteroom by the fireplace. This improved system will serve to eliminate the reverberation of sound. A cabinet housing the sound controls will be located in the anteroom with wiring running under the floor so as not to be visible to the public. This new sound system installation will be completed by the end of February.

Mr. Kohlrust also discussed plans for lighting the steps on the east patio and will provide Barbara Lai with a photograph of the proposed lights that she will email the photos to the Board.

FY2019 Work Plan Discussion

Ms. Lai introduced the FY19 Work Plan form. She passed out a list of current projects that are underway and future projects discussed by the Board in previous meetings. Board members discussed each project in detail and agreed that the projects should be included in the Plan. Ms. Lai will complete and deliver a draft to Board members for their comments and revisions.

Ms. Lai informed that Board that County Council will be reviewing the County Goals at their January 23rd meeting. She will attend and inform the Board if Council has any special projects that it would like to see the Board complete in the next year so that these can be incorporated into the HPAB Work Plan.

She asked the Board for comments and revisions by the end of January. At the February 7th HPAB meeting, the Board will vote on the Plan.

Update on the Certified Local Government (CLG) Application

Ms. Lai reported that the HPAB Ordinance will need some revisions to qualify Los Alamos County for CLG status, and that she has sent a draft ordinance with those revisions to the State Preservation Planner, Pilar Cannizzaro, and to Karla McWilliams, CLG Coordinator, for their review. The revised Ordinance will go through the County Council approval process for formal adoption. Once adopted, the Ordinance will be added to the application.

Ms. Lai prepared a CLG Executive Summary for Paul Andrus, CDD Director, to brief the County Manager, who will in turn brief Council Chair Izraelevitz. The application requires the signature of the highest elected official in the County, who is Chair Izraelevitz. The completed application will go to Council for approval on the Consent Agenda.

The last requirement of the application to be completed is the mapping of the historic and cultural sites in the County. There are over 100 of these sites and about half of them are already mapped.

Each Board member will receive a binder of the final application.

IV. Informational Items

HPAB Chairman Report is scheduled to go to County Council on July 24, 2018.

V. Public Comment

Ms. McCormick expressed her interest in Historic Preservation in Los Alamos. Ms. Lai mentioned the possibility of a study to create an historic maintenance plan for the County.

Chair Rayburn directed attention to the sconces at the History Museum and the need for maintenance. He also brought up the lanterns outside Fuller Lodge and the need to make them more secure. Ms. Lai stated that discussions are underway to address the concern.

VI. Next Meeting(s)/Future Agenda Items

The February meeting will be held on February 7, 2018, at 5:30 pm in the Throne Room in Fuller Lodge.

February 7 Agenda Items

Elections for the Chair and Vice-Chair of the Board.
Update on the Fuller Lodge Interpretive Plan.
Vote on the FY19 HPAB Work Plan.

VII. Adjournment

The meeting was adjourned at 6:14 pm.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department at 662-8006 if a summary or other type of accessible format is needed.

Maple Tree





FY19 Work Plan for Los Alamos County Boards and Commissions

(Fiscal Year 2019: July 1, 2018 – June 30, 2019)

Board and Commission Name: Historic Preservation Advisory Board (HPAB)

Date Approved by HPAB: February 7, 2018 Date approved by Council: TBD, 2018

Prepared by: Barbara Lai, Staff Liaison, Mark Rayburn, HPAB, Chair

This work plan will be accomplished in the following time frame: July 1, 2018 to June 30, 2019

Chairperson: Mark Rayburn

Term: January thru December 2018

Members and terms:

Mark Rayburn	Feb 1 2015 thru Jan 31 2019 – 2nd term
Leslie Linke	Oct 1 2016 – Sep 30 2020 – 2nd term
Jorge Maldonado	Dec 10 2014 thru Dec 9 2018 – 1 st term
Patrick Moore	Feb 1, 2017 thru Jan 31, 2020 - 1 st term
Vacant	Feb 1, 2017 thru Jan 31, 2020 – 1 st term

Department Director: Paul Andrus, Director, Community Development Department

Work plan developed in collaboration with Department Director?(Y/N?) Y

Staff Liaison: Barbara Lai, Senior Management Analyst, Community Development Department

Administrative Support provided by: Barbara Lai, Senior, Management Analyst, Community Development Department

Council Liaison: James Chrobocinski

Reviewed by Council Liaison? xxx

1.0 Provide a brief Summary of your Board or Commission's activities over the past twelve months. Please describe your Board or Commission's accomplishments and identify constraints. List any "lessons learned" and identify the greatest challenges faced by the Board or Commission.

The HPAB has a new Board member with the appointment of Patrick Moore. Mr. Moore brings with him an extensive background in historic preservation. He is currently serving as the Director, New Mexico Historic Sites.

Previously known as the Fuller Lodge Historic Districts Advisory Board, the Board was successful in championing capital improvement projects at the Lodge including the following major renovations:

- a. Installed an interior, ADA compatible, two-floor elevator.
- b. Removed carpet and refinished some wood floors,
- c. Removed and built a new east patio,
- d. Replaced the west entry flagstone along with the steps, driveway and ramp,
- e. Refurbished the windows in the wings and installed storm windows,
- f. Remodeled the reservation office, and,
- g. Remodeled the restrooms.

Fuller Lodge Interpretive Plan. Began work with Candace Matelic and Donna Braden on the very beginning stages of this plan.

2.0 Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items: *(Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)*

2.1 List any special projects or assignments given to this Board or Commission by Council or the Department Director:

1. Continue to have a representative support the Tourism Strategic Plan effort.

2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.

The County Boards and Commissions Ordinance, the Historic Preservation Ordinance, and the Historic Preservation Advisory Board Ordinance.

2.3 Other projects/assignments proposed by the Board or Commission: (Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.) To assist with Council review of the work plans, please list the B&C's proposed projects or assignments in priority order.

1. If not completed in FY18, apply for designation as a Certified Local Government (CLG) to the NM Historic Preservation Department. With designation as a CLG, the County of Los Alamos will be eligible to apply for HP state and federal grants.
2. Set aside one regular meeting for informational or educational purposes per year, pertaining to the work and functions of the commission or to historic preservation.
3. If not completed in FY18, revise the HPAB Ordinance to include CLG requirements.
4. Begin work on identifying historic districts, landmarks, trails, buildings in the County for local designation. Prioritize the list and apply for state and/or federal grants for studies.

3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.

1. Continue participation in the Tourism Strategic Planning effort and interface with the Tourism Master Plan.
2. Coordinate facilities maintenance projects with PW Project Managers and Parks and Recreation staff.

4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:

1. One HPAB meeting will focus on historic preservation and information each year.
2. The Board will hold a public meeting for the HPAB Ordinance revisions.

5.0 List the current subcommittees for this Board or Commission.

Not Applicable.

**5.1 For subcommittees with members that are not members of the parent board or commission:
List the subcommittee members and their terms.
Explain how sub- committee members are selected or appointed.
Provide a description of each subcommittee's charter or purpose.
Describe the expected duration for the subcommittee and their work plan(s) demonstrating how they support the Board or Commission:**

Not Applicable.

Attachment A: Provide a copy of your Board or Commission's "Purpose" and "Duties and Responsibilities" from Chapter 8 of the County Code:

Attached is the Historic Preservation Ordinance (Attachment 1).

Historic Preservation Ordinance, Article XV, Chapter 16

Sec. 16-610. - Authority; purpose.

- (a) *Authority.* As the preservation of historic assets within the county has been determined by the county council to be a legitimate purpose of government, this Article is adopted pursuant to and furthers the purposes of NMSA 1978, §§ 3-21-1 et seq., (Municipal and County Zoning Regulations); NMSA § 3-22-1 et seq., (Historic Districts and Landmarks Act); and NMSA §§ 18-6-1 et seq., (Cultural Properties Act).
- (b) *Purpose.* The county council hereby declares that the archeological and historical heritage of the county is one of the county's most valued and important assets; that the public has an interest in the preservation of all prehistoric and historic ruins, sites, trails, primitive or historic roads—excluding existing modified thoroughfares, structures, objects and similar places and things for their scientific and cultural information and value; that the neglect, desecration and destruction of prehistoric and historic sites and objects results in an irreplaceable loss to the public. The term "prehistoric and historic sites and objects" includes, but is not limited to, real and personal property, including structures and ruins, that have historical and/or archeological significance. Therefore, the purpose of this article is to establish a cooperative approach for the protection and enhancement of the county's unique heritage and identity through the protection of historic sites, structures, and artifacts and through the designation of districts and landmarks of historical or archeological significance. This article is further intended to:
- (1) Create a reasonable balance between private property rights and the public's interest in preserving the county's historic properties;
 - (2) Allow for the preservation, protection and enhancement of archeological and historical sites and objects within the county;
 - (3) Foster civic pride in the beauty and accomplishments of our past;
 - (4) Provide educational opportunities for Los Alamos residents of all ages;
 - (5) Enhance and promote the county's ability to attract tourists and other visitors while respecting the privacy of individual building occupants;
 - (6) Promote the continued use, adaptive reuse, and maintenance of historic or architecturally significant properties;
 - (7) Ensure that the exterior design and appearance of new structures and improvements within a historic district will be compatible with the established character of that district;
 - (8) Provide owners of properties of historic significance with helpful information and other potential incentives for the preservation, maintenance and improvement of their properties; and
 - (9) Establish efficient and simple administrative systems to carry out the purposes of this article utilizing, wherever possible, approval procedures already in existence.

(Ord. No. 02-234, § 2, 10-29-2013)

Sec. 16-611. - Definitions.

For the purposes of this article, the following words and phrases shall be defined as follows:

Historic preservation advisory board (referred to as the HPAB in this article) means the board established by chapter 8 of the county code and authorized by this article to make recommendations to the planning and zoning commission and to county council on proposed historic designations and projects affecting historic properties within the county.

Historic district means an area within Los Alamos County that has been so designated by ordinance pursuant to the procedures outlined in this article and section 16-452(b) and mapped as an overlay district on the county's official zoning map.

Historic landmark means an individual building, structure or site within Los Alamos County that has been so designated by ordinance pursuant to this article and mapped as an overlay district on the county's official zoning map.

Historic property means a historic landmark or any property located within a historic district, including all structures or improvements thereon.

Historic property alteration certificate means the official form issued under this article stating that proposed work on a historic property is compatible with the historic character of the property and therefore: (1) has been recommended for approval as appropriate and may be completed as specified in the certificate subject to compliance with all local, state and federal laws, as applicable; and (2) any building permits or other construction-related permits regarding work specified in the certificate may be issued by the community development department or other regulatory department upon satisfaction of all requirements for such permits.

(Ord. No. 02-234, § 2, 10-29-2013; Ord. No. 02-271, § 4, 5-2-2017)

Sec. 16-612. - Designation of historic landmarks and historic districts.

- (a) *Generally.* The county council may designate and list individual historic landmarks or historic districts within the county and such landmarks or districts shall be designated on the official zoning map. Such designation will result in the creation of an overlay district which will impose regulations on the designated property or district in addition to the zoning regulations already in effect in the underlying zones. Designated landmarks and districts may include publicly as well as privately owned property.
- (b) *Criteria for designation.* Council may authorize the designation of a historic landmark or historic district where the landmark or district proposed for inclusion is found to possess not less than two of the following characteristics; the landmark or district:
 - (1) Embodies an architectural style or method of construction dating from one or more significant historic periods;
 - (2) Establishes a sense of time and place unique to Los Alamos County;
 - (3) Exemplifies or reflects the cultural, social, economic or political history of the nation, state or county;
 - (4) Is associated with the lives of significant historical persons or events;
 - (5) Has the potential to preserve, display, or yield significant historic or archaeological information; or
 - (6) Exists on the registry of the State or National Register of Historic Places.
- (c) *Owner consent required.* Any person or group may nominate a historic landmark or district for designation; however, written consent of the property owner(s) is required before the nomination of an individual landmark will be considered. A historic district nomination application requires the written consent of the owners of at least 66 percent of the properties within the proposed district.
- (d) *Application requirements.* Nominating applications shall be submitted to the community development department director and shall contain at a minimum:
 - (1) The proper application form as provided by the community development department director;
 - (2) Any application fees as established by resolution of the county council;
 - (3) A map showing the boundary of the proposed historic landmark or district, including all structures and property lines within the proposed landmark or district;

- (4) Written consent of the owner(s) satisfying the requirement of subsection 16-612(c);
 - (5) A statement of justification reviewing the historical or architectural significance of the proposed landmark or district and how it meets the criteria for designation in this article;
 - (6) A description of the particular historic or architectural features that should be preserved. The description shall be based on a study prepared by an architectural or qualified authority on historic preservation surveying the proposed landmark or all properties within the proposed district, as applicable. The features deemed to be significant and worthy of preservation shall be specifically listed and illustrated in the study and shall form the basis for proposed preservation regulations within the district.
- (e) *Review and public hearing.*
- (1) After the community development department director determines the nominating application is complete, the HPAB shall hold a public hearing to solicit comment on the application. At least 15 days prior to the public hearing the community development department shall send notice of the meeting by U.S. mail to all owners of property within the proposed district. At the public meeting, the HPAB shall make a recommendation, with rationale based on the criteria contained in this article, and forward the same to be heard by the planning and zoning commission. The HPAB may nominate or sponsor an application for the designation of an individual landmark or an historic district. In that case, the requirements for owner consent still apply, but the public hearing provisions of this subsection (e)(1) shall not apply and, after the community development department director determines the nominating application is complete, the application shall be heard at a public hearing of the planning and zoning commission as provided below in subsection (e)(2).
 - (2) The planning and zoning commission shall hold a public hearing on the application and HPAB's recommendation. Notice of public hearing shall be as set forth in section 16-192. The planning and zoning commission shall make a recommendation to the county council as to whether the proposed historic landmark or district shall be officially designated on the county zoning map as an overlay district in accordance with section 16-452(b).
 - (3) As soon as practicable thereafter, the county council shall hold a public hearing. Notice of public hearing shall be as set forth in section 16-192. The county council shall determine whether the proposed historic landmark or district shall be officially designated on the county zoning map as an overlay district in accordance with section 16-452(b).
 - (4) The same application and processing procedures shall apply to subsequent amendments to any designated landmark or district.

(Ord. No. 02-234, § 2, 10-29-2013; Ord. No. 02-266, § 1, 5-24-2016; Ord. No. 02-271, § 5, 5-2-2017)

Sec. 16-613. - Historic property alteration certificate.

- (a) *Generally.* With respect to any designated historic property under this article, 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 historic property alteration certificate has been obtained by the owner. Construction, alteration, relocation or demolition of any fence or other landscape feature including, without limitation, any deck, wall, berm, garden structure, exterior lighting, driveway, or landscaping that has the potential for affecting historic structures or features shall also require an approved historic property alteration certificate.
- (b) *Exemptions.* Notwithstanding the foregoing, a historic property alteration certificate shall not be required for:

- (1) Ordinary maintenance and repair where the purpose of the work is to preserve the integrity of the structure and/or materials, correct deterioration to the structure, and restore it to its condition prior to deterioration; or
 - (2) Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.
- (c) *Application.* The owner of a designated historic property shall apply to the community development department director for a historic property alteration certificate using the forms and submitting the necessary documentation as prescribed by the director. The applicant also shall submit any fees as established by resolution of the county council.
- (d) *Standards for review.* No application for an historic property alteration certificate shall be approved unless the following conditions are satisfied:
- (1) The proposed work will preserve, enhance, or restore and does not damage or destroy the significant features of the resource as identified in the nomination for designation under sections 16-612(d)(4) and (5) and any specific design guidelines adopted for the historic landmark or district; and
 - (2) The proposed work will be compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- (e) *Review and public hearing.*
- (1) *Committee review.* Within ten business days after acceptance by the community development department director of an application for historic property alteration certificate, a committee consisting of the community development department director, or designee, and two members of the HPAB designated by the HPAB chair shall meet to review the application and determine whether the proposed work will have a significant impact upon or be potentially detrimental to the historic property.
 - a. If the committee determines there will be no significant impact or potential detriment, the director shall issue an alteration certificate to the applicant and shall notify the HPAB and the planning and zoning commission of such issuance.
 - b. If it has been determined by the majority of the committee that the proposed work would create a significant impact or potential detriment to the historic property, the application shall be referred to a public hearing pursuant to section 16-613(e)(3) below, and the applicant shall be promptly notified of the referral.
 - (2) *Expedited review.* The above notwithstanding, the director may review any application that seeks approval of common alterations; and if the director determines that there will be no significant impact or potential detriment from the alteration, then the director shall issue a historic property alteration certificate to the applicant.
 - (3) *Review and recommendation by HPAB.* In addition to those applications referred for public meeting after administrative review pursuant to section 16-613(e)(1)b. above, a public meeting before the HPAB shall be required for any application requesting new construction over 200 square feet in gross floor area, or the relocation or demolition of a historic property.
 - a. Upon acceptance by the community development department director of any application for an historic property alteration certificate, the HPAB shall schedule a meeting to review the application.
 - b. The HPAB shall hold a public meeting on the application during which it shall make a recommendation to the planning and zoning commission regarding whether a historic property alteration certificate should be issued. The HPAB shall have 40 calendar days from the acceptance date of the application in which to hold said meeting. The planning and

zoning commission shall take no action on the application until the HPAB has either made its recommendation or the 40-day review period has passed.

- c. The HPAB recommendation on the application shall take one of three forms: (i) approval as presented; (ii) approval with conditions; or (iii) denial. A written explanation applying the standards for review under section 16-614(d) shall accompany the recommendation.
 - d. If the HPAB fails to make a recommendation within the 40-day period, the planning and zoning commission shall proceed with its determination.
- (4) *Determination by planning and zoning commission.* As soon as practicable after the HPAB meeting on an application for historic property alteration certificate, the planning and zoning commission shall hold a public hearing to consider the recommendation. In making its decision on whether the certificate shall issue, the planning and zoning commission shall apply the standards for review under section 16-613(d) and shall also consider any recommendation received from the HPAB. The planning and zoning commission shall make a determination whether the historic property alteration certificate shall issue. If the determination of the planning and zoning commission differs from the recommendation of the HPAB, such determination shall include a statement explaining why the HPAB recommendation was not followed, and this statement shall be forwarded to the HPAB.
- (5) *Appeals.* The final action of the planning and zoning commission regarding any historic property alteration certificate may be appealed to the county council in accordance with article XII of this chapter.

(Ord. No. 02-234, § 2, 10-29-2013; Ord. No. 02-271, § 6, 5-2-2017)

Sec 16-614. - Temporary restraint of demolition.

While it is the purpose of this article to preserve structures of historic or architectural significance, it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible historic preservation designation. Therefore:

- (a) No demolition permit shall be issued by the building official regarding any structure located within an area of an application for historic designation under section 16-612 between such time as the application is filed and the time the action is taken on the application by the county council unless it is determined after review by the committee established under subsection 16-613(e)(1) that the structure to be demolished contains no historic or architectural significance and is not an essential contribution to other historic features in the area.
- (b) If a demolition approval is not issued after committee review, then the HPAB shall, within 30 calendar days of the application acceptance date, hold a public hearing, at which time, the requesting party shall demonstrate:
 - (1) For total demolition:
 - a. The structure is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition will be inconsequential to historic preservation needs of the area; or
 - b. The structure is determined to have historic or architectural significance but:
 - i. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
 - ii. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and

- iii. The structure cannot be practically moved to another site in Los Alamos; and
 - iv. The applicant demonstrates that the proposal mitigates the greatest extent practical the following:
 - a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b) Any impact on the historical importance of the structure or structures located on the property and adjacent properties.
 - c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.
- (2) For partial demolition:
- a. The partial demolition is required for renovation, restoration, or rehabilitation of the structure; and
 - b. The structure is determined to have historic or architectural significance but, the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
 - c. The applicant has mitigated, to the greatest extent possible:
 - i. Impacts on the historic importance of the structure or structures located on the property.
 - ii. Impacts on the architectural integrity of the structure or structures on the property.

At the conclusion of the meeting, the HPAB shall submit its recommendation if the permit should be approved or denied to the planning and zoning commission.

- (c) Within 14 days of the HPAB meeting date, the planning and zoning commission shall hold a public hearing. The recommendation of the HPAB shall be entered into the record and shall be considered by the planning and zoning commission in making its determination. The finding of the planning and zoning commission shall be final and may be appealed to the county council in accordance with article XII of this chapter.
- (d) If the request for demolition permit is denied, then no permit for demolition shall be issued for six months from the date of the planning and zoning commission hearing on the permit.
 - (1) If historic designation has not been granted for the property, at the expiration of the six-month period, the building official shall grant a demolition permit for the property.
 - (2) At the time of adoption of historic property designation, the temporary restraint of demolition and any stays of demolition in effect shall expire. Demolition approvals after that time shall be regulated by section 16-613.

(Ord. No. 02-234, § 2, 10-29-2013; Ord. No. 02-271, § 7, 5-2-2017)

Sec. 16-615. - Demolition by neglect.

No owner of an historic property shall permit such property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the district as a whole or the life and character of the property itself. Examples of such deterioration include: deterioration of exterior walls or other vertical supports; deterioration of roof or other horizontal members; deterioration of exterior chimneys; deterioration or crumbling of exterior stucco or mortar; ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors; and deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(Ord. No. 02-234, § 2, 10-29-2013)

Sec. 16-616. - Economic hardship.

- (a) An applicant who has been denied a historic property alteration certificate may seek an exemption from all, or portions of, the requirements of this article based on economic hardship. Economic hardship in this context does not relate to the applicant's financial status, but rather whether the impact of this ordinance is such that it denies the applicant all reasonable or beneficial use of the property. A request for relief from this ordinance on account of economic hardship shall be made using the necessary forms provided by the community development department.
- (b) If a request for economic hardship is made, the applicant may not undertake any work on the historic property until and unless the planning and zoning commission makes a finding that an economic hardship exists and a certificate has been issued.
- (c) When a claim of economic hardship is made due to the effect of this article, the owner must demonstrate:
 - (1) In the case of an income-producing property, that a reasonable rate of return cannot be obtained from the property in its present condition or if improved in compliance with this article.
 - (2) In the case of a non-income-producing property, that the property has no beneficial use as a dwelling or for an institutional use in its present condition or if improved in compliance with this article.
 - (3) The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, or failure to perform normal maintenance and repairs.
 - (4) In addition, the applicant shall demonstrate that it has consulted in with the HPAB, local preservation groups, or interested parties in an effort to seek an alternative that will result in preservation of the property.
- (d) The planning and zoning commission shall hold a public hearing on the economic hardship request at its next regularly scheduled meeting, or not less than 30 days after filing of the request with the community development department director.
- (e) Any decision of the planning and zoning commission regarding an economic hardship request may be appealed by the applicant to the county council in accordance with article XII of this chapter.

(Ord. No. 02-234, § 2, 10-29-2013; Ord. No. 02-271, § 8, 5-2-2017)

Sec 16-617. - Enforcement; violation; penalties.

Any violation of this article is a violation of the Los Alamos County Development Code and is therefore subject to the enforcement and penalties prescribed by section 16-85 and section 1-8 of the LAC County Code.

(Ord. No. 02-234, § 2, 10-29-2013)

Sec. 16-618. - Public safety exclusion.

Nothing in this article shall be construed as to prevent any repairs, construction alterations or demolition necessary to correct or abate the unsafe or dangerous condition of any structure or site feature or part thereof, where such condition has been declared unsafe or dangerous by the county building official, other applicable county department directors, or federal or state agencies, and where proposed measures have been declared necessary by such departments or agencies. To the maximum practical extent such

repairs, alterations, or demolitions shall be carried out in accordance with the standards required by this article.

(Ord. No. 02-234, § 2, 10-29-2013)

Sec. 16-619. - Severability.

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

(Ord. No. 02-234, § 2, 10-29-2013)

Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the Historic Preservation Advisory Board:

Mark all that apply

Economic Vitality	
<u>Economic Vitality:</u>	
• Priority Area – Build the local tourism economy	X
• Priority Area - Revitalize and eliminate blight in Los Alamos and White Rock	
• Promote a strong and diverse economic base by encouraging new business growth	
• Collaborate with Los Alamos National Laboratory as the area's #1 employer	
<u>Financial Sustainability</u>	
• Encourage the retention of existing businesses and assist in their opportunities for growth	
• Support spinoff business opportunities from LANL	
• Significantly improve the quantity and quality of retail business	
Quality of Life	
<u>Housing:</u>	
• Priority Area -- Promote the creation of a variety of housing options for all segments of the Los Alamos Community, including infill opportunities as appropriate	
• Priority Area -- Support development of affordable workforce housing	
<u>Education:</u>	
• Support Los Alamos Public Schools' goal of ranking among the top public schools in the nation	
• Partner with Los Alamos Public Schools and the University of New Mexico – Los Alamos; and support, as appropriate, the delivery of their educational services to community standards	
<u>Quality Cultural and Recreational Amenities:</u>	
• Implement a comprehensive range of recreational and cultural amenities that enhance the Los Alamos community	X
<u>Environmental Stewardship:</u>	
• Enhance environmental quality and sustainability balancing costs and benefits including County services and utilities	
<u>Mobility:</u>	
• Maintain and improve transportation and mobility	

Quality Governance		
	<u>Operational Excellence:</u>	
	<ul style="list-style-type: none"> • Priority Area – Implement the Comprehensive Plan with an emphasis on neighborhoods and zoning 	
	<ul style="list-style-type: none"> • Priority Area – Simplify permit requirements and improve the overall development and building code processes to become easier to work with for all participants 	
	<ul style="list-style-type: none"> • Maintain quality essential services and supporting infrastructure 	X
	<ul style="list-style-type: none"> • Invest in staff development to create a high performing organization 	
	<ul style="list-style-type: none"> • Manage commercial growth well following an updated, concise, and consistent comprehensive plan 	
	<ul style="list-style-type: none"> • Establish and implement a mechanism for effective Utility policy setting and review 	
	<u>Communication:</u>	
	<ul style="list-style-type: none"> • Improve transparency in policy setting and implementation 	X
	<ul style="list-style-type: none"> • Create a communication process that provides measurable improvement in citizen trust in government 	X
	<u>Intergovernmental Relations:</u>	
	<ul style="list-style-type: none"> • Strengthen coordination and cooperation between County government, LANL, and the regional and national partners 	
	<ul style="list-style-type: none"> • Actively pursue land transfer opportunities 	