

Jim and Kate O'Donnell  
1300 Bathtub Row  
Arts and Crafts Building est. 1930-1932  
Los Alamos NM, 87544

cc. Historic Preservation Advisory Board, Los Alamos Historical Society Board, Los Alamos Planning and Zoning, Los Alamos County Council, Bart and Collen Olinger, Miles Olinger.

Dear Los Alamos Council,

We are the residents of 1300 Bathtub Row and would like to address county code, 16-9, 16-73-(h)(1) Applicability.

Through the Los Alamos Historic Preservation Advisory Board, it has come to our attention that Los Alamos County Government wishes to establish a Historic Protection Overlay Zone District, in the LAC Code of Ordinances Chapter 16, Section 16-9 and more particularly 16-73-(h)(1) APPLICABILITY:

We would like to address our objections. We have some reservations regarding this code and the way it has been decided and presented to us.

This is one example of an excerpt from this code that particularly bothers us.

*b. Any 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 required an approved Historic Property Alteration Certificate per this section.*

This section is far too broad and restrictive and infringes on the "Covenant of Quiet Enjoyment," which is included in our "Bundle of Rights," which is an integral part of every General Warranty Deed.

In addition, many important considerations were also not addressed in the LAC Code of Ordinances Chapter 16, section 16-9. Among these, but not limited to, are skylights, solar panels, boarding rooms, bed and breakfasts, and home businesses. Also not included are directives for possible archaeological sites on our properties and their preservation process which may limit further our quiet enjoyment of our property.

We considered and rejected these proposals in 2016. The foremost reason for rejection was that we didn't feel the county had included owners in the process of determining restrictions for our historic property. None of us on Bathtub Row recall receiving notice or an invitation for our input at this time. We feel that this issue is so overreaching and restrictive, we should have been invited then to the process by certified mail, a phone call, or a personalized letter. I know this is not standard procedure but the restrictive qualities of these codes and overlay should have had then and now better transparency between all concerned. Communication between county staff and

owners has been largely non-existent until our recent objections. In the past our emails have gone unanswered. This is why we are now reaching out to the governing bodies of LAC.

We understand the county's wishes to create this historic overlay. We may not like it, but we understand their desire to preserve these historic properties for future generations. We also feel as stewards of these historic properties our wishes are very similar to LAC. This is self-evident by the curb appeal and continued maintenance of these very expensive and challenging properties.

In effect, we are being ushered into a Homeowners Association (HOA) with unilateral restrictions by the LAC, with us, the homeowners paying for both the maintenance fees and the costly upkeep of our historic residence and grounds.

Following are three examples of our concerns:

1. Our roof has been deteriorating for some time. 16 months ago, we got bids for replacement. It was installed when our home was built in 1932. We didn't want any roof, but one similar to our existing roof which by the way, is the only original roof in the proposed historic district.

The roof we liked had the same qualities as our existing roof. It was also designed to show some minimal rust as our original to maintain the historic aesthetics. The bid was 80k. Wow! Instead, we had all of our valleys and many of our old fasteners replaced. That bill alone was 16k.

There will be a time perhaps in the near future when we will need a full roof replacement. As proposed by the county, this will fall under the county's historical code and auspices. Will the LAC be OK with a tin roof? Will they be OK with the modern Pro-panel roof on the Bethe house, or will they require an extremely expensive roof like the one installed on the Fuller Lodge? It is unknown, with the overlay and restrictions in place, what will be permitted to serve as a replacement. It is unclear what type of roof the new code will require and its associated expense. How will options be considered? Presently, the code as written refers to us as homeowners retaining an architect. If an architect specializing in historic preservation is required, who will be responsible for paying for that service?

2. We will also be required to maintain the stonework and logs on the exterior of our homes. When the stones absorb the ambient temperature in winter, they don't get warm again until late May. During that period our home is extremely difficult to heat. Our average utility bill during that period averages about \$900/month; and we only heat 3 rooms. Additionally, we supplement the radiant heat with wood and pellet stoves which is an additional cost. Adding interior insulation would be extremely cost prohibitive and would compromise the interior historic integrity. We as owners *also* care about the interior historic significance, not just the exterior.

3. Many of our windows need to be replaced with thermal windows. Many of them are single pane. We've already replaced a number of them. Energy efficient windows that will maintain the historic design are very expensive.

It is our intent to always maintain the exterior of our stone house for its historic significance and integrity. However, if the county imposes additional requirements or restrictions regarding options for upgrades or improvements, will there be compensation for such requirements?

It is also evident that our property taxes, which are very expensive currently, will continue to climb due to the historic overlay.

In short, we will be footing the bill for the county's intended Purpose Sec.16-9(a).

*#4) Provide educational opportunities for Los Alamos County 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.*

*We would also like to address LEGAL NOTICE, Case No. 13-ZCA-002. In the body of this LEGAL NOTICE it states, "The proposed amendment establishes 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 sites of historical **archeological**, or architectural significance." We have issues with three words in this paragraph. We don't feel this process *has* been a **cooperative approach**. In addition, the procedure for discovery of artifacts and archeological sites also haven't been addressed.*

As owners and stewards of this historical property, we have often given thought to the future owners of this property. Deed restrictions are a common option that we've considered and would likely implement. Self-imposed restrictions on our Warranty Deed which will prohibit future owners from altering certain aspects of our historic property would run with the land in perpetuity.

In conclusion, again we understand LAC's motives. As stewards of this property, we want similar things. We would just like to be included in rewriting a small portion of the LAC Code of Ordinances Chapter 16, Section 16-9 before the Historic Protection Overlay Zone is approved by the Historic Preservation Advisory Board, Planning and Zoning, and County Council.

As the code is written presently, we are not in favor of the overlay.

Thank you,  
Sincerely,  
Jim and Kate ODonnell