



County of Los Alamos Minutes

Historic Preservation Advisory Board

Los Alamos, NM 87544
www.losalamosnm.us

Members: Nancy Bartlit, Robert Dryja, Elizabeth Martineau, Patrick Moore, and Loretta Weiss

Wednesday, August 02, 2023

5:30 PM

Room 110 / Zoom

I. ADMINISTRATIVE ACTION

A. Call to Order / Introductions

Members Present:

Nancy Bartlit, Acting Chair

Robert Dryja

Loretta Weiss

Members Absent:

Patrick Moore, Chair

Elizabeth Martineau

Acting Chair Bartlit acknowledged attendees and asked for introduction:

-- Attendees Introduced --

Kate O'Donnell, 1300 Bathtub Row

Steve Laurent, 163 Laguna Street

Gerry Strickfaden, 2009 46th Street

Georgia Strickfaden, 2009 46th Street

David Powell, 1732 Ponderosa Street

Irene Powell, 1732 Ponderosa Street

Melanee Hand, Council Liaison

A. Approval of Today's Agenda

Member Dryja moved to approve the agenda. Member Weiss seconded.

MOTION CARRIED, 3-0 VOTE.

B. Review/Approval of Meeting Minutes

17619-23 - Minutes from the HPAB on June 07, 2023.

Acting Chair Bartlit noted amendments to the Minutes as presented. Members did not add further amendments.

MINUTES WERE ADOPTED AS AMENDED.

C. Public Comment for Items Not on the Agenda

No public Comment.

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

A. Public Hearing - Establishing Historic District(s) Within Los Alamos County (Historic Protection Overlay Zone), Action item.

Chair Bartlit introduced the case for public hearing and submitted exhibits into the record: Development Code, Historic District; Landmark Historic District Application; Public Notification; and Minutes from a neighborhood meeting. It was noted that additional exhibits may be proposed by any party during the hearing and may be accepted or excluded by the Chair. Parties were identified as applicant, Paul Andrus, on behalf of Los Alamos County Community Development; property owners within 300-feet of the proposed boundary in consideration, and those with a legal recognized interested in the case.

-- Parties Identified --

Colleen Olinger, 1964 Juniper Street and 1152 Bathtub Row, inquired if this meeting was a final decision meeting. She asked for the purpose of the meeting. Sobia Sayeda, Planning Manager, explained that the purpose of the public hearing is to bring forward an application from the Community Development Department (CDD) to start the process of establishing a historic district. She communicated that there are multiple steps in the process, which include the neighborhood meeting and public notification. She informed that at the last meeting the Department of Cultural Affairs shared the pros and cons for establishing historic boundaries. At the conclusion of that meeting – the Board directed staff to bring an application for a Historic Boundary Overlay forward. She outlined the next steps should the HPAB approve the application and specified that the County Council is the determining Body for this type of application.

Miles Olinger, 1984 and 1987 Peach Street, informed that an email was distributed to the County Council in March, and a response was never received.

Jim and Kate O'Donnell, 1300 Bathtub Row

Barton Olinger, 1964 Juniper Street.

David and Irene Powell, 1732 Ponderosa Street. Mr. Powell stated that they want to know what is happening, what is next, and to ensure that their rights and the rights of the property owners are preserved.

Anita Barela, Associate Planner, swore-in all parties for testimony.

Ms. Sayeda presented the application by CDD for the establishment of a Historic Protection Overlay zone. She stated that in 2019 Los Alamos County pursued the State to become a Certified Local Government (CLG), this gave the county jurisdiction over what the State currently approves in terms of historic boundaries and landmarks. In partnership with that effort, staff were asked to establish historic boundaries. She explained how the proposed boundary was first created in 1966. In October, during the Board's update to County Council, HPAB was directed to move forward and start establishing the overlay. With the Council's direction, the initiative started by gathering input from the neighborhood and proceeded to this application. The proposed boundary, and structures within, were presented. It was

communicated that the State recognizes the boundary and the structures within – and now the HPAB is being asked to adopt those boundaries as a historic district within Los Alamos County.

Ms. Sayeda clarified that nothing new is being proposed. The Code for the historic district was established in 2019. Section 16-9, of the Los Alamos County Development Code, was originally a part of the 2019 document that was submitted. The language is essentially following the law that was established. If the Council decided not to adopt these boundaries - the property owners within would still have to adhere to these guidelines from the State. She reiterated that the application strictly recognizes the boundaries that are already determined.

Mr. Olinger questioned the process and collection of 66% support of the owners. He asked for confirmation that it had been completed and received. Ms. Sayeda responded that it is in the process. The county currently makes up 63% of ownership within the boundary, and the Historical Society is preparing an approval letter from their Board. He expressed that they were never asked to be within the boundary, and the county has assumed that they have the percentage to move forward. Ms. Sayeda explained that that Historical Society conveyed interest in the boundary and offered letters to the property owners for their interest. Acting Chair Bartlit communicated that it be in the public interest to have letters from as many as the homeowners as possible, regardless of if the county has the votes or not. She stated that their purpose is to try to get cooperation and accommodation at this level, before moving forward. Ms. Sayeda stated that the county would be happy to receive additional letters of consent.

Mr. Olinger stated that they, the property owners, agree with the county's intent for preservation, but they have some issues with the wording – it seems overreaching. The language does not state what the limitations are, and they would like to add some more written limitations. The concerns were outlined in a March email, but a response was never given.

Acting Chair Bartlit included a March 2023 email from the Olingers and O'Donnells into the record.

Weiss noted that the letter addresses concerns with the provisions in Section 16-73(h)(4), but the language exists in the Development Code. Although important, the application is simply to create the overlay district which will not change what is already in the Ordinance. She acknowledged the concerns but stated that they are within the existing Ordinance. Mr. Olinger said that they were not included in the Development Code update. Ms. Sayeda reiterated that the guidelines were adopted in 2019, with the Ordinance, when the county became a CLG. She explained that the Development Code incorporated the language into the update. She attested to the public notification process of the entire community, and multiple public meetings.

Ms. Olinger questioned Code language where historic overlay requirements would be in addition to underlying base zones. Ms. Sayeda provided an explanation. Member Weiss communicated that it is not the Board that would impose additional regulations, but that there may be additional regulations already specified in the historic district code.

Mr. Powell asked if the additional regulations imposed are amenable by the property owners, and if they were negotiable. Ms. Sayeda stated that they were not for negotiation within this public hearing. This hearing is only to establish the boundary. The regulations were proposed within Chapter 16, Development Code.

Mr. O'Donnell questioned at what point the additional regulations would be considered. Member Weiss acknowledged the section of the Code concerning property owners, and that it is existing and not the discussion for action. Ms. Sayeda informed that there was a different process to change Chapter 16. He understood and asked for the ramifications of this overlay. Mr. O'Donnell stated that his perception was that they were notified to comment on the restrictions imposed on their properties. Ms. Sayeda clarified that the restrictions exist, the application is to adopt the boundary.

Mrs. O'Donnell asked if the county had 66% in 2019 to adopt the Code. Ms. Sayeda communicated that it was before her time, but it went before the County Council and was approved. The percentage may not have applied to the language, but only to the boundary. Ms. Sayeda stated that the boundary was not created arbitrarily. It is the same boundary and structures recognized and accepted by Federal and State.

Mr. Powell asked if property owners then knew when they bought the properties that they were in a historic overlay. Ms. Sayeda affirmed.

Mr. Olinger questioned that if the rules already apply, then why do it. Ms. Sayeda shared that the advantage is that it provides options to apply for grants, and instead of going before the State, property owners can be heard before their own community. She confirmed that the regulations are not in addition to the State but are the same. Member Weiss outlined the difference between taking an application to the State and being able to do it at a local level for advisement and approval by the Council.

Mr. O'Donnell read the Code and voiced concerns with specific language regarding limitations. He expressed that the county is creating, essentially, an HOA.

Acting Chair Bartlit recommended that data continue to be collected. Member Weiss suggested that if the Board is not ready to vote, then they can hear it again later. Acting Chair Bartlit stated that it is not yet at 66% and she would like more of a unanimous approval. She also stressed the importance for everyone to understand the request.

Gerald Strickfaden stated that he had some background information to share. He informed that years ago, HPAB undertook to write a Historic Preservation Ordinance for the county. The National Historic Landmark District was in place, but it did not affect anything - nobody knew about it. The only constraint on the homeowners was that they could not use federal money for their homestead. The State also recognized it but did nothing. The county's only interest, at the time, was Fuller Lodge. So, the HPAB decided to write an ordinance that deliberately tailored the language to the State so that the county could become a CLG. He explained that it was recognized that some areas would be difficult to create boundaries, so they added a provision for landmarks. Although a district would be preferred, there is no reason why it cannot proceed as landmarks.

Member Weiss expressed that the public's endorsement was not received. She asked if the property owners would have more requirements and enforcement by the county. Ms. Sayeda stated that the application is not making recommendations to do historic inventory. The county will not be patrolling and enforcing, as it is not known what is historic and what is not. Member Dryja commented that there was a lot of confusion as to what was involved. Acting Chair Bartlit asked property owners if they could work with staff to understand more clearly so that they could review the application next month.

MEMBER WEISS MOTIONED TO POSTPONE THE FINAL VOTE UNTIL THE NEXT MEETING AND ALLOW MORE TIME FOR ALL PARTIES TO UNDERSTAND THE BOUNDARIES OF THE HISTORIC DISTRICT AND ADDRESS REMAINING CONCERNS. SECONDED BY MEMBER DRYJA.

MOTION CARRIED, 3-0 VOTE.

B. Chairman's Report

C. Board Liaisons' reports

Board liaisons provided updates from other related boards and committees. Notable updates included discussions about potential uses for historical buildings as visitor centers and improvements in signage for walking tours.

D. Council Liaison's 'Report

The county council liaison shared insights from the county council meeting. This included discussions about tourism implementation, such as potential relocation of the Visitors' Center.

III. STAFF REPORTS

A. Reports and Updates

IV. INFORMATIONAL ITEMS

None.

V. PUBLIC COMMENT

None.

VI. NEXT MEETING(S)/FUTURE AGENDA ITEMS

September 06, 2023, 5:30 p.m.

VII. ADJOURN MENT

7:35 PM