Preservation Ordinance

City of Las Cruces

Community Development
Memorandum

To: Mayor and City Council

From: Carol McCall, Planner

Subject: Recommendations by Historic Preservation Ad Hoc Committee

Date: March 18, 2013 File No.: M-13-069

At the March 25th Council Work Session, I will present a review of the recommendations made by the Historic Preservation Ad Hoc Committee in their 2011 final report.

The presentation will briefly review the committee's recommendations and summarize costs associated with them. It will explain what a city-wide preservation ordinance would involve and what ramifications it would have on the City and the community. I will also provide options for dealing with derelict and abandoned buildings. There are several community organizations with interest in historic preservation; I will list those and explain their missions. I will close the presentation with a summary of the benefits and limitations to a Historic Preservation Program and will stand for questions.

The Historic Preservation Ad Hoc Committee's final report is attached for your convenience. If you have further questions, please contact me at x3209.

Thank you.

cc: Robert Garza, City Manager
Brian Denmark, Assistant City Manager/COO
David Weir, Community Development Director
Vincent Banegas, Community Development Deputy Director
Paul Michaud, Senior Planner

A PROPOSAL
FOR A HISTORIC PRESERVATION PROGRAM
FOR
LAS CRUCES, NEW MEXICO
May 12 2011

The Ad Hoc Historic Preservation Committee (AHHPC):

The AHHPC was established by action of the City Council in July 2010, and charged to advise the Councilors on a citywide preservation ordinance.

The committee consists of 16 members with a variety of backgrounds, experience, and perspectives – ranging from realtors to professionals in the building industry to historic preservationists. Councilors Nathan Small and Miguel Silva serve as ex-officio members. Carol McCall serves as the City liaison, and Doña Ana County planner Jonathan Kesler, who oversees preservation issues for the county, also participated in the process.

Over the course of the last year, the committee has developed a broad body of knowledge regarding preservation issues. The committee is willing to reconvene as a program and/or ordinance are developed.

At this time, we are pleased to present our findings and recommendations.

FINDINGS:

1. **Las Cruces contains a number of historic buildings and districts that are worthy of preservation.**

   Las Cruces was settled in 1849 – just one year after Mesilla and nine years after the founding of Doña Ana. Like these other communities, agriculture was an important part of the local economy. Eventually, Las Cruces had the additional advantages of being the county seat, home to the state's land grant college, and located along a main east-west route of the Atchison, Topeka, and Santa Fe Railroad. With this diverse base, Las Cruces grew steadily throughout the 19th and early 20th centuries. Development of the White Sands Missile Range at the conclusion of WWII marked the beginning of another period of growth that has continued up to the present.

The vast majority of properties associated with the city's early years are located in historic downtown – east of downtown in the Mesquite Historic District, and to the west in the Alameda Depot Historic District.

At present, 19 individual buildings and three historic districts – encompassing roughly 1,000 buildings and structures – are listed in the State Register of Cultural Properties or the National Register of Historic Places. Approximately 500 other buildings from the period between 1849 and 1945 may still exist. The precise number cannot be determined without additional survey work and evaluation of integrity and historic significance.

The recent rehabilitation of the Rio Grande Theatre is an excellent example of what historic preservation can do, and the City has many other preservation opportunities. Las Cruces is poised to capitalize on the energy from the re-opening of Main Street, and now seems like an ideal time to develop a program for the stewardship of our history and historic resources.

2. **Local historic preservation programs in New Mexico and around the U.S. vary considerably in terms of complexity, specificity, and degree of regulation.**

   Regulations can vary by the following:
   - Degree of specificity
     –General
     –Detailed
   - Degree of control
     –Mostly voluntary
     –Mostly required
   - Amount of built-in incentives
     –Little
     –Many

3. **Preservation of historic properties can produce significant benefits.** These include:

   - Enhanced civic pride and neighborhood identity
   - Diversification and expansion of the local economy
   - Recognition that the accomplishments and challenges faced by earlier residents may be relevant now and in the future
   - Stabilized—and in some cases, increased—property values
   - Greater citizen involvement in community activities
   - Unique and engaging sites and districts for visitors to appreciate and enjoy
   - Marketable commercial value of historic properties and districts

4. In general, the history of Las Cruces has not been fully appreciated, and historic preservation has yet to be fully integrated into common practice and city policy. Given these conditions, **we believe that the best way to develop a successful preservation program for Las Cruces is slowly and incrementally**—with initial emphasis on a comprehensive citywide survey, education, incentives, and minimal regulations focused on a limited number of properties.

RECOMMENDATIONS:

PUBLIC POLICY

The AHHPC recommends that the City of Las Cruces adopt a policy recognizing the value of historic properties and encouraging their preservation through a multi-faceted program, consisting of inter-related components including:

1. SURVEY & RESEARCH OF HISTORIC PROPERTIES

   The AHHPC recommends that the City historic preservation program begin with a focus on a limited number of historic properties beginning with the oldest and ending prior to the growth that began after WWII.

   Survey and research are essential in determining what we have that is worthy of protection. Survey will help to define and highlight our shared history and the uniqueness of place – whether it's a vernacular adobe dwelling or stylized residences whose materials, patterns, and details arrived with the railroad. The set of properties to survey would include:

   - Buildings, structures, and districts currently recognized as worthy of preservation based on listing in the State or National Registers. Most of these properties have already been surveyed, but some, especially districts, may warrant re-survey and additional research.
   - Buildings built prior to 1945 that have retained historic integrity and substantial aspects of their historic appearance such as: massing, location of windows and doors on the front elevation, exterior wall finish, placement on the building site, and architectural details.
   - Other criteria in determining significance should follow those employed by the National Register, including: a property associated with events that have made significant contributions to the broad patterns of our history; a property associated with a significant person; a property that is architecturally significant; or, a property that yields,

or is likely to yield, important information about our prehistory and history.

The range of properties addressed by the preservation program may be expanded over time by:

- New listings in the State or National Registers,
- Completion of surveys and evaluation of properties that were built after 1945 or meet the other outlined criteria, and
- Amendment of the City policy to include properties other than historic districts and buildings—such as structures, landscapes and archeological sites.

2. EDUCATION, TECHNICAL ASSISTANCE, & OUTREACH

The AHHPC recommends that education and outreach be considered a critical component for increasing public awareness and appreciation of historic resources, as well as offering technical assistance.

Many communities publish preservation guides to advise residents on proper treatment options and to address routine maintenance issues of historic properties. The AHHPC encourages the City to develop such an educational resource and guide (See Appendix).

3. HISTORIC PRESERVATION COMMISSION

The AHHPC recommends that the City of Las Cruces establish a Historic Preservation Commission (HPC) to coordinate, facilitate and promote historic preservation. Membership on the HPC should include representatives of city agencies, community organizations and historic neighborhood associations, owners of historic properties, and at least two professionals from the fields of history, architecture, archeology, or preservation.

Primary responsibilities of the HPC would include:

- Survey and inventory activity—including training of volunteers and public dissemination of survey results.
- Technical assistance through publications, presentations and workshops regarding preservation principles and techniques—with an initial emphasis on rehabilitation of local historic house types.
- Promotion of the City's architectural heritage and the benefits of historic preservation.

- Support for historic preservation efforts by neighborhood or community organizations.

The HPC may also function as a design review committee if such an entity is called for in a preservation ordinance for the City.

4. PRESERVATION GUIDELINES

The AHHPC recommends that the City adopt a set of preservation guidelines as a primary reference for the care of historic properties and for development of properties in close proximity to historic properties.

These Guidelines would be a recommendation to property owners and would be intended to promote and encourage good preservation practices on a voluntary basis. Guidelines regarding treatment of historic buildings should focus on basic characteristics associated with:

- Architectural composition (Massing & form, pattern of windows & doors, etc.)
- Texture, color and detailing of materials, and
- Site utilization (setback, density, etc.)

Guidelines regarding development of new properties adjacent to historic properties should focus on:

- Height
- Setbacks and side yards
- Design compatibility

The "Secretary of the Interior's Standards for the Treatment of Historic Properties" should be acknowledged as the reference for evaluation of all projects (See Appendix).

5. MINIMAL PRESERVATION REGULATIONS

The AHHPC recommends that the City adopt an ordinance that uses a minimal number of standards to promote preservation of significant historic properties and districts.

At this time, the ordinance would apply only to those buildings built prior to 1945 that have retained historic integrity and substantial aspects of their early appearance such as: massing, location of windows and doors on the front elevation, exterior wall finish, placement on the building site, and architectural

details. This approach will allow the City to focus resources and set initial priorities for the program.

City staff would make the decision of whether or not the preservation regulations would apply to a given property; however, there may be circumstances when a decision would be subject to review and approval by the Historic Preservation Commission. A system to appeal should also be part of the process.

Preservation regulations would be based on the City's "Preservation Guidelines" (See Recommendation #4) and would be the minimum needed to maintain the historic character of a given building. Characteristics subject to regulation should include:

- Building height, especially at the front elevation
- Composition of the facade (including the pattern of windows and doors)
- Building form
- Exterior materials
- Distinctive architectural features

Administration of preservation regulations would follow standard procedures for any construction activity requiring a building permit. The regulations would require that the historic character of the property be protected. Again, the Secretary of the Interior's Standards should serve as guiding principles.

Since the Mesquite and Alameda Depot neighborhoods already have their own approaches to preservation of historic buildings, their relationship to a proposed citywide preservation ordinance will need to be addressed.

6. HISTORIC DISTRICTS

The AHHPC recommends that the City support the creation and administration of historic districts and neighborhood plans or overlays as an extension of or complement to the Preservation Regulations.

Current examples include the Mesquite Neighborhood Overlay District and the Alameda Depot Neighborhood Overlay District.

With increased survey efforts, the committee believes eligible historic districts will be identified, and those neighborhoods have the potential to develop district-specific guidelines. Historic districts and neighborhood plans will address the unique character and specific needs or concerns of their respective areas and will be structured accordingly in terms of additional requirements and administrative provisions.

7. INCENTIVES

The AHHPC recommends that the City support the preservation of historic districts and buildings through a combination of legal, financial, and community development incentives. Examples include:

- Use of building codes that acknowledge the specific constraints of historic buildings
- Flexible application of land use standards such as allowable uses, density, setbacks, and parking requirements
- Reduced permit fees
- Special valuation from the tax assessor's office following substantial rehabilitation or renovation
- Enhancement of public areas in a manner consistent with the historic character of the area
- Special signage for streets and primary access points

See Appendix for sample incentives.

8. DEMOLITION

The AHHPC recommends that the City discourage the demolition of significant historic properties. The committee acknowledges that demolition is the most egregious and irrevocable threat to historic resources.

In addition, we recommend that demolition be contingent on a delay of up to 120-days to allow exploration of alternatives to demolition, provide time for documentation of the building, and allow for recovery of significant architectural features (See Appendix). For the purposes of this measure, a significant historic property shall be defined as:

- Any building individually listed in the State or National Registers or one that has been formally determined eligible for such listing, or
- Any building listed as significant or contributing in a historic district listed in the State or National Registers.

The AHHPC recommends that in situations in which the demolition of historic properties has benefitted from public investment or other incentives that the City re-coup the value of such funds as a condition for the demolition permit.

Furthermore, the committee suggests attaching a substantial fee to permitting demolition of significant historic properties.

9. PROGRAM COORDINATION

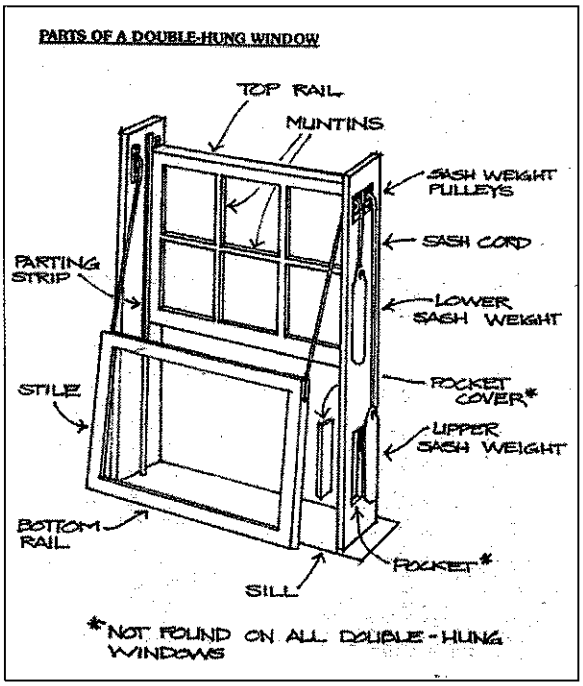
The AHHPC recommends that the City dedicate one or more full-time staff member(s) to coordinate and oversee the preservation program.

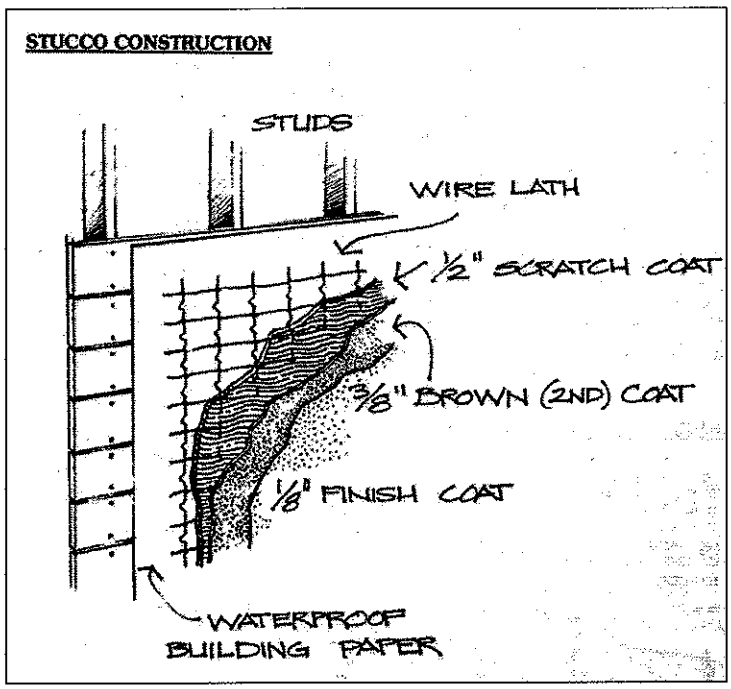
Ideally, the staff person(s) assigned to this function would be a fully qualified professional from the fields of history, archeology, architecture, engineering or planning with special training or experience in historic preservation.

APPENDIX: REFERENCES

- Secretary of Interior's Standards, see http://www.nps.gov/hps/tps/tax/rhb/ for more information on the Guidelines for Rehabilitation as a companion piece.

- Example of pages from a preservation or rehabilitation guide.





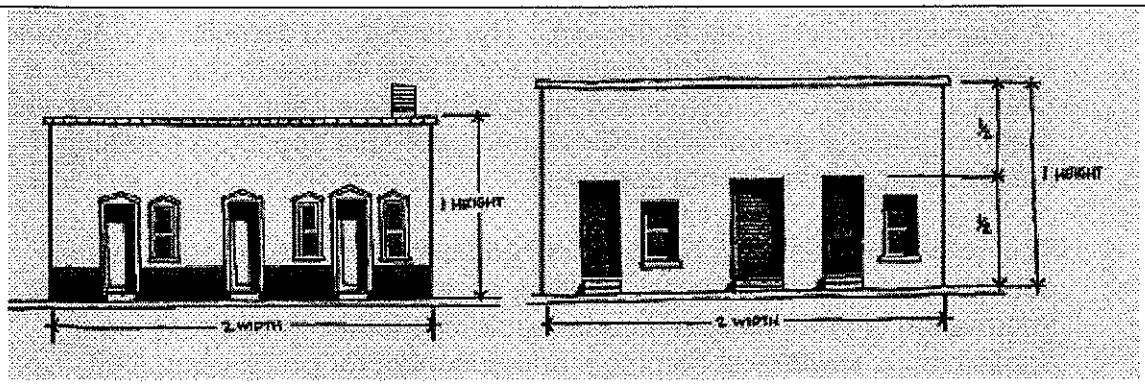


Figure 11: Horizontal Massing

DEMOLITION

Sample Demolition Delay Language from Other Ordinances

- Sample Ordinance Text for Demolition Delay
  1. Silver City Ordinance (6 months)
     (G) *Demolition.*
     (1) *Six-month waiting period prior to demolition.* No registered historic structures or Silver City Landmark Structures shall be demolished before the owner or applicant has first given the Community Development Director and the Design Review Committee six months prior notice of their intent to demolish the structure and met with the Community Development Director at least one time to discuss potential alternatives to demolition. The purpose of such notice and meeting is to offer the town a reasonable amount of time to arrange for alternatives to demolition, such as public or private purchase, rehabilitation, or expansion so as to make the structure appropriate for the intended use of the site. Disposition of buildings declared unsafe is governed herein.
     (2) *Demolition requires replacement structure.* In the Silver City Historic District, no registered historic structure, excluding sheds and carports, that is more than 50 years old shall be demolished unless the applicant or owner has obtained a building permit for a replacement structure meeting the requirements of this section prior to such demolition.

- Tucson Ordinance (90 days)
  2.5 Demolition Review.
  Historic Contributing Properties or Historic Landmarks. Requests to demolish historic Contributing Properties or Historic Landmarks require a separate, in-depth review process described in detail in Sec. 5.4.2.9, Type IX Legislative Procedure, of the *LUC*. The decision in demolition of historic Contributing Properties and Historic Landmarks rests with the Mayor and Council. To approve a demolition application, Mayor and Council must find that the property owner will suffer an unreasonable economic hardship if the demolition permit is not approved.

  This review process can be summarized as follows: the property owner submits an application for a demolition permit and supplemental property information to demonstrate unreasonable economic hardship. Once the application is verified as complete and accepted for processing, staff forwards the application for review to the appropriate historic district advisory board and to the Tucson-Pima County Historical Commission Plans Review Subcommittee. The advisory board may make a recommendation to the Historical Commission and the Planning Director. The Historical Commission forwards its recommendation to the Planning Director and advisory board. The recommendations of the Planning

Director, the Historical Commission, and the appropriate advisory board are forwarded to the Mayor and Council for consideration. In order to allow time for the property owner and City officials to investigate an alternative to demolition prior to formal consideration by the Mayor and Council, the application is not scheduled for Mayor and Council public hearing until ninety (90) days have elapsed from the date the application was accepted.

INCENTIVES

Sample language from the El Segundo, California Downtown Plan

a. Parking

Commercial historic structures may be granted a reduction in parking requirements, to a maximum of 50 percent, based on a Parking Demand Study and the degree to which the historic character of the building is preserved and/or enhanced.

b. Building Permit and Planning Application Fees

All building permit and planning application fees for historically significant structures will be waived by the Director of Community, Economic and Development Services (subject to City Manager approval) for those proposed projects compatible with preserving the historic character of the subject building.

c. Business License Fees

Local business license tax fees will be waived or reduced for historically significant structures, by the Director of Community, Economic, and Development Services, (subject to City Manager approval) for those projects that have completed construction that has renovated, improved, or preserved the historical character of the subject building.

EXAMPLES OF POTENTIAL REGULATION

The following examples are provided to illustrate the level of detail and specificity that could be used to protect the existing character of a historic building and to guide development in proximity to a historic building.

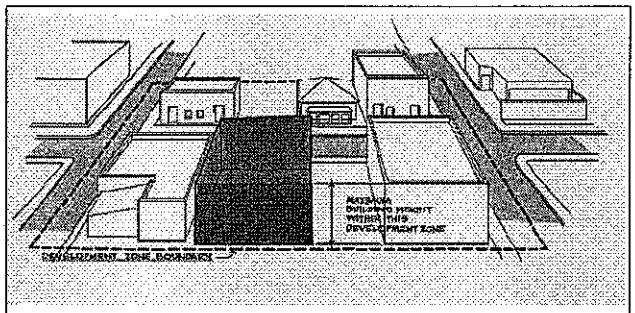
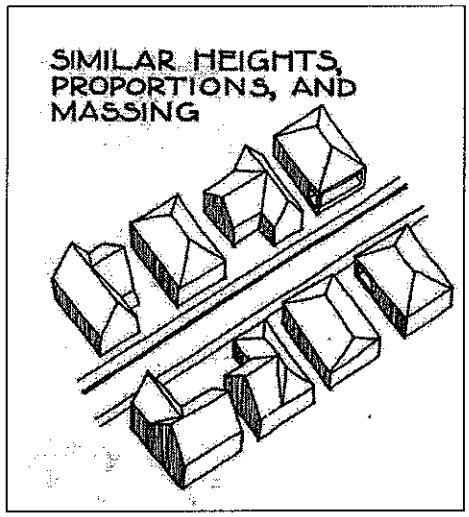
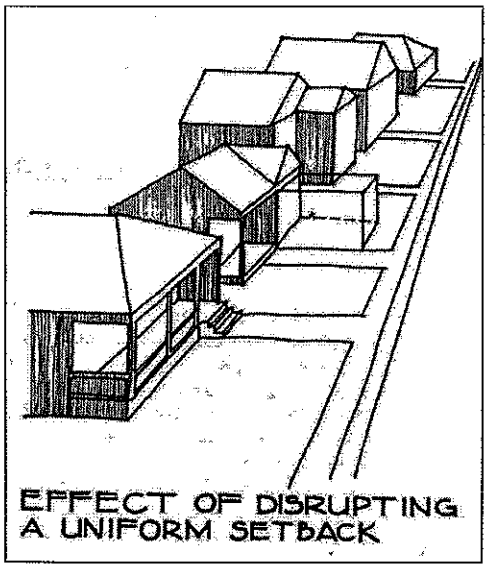


Figure 5: Height Compatibility





IMPLEMENTATION TIMELINE FOR DEVELOPMENT OF PRESERVATION PROGRAM AND ORDINANCE

JUNE 2011	**Presentation to City Council: Findings and Recommendations**
JULY 2011 – DEC 2011	**Define Preservation Program.**
JULY 2011 – MAY 2012	**Assign initial staff person to oversee development of program until such time that a full-time existing or new staff person is chosen to coordinate program.** **Existing City Staff develops Demolition Delay Ordinance.** **Identify funding for new Program Coordinator position; Draft job qualifications for Coordinator; and, Advertise & hire for position.**
JAN 2012 – JAN 2014	**Establish a Historic Preservation Commission.** **Conduct citywide survey of pre-1945 historic resources. Identify volunteers and opportunities to partner on survey work.** **Identify and actively list additional historic districts in the State or National Registers.** **Develop preservation guide for historic resources.** **Implement other education and outreach efforts.** **Develop incentives package.**

	Begin developing ordinance.
JAN 2013	**Conduct public input process for ordinance. Refine ordinance through the year w/ more public input as needed.**
JAN 2014	**Adopt ordinance.**

DEFINITIONS

Significant historic property:

- Any building individually listed in the State or National Registers or one that has been formally determined eligible for such listing, or
- Any building listed as significant or contributing in a historic district listed in the State or National Registers.

Preservation: Taking the steps necessary to sustain the existing form, integrity, and materials of a historic property. Work generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. Limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. Preservation standards require retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time.

Reconstruction: Using new materials and new construction techniques to depict the features of a non-surviving historic resource for the purpose of replicating its appearance at a specific period of time and in its historic location. The Reconstruction Standards are used primarily for interpretive purposes.

Rehabilitation: Creating a current use for a property through repair, alterations, and additions while preserving those portions or features of the property, which convey its historical, cultural, or architectural values. The Rehabilitation Standards acknowledge the need to alter or add to a historic resource to meet continuing or new uses while retaining the building's historic character.

Restoration: Depicting the features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstructing missing features from the restoration period. Limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. The Restoration Standards allow for the depiction of a building at a particular time in its history by preserving materials from the period of significance and removing materials from other periods.