

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2009-11

3 INTRODUCED BY:

4 *Patricia J. Anderson* *Chris Cabot*  
5 *Rosemary Ann*  
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9  
10 AN ORDINANCE

11 AMENDING SECTIONS 14-3.14 AND 14-5.2(B) SFCC IN ORDER TO ESTABLISH  
12 PROCEDURES FOR THE DEMOLITION OF LANDMARK STRUCTURES AND TO  
13 REQUIRE MINIMUM MAINTENANCE OF LANDMARK STRUCTURES; AND  
14 MAKING RELATED CHANGES.

15  
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Table 14-2.1-1 SFCC 1987 (being Ord. #2001-38, §2 as amended) is  
18 amended to read as shown on the attached Exhibit A.

19 Section 2. Section 14-2.7(A) SFCC 1987 (being Ord. #2001-38, §2 as amended)  
20 is amended to read:

21 (A) Powers and Duties

22 The Historic Design Review Board shall have the review and decision-  
23 making responsibilities set forth in Table 14-2.1-1, to be carried out in  
24 accordance with the terms of this chapter. In addition, the Board shall  
25 have the following additional responsibilities under this chapter:

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2009-11**

3 **INTRODUCED BY:**

4 Councilor Calvert

5 Councilor Bushee

6 Councilor Romero

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9  
10 **AN ORDINANCE**

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19 **Section 2. Section 14-2.7(A) SFCC 1987 (being Ord. #2001-38, §2 as amended)**  
20 **is amended to read:**

21 **(A) Powers and Duties**

22 The Historic Design Review Board shall have the review and decision-making  
23 responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with  
24 the terms of this chapter. In addition, the Board shall have the following  
25 additional responsibilities under this chapter:

- 1 (1) The Board shall review and approve or deny all applications for new  
2 construction, exterior alteration, and demolition of structures, except  
3 signs, in the Historic District in accordance with the standards set forth in  
4 this chapter. Staff shall review signs in accordance with §14-3.10(D).
- 5 (2) The Board shall hear appeals of [~~parties aggrieved by the City Planning~~  
6 ~~and Land Use Department's approvals or denials~~] final actions of the  
7 Land Use Director as set forth §14-3.17.
- 8 (3) The Board may recommend to the Governing Body the erection of  
9 appropriate plaques and markers designating various historical sites and  
10 points of interest in the City.
- 11 (4) The Board may make recommendations to the Governing Body relating  
12 to the purchase, acquisition by gift, grant, bequest, devise, or otherwise,  
13 of any real or personal property of historical background and interest;
- 14 (5) The Board may make recommendations to the Governing Body as to the  
15 exercise of the Governing Body's power of eminent domain in the  
16 acquisition of real property of historical background and significance and  
17 the proposed ways and means of compensation;
- 18 (6) The Board shall advise and assist officials, committees and commissions  
19 of the municipal government in making recommendations to the  
20 Governing Body;
- 21 (7) The Board shall compile and maintain a list of historical sites and  
22 structures;
- 23 (8) The Board shall perform such other acts providing that such acts relate  
24 specifically to this section as may be requested by the Governing Body;  
25 [and]

1 (9) The Board may conduct field trips upon request of the applicant, or as  
2 determined by the chair[-]; and

3 (10) The Board shall review and make a recommendation to the Governing  
4 Body regarding all applications for the demolition of landmark structures  
5 in accordance with the standards set forth in §14-3.14.

6 **Section 3. Section 14-3.14 SFCC 1987 (being Ord. #2001-38, §2) is amended to**

7 **read:**

8 **14-3.14 DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE**

9 **(A) Summary of Procedure**

10 (1) Upon receiving an application for demolition of a structure [~~or a portion~~  
11 thereof] within the Historic District the Historic Board shall, within 65  
12 calendar days from the date of application, either grant or deny the  
13 application. Ordinarily, the Board will act on an application for  
14 demolition at its next regular meeting, if the application is submitted in  
15 proper form at least seven days before its next regular meeting; however,  
16 the Board may use the entire 65 day time period if the Board, on motion  
17 duly passed, determines such delay is necessary.

18 (2) Upon receiving an application for demolition of a landmark structure the  
19 Historic Board shall, within 65 calendar days from the date of  
20 application, make a recommendation to the Governing Body to either  
21 grant or deny the application.

22 **(B) Hearing Required**

23 (1) In all applications involving the demolition of a structure, provision shall  
24 be made for a hearing, as set forth in the preceding section.

25 (2) The Board or Governing Body, as applicable, shall restrict its review to a

1 consideration of whether the application will be in conformity with the  
2 standards established by this section.

3 (3) Notice of the time and place for each hearing shall be sent in writing to  
4 each applicant.

5 (4) An agenda of the Board shall be sent to all groups requesting notification  
6 and copies of meeting agendas, as set forth in the officially adopted  
7 neighborhood planning policies.

8 (5) On-site notice, by a sign of proposed demolition and of the time, date  
9 and place of the Board or Governing Body review shall be posted by the  
10 City on the affected property 14 days prior to Board or Governing Body  
11 review of application for demolition. Such notice shall be prominently  
12 displayed, visible from a public street and securely placed on the  
13 property.

14 **(C) Staff Review and Report**

15 *Before granting approval or denial to a demolition request, City staff shall*  
16 *provide the following information on the structure under consideration.*

17 (1) A report on the historic or architectural significance of the structure;

18 (2) A report from the City building inspector on the state of repair and  
19 structural stability of the structure;

20 (3) If the structure is more than 75 years old, and the entire project of which  
21 demolition is a part requires an archaeological clearance permit, a report  
22 from City staff for the Archaeological Review Committee on whether the  
23 demolition would damage possible archaeological artifacts; and

24 (4) Other information as requested by the Board or Governing Body.

25 **(D) Referral to Archaeological Review Committee**

1 [When the Board determines that damage to archaeological artifacts may be  
2 caused by the demolition, the Board may refer the case to the Archaeological  
3 Review Committee and request that the requirements for a clearance permit be  
4 met before a demolition permit is issued.]

5 Upon receiving an application for demolition of structure in an historic district or  
6 a landmark structure, staff shall refer the application to the Archaeological  
7 Review Committee to determine whether damage to archaeological resources  
8 may be caused by the demolition and what actions should be taken regarding  
9 excavation and the archaeological clearance permit.

10 **(E) Appeals**

11 (1) Appeals on final Board decisions on demolition may be taken to the  
12 Governing Body as set forth in this Chapter. [~~Ordinarily, the Governing~~  
13 ~~Body will act on the appeal at the earliest scheduled meeting possible;~~  
14 ~~however, the Governing Body may continue action on the appeal for a~~  
15 ~~period of 180 days from the date of the original application to the Board~~  
16 ~~if the Governing Body, on a motion duly passed, determines such delay~~  
17 ~~is necessary.]~~

18 (2) During the appeal period, the Governing Body, with the advice and  
19 assistance of the Board may take such steps as it determines necessary to  
20 preserve the structure concerned, in accordance with the purposes of the  
21 H District Ordinance. Such steps may include, but not be limited to,  
22 consultations with civic groups, public agencies, and interested citizens;  
23 recommendations for acquisitions of property by public or private bodies  
24 or agencies; and exploration of the possibility of moving one or more  
25 structures or other features.

1           **(F) Denial of Demolition Request**

2           A determination that the structure should not be demolished shall impose a duty  
3           on the owner or other persons having legal custody and control to immediately  
4           take the action required under § 14-5.2(B).

5           **(G) Standards**

6           (1) In determining whether a request for demolition in an historic district  
7           should be approved or denied, the Board shall consider the following:

8           ~~[(1)]~~(a) Whether the structure is of historical importance;

9           ~~[(2)]~~(b) Whether the structure for which demolition is requested is an  
10           essential part of a unique street section or block front and

11           whether this street section or block front will be reestablished by  
12           a proposed structure; and

13           ~~[(3)]~~(c) The state of repair and structural stability of the structure under  
14           consideration.

15           (2) In determining whether a request for demolition of a landmark structure  
16           should be approved or denied, the Board and Governing Body shall  
17           consider the following:

18           (a) The historical importance of the structure; and

19           (b) The state of repair and structural stability of the structure.

20           **Section 4. Section 14-5.2(B) SFCC (being Ord. #2001-38, §2) is amended to read:**

21           **(B) Minimum Maintenance Requirements**

22           All buildings and structures in the Historic District over which the Board has  
23           jurisdiction to determine whether a demolition permit should be approved or  
24           denied and all landmark structures over which the Governing Body has such  
25           jurisdiction shall be preserved against decay and deterioration and free from

1 certain structural defects in the following manner, by the owner thereof or such  
2 other person or persons who may have the legal custody and control thereof. The  
3 owner or other person having legal custody and control thereof shall repair such  
4 building or structure if it is found to have any of the following defects:

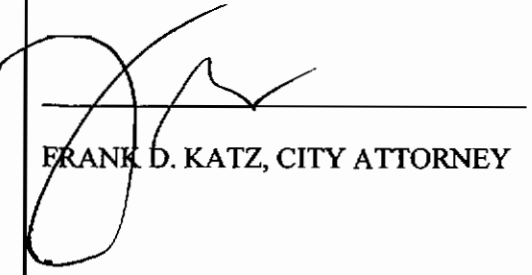
- 5 (1) Those which have parts thereof which are so attached that they may fall  
6 and injure members of the public or property;
- 7 (2) Deteriorated or inadequate foundation;
- 8 (3) Defective or deteriorated flooring or floor supports or flooring for floor  
9 supports of insufficient size to carry imposed loads with safety;
- 10 (4) Members of walls, partitions or other vertical supports that split, lean, list  
11 or buckle due to defective material or deterioration;
- 12 (5) Members of walls, partitions or other vertical supports that are of  
13 insufficient size to carry imposed loads with safety;
- 14 (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal  
15 members which sag, split or buckle due to defective material or  
16 deterioration;
- 17 (7) Members of ceilings, roofs, ceiling and roof supports or other horizontal  
18 members that are of insufficient size to carry imposed loads with safety;
- 19 (8) Fireplaces or chimneys which list, bulge or settle due to defective  
20 material or deterioration;
- 21 (9) Fireplaces or chimneys which are of insufficient size or strength to carry  
22 imposed loads with safety;
- 23 (10) Deteriorated, crumbling or loose plaster;
- 24 (11) Deteriorated or ineffective waterproofing of exterior walls, roofs,  
25 foundations or floors, including broken windows or doors;



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- (12) Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; or
- (13) Any fault or default in the building or structure that renders the same structurally unsafe or not properly watertight.

APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

TABLE 14-2.1-1								
PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	LID STAFF
Amendments to the General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14-3.4	R/D	R/REC	-	-	-	-	R/REP
Rezoning	14-3.5	R/D	R/REC	-	R (for Redvt. Districts)	R (if referred)	R (if referred)	R/REP
Special Exceptions	14-3.6	A		R/D	-	-	-	-
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	R/D (some)	-	-	R D (some)
Development in Flood Hazard Areas	14-3.9	-	A		-	-	-	R/D (Flood Plain Administrator)
Building Permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D (I&E Office)
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	-
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	-
<u>Demolition of Landmark Structure</u>	<u>14-3.14</u>	<u>R/D</u>				<u>R/REC</u>		<u>R/REP</u>
Minor Modifications	14-3.15							
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	-

EXHIBIT A

Table 14.2.1-1

PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	LUD STAFF
Utility Conformity Review	14-3.18	A	R/D (some) A (some)	-	-	-	-	R/REP (some) R/D (some)

<p>NOTES:</p> <p>GB = Governing Body          PC = Planning Commission          BOA = Board of Adjustment          BCD = BCD Design Review Committee          HDRB = Historic Design Review Board          AC = Archaeological Committee          LUD = Land Use Department<sup>1</sup> Staff</p>	<p>“A” = Appeal          “R” = Review          “R/D” = Review and Decision          “R/REC” = Review and Recommendation          “R/REP” = Review and Report</p>
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