# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

*Javier M. Gonzales, Mayor*

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
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Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4


Memorandum

To: Members of the Governing Body

From: Theresa Gheen, Assistant City Attorney TEG

Via: Kelley Brennan, City Attorney KAB

Re: Case #2016-07. Appeal of the January 12, 2016 Decision of the Historic Districts Review Board in Case #H-15-106 Denying an Exception to Apply Green Stucco to a Building Located at 1244 Camino de Cruz Blanca in the Historic Review District

Date: February 15, 2015 for February 24, 2016 Meeting of the Governing Body

## I. THE APPEAL

On January 25, 2016, Jennifer Day, residing at 1240 Camino Cruz Blanca, filed a Verified Appeal Petition (Appeal) appealing the January 12, 2016 Decision of the Historic Districts Review Board (Board) in Case #H-15-106 denying the Exception Request (Exception Request) to apply green stucco to a building located at 1244 Camino Cruz Blanca (Building) located in the Historic Review District. A copy of the Appeal is attached as **Exhibit A**.

## II. HISTORY OF THE CASE

1244 Camino de Cruz Blanca is a single-family residence and garage constructed in a simplified Santa Fe style in 1991, with alterations in 2011. The Building has no historic status in the Historic Review District. Without approvals or construction permits, in 2015, Jimmy and Jennifer Day (Applicants) made exterior alterations, including applying green stucco to the residence and garage and commencing construction of a portal. A stop-work order was issued before August 14, 2015, as implied by the Historic Preservation Inquiry Form which notes "illegal green stucco," attached as **Exhibit B**.

On or around October 28, 2105, the Applicants submitted an application seeking retroactive approval for the construction of the portal and an exception ("Exception") to allow the Building's green stucco. The Building is publicly visible from St. John's College's main roadway, as well as from the parking area for the City's Atalaya trail, the trail itself, and from the Arroyo Chamiso. The Building has limited public visibility from Camino Cruz Blanca and Wilderness Gate. (The Historic Preservation Division (HPD) has color photographs from these places.)

HPD staff recommended approval of the Exception, although it technically could not support several statements in the Applicants' exception criteria responses. Staff reports and exhibits are attached as **Exhibit C**, including color photographs submitted by Applicants.[1]

On December 8, the HDRB conducted a public hearing on the Application. (Relevant portions of the minutes (Minutes) of that hearing are attached as **Exhibit D**, and corrections to those minutes at the January 12, 2016 Board meeting are attached as **Exhibit E**). At the December 8 hearing, HPD staff presented its report and answered the Board's questions. Board members noted the visibility of the Building from St. John's. (Minutes, pp. 17-18) Board members also noted that several properties in the vicinity which were cited by the Applicant as being green were illegally done, and that an exception granted for a house on Garcia St. was for a color that was more grey than green. (Id.)

At the public hearing, the Applicants' counsel argued that the Building was not visible from a "public place." The Board disagreed, finding that the Building is "visible from a place the public uses, is invited to use, and often views the house." (January 12, 2016 Minutes, p. 2, ¶3) Applicants' counsel also presented these issues in a letter to the HPD dated October 13, 2015, attached as **Exhibit G.**

After conducting a public hearing and having heard from all interested persons, including Applicants, who raised at the hearing substantially the same issues raised in this Appeal, the Board unanimously approved the portal, but denied the Exception for green stucco, finding the color had been applied illegally and that the Applicants had not met the exception criteria.

On January 12, 2016, the Board approved written Findings of Fact and Conclusions of Law ("FOF & COL") embodying its decision. (A copy of the FOF & COL is attached as **Exhibit F.**) On January 25, Appellant filed the Appeal. (The terms, "Applicants" and "Appellant(s)" are used interchangeably.)

## III. BASIS OF APPEAL

### A. Appellant's Issues on Appeal.

1. The Board's denial of the Exception Request, is a misapplication of SFCC § 14-5.2(F)(2)(a) because the Building is visible from St. John's College, which is private

[1] The Staff Report includes the Application. Other items provided by Applicants, their counsel, agents or contractors are included as **Exhibit H**. Miscellaneous items are attached as **Exhibit I**.

property and does not qualify as a "public street, way or other public place."

2. Assuming the Building is publicly visible, there was insufficient evidence in the record to support the Board's finding that re-stuccoing does not constitute a hardship; re-stuccoing is an added cost and disturbance to Appellants, and other buildings in the vicinity have green stucco that blends into the evergreens.

## IV. RELIEF SOUGHT

Appellant asks the Governing Body to vacate the Decision and approve their Exception request to allow the Building to continue to have its green color.

## V. ISSUE RAISED BY THE APPEAL; ANALYSIS

Appellants' argument:

Appellants argue that historic district standards are not triggered because the Building is not publicly visible from a "public place." They state the Building is not visible from Camino Cruz Blanca and that visibility from St, John's, a private university, is outside the scope of the ordinance. Appellant then argues that even if the ordinance were triggered, the Applicant met the exception criteria. In particular, Applicants applied stucco as an emergency remedy, and re-stuccoing is a hardship in that it would entail cost, time and disturbance to Appellants.

Analysis: Whether the Building is publicly visible from a "public place"

District standards in the Historic Review District only apply to structures which are "subject to public view from any public street, way, or other public place." SFCC 14-5.2(F)(2)(a). "Publicly visible" is defined in SFCC 14-12.1 as "[t]he portion of a structure visible from a public street, way or other area to which the public has legal access; and provided that to be publicly visible, a structure need not be adjacent to a public street, way or area to which the public has legal access." (Emphasis supplied.)

It is uncontested that the Building is visible from St. John's main road and from Wilderness Gate road. There is also limited visibility from Camino Cruz Blanca. The Building is highly visible along several points on St. John's main road, which is open to the public – facts discussed at the hearing. (Minutes, pp. 17-18) From there, one can access parking, City trailheads (from which the Building is also visible) and the campus itself.

The Board and the City Attorney's Office have long interpreted SFCC 14-5.2(F)(2)(a) to include any place to which the general public has access. This interpretation is consistent with the language and intent of the Code, which tracks the enabling State statute.[2, 3]

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[2] §3-22-3, NMSA 1978 (1983 amended) empowers the City to adopt and enforce regulations relating to exterior features of structures within historic districts "subject to public view from any public street, way or other. public place." This language must be read in conjunction with federal and other state legislation relating to historic preservation, including the City's designation as a Certified Local Government, and in light of its Charter powers.

The general purpose of the Historic Districts ordinance is to "promote the economic, cultural and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city" . . . "which preserve property values and attract tourists and residents alike . . . ." SFCC 14-5.2(A)(1). Maintaining district standards for buildings in the Historic Review District which are publicly visible from places accessible by the general public furthers the legislative intent and is within the scope of SFCC 14-5.2(F)(2). To hold that to be a "public place", a location must be owned or otherwise controlled by the City, would strip the ordinance of its power. Appellants' narrow construction also runs afoul of judicial interpretation, and of the interpretation by the City Attorney's Office, HPD and Board. [4] The same rules of construction applied to statutes are used in construing municipal ordinances. *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶¶4-5, 126 N.M. 413; *see Lantz v. Santa Fe Extraterritorial Zoning Authority*, 2004-NMCA-090, ¶7, 136 N.M. 74. First, courts look to the plain language of an ordinance and give the words their ordinary meaning. *Id.* Second, persuasive weight will be given to long-standing administrative constructions of ordinances by the agency charged with administering them. *Id.* Third, multiple sections of an ordinance must be read together so that all are given effect. Here, the ordinance is sufficiently clear that St. John's main road and parking lot to City trailheads are included in the scope of SFCC 14-5.2(F)(2). Even in the absence of such clarity, HPD staff, the Board and the City Attorney's Office have consistently interpreted the Sub-section's scope to include any place to which the general public has access.

Conclusion: The Building is visible from several "public places," including Camino Cruz Blanca, St. John's main road, the parking lot at City trailheads, and the City trails themselves. As such, the district standards in SFCC 14-5.2(F)(2) apply to the Building.

Analysis: Whether Applicants meet all three exception criteria

In order for the Board to grant an exception, an applicant:

> . . . shall conclusively demonstrate and the board shall make a positive finding of fact that such exceptions comply with all the criteria listed:
> (i) Do not damage the character of the district;
> (ii) Are required to prevent a hardship to the *applicant* or an injury to the public welfare; and

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[3] The original phrase at issues dates back to 1965. A 1963 American Law Reports article analyzed the term "public place" within the requirements of posting notice, and states that the term "is usually defined as some place to which the public resorts, so that a notice in such a place may be expected to be seen by persons who are interested therein or affected thereby. . . . The fact that the notice was posted on private property will not affect its character as a 'public notice' if it is placed where it is likely to be seen by interested and affected persons." Finberg, B., "What is 'Public Place" Within Requirements as to Posting of Notices," 90 ALR.2d 1210, 1210 (1963).

[4] The term "public place" has most often been judicially examined in a criminal context where it is generally defined as any place to which the general public has access. See e.g., In re May, 569 S.E.2d 704, 708 (N.C.App.2002), 153 N.C.App. 299 (In the offense of simple affray, "'public place' is a . . . place visited by many persons, and usually accessible to the neighboring public.") (internal citations omitted), affirmed 584 S.E.2d 271, 357 N.C. 423.

(iii) Strengthen the unique heterogeneous character of the *City* by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

SFCC 14-5.2(C)(5) (emphasis added).

The Board found the Applicants failed to meet the exception criteria for hardship in that "it was not a hardship [for them] . . . to go back and follow the rules of a brown color . . . ." (FOF & COL, p. 2, ¶¶9-11) Had the Applicants complied with City Code requirements and applied for a building permit for the restucco and the construction of the portal, they would have known that green was not an approved color and could have avoided their current predicament. Applicants state that applying stucco was an emergency measure to fix the "exterior stucco sliding off the house in several locations." (Appeal, p. 3, ¶3) But Applicants did not even attempt to contact City staff about Code requirements applicable to the stucco work or to the construction of the portal. They simply started the work. And, given that Applicants own three residences in historic districts (including a neighboring residence on Camino Cruz Blanca, for which Applicants had previously sought HPD approval), and used to own a third structure on Camino Cruz Blanca, it is reasonable to infer that Applicants knew about the historic district requirements, or should have known. If there is a hardship, the Applicants brought it on themselves by violating City Code.

Applicants claim re-stuccoing would waste time and money. However, they do not have to restucco. They can paint the stucco to correct the color, which would minimize the cost. (FOF & COL, p. 2) The Board has also consistently held that money is not a sole determinant for hardship. Applicants benefit from higher property values because the Building is situated within the historic district. To permit them to benefit from the ordinance without having to comply with it would injure the public welfare. It would be unfair to neighbors who do comply with applicable Code requirements, could result in lower property values, and might encourage others to "ask for forgiveness, rather than ask for permission." Lastly, in light of the minimal time and disturbance necessary to hire contractors, Appellants' claims of hardship on that point hold little water.

There is sufficient evidence in the record that the Applicants also failed to meet the other two exception criteria. First, the green color would damage the character of the district since it is a prohibited color. That there is one house on Garcia Street, with a muted grey color with a green tint that may have been granted an exception by the Board does not prove otherwise.[5] That other houses may have an illegally applied green color is similarly unpersuasive. Moreover, the green hue on those houses is significantly more muted than the green currently at issue. (These issues were discussed in the hearing. See Minutes, pp. 15-18)

The Governing Body may also find that the Exception does not "strengthen the unique heterogeneous character of the City . . . to ensure that residents can continue to reside within the

[5] At the hearing, Staff stated the Board had required additional trees to screen the green stucco on Garcia St. (Minutes, p. 17, ¶3). A Board Member noted Morley's tenets for Santa Fe Style in which "earth toned colors" and "any light color" are permitted; green is not permitted. (Id., p. 13, bottom)

district." Applicants put forth no evidence or opinion that is responsive to this question.[6] (Staff Report, p. 14) One is hard-pressed to imagine a scenario in which a house's color would enable "residents to continue to reside in this district."

Conclusion: In this *de novo* review, Appellants fail to conclusively establish that they meet all three exception criteria.

## VI. CONCLUSION

- If the Governing Body concludes that the Applicants fail to meet all the exception criteria, the Governing Body should deny the Appeal and affirm the Board's decision.

- If the Governing Body concludes the Applicants met all exception criteria, the Governing Body should vote to either: (1) grant the Appeal and grant the exception request in the Application, finding that all exception criteria have been met; or (2) remand the Application to the Board for further action in accordance with the direction of the Governing Body.

[6] Applicants' response to this criterion was that other structures in the vicinity have this green hue (Staff Report, p. 3, last 2 paras.) and that the color is appropriate for a setting within an evergreen forest and blends in the surroundings.

LUD Use Only

Time Filed: 2:45 PM
Fee paid: $100.00
Receipt attached: ☑

(date stamp)

Case #2016-07

**VERIFIED APPEAL PETITION**

***Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.***

**Appellant Information**

Name: DAY (Last) Jennifer (First) (M.I.)

Address: 1240 Camino de Cruz Blanca (Street Address) (Suite/Unit #)

Santa Fe (City) NM (State) 87505 (ZIP Code)

Phone: (505) 820-1915 E-mail Address: jennifer@JdayDesign.com

Additional Appellant Names:

Correspondence Directed to: ☐ Appellant ☒ Agent ☐ Both

**Agent Authorization (if applicable)**

I/~~We~~: Jennifer Day

authorize Sommer Karnes & Associates LLP to act as my/our agent to execute this application.

Signed: Date: 1/21/16

Signed: Date: 1/21/16

**Subject of Appeal**

Project Name: 1244 Camino de Cruz Blanca Exception Request

Applicant or Owner Name: Jennifer Day

Location of Subject Site: 1244 Camino de Cruz Blanca

Case Number: H-15-106 Permit Number (if applicable):

**Final Action Appealed:**

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☐ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☒ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Ms Day is the applicant

Basis for Appeal: ☒ The facts were incorrectly determined ☒ Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

See attached

☒ Check here if you have attached a copy of the final action that is being appealed.

EXHIBIT

A

## Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

SEE ATTACHED

## Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

SEE ATTACHED

## Signature and Verification

*I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.*

Appellant Signature: _____ Date: 1/21/16

Agent Signature: _____ Date: 1/19/16

State of New Mexico )
) ss.
County of Santa Fe )

I/We Jennifer & James Day, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

**Petitioner/s:**

_____
*Signature*

_____
*Print Name*

_____
*Signature*

James M. Day, Jr.
*Print Name*

Subscribed and sworn to before me this 21 day of JANUARY, 2016.

_____
NOTARY PUBLIC

My commission expires:
5/3/19

# SOMMER, KARNES & ASSOCIATES, LLP

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Of Counsel
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January 25, 2016

Lisa Martinez, Land Use Department Director
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Property at 1244 Camino de Cruz Blanca (the "Property")
Appeal of HDRB action in Case # H-15-106

Dear Ms. Martinez:

On behalf of Property owners Jimmy and Jennifer Day, this letter and accompanying form constitute the Days' appeal of the HDRB's decision to deny their application for an exception to allow for the existing non-earth-toned stucco to remain on their home. Following are the Days' responses to the substantive questions of the appeal form.

*1. Description of the final action appealed from and date on which the final action was taken.*

The Days applied for an exception to allow for the non-earth-toned stucco existing on their home to remain. The final action was taken at the December 8, 2015 HDRB meeting. A copy of the Board action letter and the adopted findings of fact and conclusions of law (the "Findings") are attached.

*2. Describe the harm that would result to you from the action appealed from.*

The Days purchased the Property in 2014 and soon after found that the exterior stucco was sliding off the house in several locations. They took emergency action to mitigate further damage and had new stucco installed without realizing that an exception is necessary for the green stucco color. The stucco color is similar to several existing houses in the area and blends in with the evergreen-forested slopes prevalent in the area and Historic staff recommended approval of the application. Denial of the exception request would necessitate a second complete re-stucco of the house, which would result in unwarranted expense and disturbance.

*3. Please detail the basis for the Appeal.*

The Property is located within the Historic Review District. The District Standards address stucco color and other structural matters. The District Standards *only* apply when "the exterior

features of buildings and other structures subject to public view from any public street, way or other public place are erected, altered, or demolished." (City Code §14-5.2.F.2) If the building is *not* visible from a public place, then the District Standards do not apply. The Days have maintained from the start that no exception is required, but submitted the application in the alternative, in order to expedite resolution of the red-tag imposed by staff, as the red-tag harms the Property.

The Findings state as fact that "the structure is visible from a place the public uses and is invited to and where the public often views the house." (Finding of Fact 6) While the Findings do not identify the described location, testimony at the hearing indicated the location to be St. John's College. As documented in the application materials, which are part of the record in this case, St. John's College is private property. St. John's does not qualify as a public street, way or other public place.

The implicit conclusion in the Findings that St. John's is "a place the public uses and is invited to" does not satisfy the express Code requirement and there is no evidence in the record supporting the factual conclusion that St. John's qualifies as a public street, way or other public place. A determination to the contrary would transform private property into "public places" without any indication of such intent in the Code and would vitiate the limitation, as it would encompass all non-residential areas within the City.

The Code provisions addressing public streets and public ways are readily identifiable and limited. Structures visible from private streets and private ways are expressly excluded from the exception requirement. However, the expansive reading of "other public places" stated in the Findings would transform private streets and private ways into public areas given that the public can travel on such streets and ways without permission of the property owners. Such a reading would directly contradict the express language of the Code excepting structures visible from private streets and ways from the exception requirement. Based on the foregoing, the exception criteria do not apply to the application and the grounds for the HDRB's denial are contrary to law.

Even if the exception criteria were applicable, the single finding of fact regarding the exception criteria is not supported by the evidence in the record. The Order states as fact that "it is not a hardship to the Applicant to go back and follow the rules of a brown color for the structure, even if it is costly. (Finding of Fact 11) The Code does not define what constitutes a hardship and there is no basis in the Code supporting a finding that imposition of a costly action on a property owner does not constitute a hardship. Furthermore, the evidence in the record shows that in addition to the substantial cost, requiring that the house be re-stuccoed would result in disturbance, which would also be a hardship to the Days.

Furthermore, there is evidence in the record that there are several houses in the vicinity with green stucco, which blends in with the evergreens that are prevalent in the area (in contrast to brown stucco, which would make the house more visible at a distance).

Historic staff recommended approval of the Application and concluded that the Application satisfied all three of the exception criteria. Based on the foregoing, we request that you overturn the HDRB decision and allow the status quo to remain.

Sincerely,

Joseph Karnes

# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
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*Javier M. Gonzales, Mayor*

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Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

Project description: Andy Lyons, agent for Jimmy and Jennifer Day, owners, proposes to remodel a non-statused residential structure including construction of a 233 sq. ft. portal to a height of 10'11" and application of nontraditional stucco. An exception is requested to use a prohibited stucco color (Section 14-5.2(F)(2)(a)(ii)).

Case number: H-15-106
Project Type: HDRB

**PROJECT LOCATION(S):** **1244 Camino de Cruz Blanca**

**PROJECT NAMES:**

OW – Jennifer Day
Santa Fe, NM 87505
1240 Camino de Cruz Blanca
505-820-1915

AP – Andrew Lyons
Santa Fe, NM 87504
P.O. Box 8858
505-982-7999

**BOARD ACTION**

This is to certify that the Historic Districts Review Board (HDRB) acted on your request at their hearing on December 8, 2015. The decision of the Board was to approve the portal addition and deny the exception request to apply non-earth-toned stucco by finding that the structure is publicly-visible, that earth-tone colored stucco is not a hardship, that any hardship is self-inflicted because approvals and permits are lacking, and that the applicant shall restucco or elastomeric paint the structure in an approved earth-tone color. For further information please call 955-6605.

Sincerely,

David Rasch
Supervising Planner, Historic Preservation Division

NOTE: Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerk's office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for construction permits.

ITEM # 116-0012

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

**Case #H-15-106**
**Address – 1244 Camino de Cruz Blanca**
**Agent's Name – Andy Lyons**
**Owner/Applicant's Name – Jimmy Day and Jennifer Day**

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on December 8, 2015.

**BACKGROUND & SUMMARY:**

1244 Camino de Cruz Blanca is a single-family residence and garage that was constructed in a simplified Santa Fe style in 1991 with alterations in 2011. The building has no historic status in the Historic Review Historic District. The applicant made exterior alterations without approvals or construction permits and a stop work order has been issued.

The applicant proposes to remodel the building with the following two items.

1. A 233 square foot portal will be constructed on the south elevation to a height of 10' 11". The portal is designed in a simplified character with sealed wooden viga posts and a standing seam shed roof. The clear-finished viga posts will not match the other portal on the building which has white-painted square posts, but the copper standing seam will match other roofs on the building.
2. A green-colored stucco has been applied to the structure. An exception is requested to apply a prohibited color (Code Section 14-5.2(F)(2)(a)(ii)).

Staff presented responses to exception criteria at the hearing and in its report.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommends approval of the exception request to apply a non-earth-toned stucco to the building; although, technically, Staff could not support several statements in the exception criteria responses and otherwise recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (F) Historic Review Historic District.
4. The project is subject to requirements of the following sections of the Santa Fe Land Development Code:

_X_ Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).

X_ Section 14-5.2(C), Regulation of Significant and Contributing Structures

5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:

   _X_ Historic Review District (Section 14-5.2(F))

6. The portal is not publicly visible.
7. Code Section 14-5.2(F)(2)(a) requires brown, tan or local earth tones for a structure "whenever exterior features of *buildings* and other *structures* subject to public view from any public *street*, way, or other public place are erected, altered, or demolished".
8. The structure is visible from a place the public uses and is invited to and where the public often views the house.
9. ~~An Exception Request was Applicable to Item 2 in this Application:~~

   X_ Exception Request Applicable:

   _X_ Exception criteria were not met.

10. Granting the exception is not necessary to prevent a hardship to the Applicant.
11. It is not a hardship to the Applicant to go back and follow the rules of a brown color for the structure, even if it is costly.
12. In this Historic District, elastomeric stucco or elastomeric paint is allowed.
13. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(a) and (b), and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
14. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
15. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements have been met for approved items.

## CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approved the Item 1 in the Application, with:

   _X_ No additional conditions.

3. The Board denied Item 2 in the Application.

**IT IS SO ORDERED ON THIS 12th DAY OF JANUARY 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.**

Cecilia Rios
Chairperson

12 January 2016
Date:

FILED:
Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk

14 January 2016
Date:

APPROVED AS TO FORM
Assistant City Attorney

1/14/16
Date:

City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87504
505-955-4333

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Misc GL
1x 100.00 100.00
GL Number: 11001.431470...

Payer Name: SOMMER, KARNES & ASSOC LLP

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SubTotal: 100.00
Total: 100.00

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Check 100.00
Number : 5763

01/25/2016 14:45 LeonaS
#0303454 /2/1
********** DUPLICATE #001 **********

01/25/2016 14:45 LeonaS
~ Thank You ~

week of 8/24 (pref. 8/27) Friday 8/28/15 9:15 AM

# Historic Preservation Inquiry Form

Date: 8/14/2015 Name: Andy Lyons Phone: 982 7999

Email: andrew@andrewlyonsdesign.com Alt/Cell:

Work Site Address: 1244 Camino de Cruz Blanca Verified on ArcGIS ☑

Historic District: **Don Gaspar Area** ☐ **Downtown and Eastside** ☐

**Historic Review** ☑ **Transition** ☐ **Westside-Guadalupe** ☐

VDB

Historic Status N/A HCPI#

Date of Construction: Source: **Red Flag** *(over 50 years old)* ☐

Alterations with Dates: Previous HDRB Case:

Proposed Work: portal addition

*redtag* also illegal Green Stucco

Meet with Planner On-Site ☑ In-Office ☐ ~~Drive-by~~ ☐

Date/Time: Date/Time: Date/Time:

HDRB Hearing Required ☐ Resolve w/Administrative Approval ☐

Assigned to: David

Special Instructions:

Requires: Building Height Calculation ☐ Wall/Fence Height Calculation ☐

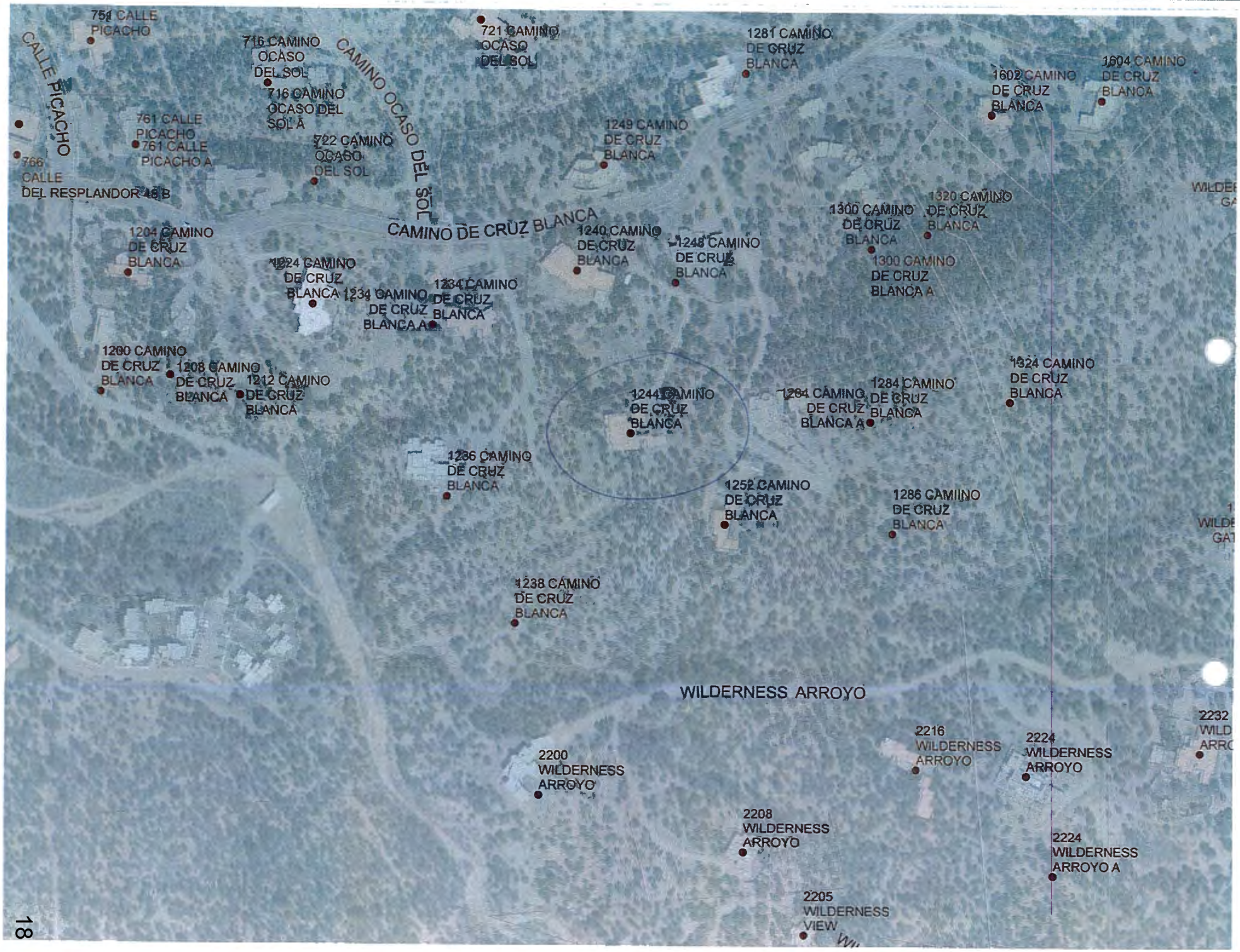
Field Notes:

Street Frontages ____

Follow-Up:

EXHIBIT

B


751 CALLE PICACHO
CALLE PICACHO
716 CAMINO OCASO DEL SOL
CAMINO OCASO DEL SOL
721 CAMINO OCASO DEL SOL
1281 CAMINO DE CRUZ BLANCA
1604 CAMINO DE CRUZ BLANCA
1602 CAMINO DE CRUZ BLANCA
716 CAMINO OCASO DEL SOL A
761 CALLE PICACHO
761 CALLE PICACHO A
722 CAMINO OCASO DEL SOL
1249 CAMINO DE CRUZ BLANCA
766 CALLE DEL RESPLANDOR 48 B
CAMINO DE CRUZ BLANCA
1320 CAMINO DE CRUZ BLANCA
1300 CAMINO DE CRUZ BLANCA
1204 CAMINO DE CRUZ BLANCA
1240 CAMINO DE CRUZ BLANCA
1248 CAMINO DE CRUZ BLANCA
1300 CAMINO DE CRUZ BLANCA A
1224 CAMINO DE CRUZ BLANCA
1234 CAMINO DE CRUZ BLANCA A
1234 CAMINO DE CRUZ BLANCA
1200 CAMINO DE CRUZ BLANCA
1208 CAMINO DE CRUZ BLANCA
1212 CAMINO DE CRUZ BLANCA
1324 CAMINO DE CRUZ BLANCA
1284 CAMINO DE CRUZ BLANCA
1244 CAMINO DE CRUZ BLANCA
1284 CAMINO DE CRUZ BLANCA A
1236 CAMINO DE CRUZ BLANCA
1252 CAMINO DE CRUZ BLANCA
1286 CAMIINO DE CRUZ BLANCA
1238 CAMINO DE CRUZ BLANCA
WILDERNESS ARROYO
2216 WILDERNESS ARROYO
2224 WILDERNESS ARROYO
2200 WILDERNESS ARROYO
2208 WILDERNESS ARROYO
2224 WILDERNESS ARROYO A
2205 WILDERNESS VIEW

# City of Santa Fe, New Mexico

# memo

DATE: December 8, 2015

TO: Historic Districts Review Board Members

FROM: David Rasch, Supervising Planner in Historic Preservation DR

---

CASE # H-15-106

ADDRESS: 1244 Camino d Cruz Blanca
Historic Status: Non-statused
Historic District: Historic Review

**REFERENCE ATTACHMENTS (Sequentially):**

**CITY SUBMITTALS**

__x__ Case Synopsis

____ District Standards & Yard wall & fence standards.

__x__ Historic Inventory Form

__x__ Zoning Review Sheet

____ Other:

**APPLICANT SUBMITTALS**

__x__ Proposal Letter

____ Vicinity Map

__x__ Site Plan/Floor Plan

__x__ Elevations

__x__ Photographs

__x__ Other: exception responses

**STAFF RECOMMENDATION:**

Staff recommends approval of the exception request to apply a non-earth-toned stucco to the building; although, technically, staff could not support several statements in the exception criteria responses and otherwise recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (F) Historic Review Historic District.

EXHIBIT

C

**BACKGROUND & SUMMARY:**

1244 Camino de Cruz Blanca is a single-family residence and garage that was constructed in a simplified Santa Fe style in 1991 with alterations in 2011. The building has no historic status in the Historic Review Historic District. The applicant made exterior alterations without approvals or construction permits and a stop work order has been issued.

The applicant proposes to remodel the building with the following two items.

1. A 233 square foot portal will be constructed on the south elevation to a height of 10' 11". The portal is designed in a simplified character with sealed wooden viga posts and a standing seam shed roof. The clear-finished viga posts will not match the other portal on the building which has white-painted square posts, but the copper standing seam will match other roofs on the building.

2. A green-colored stucco has been applied to the structure. An exception is requested to apply a prohibited color (14-5.2(F)(2)(a)(ii) and the criteria responses are at the end of this report.

RELEVANT CODE CITATION

14-5.2(F) Historic Review District
(2) District Standards

(a) The following structural standards shall be complied with whenever exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished.

(ii) The color of stuccoed buildings shall predominantly be brown, tan, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited.

EXCEPTION TO APPLY NON-EARTH-TONED STUCCO (14-5.2(F)(2)(a)(ii))

*(i) Do not damage the character of the district*

The Property is located in an area of the historic review district that is heavily forested with evergreen trees. The house is located several hundred feet from Camino de Cruz Blanca and it is not visible from any public street or public property. Several existing structures in the immediate vicinity are colored in a similar green shade that blends with the surroundings. The character of the district has in no way been damaged by the presence of these structures and allowing the house to remain in its current condition will not damage the character of the district.

Staff response: Staff does not agree with this statement. If the building were not publicly-visible an exception and public hearing would not be required.

*(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare*

The plastering was done on an emergency basis. The Applicant had recently purchased the Property and found it to suffer from severe neglect and disrepair. The 25 year old plaster had never been maintained. The plaster slid off of the house in several places during a storm in the spring of 2015. Water was entering the structure and causing immediate damage. The Applicant took action to mitigate damages and given the existing green houses in the vicinity, chose that color so that the house would blend into the surrounding forest. Given the ongoing work, the Applicant had the portal constructed at the same time. Replastering the house would constitute a hardship to the Applicant. It would be burdensome and wasteful in terms of time and money.

Replastering would also create an injury to the public welfare. Just as the water towers above St. John's College have been colored to blend in to the escarpment, this house, which is visible from the St. John's campus, has been colored to blend in with the evergreen forest. A change in color would make the house contrast brightly against the forested hillside as seen from the St. John's campus.

Staff response: Staff does not agree with this statement. An earth-tone color does blend into the landscape and one more compliant earth-toned building in the neighborhood would not injure the public welfare.

*(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the district.*

The City, the Historic District, and the immediate vicinity have long contained many structures of this hue including several within the Wilderness Gate area and another on Garcia Street, for which the Board recently approved an exception based in large part on its lack of visibility from public areas.

This color is particularly appropriate for the Property because of its setting within an evergreen forest and because of its high visibility from the St. John's college campus, below the Property to the west. The color blends in with the surroundings and enhances the rural character of the hills above St. Johns and is appropriate for this location. The portal is an investment that is compatible with portals in the area and adds to the character and utility of the house.

Staff response: Staff agrees with this statement.

# Preliminary Zoning Review Worksheet

**City of Santa Fe Land Use Department**

**To Be Completed By Applicant:**

**Date Submitted:** 13 October 2015

**Property Owner of Record:** Jimmy + Jennifer Day

**Applicant/Agent Name:** Andrew Lyons

**Contact Person Phone Number:** (505)982-7515

**Site Address:** 1244 Camino de Cruz Blanca

**Proposed Construction Description:** Restucco & New Portal

**TOTAL ROOF AREA:** 6,327 ft

**Zoning District:** R-1

**Lot Coverage :** 4.3 %

☐ Open Space Required: _____

**Overlay:** ☐ Escarpment _____
☐ Flood Zone*
☐ Other: _____

**Setbacks:**
Proposed Front: 122' Minimum: 7'
2nd Front? _____
Proposed Rear: 431' Minimum: 15'
Proposed Sides: L 101' R 63' Minimum: 5'

**Submittals Reviewed with PZR:**
☑ Legal Lot of Record ☐ Development Plan ☑ Building Plans
☑ Existing Site Plan ☑ Proposed Site Plan ☑ Elevations

**Supplemental Zoning Submittals Required for Building Permit:**
☐ Zero Lot Line Affidavit

**Height:** Proposed 11' +/-
Maximum Height: _____ or
☑ Regulated by Historic Districts Ordinance
☐ Regulated by Escarpment District

**Access and Visibility:** ☐ Arterial or Collector**
☐ Visibility Triangle Required

**Parking Spaces:**
Proposed 5+ Accessible _____
Minimum: 2

**Use of Structure:** ☑ Residential
☐ Commercial Type of Use: _____

**Terrain:** ☐ 30% slopes N/A

**Bicycle Parking**:**
Proposed: _____ Minimum: N/A

* Requires an additional review conducted by Technical Review Division
** Requires an additional review conducted by the Traffic Engineering Division.
** Commercial Requirement

**THIS REVIEW DOES NOT GRANT ZONING APPROVAL FOR BUILDING PERMIT. FINAL ZONING REVIEW WILL BE PERFORMED AT THE TIME OF BUILDING PERMIT APPLICATION.**

Andrew Lyons [☐OWNER ☑APPLICANT ☐AGENT]
PRINT NAME

**hereby certifies that the information provided for preliminary zoning review is accurate and will not be modified without consulting Land Use Department staff prior to submittal for Historic Districts Review Board review.**

SIGNATURE _____ 12 OCTOBER 2015
DATE

**To Be Completed By City Staff:**

**Additional Agency Review if Applicable:**

☐ Escarpment Approval by _____ Date: ___/___/___
☐ Flood Plain Approval by _____ Date: ___/___/___
☐ Traffic Engineering Approval by _____ Date: ___/___/___

Notes: _____

Zoning Approval:
☑ Preliminary Approval ☐ with conditions ☐ Rejected

Comments/Conditions: _____

REVIEWER: Zach Thomas DATE: 10/13/15

**Original color form must be submitted with Historic Districts Review Board (HDRB) application packet.**

ANDREW LYONS
DESIGN AND DRAFTING LLC
P.O. BOX 8858
SANTA FE, NEW MEXICO 87504
505-982-7999
andrew@andrewlyonsdesign.com

27 October 2015

Historic Design Review Board
Historic Preservation
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Restucco and New Portal at 1244 Camino de Cruz Blanca

Dear Board Members,

Attached you will find my submittal on behalf of the property owners, Jimmy and Jennifer Day, for the Board's review and approval of two proposed revisions at the existing residence located at 1244 Camino de Cruz Blanca.

The existing residence and detached garage were built by Stuart Udall in approximately 1991 in a contemporary Pueblo style consisting of relatively sharp corners and a mix of flat roofs & parapets along with some copper-colored pitched roofs. In 2011 the second owners of the house enlarged the kitchen by enclosing an existing portal, and also enlarged the master bathroom via an addition. The Days are the third owners of the property.

There are two revisions to the residence that we request approval from the HDRB for:

- The first request is to retroactively approve the new green stucco that the owners applied to both the residence and garage this past summer. Due to the fact that green stucco is not considered 'earth tone' by current interpretation of City Code as applied to the historic districts, this retroactive approval will require the granting of an exception by the HDRB. Please see the attached owner-supplied documentation in regards to answering the three criteria required for this exception request.

- The second retroactive approval we seek is for the addition of a new portal on the south elevation of the residence, approximately 25'-11" long and 10'-11" tall, just outside the master bedroom. (9' deep) This portal was under construction when it was red-tagged by Mr. Gary Moquino due to the owners' not having Historic approval in hand nor a building permit. The portal was being constructed with a copper-colored pitched metal roof similar to the existing pitched metal roofs on the structure, and below is a viga-post supported wood structure to be sealed in transparent natural finish. The extension of the existing walking surface under the new roof has new brick matching the existing brick walkway. Once we have approval for this portal addition from the HDRB we will apply for a building permit before resuming work to finish the project.

We are requesting that the HDRB retroactively approve the two phases of proposed work as submitted.

**Jimmy and Jennifer Day**
1240 Camino de Cruz Blanca
Santa Fe, NM 87505
505-660-8656

Over the last few years we have purchased three homes that are contiguous on Camino de Cruz Blanca. We now own 8 acres. Two of these homes were built in the early 1990's. Over the years, the stucco at 1244 Camino de Cruz Blanca lost its elasticity and began to erode from the walls of the home. With the rain this year, a large section of stucco fell from the side of the house. We have taken our cues from nature and surrounding homes when repairing the old stucco on this home. We are very pleased with the overall aesthetic of our family compound and we are certain that it is a compliment to the historic nature of Santa Fe.

There are many homes in the Historic Review District in varying shades of green. We have followed the precedent already established in the Historic Review District in the selection of color for our stucco repair.

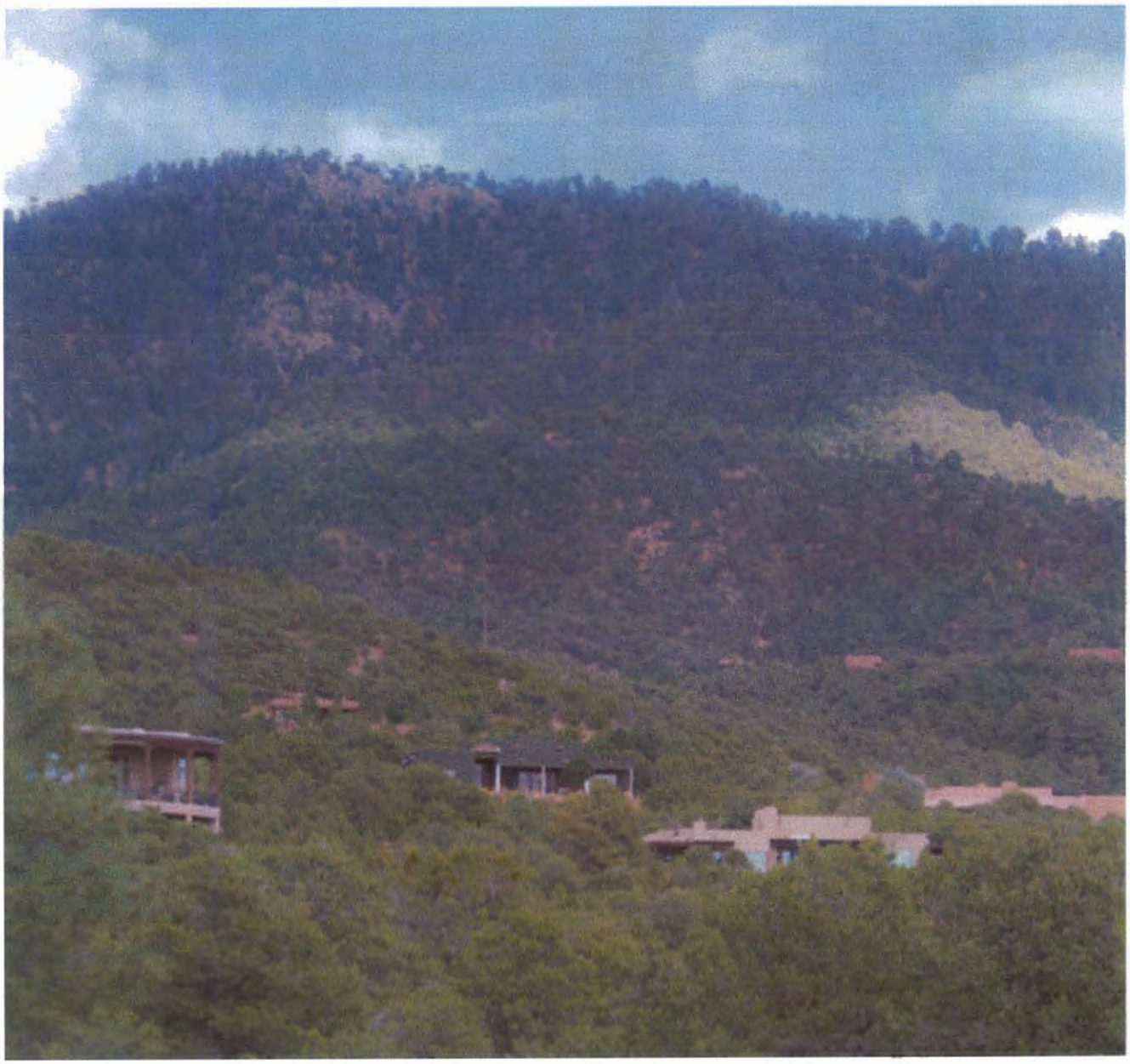
I would like to present photographs of 1244 Camino de Cruz Blanca and other homes in Wilderness Gate that use the same or similar green colors. By coloring the home with forest green stucco, it is harder to see in the trees. Its prominence on the side of the mountain is obvious. The views are spectacular. It was our intention to reduce the visual footprint of the home and let it "fade" into the landscape. It can only be seen from a few spots on the St. John's College campus and from the arroyo below St. Johns.

We are confident that Historic will agree that this home blends well with the landscape and is a positive contribution to the view of the hills from St. John's College.

This is the original color of the home at 1244 Camino de Cruz Blanca. It stood out very brightly on the landscape as viewed from St. Johns College.

The home is now forest green stucco. It can only be seen from a few places on the St. John's campus and one road in Wilderness Gate due to the

topography. There are homes in this photograph below that the draw the eye away from the mountain. Our forest green home blends into the landscape and does not interrupt the view of the hills.



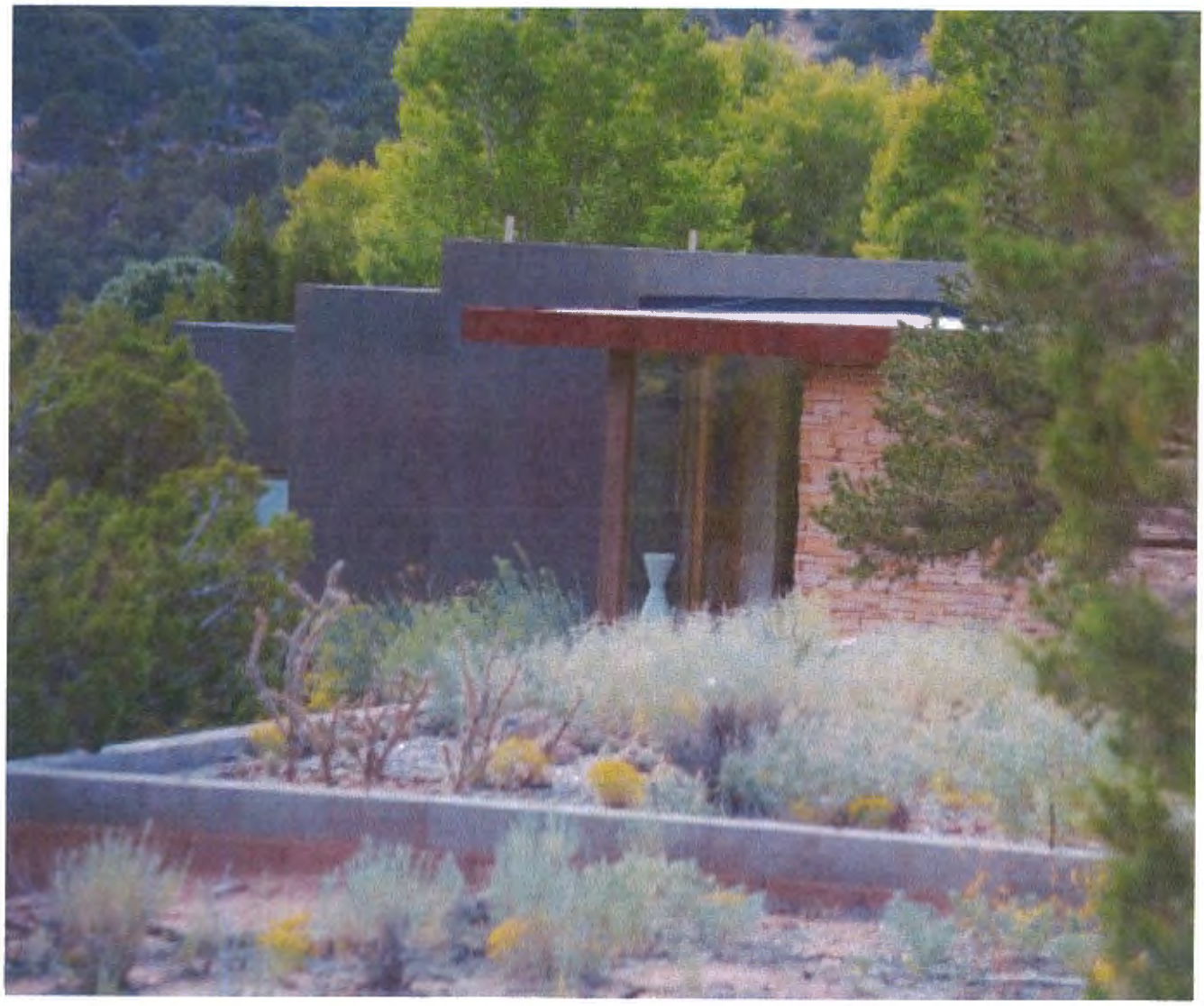
This is the view of the our home from Wilderness Gate.

The home blends into the trees as seen from the dirt road that is the driveway to the house.

Camino de Cruz Blanca dead ends into Wilderness gate. 1654 Wilderness Way. This home is light green and is located at the top of Wilderness gate.

There is a guest house associated with this green home that is the same color as our stucco.

1616 Wilderness Gate is also the same color as our stucco. This is the view from the road.
Everyone who enters Wilderness gate sees this home versus only the students at St. Johns College seeing our home across the arroyo.



Another home in Wilderness Gate easily seen from the main road.

This green water tank is within 300 yards of our home it is a similar green color and much larger than our house.

More green water tanks nearby as well as green electrical boxes etc.

Jennifer

Jennifer Day
www.jdaydesign.com
jennifer@jdaydesign.com
505-660-8656 cell

## 1244 Camino Cruz Blanca – Exception Criteria Responses

The Applicant provides the following responses to the City Code criteria for approval of the request for an exception to the historic district overlay provisions concerning the stucco color and the rear portal on the house at 1244 Camino de Cruz Blanca (the "Property").

*(i) Do not damage the character of the district;*

The Property is located in an area of the historic review district that is heavily forested with evergreen trees. The house is located several hundred feet from Camino de Cruz Blanca and it is not visible from any public street or public property. Several existing structures in the immediate vicinity are colored in a similar green shade that blends with the surroundings. The character of the district has in no way been damaged by the presence of these structures and allowing the house to remain in its current condition will not damage the character of the district.

*(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare;*

The plastering was done on an emergency basis. The Applicant had recently purchased the Property and found it to suffer from severe neglect and disrepair. The 25 year old plaster had never been maintained. The plaster slid off of the house in several places during a storm in the spring of 2015. Water was entering the structure and causing immediate damage. The Applicant took action to mitigate damages and given the existing green houses in the vicinity, chose that color so that the house would blend into the surrounding forest. Given the ongoing work, the Applicant had the portal constructed at the same time. Replastering the house would constitute a hardship to the Applicant. It would be burdensome and wasteful in terms of time and money.

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The City, the Historic District and the immediate vicinity have long contained many structures of this hue including several within the Wilderness Gate area and another on Garcia Street, for which the Board recently approved an exception based in large part on its lack of visibility from public areas.

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Photo #1- North (front) Elevation

Photo #2- West Elevation

1244 Camino de Cruz Blanca
27 October, 2015

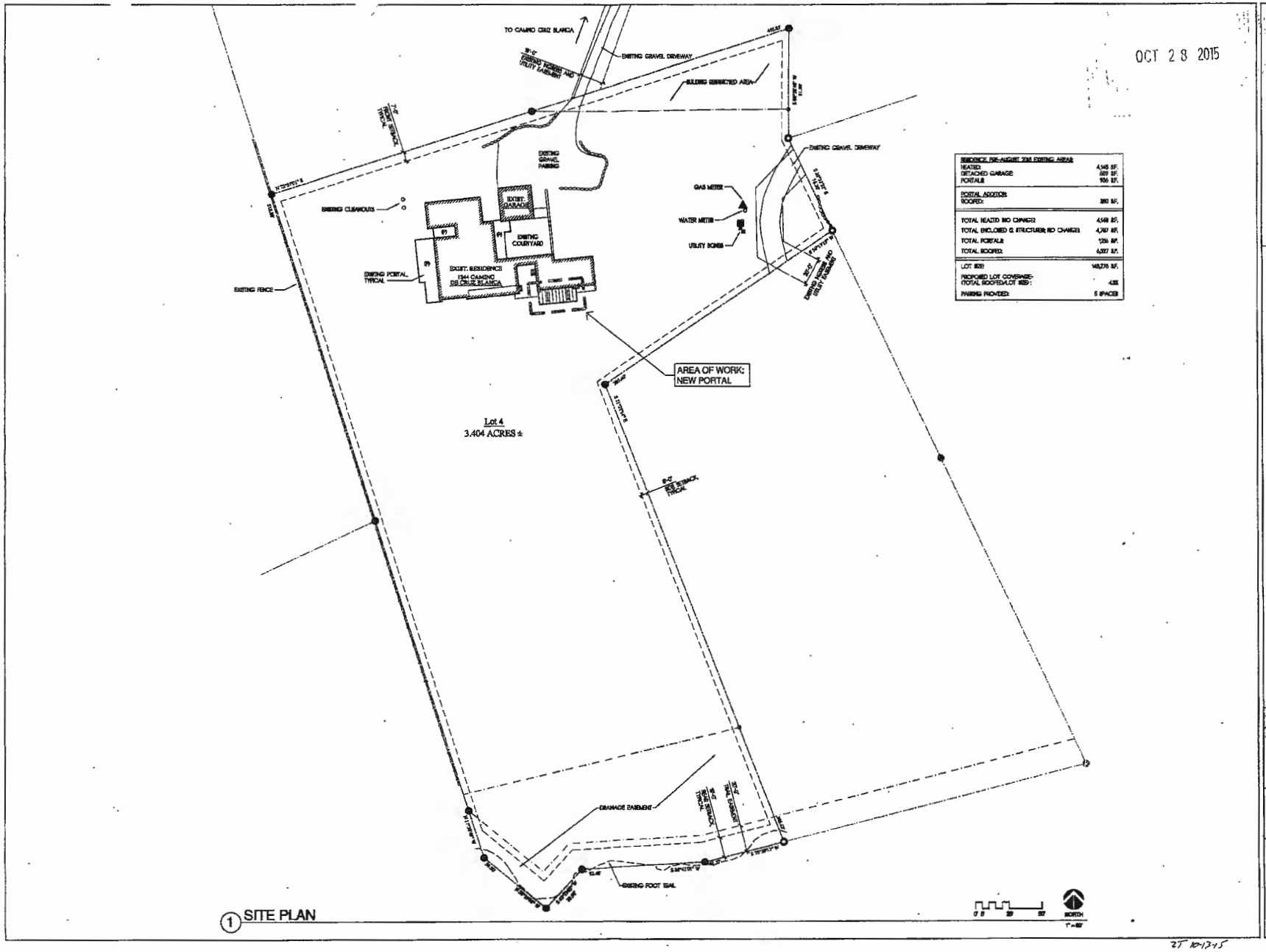
Photo #3- South Elevation

Photo #4- South Elevation with New Portal

Photo #5- East Elevation of New Portal

Photo #6- East Elevation

Photo #7- East Elevation of Garage




| | |
|---|---|
| RESIDENCE PRE-AUGUST 2015 EXISTING AREAS: | |
| HEATED: | 4,148 SF. |
| DETACHED GARAGE: | 609 SF. |
| PORTALS: | 936 SF. |
| PORTAL ADDITION: | |
| ROOFED: | 280 SF. |
| TOTAL HEATED (NO CHANGE): | 4,148 SF. |
| TOTAL ENCLOSED @ STRUCTURES (NO CHANGE): | 4,787 SF. |
| TOTAL PORTALS: | 1,216 SF. |
| TOTAL ROOFED: | 6,027 SF. |
| LOT SIZE: | 148,278 SF. |
| PROPOSED LOT COVERAGE- (TOTAL ROOFED/LOT SIZE): | 4.0% |
| PARKING PROVIDED: | 5 SPACES |

1 SITE PLAN

OCT 28 2015

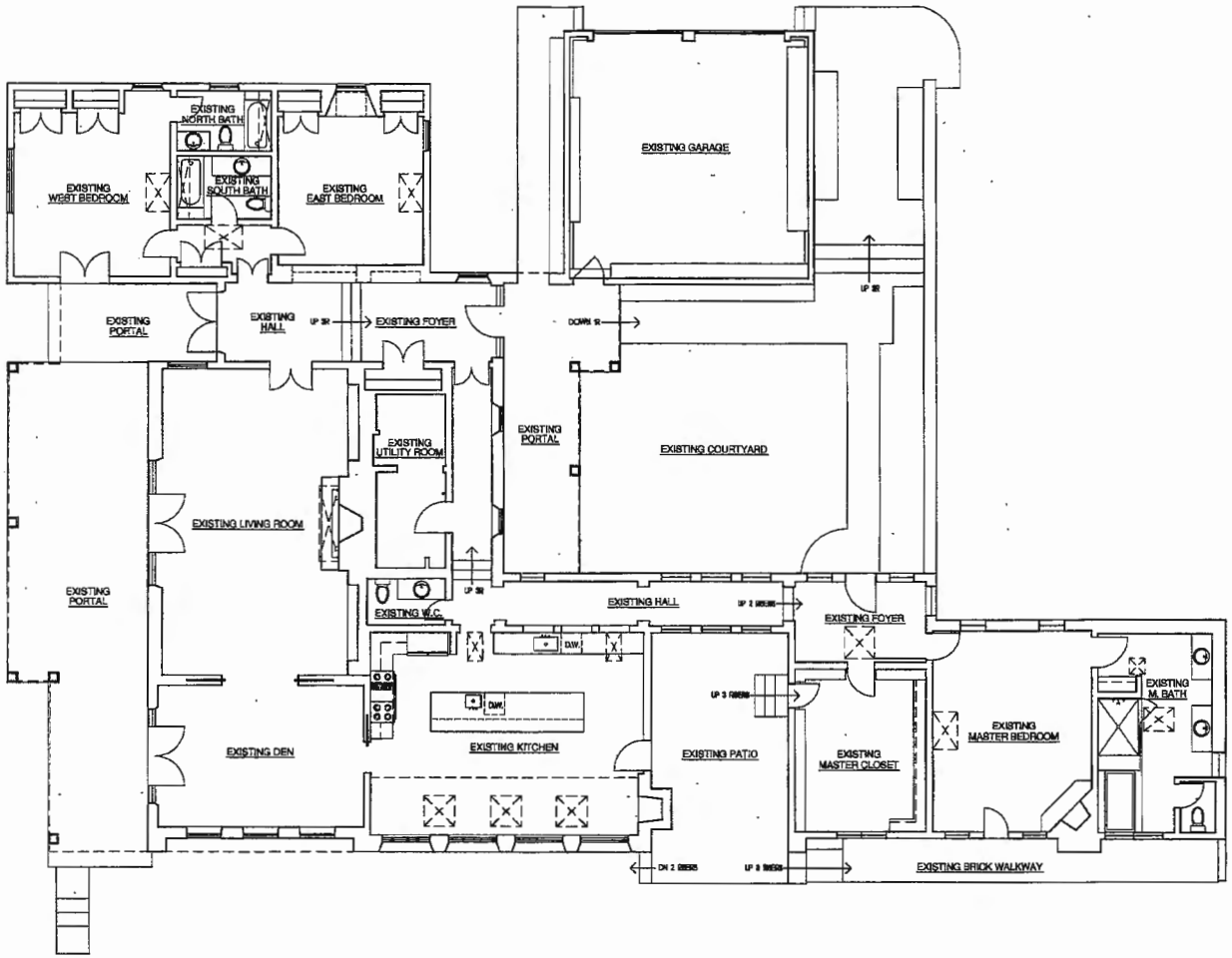
ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7999 andrew@andrewlyonsdesign.com
PO BOX 8888 SANTA FE NEW MEXICO

RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE 12 OCT., 2015
REVISIONS
SHEET TITLE SITE PLAN- NEW PORTAL
SHEET C-1

ZT 10-13-15

OCT 28 2015




1 PRE-AUGUST 2015 FLOOR PLAN

PLAN NORTH

3/16" = 1'-0"

ZT 10-13-15


ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7898 andrew@andrewlyonsdesign.com
PO BOX 8858 SANTA FE NEW MEXICO


RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

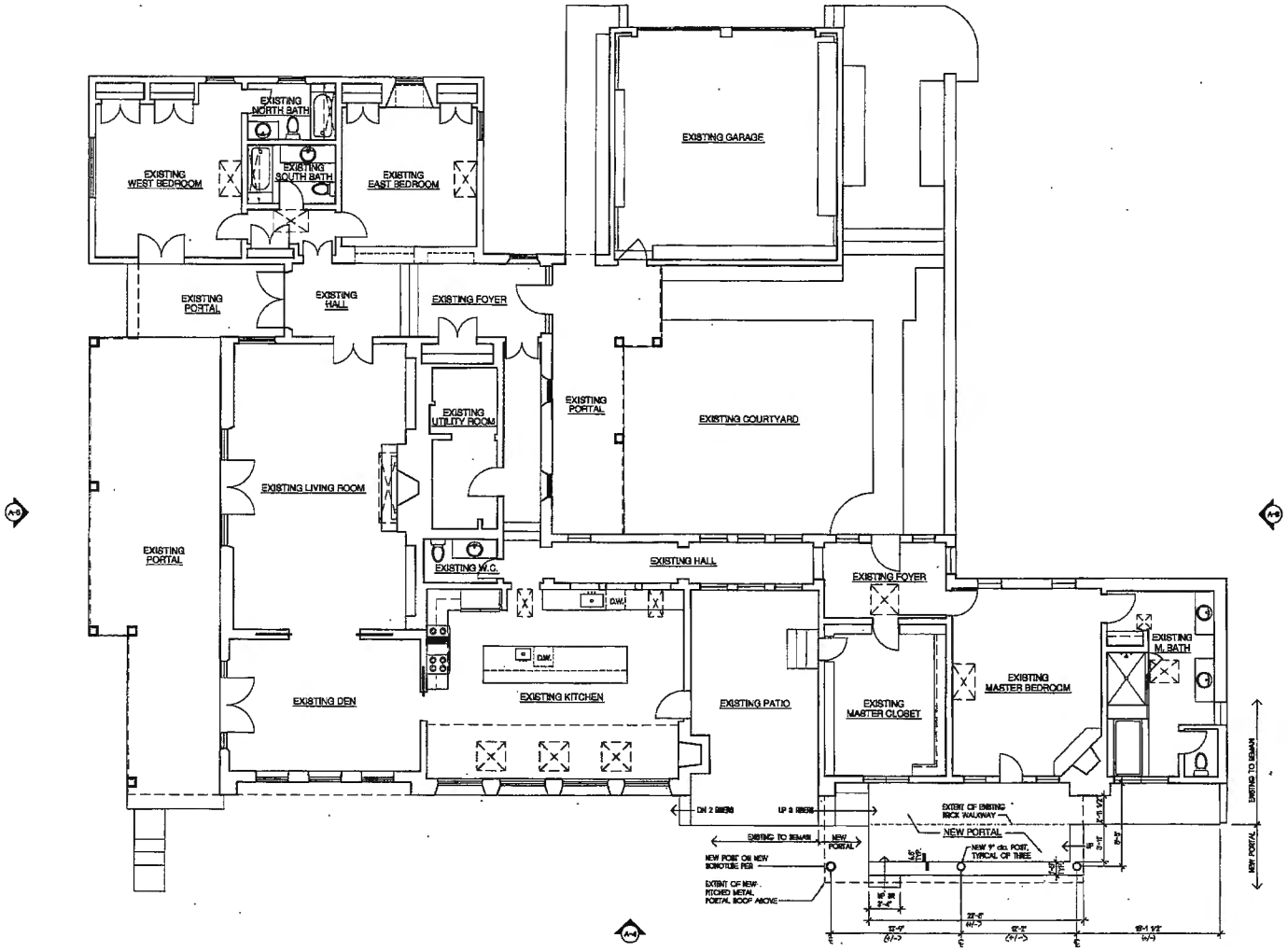
DATE: 12 OCT., 2015

REVISIONS:

SHEET TITLE: PRE-AUGUST 2016 FLOOR PLAN

SHEET: A-1

OCT 28 2015




1 REVISED FLOOR PLAN

ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7899 andrew@andrewlyonsdesign.com
PO BOX 6888 SANTA FE NEW MEXICO

RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE: 12 OCT., 2015

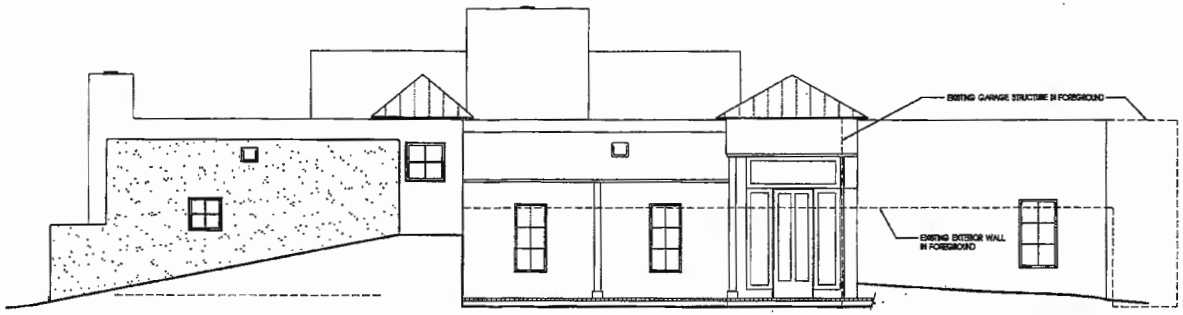
REVISIONS:

SHEET TITLE: REVISED FLOOR PLAN

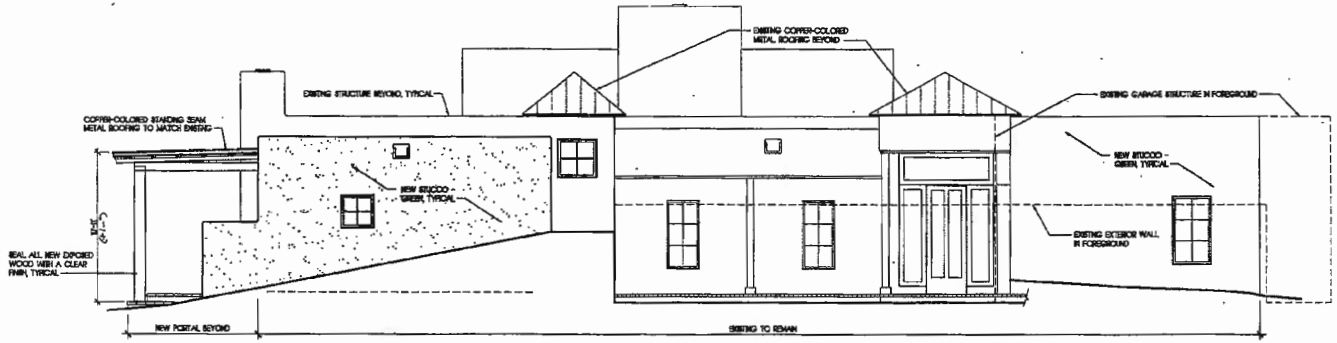
SHEET: A-2

ZT 10-13-15

OCT 2 8 2015




1 PRE-AUGUST 2015 EAST ELEVATION




2 REVISED EAST ELEVATION


ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7999 andrew@andrewlyonsdesign.com
PO BOX 6858 SANTA FE NEW MEXICO


RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE: 12 OCT., 2015

REVISIONS:

SHEET TITLE: PRE-AUGUST 2015 AND REVISED EAST ELEVATIONS

SHEET: A-3

27 10/17/15

OCT 28 2015

1 PRE-AUGUST 2015 SOUTH ELEVATION

2 REVISED SOUTH ELEVATION

ZT 10/7/15


ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7899 andrew@andrewlyonsdesign.com
PO BOX 8858 SANTA FE NEW MEXICO


RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

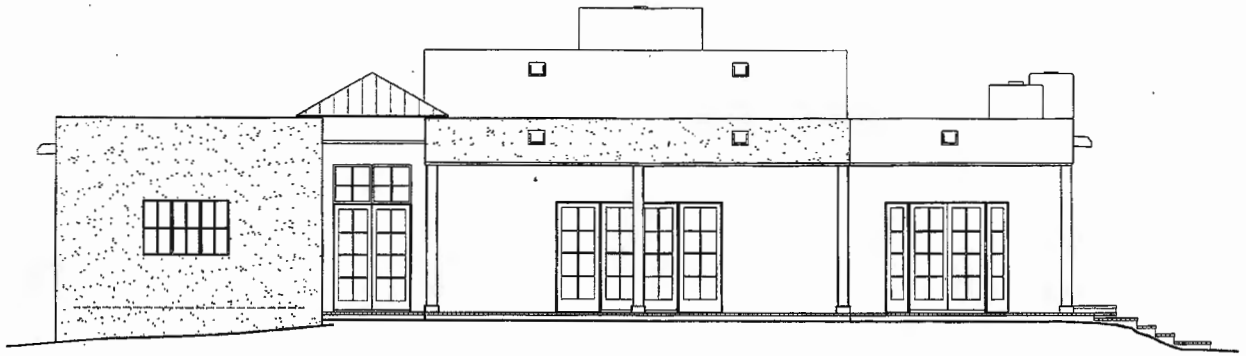
DATE
12 OCT., 2015

REVISIONS

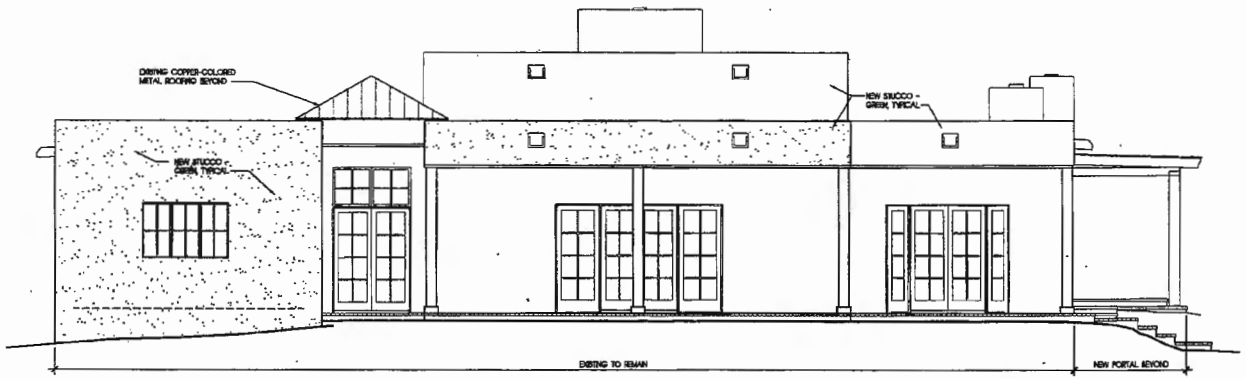
SHEET TITLE
PRE-AUGUST 2015 AND REVISED SOUTH ELEVATIONS

SHEET
A-4

OCT 2 8



1 PRE-AUGUST 2015 WEST ELEVATION




2 REVISED WEST ELEVATION

ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7999 andrew@andrewlyonsdesign.com
PO BOX 8888 SANTA FE NEW MEXICO

RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE
12 OCT., 2015

REVISIONS

SHEET TITLE
PRE-AUGUST 2015 AND REVISED WEST ELEVATIONS

SHEET
A-5

1 EXISTING NORTH ELEVATION

0' 6' 12'
1/8" = 1'-0"

ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7989 andrew@andrewlyonsdesign.com
PO BOX 9858 SANTA FE NEW MEXICO

RESTUCCO AND A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE
12 OCT., 2015

REVISIONS

SHEET TITLE
EXISTING
NORTH ELEVATION

SHEET
A-6

7F10135

**SUMMARY INDEX**
**HISTORIC DISTRICTS REVIEW BOARD**
December 8, 2015


| | ITEM | ACTION TAKEN | PAGE(S) |
|---|---|---|---|
| B. | Roll Call | Quorum Present | 1 |
| C. | Approval of Agenda | Approved as amended | 2 |
| D. | Approval of Minutes | | |
| | November 24, 2015 | Approved as amended | 2 |
| E. | Findings of Fact & Conclusions of Law | Approved as presented | 2 |
| F. | Business from the Floor | None | 3 |
| G. | Communications | Discussion and presentation | 3 |
| H. | Action Items | | |
| | 1. **Case #H-15-107** 617½ Acequia Madre | Approved with conditions | 3-5 |
| | 2. **Case #H-15-108** 1270 and 1272 Canyon Road | Approved with conditions | 5-9 |
| | 3. **Case #H-15-110A** 767½ Acequia Madre | Designated contributing | 9-10 |
| | 4. **Case #H-15-110B** 767½ Acequia Madre | Approved with conditions | 10-12 |
| | 5. **Case #H-15-106** 1244 Camino de Cruz Blanca | Approved portal; denied green color | 13-19 |
| | 6. **Case #H-15-109A** 312 Pino Road | Designated primary façades | 19-21 |
| | 7. **Case #H-15-109B** 312 Pino Road | Approved with conditions | 22-26 |
| | 8. **Case #H-13-072** 123 East Buena Vista Street | Approved with conditions | 26-31 |
| I. | Matters from the Board | Discussion | 31 |
| J. | Adjournment | Adjourned at 7:45 p.m. | 32 |




EXHIBIT
tabbies
D

**MINUTES OF THE**

**CITY OF SANTA FÉ**

**HISTORIC DISTRICTS REVIEW BOARD**

**December 8, 2015**

## A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Mr. Rasch in the absence of the Chair and Vice Chair on the above date at approximately 5:30 p.m. in the City Council Chambers at City Hall, Santa Fé, New Mexico.

## B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**
Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. Buddy Roybal

**MEMBERS EXCUSED:**
Mr. William Powell

**OTHERS PRESENT:**
Mr. David Rasch, Historic Planner Supervisor
Ms. Donna Wynant, Senior Planner, Current Planning Division
Ms. Theresa Gheen, Assistant City Attorney
Ms. Lisa Martínez, Land Use Department Director
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department.**

5 **Case #H-15-106 1244 Camino de Cruz Blanca.** Historic Review District. Andy Lyons, agent for Jimmy and Jennifer Day, owners, proposes to remodel a non-statused residential structure including construction of a 233 sq. ft. portal to a height of 10' 11" and application of nontraditional stucco. An exception is requested to use a prohibited stucco color (Section 14-5.2(F)(2)(a)(ii)). (David Rasch)

Mr. Rasch gave the staff report as follows:

**BACKGROUND & SUMMARY:**

1244 Camino de Cruz Blanca is a single-family residence and garage that was constructed in a simplified Santa Fe style in 1991 with alterations in 2011. The building has no historic status in the Historic Review Historic District. The applicant made exterior alterations without approvals or construction permits and a stop work order has been issued.

The applicant proposes to remodel the building with the following two items.

1. A 233 square foot portal will be constructed on the south elevation to a height of 10' 11". The portal is designed in a simplified character with sealed wooden viga posts and a standing seam shed roof. The clear-finished viga posts will not match the other portal on the building which has white-painted square posts, but the copper standing seam will match other roofs on the building.

2. A green-colored stucco has been applied to the structure. An exception is requested to apply a prohibited color (14-5.2(F)(2)(a)(ii) and the criteria responses are at the end of this report.

RELEVANT CODE CITATION

14-5.2(F) Historic Review District
(2) District Standards

(a) The following structural standards shall be complied with whenever exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished.

(ii) The color of stuccoed buildings shall predominantly be brown, tan, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited.

EXCEPTION TO APPLY NON-EARTH-TONED STUCCO (14-5.2(F)(2)(a)(ii))

*(I) Do not damage the character of the district*

The Property is located in an area of the historic review district that is heavily forested with evergreen trees. The house is located several hundred feet from Camino de Cruz Blanca and it is not visible from any public street or public property. Several existing structures in the immediate vicinity are colored in a similar green shade that blends with the surroundings. The character of the district has in no way been damaged by the presence of these structures and allowing the house to remain in its current condition will not damage the character of the district.

Staff response: Staff does not agree with this statement. If the building were not publicly-visible an exception and public hearing would not be required.

*(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare*

The plastering was done on an emergency basis. The Applicant had recently purchased the Property and found it to suffer from severe neglect and disrepair. The 25-year-old plaster had never been maintained. The plaster slid off of the house in several places during a storm in the spring of 2015. Water was entering the structure and causing immediate damage. The Applicant took action to mitigate damages and given the existing green houses in the vicinity, chose that color so that the house would blend into the surrounding forest. Given the ongoing work, the Applicant had the portal constructed at the same time. Replastering the house would constitute a hardship to the Applicant. It would be burdensome and wasteful in terms of time and money.

Replastering would also create an injury to the public welfare. Just as the water towers above St. John's College have been colored to blend in to the escarpment, this house, which is visible from the St. John's campus, has been colored to blend in with the evergreen forest. A change in color would make the house contrast brightly against the forested hillside as seen from the St. John's campus.

Staff response: Staff does not agree with this statement. An earth-tone color does blend into the landscape and one more compliant earth-toned building in the neighborhood would not injure the public welfare.

*(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the district.*

The City, the Historic District, and the immediate vicinity have long contained many structures of this hue including several within the Wilderness Gate area and another on Garcia Street, for which the Board recently approved an exception based in large part on its lack of visibility from public areas.

This color is particularly appropriate for the Property because of its setting within an evergreen forest and because of its high visibility from the St. John's college campus, below the Property to the west. The color blends in with the surroundings and enhances the rural character of the hills above St. Johns and is appropriate for this location. The portal is an investment that is compatible with portals in the area and adds to the character and utility of the house.

Staff response: Staff agrees with this statement.

**STAFF RECOMMENDATION:**

Staff recommends approval of the exception request to apply a non-earth-toned stucco to the building; although, technically, staff could not support several statements in the exception criteria responses and otherwise recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (F) Historic Review Historic District.

Questions to Staff

Chair Rios noted there are three exception criteria to meet and asked Mr. Rasch how many they met.

Mr. Rasch said they met the third criterion. The public visibility is extremely limited with a slight view from the west on Camno Cruz Blanca. But the entire property is visible from the open driveway at St. John's which is considered a public way.

In the second criterion, concerning the green stucco, he didn't agree with the statements. Most are brown stuccoed.

Chair Rios asked Mr. Rasch to read the code for that.

Mr. Rasch did read the criterion for the Board from the Code.

Chair Rios commented that this applicant stuccoed it green without prior approval.

Member Roybal asked if there is an alternative finish to allow this.

Mr. Rasch said if the Board denied the green stucco, the Board could look at elastomeric stucco or paint since it is non-contributing and not an adobe building.

Member Roybal asked if the other green houses were in compliance.

Mr. Rasch said not the ones on Wilderness Gate but the one on Garcia was approved by exception in 2011.

Member Roybal concluded that the rest of the green structures don't meet criteria either.

Mr. Rasch agreed. They are in violation.

Member Bayer understood that to meet the criteria for an exception, they have to meet all three.

Mr. Rasch agreed. He said he advised the applicants that they might need to give more information.

Member Katz asked then, since it is quite clear that they don't meet the three criteria for an exception, why the staff is recommending approval.

Mr. Rasch said he thought the public visibility was so minor and then the whole question of being on St. Johns property is public visibility or not. The City Attorney says it is.

Member Katz asked if he would like to change his recommendation.

Mr. Rasch said, "I think I am not caring too much about this one because it is not right on the street frontage. What you can see from the street frontage is so minor. I think you would need more testimony to make it better."

Applicant's Presentation

Present and sworn was Mr. Andrew Lyons, P.O. Box 8858, Santa Fe, who said, based on his experience, the portal is included in staff approval, considering where the house is located. As for the stucco, there is precedent for it. There was an exception granted for the house on Garcia Street that it appears the Board members went by this afternoon. He didn't know what their responses were.

He added that the color green has been under consideration by the Board to be an approved color. That has been his understanding for several years. And it is so minimally visible from just about anywhere. It pretty much disappears into the trees with the deep green. He thought it is a nice feature.

Questions to Applicant

Chair Rios said in her many years on the Board, she did not recall the Board ever considering green colored stucco as an approved historic color.

Mr. Lyons clarified that he didn't mean to say "the Board." "I was under the understanding that it has come up in front of the City before. Green people wanted to do green; not the mint green of the old days - the 50's, 60's and 70's that used to be around here. But greens like this. I have heard this several times over the years. I know you've been on the Board for a long time so maybe I haven't come to the Board. But it has been under discussion at the City, is my impression. I think it would be a good idea, personally."

Mr. Rasch said the applicant is correct. The City is looking at a green color as an approved color in the escarpment overlay district. It has been discussed for several years now. The Escarpment Working Group is considering it. They may be defunct at this time. But they were thinking that from a distance green fades more than brown. So the escarpment district is considering it. There are areas within historic districts that are in the escarpment district, as well. They are minimal and this house is not in the escarpment district.

Chair Rios asked, in reference to the house on Garcia Street that the Board saw today, which really is very difficult to see from the street, if Staff could describe the streetscape and also the color of green.

Mr. Rasch said the streetscape is varied with different sizes of residences on the north east. But on the

southwest, is mostly SAR (School of American Research) property and that is set pretty far from the street. Some of the houses are close to the street but not this green one. The green color is a lot lighter - like Member Roybal's jacket.

Chair Rios noted there are lots of trees on the property.

Mr. Rasch agreed. The Board required additional trees to screen the green stuccoed house on Garcia.

Member Roybal referred to the letter from Mr. And Mrs. Day and assumed they were aware of this property being under HDRB purview. [The letter is attached to these minutes as Exhibit 2.]

Mr. Rasch said he didn't know if they were aware or not.

Chair Rios said the realtors should know. They are supposed to notify buyers.

Member Roybal asked Mr. Lyons if his clients would be willing to change the stucco color.

Mr. Lyons said no.

Member Bayer asked if they were aware their house is in the historic district.

Mr. Lyons didn't know whether they were or not.

Member Katz said they surely did know that building permits were required and did not apply for a permit for the portal addition.

Mr. Lyons agreed.

Member Boniface pointed out that there are various shades of green. Some of the houses the Board looked at and specifically the ones he cited are not the same color. They were much more muted, greyed out and, although illegally done, the one the Board did give the exception for on Garcia but it was a very different color - more grey than green. He was having a hard time with this. These people know they must get permits. They've bought three homes. They must have known it is in historic district.

He said he would be more inclined to ask the applicant to meet the code and follow the code. He asked what the purpose of having codes is and then not follow them. He was just not convinced this is the way to go.

Member Biedscheid recalled at the last meeting that Morley's tenets for Santa Fe Style were discussed and one of them echoes the current code with earth-toned colors and says any light color which Garcia Street is. And he called out green as not permitted.

Member Katz acknowledged not much was visible from Cruz Blanca but it is very visible from St. John's so it is very noticeable. St. John's is a very public place, not only with students and professors but a

lot of the public go there for public events.

Member Bayer said, in reviewing the responses to the criteria, she agreed with Mr. Rasch's recommendation on #1 and with Member Katz. This property is very visible from the St. John's campus. On the second criterion, the applicant referenced other green houses but since they were done illegally, they are not applicable and the one exception was more grey than green and a lot less visible from the street.

Public Comment

Present and sworn was Mr. Joseph Karnes, 200 West Marcy Street, counsel for the applicant. As a follow-up on Mr. Rasch's staff report, he took exception to his statement in the criteria responses rather than the criteria themselves.

The statement for #1 - "do not damage the character of the district" and the response is "that the house is not visible from public street or public property." St. John's is private property and he had an issue with the City Attorney's interpretation of the Code with respect to whether private property that is open to the public meets that criterion but rather than argue with the code, they decided to go ahead with the application. He believed that St. John's is not public property and they submitted information for the record documenting that.

There was also a comment made that the house is visible from Camino Cruz Blanca and would like to know for the record where it is visible from that street. He went and looked carefully and didn't believe it is visible at all. He recommended that the exact location be included in the record.

Regarding #2 - "are required to prevent a hardship to the applicant or an injury to the public welfare," there are two prongs to that criteria. The first paragraph of the response addresses the hardship criterion. He thought that stands on its own and satisfied it. As to injury to public welfare, an earthtone or brown would stand more in the forested area than a green color. He understood that staff disagreed with that. He submitted that all three criteria are satisfied in this case. The house is minimally visible from any streets. We recognize it is visible from St. John's which is private property. The other green colored houses we don't know if they are legal or not but the Board approved the application for the house on Garcia Street.

Member Katz said the standard is publicly visible. It does not say visible from a public place. So that would support the view of the City Attorney - that it means visible from a place that the public uses.

Mr. Rasch read the standards again.

Chair Rios asked Mr. Rasch to describe the public visibility from Camino Cruz Blanca.

Mr. Rasch said in the van, we saw it as visible just west of the applicant's front house, looking back you could see the top of the building.

Action of the Board

**Member Katz moved in Case #H-15-106 at 1244 Camino de Cruz Blanca, to approve the portal that, even though constructed without a permit, is not publicly visible, and secondly, make a finding that the grounds for the exception are not all met: that it is visible from a place uses and is invited and often viewing the house, and it certainly is not necessary to present a hardship for the applicant. They may not like that the rule is for a brown color and it is not a hardship to follow the rules although costly to go back and follow the rules. He added that in this district, elastomeric stucco or elastomeric paint is allowed. Member Boniface seconded the motion and it passed by unanimous voice vote.**

6. **Case #H-15-109A 312 Pino Road.** Downtown & Eastside Historic District. Jay Jay Shapiro, agent for Linda Aragon, owner, requests a historic status review of a contributing residential structure and a yardwall with primary elevation designation if applicable. (Donna Wynant)

Ms. Wynant gave the staff report as follows:

**BACKGROUND & SUMMARY:**

312 Pino Road is a 1,230 square foot single-family residential structure that was constructed by 1928 in the Spanish Pueblo Revival Style. It is listed as contributing to the Downtown and Eastside Historic District. The applicant requests a historic status review of 313 Pino Road and the yardwall with primary elevation designation.

The walls were traditional built with adobe, and plaster. Three additions were built onto the original house throughout the years as shown on the applicant's site plan. In 1957/'58, a portal was built onto the front of the house (west/southwest elevation) and a closet was built onto the southeast corner. A utility/bath room was built onto the south side of the house in 1981. The Arroyo Pino acequia was covered sometime in the 1950s.

The stone wall, originally 4 feet in height, was increased to over 5 feet in the late 1960's. Staff therefore assumes the original wall is historic since it was constructed prior to 1966. The applicant proposes 2 parking spaces at the north end of the property and §14-7.1(F) requires visibility to be provided where driveways meet the street. The applicant therefore proposes to reconfigure the wall to allow for site visibility as required by traffic engineering and shown on the proposed site plan.

[Note: In the discussion, the last two sentences in this paragraph were stricken from the report.]

**STAFF RECOMMENDATION:**

Staff recommends that the property retain its contributing status to the Downtown & Eastside Historic District and that the north side of the house (along Pino Road) and the portals be designated as primary elevations as shown on the attached diagram as Façades #1, 2, 3 and 4. Staff also recommends the rock

**SUMMARY INDEX**
**HISTORIC DISTRICTS REVIEW BOARD**
January 12, 2016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| D. Approval of Minutes December 8, 2015 | Approved as amended | 2 |
| E. Findings of Fact & Conclusions of Law | Approved as presented | 2 |
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| 2. **Case #H-16-002A** 450 Camino Monte Vista | North and West are primary | 9-13 |
| 3. **Case #H-16-004** 311 East Palace Avenue | Approved with conditions | 13-15 |
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| J. Adjournment | Adjourned at 7:12 p.m. | 25 |




EXHIBIT
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# MINUTES OF THE

# CITY OF SANTA FÉ

# HISTORIC DISTRICTS REVIEW BOARD

**January 12, 2016**

## A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Mr. Rasch in the absence of the Chair and Vice Chair on the above date at approximately 5:30 p.m. in the City Council Chambers at City Hall, Santa Fé, New Mexico.

## B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**
Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Mr. Edmund Boniface
Mr. Buddy Roybal

**MEMBERS EXCUSED:**
Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. William Powell

**OTHERS PRESENT:**
Mr. David Rasch, Historic Planner Supervisor
Ms. Theresa Gheen, Assistant City Attorney
Ms. Lisa Martínez, Land Use Department Director
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department.**

## C. APPROVAL OF AGENDA

**Member Boniface moved to approve the agenda as presented. Member Katz seconded the motion and it passed by unanimous voice vote.**

## D. APPROVAL OF MINUTES: December 8, 2015

Chair Rios requested a change on page 31, third sentence, under Questions to Applicant, should read, "Chair Rios commented that in past proposals coming before the Board, people foam sprayed without bubbles being formed."

Member Katz requested the following changes to the minutes:

On page 19, top paragraph in the motion, third line following the colon, "that it is visible from a place the public uses, is invited to use, and often views the house." "It certainly is not necessary to prevent (not present).

On page 22, on the second line from the top, after the word "façade" - "between the two west façades."

On page 26, on the in the motion, third line, after the word "windows" it should say, "on non -primary façades."

**Member Boniface moved to approve the minutes of December 8, 2015 as amended. Member Roybal seconded the motion and it passed by unanimous voice vote.**

## E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. **Case #H-15-107. 617½ Acequia Madre.**
2. **Case #H-15-108. 1270 and 1272 Canyon Road.**
3. **Case #H-15-110A. 767½ Acequia Madre.**
4. **Case #H-15-110B. 767½ Acequia Madre.**
5. **Case #H-15-106. 1244 Camino de Cruz Blanca.**
6. **Case #H-15-109A. 312 Pino Road.**
7. **Case #H-15-109B. 312 Pino Road.**
8. **Case #H-13-072. 123 East Buena Vista Street.**

There were no proposed changes.

**Chair Rios moved to approve the Findings of Fact and Conclusions of Law as presented. Member Boniface seconded the motion and it passed by unanimous voice vote.**

## F. BUSINESS FROM THE FLOOR

There were no speakers from the public.

## G. COMMUNICATIONS

ITEM # 116-0012

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

**Case #H-15-106**
**Address – 1244 Camino de Cruz Blanca**
**Agent's Name – Andy Lyons**
**Owner/Applicant's Name – Jimmy Day and Jennifer Day**

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on December 8, 2015.

**BACKGROUND & SUMMARY:**

1244 Camino de Cruz Blanca is a single-family residence and garage that was constructed in a simplified Santa Fe style in 1991 with alterations in 2011. The building has no historic status in the Historic Review Historic District. The applicant made exterior alterations without approvals or construction permits and a stop work order has been issued.

The applicant proposes to remodel the building with the following two items.

1. A 233 square foot portal will be constructed on the south elevation to a height of 10' 11". The portal is designed in a simplified character with sealed wooden viga posts and a standing seam shed roof. The clear-finished viga posts will not match the other portal on the building which has white-painted square posts, but the copper standing seam will match other roofs on the building.
2. A green-colored stucco has been applied to the structure. An exception is requested to apply a prohibited color (Code Section 14-5.2(F)(2)(a)(ii)).

Staff presented responses to exception criteria at the hearing and in its report.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommends approval of the exception request to apply a non-earth-toned stucco to the building; although, technically, Staff could not support several statements in the exception criteria responses and otherwise recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (F) Historic Review Historic District.
4. The project is subject to requirements of the following sections of the Santa Fe Land Development Code:



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_X_ Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).

X_ Section 14-5.2(C), Regulation of Significant and Contributing Structures

5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:

   _X_ Historic Review District (Section 14-5.2(F))

6. The portal is not publicly visible.
7. Code Section 14-5.2(F)(2)(a) requires brown, tan or local earth tones for a structure "whenever exterior features of *buildings* and other *structures* subject to public view from any public *street*, way, or other public place are erected, altered, or demolished".
8. The structure is visible from a place the public uses and is invited to and where the public often views the house.
9. An Exception Request was Applicable to Item 2 in this Application:

   X_ Exception Request Applicable:

   _X_ Exception criteria were not met.

10. Granting the exception is not necessary to prevent a hardship to the Applicant.
11. It is not a hardship to the Applicant to go back and follow the rules of a brown color for the structure, even if it is costly.
12. In this Historic District, elastomeric stucco or elastomeric paint is allowed.
13. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(a) and (b), and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
14. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
15. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements have been met for approved items.

## CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approved the Item 1 in the Application, with:

   _X_ No additional conditions.

3. The Board denied Item 2 in the Application.

**IT IS SO ORDERED ON THIS 12th DAY OF JANUARY 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.**

Cecilia Rios
Chairperson

12 January 2016
Date:

FILED:
Yolanda Y. Vigil
City Clerk

14 January 2016
Date:

APPROVED AS TO FORM
Assistant City Attorney

1/14/16
Date:

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October 13, 2015

David Rasch
~~City of Santa Fe Historic Resources Department~~
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Property at 1244 Camino de Cruz Blanca (the "Property")

Dear David:

On behalf of Property owner Jennifer Day, I am writing to request your confirmation that the standards set forth in the City Code for stucco color of the home on the Property and the portal constructed on the back of the home do not apply to the Property.

The Property is located within the Historic Review District. The District Standards address stucco color and other structural matters. The District Standards *only* apply when "the exterior features of buildings and other structures subject to public view from any public street, way or other public place are erected, altered, or demolished." (City Code §14-5.2.F.2) If the building is *not* visible from a public place, then the District Standards do not apply.

I conducted a site visit to the Property and the neighborhood. The home on the Property is set back over 100 feet from, and is not visible from Camino de Cruz Blanca. The home is visible from Wilderness Arroyo, however, as shown in the photo attached as Exhibit A, Wilderness Arroyo is not a public street. The home is also visible from St. John's College. However, as shown on Exhibit B, St. John's is a private university. I carried out a search of public streets and public places in the area and did not identify any such location from which the house on the Property is visible.

Please confirm the foregoing and if you are in agreement, forward written documentation that the District Standards do not apply to either the stucco color or portal. If you conclude that the District Standards do apply, please let me know the basis for your conclusion.

Sincerely,

Joseph Karnes

EXHIBIT
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**Exhibit B**

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https://en.wikipedia.org/wiki/St._John's_College_(Annapolis/Santa_Fe)

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# St. John's College (Annapolis/Santa Fe)

From Wikipedia, the free encyclopedia

This article includes a list of references, but its sources remain unclear because it has insufficient inline citations. Please help to improve this article by introducing more precise citations. *(January 2012)*

St. John's College is a private liberal arts college known for its distinctive curriculum centered on reading and discussing the Great Books of Western Civilization. It has two U.S. campuses: one in Annapolis, Maryland, and one in Santa Fe, New Mexico. The College traces its origins to King William's School, a preparatory school founded in 1696.[3] It received a collegiate charter in 1784, making it one of the oldest institutions of higher learning in the United States.[4] In 1937, it adopted a Great Books curriculum known as the New Program, based on discussion of works from the Western canon of philosophical, religious, historical, mathematical, scientific, and literary works; it is probably for this program that the school is best known.

The school grants only one bachelor's degree, in Liberal Arts. Two master's degrees are currently available through the college's Graduate Institute—one in Liberal Arts, which is a modified version of the undergraduate curriculum (differing mostly in that the graduate students do not take a language and are not restricted to a set sequence of courses), and one in Eastern Classics, which applies most of the features of the undergraduate curriculum (seminars, preceptorials, language study and a set sequence of courses) to a list of classic works from India, China and Japan. The Master of Arts in Eastern Classics is only available at the Santa Fe campus.[5] Despite its name and the inclusion of selections from the Bible, as well as from some major Christian theologians and philosophers in the program, the College has no religious affiliation.

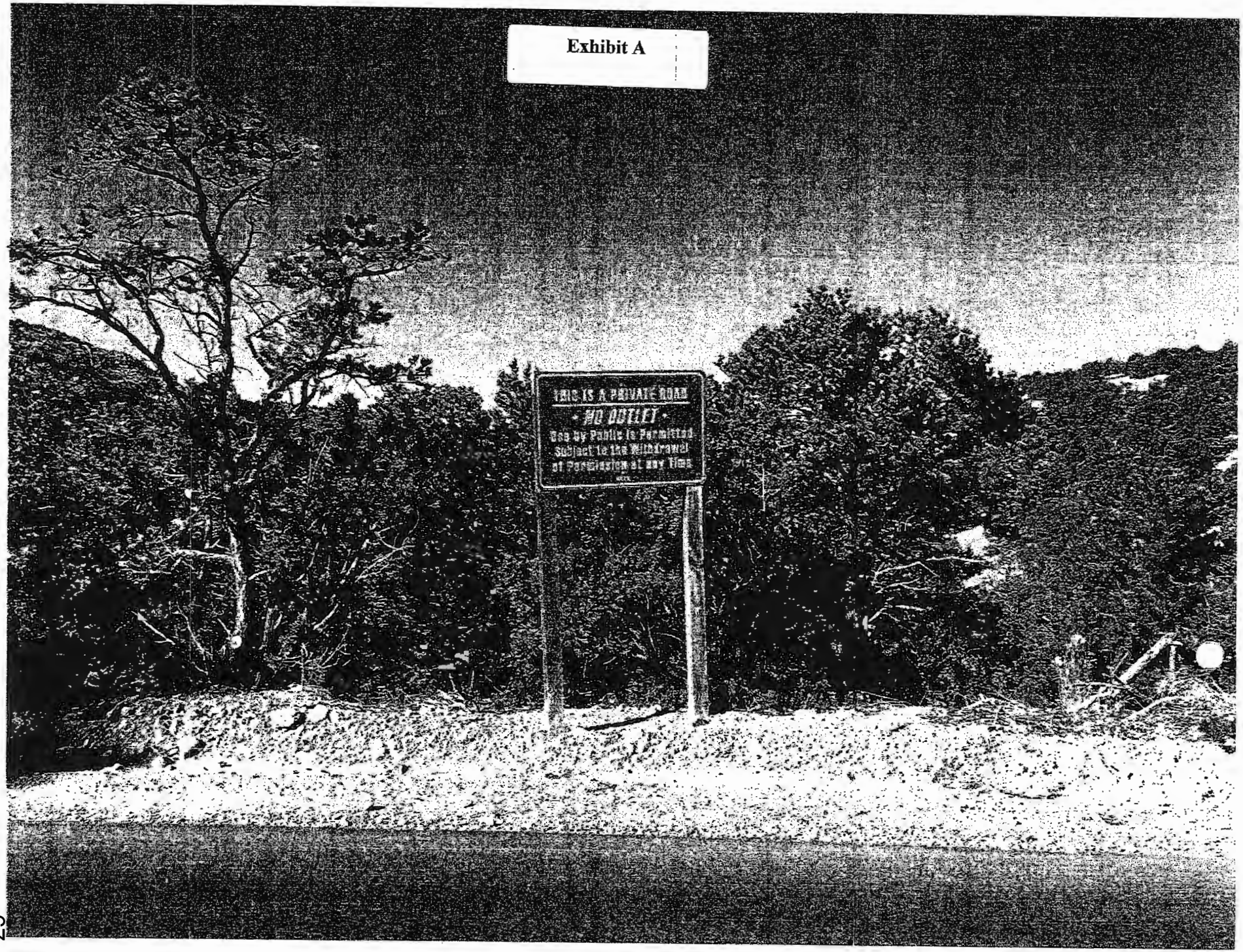
Contents [hide]

1 History
1.1 Old Program
1.2 New Program
2 Curriculum

**St. John's College**

| | |
|---|---|
| Motto | Facio liberos ex liberis libris libraque |
| Motto in English | *I make free men from children by means of books and a balance* |
| Established | 1696: King William's School<br>1784: St. John's College<br>1964: Santa Fe campus |
| Type | Private |
| Endowment | $124.9 million (2012)[1] |
| President | Christopher Nelson, |

**Exhibit A**


THIS IS A PRIVATE ROAD
NO OUTLET
Use by Public is Permitted
Subject to the Withdrawal
of Permission at any Time

ANDREW LYONS
DESIGN AND DRAFTING LLC
P.O. BOX 8858
SANTA FE, NEW MEXICO 87504
505-982-7999
andrew@andrewlyonsdesign.com

2 September 2015

SEP - 3 2015

8:15

Mr. David Rasch
Historic Preservation
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Proposed New Portal at 1244 Camino de Cruz Blanca

Dear David,

Attached you will find my submittal on behalf of the property owners, Jimmy and Jennifer Day, for a new portal to be built on the south side of their house located at 1244 Camino de Cruz Blanca.

I am requesting an administrative approval letter for this new portal so that I may file for a building permit. As you are aware, they began construction with neither Historic approval nor a permit. The portal is located on the south side of the existing structure, at the east end, and connects to previously existing brick walkways. The portal is to have a brick walking surface to match what was there. The viga posts, rectangular carrying beams, and vigas carrying the roof will all be sealed in a transparent, natural-colored finish. The pitched metal standing seam roof will be copper in color to match the existing metal roofs that are located in various locations on the structure, and the pitch is less than 1–on-12.

The height of the portal will be 9'-0" from walking surface to bearing of the carrying beams, and as the new portal ties into the existing house, it is shorter than the existing structure.

Please don't hesitate to call me at 982-7999 if you have any questions regarding this submittal. Thank you for your time and consideration.

Sincerely,

Andrew Lyons

Attachments

Cc: Jimmy and Jennifer Day

EXHIBIT
H

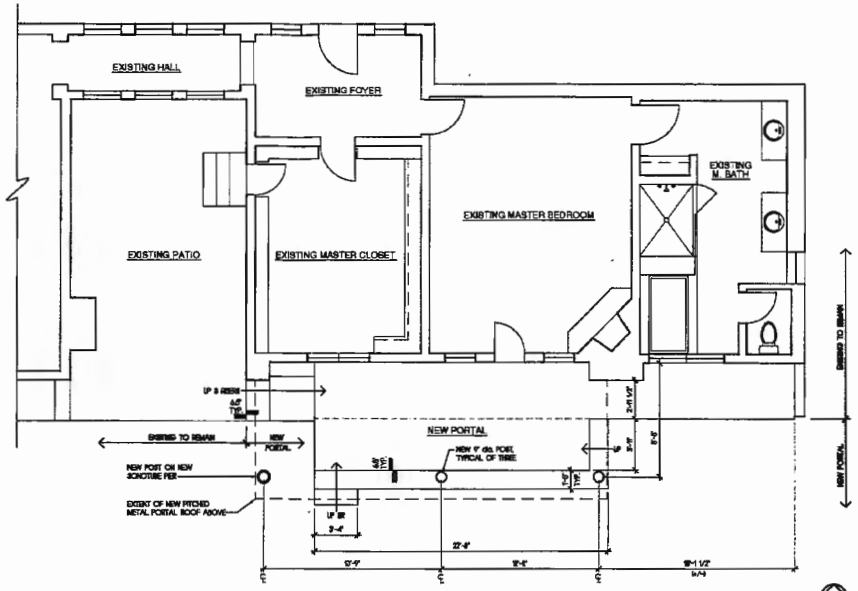
Please don't hesitate to call me at 982-7999 if you have any questions regarding this submittal. Thank you for your time and consideration.

Sincerely,

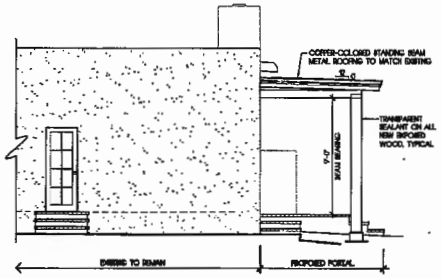
Andrew Lyons

Attachments

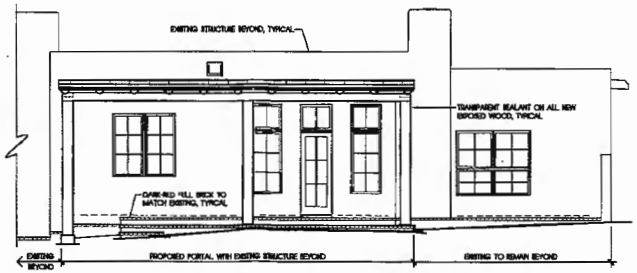
Cc: Jimmy and Jennifer Day



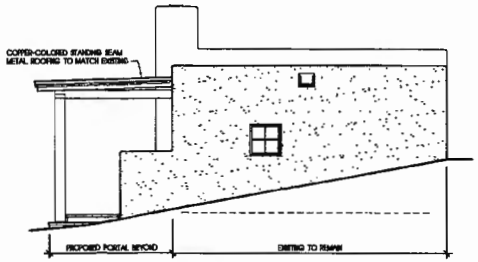

1 REVISED FLOOR PLAN




2 REVISED WEST ELEVATION




3 REVISED SOUTH ELEVATION




4 REVISED EAST ELEVATION

ANDREW LYONS
DESIGN AND DRAFTING LLC
505-982-7999 andrew@andrewlyonsdesign.com
PO BOX 6666 SANTA FE NEW MEXICO

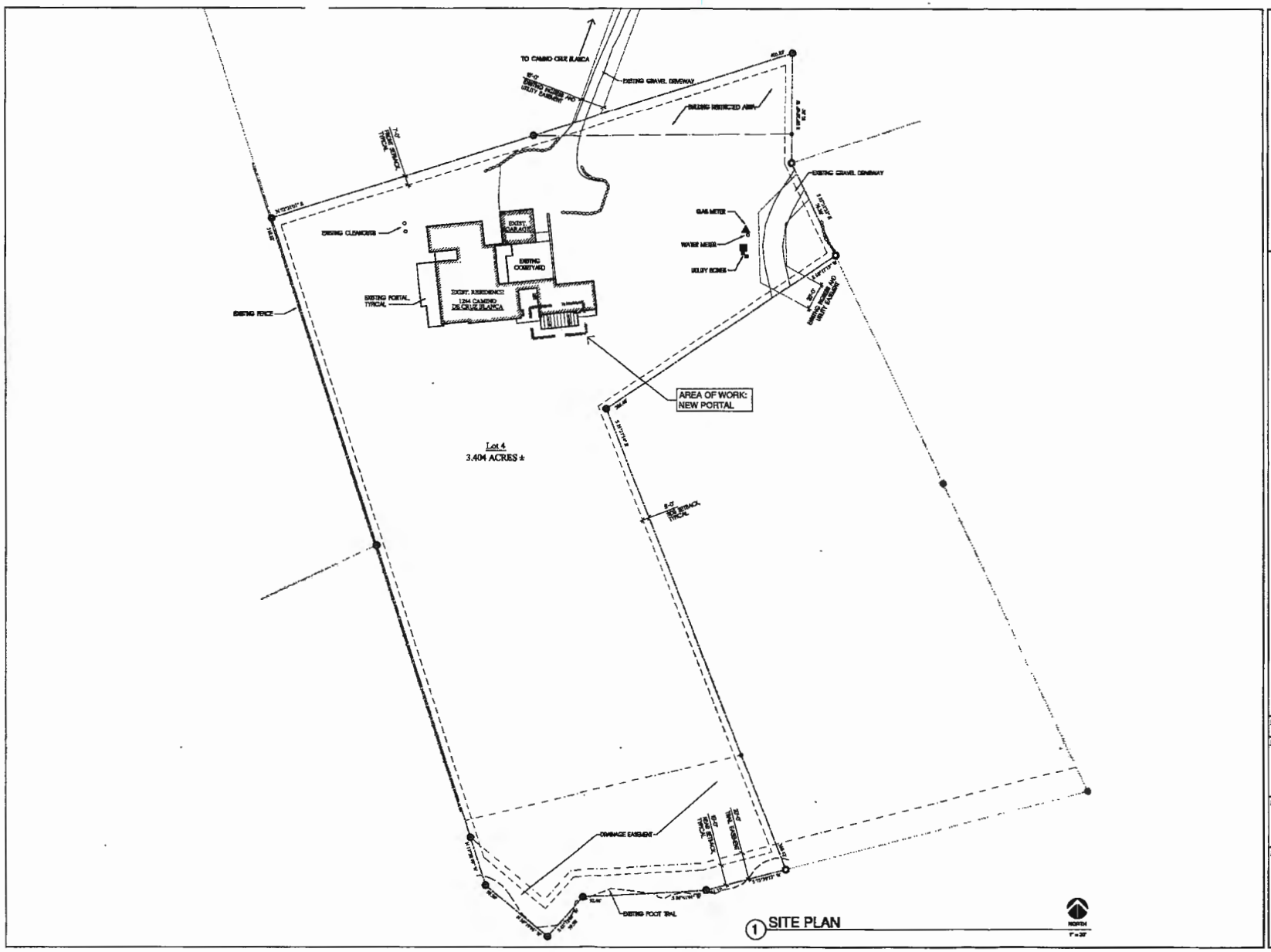
A NEW PORTAL
AT
1244 CAMINO de CRUZ BLANCA
SANTA FE NEW MEXICO

DATE: 2 SEPT., 2015

REVISIONS:

SHEET TITLE: REVISED FLOOR PLAN AND ELEVATIONS

SHEET: A-1




1 SITE PLAN

ANDREW LYONS
DESIGN AND DRAFTING LLC
505-882-7999 andrew@andrewlyonsdesign.com
PO BOX 8888 SANTA FE NEW MEXICO

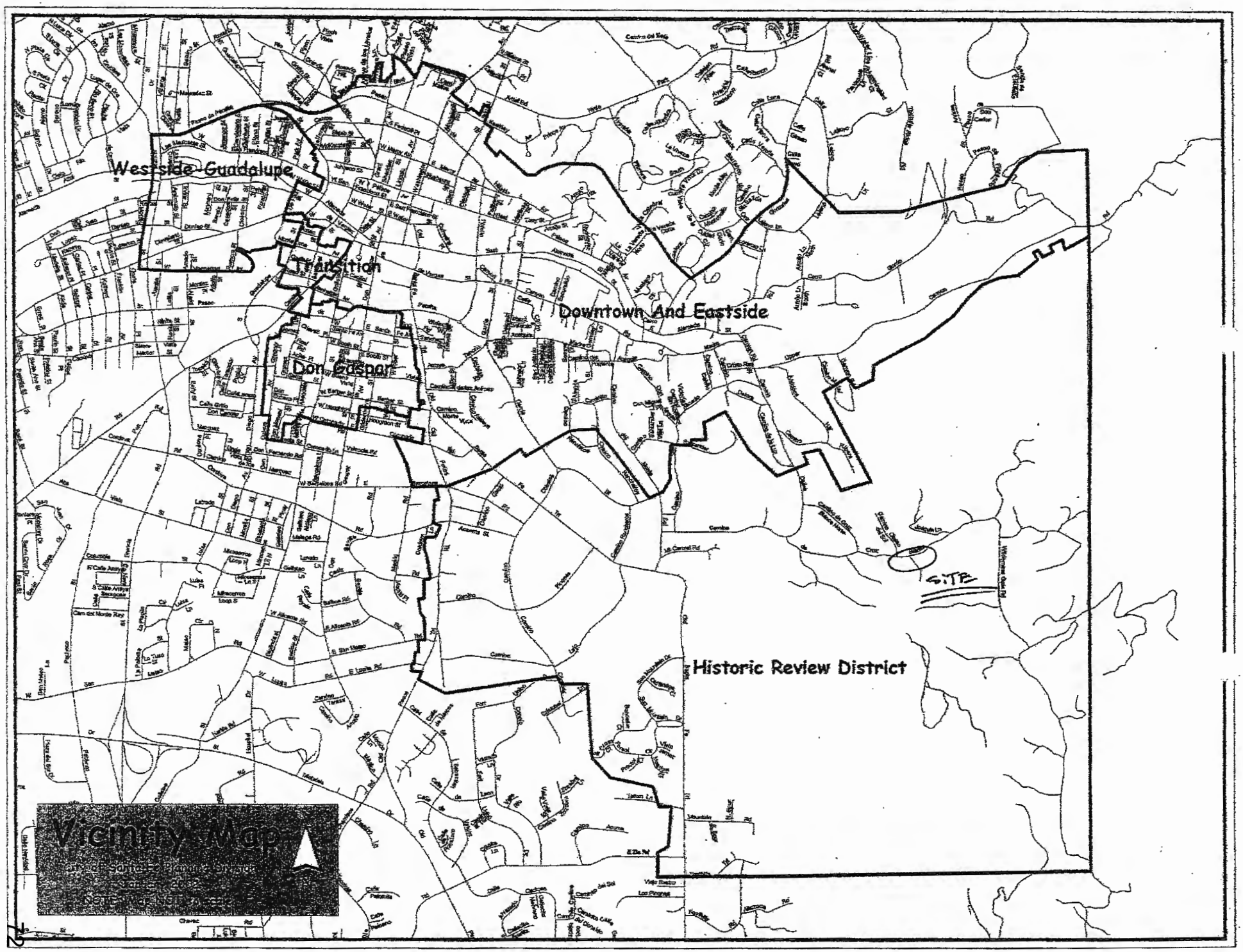
A NEW PORTAL
AT
1244 CAMINO DE CRUZ BLANCA
SANTA FE NEW MEXICO

DATE
2 SEPT., 2015

REVISIONS

SHEET TITLE
SITE PLAN-
NEW PORTAL

SHEET
C-1


Westside-Guadalupe
Transition
Don Gaspar
Downtown And Eastside
Historic Review District
SITE
Vicinity Map

# *HISTORIC DISTRICTS REVIEW BOARD APPLICATION*

**PROJECT LOCATION:** 1244 Camino de Cruz Blanca

**HISTORIC DISTRICT:** (from attached map) Downtown & Eastside [ ] Don Gaspar Area [ ] Westside-Guadalupe [ ] Historic Transition [ ] Historic Review [✓] Landmark (outside of historic districts) [ ]

**PROJECT PROPOSAL:** _____

**CONSTRUCTION COST:** $ _____ 76K

**BASE FEE:** $ _____ + **EXCEPTION:** $ _____ + **POSTER:** $ _____ = **TOTAL:** $ _____

**(base fee = ½ of 1% of construction cost, not to exceed $2,000 and not less than $250)**

**(each exception has an additional fee of $350) ($25 per poster with one (1) poster per street frontage)**

---

**OWNER:** JENNIFER DAY **PHONE #:** 505-660-8656

**OWNER MAILING ADDRESS:** 1240 CAMINO DE CRUZ BLANCA

**CITY, STATE, ZIP CODE:** SANTA FE, NM 87505

**EMAIL:** JENNIFER@JDAYDESIGN.COM

---

**APPLICANT:** ✓ **PHONE #:** _____

**MAILING ADDRESS:** SAME

**CITY, STATE, ZIP CODE:** _____

**EMAIL:** _____

---

**PREAPPLICATION MEETING:** Date: 9.15.15 Case Planner: David Rasch

**PRELIMINARY ZONING REVIEW:** Date: 10-13-15 Planner: Zach Thomas

**(You must schedule a meeting with Zoning Planner prior to the HDRB submittal deadline date: Worksheet will not be reviewed on the HDRB submittal deadline day/Preliminary Zoning Review Form must be submitted with proposal)**

---

**AFFIDAVIT TO AUTHORIZE AGENT (IF APPLICABLE)**

I am,/We are the owner(s) and record title holder(s) of the property located at: 1240 CAMINO DE CRUZ BL

I/We authorize JENNIFER DAY-ANDY LYONS to act as my/our agent to execute this application.

Signed: [signature] Date: 10/27/15

Signed: [signature] Date: _____

****ALL signatures on this page must be original signatures (no copies, no digital signatures)**

EXHIBIT

tabbies

I

# HISTORIC DISTRICTS REVIEW BOARD APPLICATION

**PROJECT LOCATION:** 1244 Camino de Cruz Blanca

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**OWNER:** JENNIFER DAY **PHONE #:** 505-660-8656

**OWNER MAILING ADDRESS:** 1240 CAMINO DE CRUZ BLANCA

**CITY, STATE, ZIP CODE:** SANTA FE, NM 87505

**EMAIL:** JENNIFER@JDAYDESIGN.COM

**APPLICANT:** ✓ **PHONE #:** _____

**MAILING ADDRESS:** SAME

**CITY, STATE, ZIP CODE:** _____

**EMAIL:** _____

**PREAPPLICATION MEETING:** Date: 9.15.15 Case Planner: David Rasch

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I am,/We are the owner(s) and record title holder(s) of the property located at: 1240 CAMINO DE CRUZ BLAN

[illegible] ANDY LYONS to act as my/our agent to execute this application.

_____ Date: 10/27/15

_____ Date: _____

signatures (no copies, no digital signatures)

City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87504
505-955-4333

PDR Application 11001.431445 600.00
1x 600.00
PDR Notification Poster 11001.431475 25.00
1x 25.00

Payer Name: ANDREW LYONS DESIGN

SubTotal: 625.00
Total: 625.00

Check Number : 1154 625.00

10/28/2015 10:10 LorraineL
#0276962 /3/1
********** DUPLICATE #001 **********

10/28/2015 10:10 LorraineL
Thank You ~

Address: 1244 Camino de Cruz Blanca

Hearing Date: 11/24/15 Posters: 1

I have received the public notice poster(s) and I agree to post notice of the proposed project on the site fifteen (15) days prior to the Historic Districts Review Board hearing. I am aware that a decision of the HDRB may be appealed by any aggrieved party within fifteen (15) days of the adoption of Findings and Conclusions.

Signature of Applicant/Owner

20 OCT. 2015
Date

Andrew Lyons
Printed Name Applicant/Owner

# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

*Javier M. Gonzales, Mayor*

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

Project description: Andy Lyons, agent for Jimmy and Jennifer Day, owners, proposes to remodel a non-statused residential structure including construction of a 233 sq. ft. portal to a height of 10'11" and application of nontraditional stucco. An exception is requested to use a prohibited stucco color (Section 14-5.2(F)(2)(a)(ii)).

Case number: H-15-106
Project Type: HDRB

**PROJECT LOCATION(S):** **1244 Camino de Cruz Blanca**

**PROJECT NAMES:**

OW – Jennifer Day
Santa Fe, NM 87505
1240 Camino de Cruz Blanca
505-820-1915

AP – Andrew Lyons
Santa Fe, NM 87504
P.O. Box 8858
505-982-7999

**BOARD ACTION**

This is to certify that the Historic Districts Review Board (HDRB) acted on your request at their hearing on December 8, 2015. The decision of the Board was to approve the portal addition and deny the exception request to apply non-earth-toned stucco by finding that the structure is publicly-visible, that earth-tone colored stucco is not a hardship, that any hardship is self-inflicted because approvals and permits are lacking, and that the applicant shall restucco or elastomeric paint the structure in an approved earth-tone color. For further information please call 955-6605.

Sincerely,

David Rasch
Supervising Planner, Historic Preservation Division

**NOTE:** Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerk's office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. **Please attach copies of this letter to all sets when submitting for construction permits.**