



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

Memorandum

To: Members of the Governing Body

From: Theresa Gheen, Assistant City Attorney *TG*

CC: Kelley Brennan, City Attorney *KAB*

Re: Case #2015-87. James B. Perkins (non-Applicant Appellant) Appeal of the August 11, 2015 Decision of the Historic Districts Review Board (HDRB) in Case #H-15-060 Approving With Conditions the Application regarding at 2 Camino Pequeño, Located in the Downtown and Eastside Historic District.

Date: October 19, 2015 for October 28, 2015 Meeting of the Governing Body

I. THE APPEAL

On September 9, 2015, James B. Perkins (Appellant), residing at 3 Camino Pequeño, filed a Verified Appeal Petition (Petition) appealing the August 11, 2015 Decision of the Historic Districts Review Board (HDRB or Board) in Case #H-15-060 Approving With Conditions the Application (Application) regarding 2 Camino Pequeño (Building) located in the Downtown and Eastside Historic District. A copy of the Petition is attached as **Exhibit A**.

II. HISTORY OF THE CASE

2 Camino Pequeño is a 2,461 square foot residence with 647 square feet of unheated portal spaces, for a total roofed square footage of 3,118. The residence was constructed in the early 1960's in what can be described as a blend of Mid-Century Ranch style and Prairie Revival style.

The residence is characterized by its horizontal lines, low massing with areas of exposed whitewashed adobe, slightly pitched shed roof with projecting eaves, stained wooden elements, and wood windows with a horizontal, rectangular lite pattern. The residence is listed as non-contributing to the Downtown and Eastside Historic District. Staff reports and exhibits are attached as **Exhibit B**.

In June of 2015, the HDRB approved the construction of a freestanding garage and trellis, the enclosure of the southwest portal (including a 3' corner rule exception¹), the enclosure of the southeast portal (including a 3' corner rule exception), replacement of windows, construction of a new portal on the north façade, repair of wood framing and construction of a 6' high fence.

On August 11, 2015, the HDRB conducted a public hearing on. Courtney Mathey's (Applicant) Application to amend the prior approval to:

- 1) Construct an open 552 square foot carport in the same location as the approved garage;
- 2) Eliminate the tall portion at the east end of the southeast portal enclosure, and replace it with an approximately 368 square foot bedroom and hallway addition to a height of 12'6" (still requiring the 3' corner rule exception (Exception) as requested in the previous approval);
- 3) Add a 145 square foot storage room to the east end of the north façade;
- 4) Revise the door and window layout of the north portal enclosure; and
- 5) Construct a free-standing 322 square foot garden shed with portal.

(Relevant portions of the minutes of the August 11 Board meeting are attached as **Exhibit C**).

At the public hearing in relevant part:

Staff presented the staff report in which the Building was characterized as a blend of Mid-Century Ranch style and Prairie Revival Style. (Board Minutes 8/11/15, p. 3, ¶ 7.)

Applicant's response was that the proposed design option blends well with the "original 'ranch house' design aesthetic of the 1960's and will strengthen the character of the City by honoring the character of the City by honoring this distinctive variation on traditional Santa Fe style design." (Id., p. 5, ¶ 2.)

Staff found the criteria for an Exception to Subsection 14-5.2(E)(2)(b) were met and recommended approval of the Application, which otherwise complies with Subsection 14-5.2(D)(9) and 14-5.2(E). (Id., p. 5, ¶ 4.)

¹ The 3' corner rule prohibits the location of any door or window in a publicly-visible façade nearer than 3' from the corner of the facade. See Code § 14-5.2(E)(2)(b).

Applicant and Jackie Mathey were present and sworn. (Id., p. 5, ¶ 7.)

Appellant and his representative Frank Herdman were present and sworn. (Id., p. 5, ¶ 8.)

Mr. Herdman stated that only two architectural styles, old Santa Fe style and recent Santa Fe style, are recognized in the Downtown and Eastside Historic District. (Id., p. 5, ¶ 8.)

Mr. Herdman objected that the proposal does not adhere to either style, in particular the proposed bedroom, which is five feet from the property line and highly visible from the portal on Appellant's property. (Id., p. 6, ¶¶ 1-4.)

Mr. Herdman also stated the Application should not be approved at this time because the Building, constructed in 1957, qualified as a potential contributing structure. (Id., p. 6, ¶ 5.)

Applicant stated he was confused by Mr. Herdman's assertions that the Building doesn't relate to the neighborhood while also stating that it should be re-evaluated as a contributing structure. (Id., p. 7, ¶ 4.)

Staff opined that a historic status hearing was not called for in the prior case because the Building's style does not contribute to the district, is not Santa Fe Style, and the Building was substantially altered in 1999. (Id., p. 7, ¶ 5.)

Applicant stated the proposed alterations were intended to match the original character of the Building and maintains the character of what has already been established. (Id., p. 7, ¶ 11, and p. 8 ¶ 1.)

Appellant raised Subsection 14-5.2(A)(6), the subsection at issue in this Petition, which the Board discussed. (Id., p. 8, ¶ 11 to p. 9, ¶ 2.)

Vice Chair Katz agreed with Applicant that it would look silly to have an old Santa Fe style addition to the Building. Katz further stated that Section 14-5.2(A)(6) may require an old Santa Fe style, but felt that such an outcome doesn't make sense and is not what the Board has done over many years. Katz stated the Code requires that the addition match what is there, which the style proposed. (Id., p. 8, ¶ 11 to p. 9, ¶ 2.)

A Board Member stated that "it is important to preserve styles from the 1960's and preserving or retaining a rare example of such diversity only enhances what we refer to as Santa Fe style and highlights the difference with traditional styles." (Id., p. 9, ¶ 5.)

After conducting public hearings and having heard from all interested persons including Appellant who raises the same issue in his Petition, the Board voted unanimously to approve the Application and Exception as recommended by Staff with the condition that the Applicant may build a garage or carport.

On August 25, 2015, the Board approved written Findings of Fact and Conclusions of Law

embodying its decision. (A copy of the Findings of Fact and Conclusions of Law is attached as **Exhibit D.**) Among the Board’s Findings and Conclusions:

Findings of Fact ¶ 3: “Staff finds that the criteria for an Exception to Section 15-5.2(E)(2)(b) have been met and recommends approval of the Application, which otherwise complies with Section 14-5.2(D)(9) General Design Standards for All H Districts: Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.”

Findings of Fact ¶ 10: “The Exception meets the Section 14-14-5.2(C)(5)(b)(iii) [sic] criterion regarding heterogeneous character because the proposed improvements will strengthen the unique heterogeneous character of the city because this design option lends well with the original “ranch house” design aesthetic of the ‘60’s and will strengthen the character of the City by honoring this distinctive variation on traditional Santa Fe style design.”

Conclusions of Law ¶ 2: “The Board approved the Application and Exception as recommended by Staff with the condition that the Applicant may build a garage or carport.”

On September 9, Appellant, Applicant’ neighbor, filed a Verified Appeal Petition of this decision. On September 25, 2015, Applicant filed a Response to the Verified Appeal Petition, attached as **Exhibit E.**

III. BASIS OF APPEAL

A. Appellant’s Issues on Appeal.

1. The Board’s approval of the Application, without a finding that the addition and alteration will bring the property into conformity, is not in accordance with Code § 14-5.2(A)(6), which requires that “...no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board.”

IV. RELIEF SOUGHT

Appellant asks the Governing Body to grant his Petition and reject the Application.

V. ISSUE RAISED BY THE APPEAL; ANALYSIS

Code § 14-5.2(A)(6) states in relevant part:

Any building in the historic district not meeting the standards for architectural style set forth in this section, unless given special approval by the board for architectural or historic interest or unless individually entered in the *state* register of cultural properties or in the national register of historic places or designated as

significant on either register, shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board.

Appellant's argument: Appellant argues that the Board's finding that the proposed alterations blend with the 1960's ranch house aesthetic is not in accordance with law. See Findings of Fact ¶ 10. He states that the Building's ranch house aesthetic is not an approved architectural style in the Downtown and Eastside Historic District, which requires either old Santa Fe Style or recent Santa Fe Style, as set forth in Section 14-5.2. Appellant argues that therefore, Subsection 14-5.2(A)(6) requires a finding by the Board that the alterations and additions would bring the property into conformity. He argues that the Board did the opposite in finding that the alterations blend with the ranch house aesthetic, which is not a standard approved style. See Findings of Fact, ¶ 10.

Analysis: The Board recognized that the Building is a nonconforming structure located within the Downtown and Eastside Historic District, where the standard for that district is old Santa Fe style or recent Santa Fe style. Code § 14-5.2(E)(2). The Code requires that "no nonconforming *building* may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board." SFCC § 14-5.2(A)(6). (Emphasis added.) The Code grants the Board broad discretion in deciding whether the proposal would bring the Building into sufficient conformity.

The Record reflects that the Board specifically discussed and considered Subsection 14-5.1(A)(6). The Board also specifically considered whether the addition must be in Santa Fe style. The Board then exercised its discretion in unanimously approving the Application.

That the Board did not make an express finding in its Findings of Fact or Conclusions of Law that the alterations and additions would bring the Building into "sufficient conformity" is not dispositive. Such actions are not required for the Board to exercise its discretion. Regardless, such a finding is implied in the Board's approval and in its finding that the proposed improvements would "strengthen the unique heterogeneous character of the city" and "strengthen the character of the City by honoring this distinctive variation on traditional Santa Fe style." Findings of Fact, ¶ 10.

The Appellant also argues that any alteration or addition to the Building must either be in old Santa Fe Style or recent Santa Fe Style to comply with the standards of Code §14-5.2(E). Appellant has misread the provision. "Recent Santa Fe Style" "intends to achieve harmony with historic *buildings*..." to integrate new, non-historic construction in the District with historic structures in accordance with the general purpose of Code §14-5.2:

...that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve *property* values and attract tourists and residents alike be preserved, some of these qualities being:

- (a) The continued existence and *preservation* of historical areas and buildings;
- (b) The continued construction of *buildings* in the historic styles; and

- (c) A general harmony as to style, form, color, height, proportion, texture and material between *buildings* of historic design and those of more modern design.

Code §14-5.2(A)(1).

Thus, only by harmonizing additions and alterations in historic areas can the integrity of the historic districts be preserved over time. The record reflects that the Board found that the proposed alterations and additions achieve an acceptable harmony and conformity within the District. The Board's approval also adheres to a long-standing tradition of approving similar alterations and additions. To require that additions or alterations to any nonconforming building be in a particular style even when it creates disharmony to that building or to the District contravenes a key purpose of Code §14-5.2.

Lastly, in his Petition, Appellant alleges harm that "the project would intrude on my privacy." Appellant's stated basis of his Petition does not support this allegation. And whether a proposed addition or alteration "is in view of my property" is not grounds for an appeal. Therefore, the Appellant lacks standing. In addition, the proposed improvements comply with the setback and other requirements of underlying zoning and are therefore permitted.

VI. CONCLUSION

- If the Governing Body concludes the Board's decision was in accordance with the requirements of Chapter 14, the Governing Body should deny the Appellant's appeal and affirm the Board's decision.
- If the Governing Body concludes the Board's decision was not in accordance with the requirements of Chapter 14, the Governing Body should vote either to (1) grant the Appellant's appeal and reject the proposals in the Application; or (2) remand the Application to the Board for further action in accordance with the direction of the Governing Body.



LUD Use Only
 Time Filed: 11:19 AM
 Fee paid: \$100.00
 Receipt attached:

(date stamp)
 RECEIVED
 SEP 9 2015
 Land Use Dept.

Case # 2015-87

**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: PERKINS JAMES BRADFORD
Last First M.I.
 Address: 3 CAMINO PEQUEÑO
Street Address Suite/Unit #
SANTA FE N.M. 87501
City State ZIP Code
 Phone: (505) 955-1724 E-mail Address: SANTAFEBRAD@YAHOO.COM (I.C.)
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: # 2 CAMINO PEQUEÑO
 Applicant or Owner Name: COURTENAY MATHEY
 Location of Subject Site: # 2 CAMINO PEQUEÑO
 Case Number: H-15-060 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):

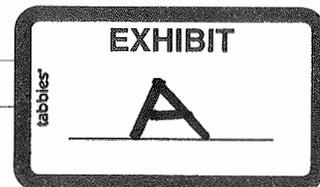
ATTACHMENT C

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:

ATTACHMENT A.

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



Attachment A.

On August 11, 2015 the Historic Districts Review Board approved case No H-15-060. The Board's Findings of Fact and Conclusions of Law were filed on August 27, 2015. This appeal is timely filed.

The Board's adoption of findings of fact and conclusions of law was a final action of the Board for the purposes of Section 14-3.17(A)(1).

Attachment B.

Explanation of basis of appeal:

Section 14-5.2(A)(6) states:

(6) Nonconforming Structures

Any building in the historic district not meeting the standards for architectural style set forth in this section, unless given special approval by the board for architectural or historic interest or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register, shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board.

The structure at #2 Camino Pequeno does not meet the standards for architectural style set forth in Section 14-5.2. Specifically, it is neither Old Santa Fe Style nor Recent Santa Fe Style, the only two standards applicable in the Downtown and Eastside district pursuant to Section 14-5.2(E). Therefore, the subject property is a legal nonconforming structure.

As a legal nonconforming structure, it may not be “added to or altered in any way, unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board.”

In this case, the Board made no finding that the proposed addition and alteration will bring the property into conformity. To the contrary, the Board made a specific finding, at Paragraph 10, that the alterations blend with the 1960’s ranch house aesthetic, which is not a standard approved style.

Attachment C.

My standing is based on my receipt of notice of this application and the actual injury that caused to me as I live next door to the subject parcel, and it is in view of my property.

Project description: Courtenay Mathey agent/owner, proposes to amend a previous approval, including an alternate design for a 552 square foot carport, elimination of a portion of the north hallway, addition of a 368 square foot bedroom and a 145 square foot storage room, and revision to door and window layout on the north portal enclosure. An exception is requested to place windows within 3' of a corner (Section 14-5.2(E)(2)(b)).

Case number: H-15-060B
Project Type: HDRB

PROJECT LOCATION (S): 2 Camino Pequeno

PROJECT NAMES:

OW – Courtenay and Jackie Mathey
Santa Fe, NM 87501

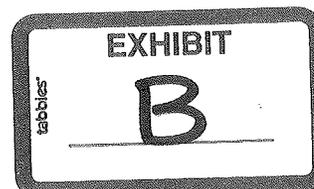
2 Camino Pequeno
505-989-4512

AP – Courtenay and Jackie Mathey
Santa Fe, NM 87501

2 Camino Pequeno
505-989-4512

PROJECT DATA:

| | |
|------------------------------------|-----------------------|
| HISTORIC DISTRICT | Downtown & Eastside |
| HISTORIC BUILDING STATUS | Non-Contributing |
| PUBLICLY VISIBLE FACADE-EAST | Partial |
| PUBLICLY VISIBLE FACADE-NORTH | No |
| PUBLICLY VISIBLE FACADE-SOUTH | Yes |
| PUBLICLY VISIBLE FACADE-WEST | Partial |
| HISTORIC DISTRICT INVENTORY NUMBER | H-859 |
| YEAR OF CONSTRUCTION | 1957 |
| PROJECT TYPE (NEW, ADD, ETC.) | Remodel and Additions |
| USE, EXISTING | Residential |
| USE, PROPOSE | Residential |
| HISTORIC BUILDING NAME | NA |



City of Santa Fe, New Mexico

memo

DATE: August 11, 2015
TO: Historic Districts Review Board Members
David Rasch, Supervising Planner in Historic Preservation DR
FROM: Lisa Roach, Senior Planner in Historic Preservation LR

CASE # H-15-060

ADDRESS: 2 Camino Pequeño
Historic Status: Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- Case Synopsis
- District Standards & Yard wall & fence standards.
- Historic Inventory Form
- Zoning Review Sheet
- Other: Bldg Height Calculation

APPLICANT SUBMITTALS

- Proposal Letter
- Vicinity Map
- Site Plan/Floor Plan
- Elevations
- Photographs
- Other:

STAFF RECOMMENDATION:

Staff finds that the criteria for an exception to Section 15-5.2(E)(2)(b) have been met and recommends approval of this application, which otherwise complies with Section 14-5.2(D)(9) General Design Standards for All H Districts: Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.

BACKGROUND & SUMMARY:

2 Camino Pequeño is a 2,461 square foot residence with 647 square feet of unheated portal spaces, for a total roofed square footage of 3,118. The residence was constructed in the early 1960s in what can be described as a blend of Mid-Century Ranch style and Prairie Revival style. The residence is characterized by its horizontal lines, low massing with areas of exposed whitewashed adobe, slightly pitched shed roof with projecting eaves, stained wooden elements, and wood windows with a horizontal, rectangular lite pattern. The residence is listed as non-contributing to the Downtown and Eastside Historic District.

In June of 2015, the HDRB approved the construction of a freestanding garage and entry trellis, the enclosure of the southwest portal (including a 3' corner rule exception), the enclosure of the southeast portal (including a 3' corner rule exception), replacement of windows, construction of a new portal on the north façade, repair of wood framing and construction of a 6' high fence. Now the applicant proposes to amend the approval with the following:

- 1) Alter the garage to become an open 552 square foot carport in the same location;
- 2) Eliminate the tall portion at the east end of the southeast portal enclosure, and replace it with an approximately 368 square foot bedroom and hallway addition to a height of 12'6" (still requiring the 3' corner rule exception as requested in the previous approval – see below);
- 3) Add a 145 square foot storage room to the east end of the north façade;
- 4) Revise the door and window layout of the north portal enclosure; and
- 5) Construct a free-standing 322 square foot garden shed with portal.

RELEVANT CODE CITATION: Section 14-5.2(E)(2)(b) Recent Santa Fe Style

"No door or window in a publicly visible façade shall be located nearer than (3) three feet from the corner of the façade."

EXCEPTION CRITERIA:

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

Applicant Response: This design feature will not damage the character of the district as it will not be visible from Camino Pequeño.

Staff Response: Staff agrees with this response, as windows to be placed within 3' of a corner are located behind the proposed carport, which will substantially limit public visibility. Also, this exception has been granted elsewhere on the residence.

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

Applicant Response: If the door and window openings were three feet from the building corners at these locations, it would severely limit the sunlight and views offered to the residence.

Staff Response: Staff agrees with this response.

- (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.

Applicant Response: This design option blends well with the original "ranch house" design aesthetic of the '60's and will strengthen the character of the City by honoring this distinctive variation on traditional Santa Fe style design.

Staff Response: Staff agrees with this response. The design is a unique blend of styles that are uncommon in the Downtown and Eastside District.

July 14, 2015

July 14, 2015

HISTORICAL REVIEW AMENDMENTS
2 Camino Pequeno Santa Fe, NM

Attn: Lisa Roach, Senior Planner Historic Preservation Division, Land Use Dept., City of Santa Fe, NM

Dear Lisa,

We have considered some modifications and alternates to our originally approved design and are pleased to provide you with the updated plans for historical review. The main changes to the original proposal are:

1. Alternate design for the carport
2. Eliminate the tall portion of the ~~north~~ ^{south} hallway
3. Addition of a new bedroom
4. Revision to door and window layout at north portal enclosure
5. Addition of a storage room
6. Construction of a garden shed.

The other items originally approved such as fencing and the other remodel work on the house have not changed. We are looking at the new carport design as a cost-saving approach but may choose to construct the original design instead.

BUILDING AREAS:

Existing Heated Area = 2461 SF

New Heated Area = 498 SF

TOTAL FINAL HEATED AREA = 2959 SF

Existing Roofed Area = 3185 SF

New Roofed Area = 1165 SF

TOTAL FINAL ROOFED AREA = 4350 SF

New unheated storage room = 144 SF

HEIGHT:

Maximum building height allowed = 15'-8"

Maximum building height proposed = 12'-6"

TYPICAL EXTERIOR FINISHES:

WALLS: CEMENT STUCCO FINISH, WHITE (MATCH EXISTING COLONIAL #100 AS MADE BY EL REY). CEMENT STUCCO WAINSCOT DETAIL ON NORTH SIDE (#103 SAND AS MADE BY EL REY)

STONE: RIVER ROCK, MORTARED (MATCH EXISTING)

WOOD: STAIN FINISH, BROWN (MATCH EXISTING)

DOOR AND WINDOW EXTERIOR: STAIN FINISH WOOD OR TAN (DESERT SAND BY JELDWEN)

METAL CLAD (MATCH EXISTING)

METAL GUTTERS, DOWNSPOUTS, ETC... : PAINT FINISHED, WHITE OR EARTHTONE TO MATCH CLADDING.

ROOFING: EARTH TONE BITUTHANE OR PLY MEMBRANE

Sincerely,

Courtenay Mathey



Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

| | | | |
|--|---|---------------|---|
| To Be Completed By Applicant: | | Site Address: | |
| Date Submitted: <u>MAY 8, 2015</u> | <u>2 Camino Pequeno</u> | | |
| Property Owner of Record: <u>Courtenay & Jackie Mathen</u> | Proposed Construction Description: | | |
| Applicant/Agent Name: <u>Courtenay Mathen, Architect</u> | <u>Fencing, Garage, Hall Addition</u> | | |
| Contact Person Phone Number: <u>(505) 986-9854</u> | TOTAL ROOF AREA: | | |
| Zoning District: <u>R-5</u> | Lot Coverage: <u>13.1</u> ^{NCS} % | | <input type="checkbox"/> Open Space Required: _____ |
| Overlay: <input type="checkbox"/> Escarpment | Setbacks: | | |
| <input checked="" type="checkbox"/> Flood Zone* | Proposed Front: <u>+/- 35'</u> Minimum: _____ | | |
| <input checked="" type="checkbox"/> Other: <u>Eastside Historic District</u> | 2 nd Front? _____ | | |
| Submittals Reviewed with PZR: | Proposed Rear: <u>75'</u> Minimum: _____ | | |
| <input checked="" type="checkbox"/> Legal Lot of Record <input type="checkbox"/> Development Plan <input checked="" type="checkbox"/> Building Plans | Proposed Sides: <u>10' R5'</u> Minimum: _____ | | |
| <input checked="" type="checkbox"/> Existing Site Plan <input checked="" type="checkbox"/> Proposed Site Plan <input checked="" type="checkbox"/> Elevations | Height: Proposed <u>13'-0"</u> | | |
| Supplemental Zoning Submittals Required for Building Permit: | Maximum Height: <u>15'</u> or | | |
| <input type="checkbox"/> Zero Lot Line Affidavit | <input checked="" type="checkbox"/> Regulated by Historic Districts Ordinance | | |
| Access and Visibility: <input type="checkbox"/> Arterial or Collector** | <input type="checkbox"/> Regulated by Escarpment District | | |
| <input checked="" type="checkbox"/> Visibility Triangle Required - <u>private lane</u> | Parking Spaces: | | |
| Use of Structure: <input checked="" type="checkbox"/> Residential | Proposed <u>6</u> Accessible _____ | | |
| <input type="checkbox"/> Commercial Type of Use: _____ | Minimum: <u>2</u> | | |
| Terrain: <input type="checkbox"/> 30% slopes <u>None</u> | Bicycle Parking**: | | |
| * Requires an additional review conducted by Technical Review Division. | Proposed: _____ Minimum: _____ | | |
| ** 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.

Courtenay Mathen
PRINT NAME

OWNER APPLICANT AGENT

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.

Courtenay Mathen
SIGNATURE

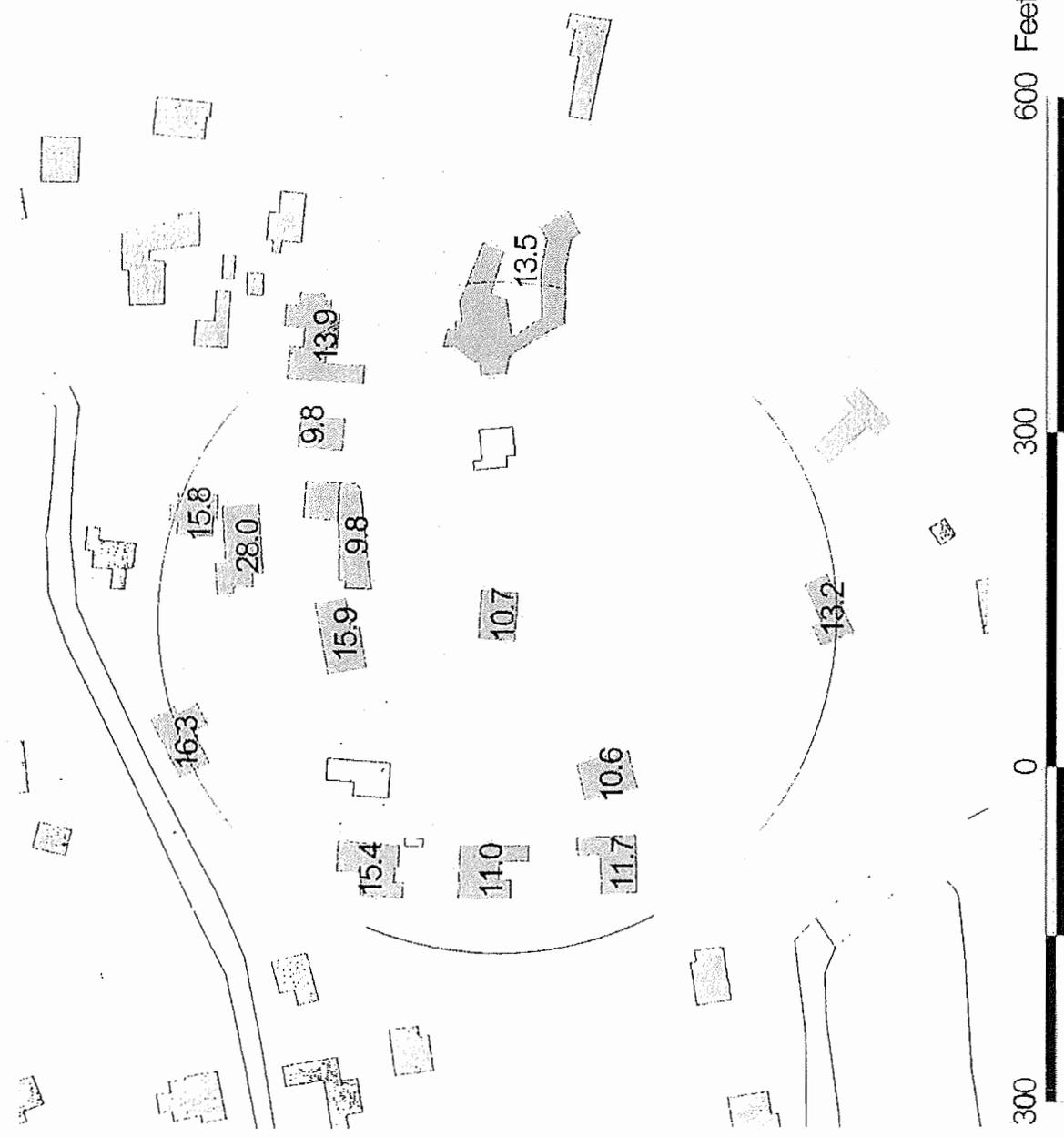
5/8/2015
DATE

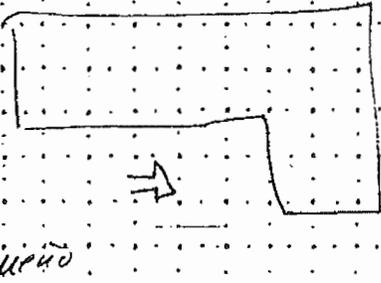
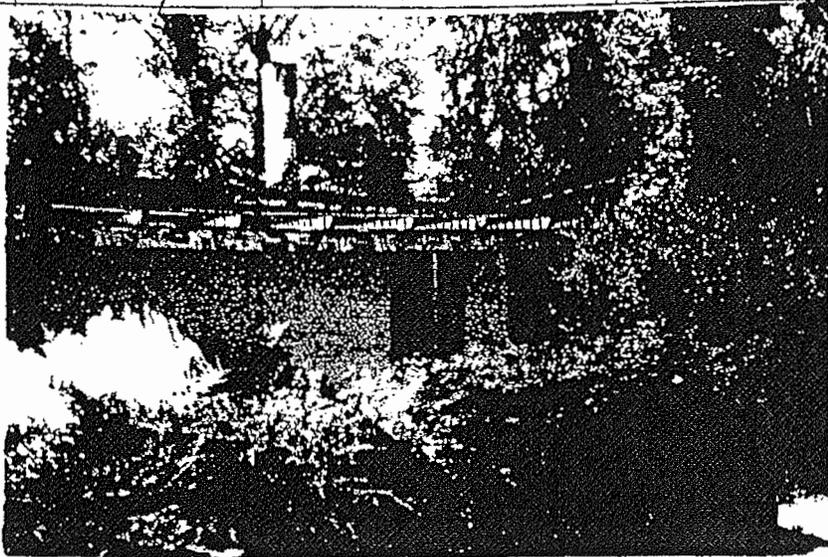
| | |
|--|----------------------|
| To Be Completed By City Staff: | |
| <u>Additional Agency Review if Applicable:</u> | |
| <input type="checkbox"/> Escarpment Approval by _____ Date: <u>1/1</u> | |
| <input checked="" type="checkbox"/> Flood Plain Approval by <u>RBZ</u> Date: <u>05/08/15</u> | |
| <input type="checkbox"/> Traffic Engineering Approval by _____ Date: <u>1/1</u> | |
| Notes: _____ | |
| <u>Zoning Approval:</u> | |
| <input type="checkbox"/> Preliminary Approval <input type="checkbox"/> with conditions <input type="checkbox"/> Rejected | |
| Comments/Conditions: <u>Legal lot (composite plat of the same district)</u> <u>plat 14 & 15 - changed agencies carport design / add bedroom & storage room - 7-14-13 - Added garden shed.</u> | |
| REVIEWER: <u>[Signature]</u> | DATE: <u>5/21/15</u> |

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

Revised 1-14-13

Streetscape: 2 Camino Pequeno



| | | | |
|---|--|---|---|
| building threatened? yes | surveyed date <u>7-7-83</u> by <u>mb</u> | county <u>Santa Fe</u> | ID no. <u>051600653</u> |
| field map <u>Santa Fe, New Mexico</u> | number <u>1</u> | UTM reference easting northing zone <u>12 13</u> | |
| location description <u>3 Camino Requeno</u> | | city/town <u>Santa Fe</u> | land grant/reservation |
| building name | | legal description t ^{ns} p <u>17 N</u> R range <u>10 E</u> # sec <u>80 NE & NW</u> | |
| film roll by <u>4</u> no. <u>29</u> | negative nos. <u>14</u> | loc. of neg. <u>HPH</u> | plan shape  |
|  | | date of construction estimate <u>1957</u> actual source | |
| | | use present <u>residential</u> other historic <u>residential</u> other | |
| | | condition <u>excellent</u> <input checked="" type="checkbox"/> good fair <input type="checkbox"/> <input type="checkbox"/> deteriorating | |
| | | degree of remodeling <input checked="" type="checkbox"/> minor <input type="checkbox"/> moderate <input type="checkbox"/> major describe: | |
| style <u>Vernacular</u> | foundation material <u>Concrete</u> | wall material/surface <u>Stucco</u> | |
| architectural features <u>Portal beam implanted w Northwest Indian figures.</u> | | surroundings <u>Res</u> | |
| | | relationship to surroundings <input checked="" type="checkbox"/> similar <input type="checkbox"/> not similar | |
| | | district potential <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | |
| | | significance <input type="checkbox"/> eligible <input type="checkbox"/> of <input checked="" type="checkbox"/> none interest | |
| comments wall hedge wire fence landscape street trees stone curb set back ceiling | | why? | |
| Street scope | | associated buildings? <input type="checkbox"/> yes what type? | |
| | | if inventoried, list ID nos. | |
| | | see back? <input type="checkbox"/> yes | |

H-84-34
CAMINO PEQUENO # 3

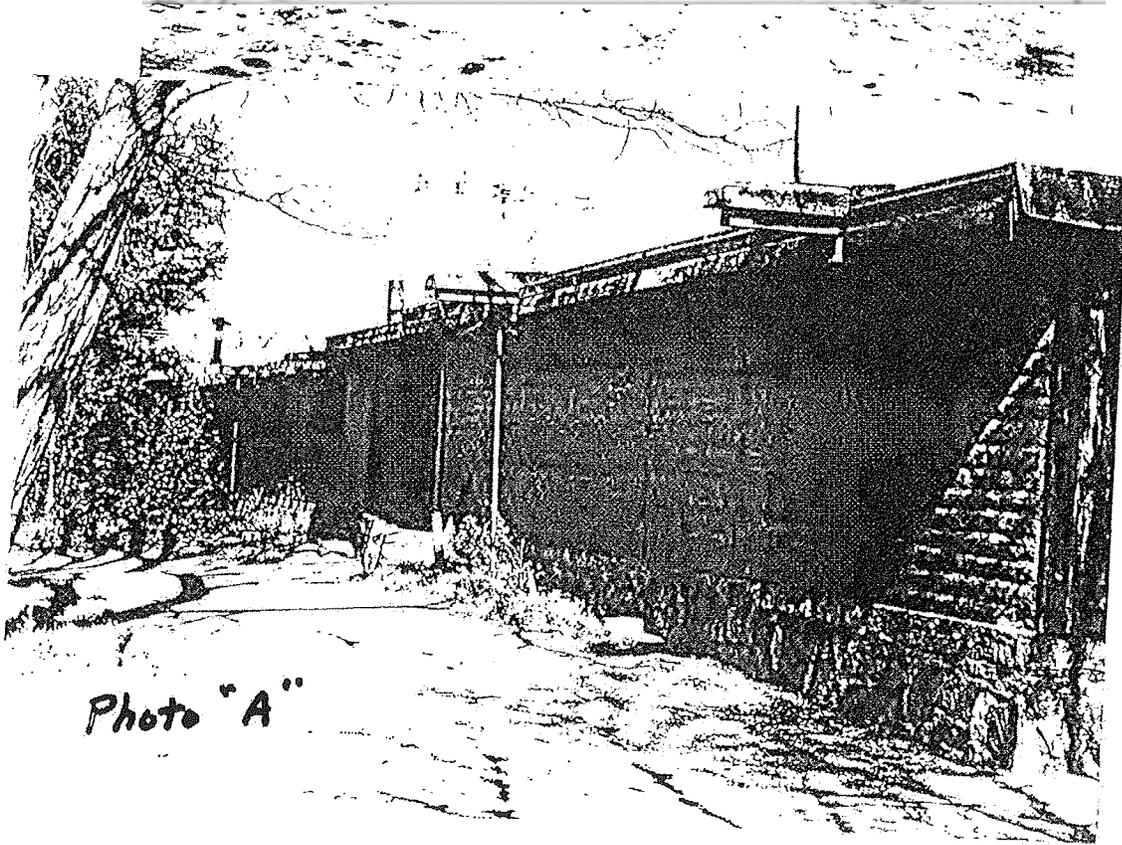


Photo "A"

HISTORICAL REVIEW PLANS

House Remodel/Addition

Carport Addition

2 Camino Pequeno

PROJECT SCOPE: DEMOLITION AND RECONSTRUCTION
 - NEW STORAGE ROOM
 - NEW CARPORT
 - NEW GARDEN SHED

ZONING: R-5
 LOT SIZE: 35,281 SF = 0.8197 ACRES
 LOT AREA: 171,171 SQ. FT. = 3.92 ACRES
 LOT AREA: 171,171 SQ. FT. = 3.92 ACRES
 ALLOWABLE DENSITY: 0.5463 X 5 DWELLINGS = 2 DWELLINGS MAX.

HISTORIC ZONING: EASTSIDE HISTORIC DISTRICT
 MAX. BUILDING HEIGHT ALLOWED: 15'-0"
 MAX. EXISTING BUILDING HEIGHT: 14'-0"
 NEW MAX. BUILDING HEIGHT: 12'-0"

HEATED AREAS:
 NEW MAIN FLOOR AREA = 2481 SF
 NEW 1ST FLOOR AREA = 438 SF
 TOTAL HEATED = 2919 SF

UNHEATED AREA:
 NEW STORAGE ROOM = 144 SF
 NEW CARPORT = 304 SF
 TOTAL UNHEATED AREA = 448 SF

PORTALS:
 EXISTING PORTALS = 240 SF
 NEW PORTALS = 220 SF
 TOTAL PORTALS = 460 SF

ROOFED AREA:
 EXISTING ROOFED AREA = 3185 SF
 NEW NORTH PORTAL = 100 SF
 NEW BEDROOM/HALL ROOF = 368 SF
 NEW STORAGE ROOM ROOF = 145 SF
 NEW CARPORT ROOFING PORTAL = 553 SF
 NEW CARPORT ROOFED AREA = 1187 SF
 TOTAL NEW ROOFED AREA = 5388 SF

TOTAL FINAL ROOFED AREA = 3185 + 1187 SF = 4372 SF
 LOT COVERAGE: 10% MAX. ALLOWED
 4672 SF ROOFED AREA / 35,281 SF LOT AREA = 13.1% LOT COVERAGE

Architects
 Mahy and Associates
 72 Camino Pequeno, Santa Fe, New Mexico 87501
 505.966.9554 mahyarchitect@ymail.com

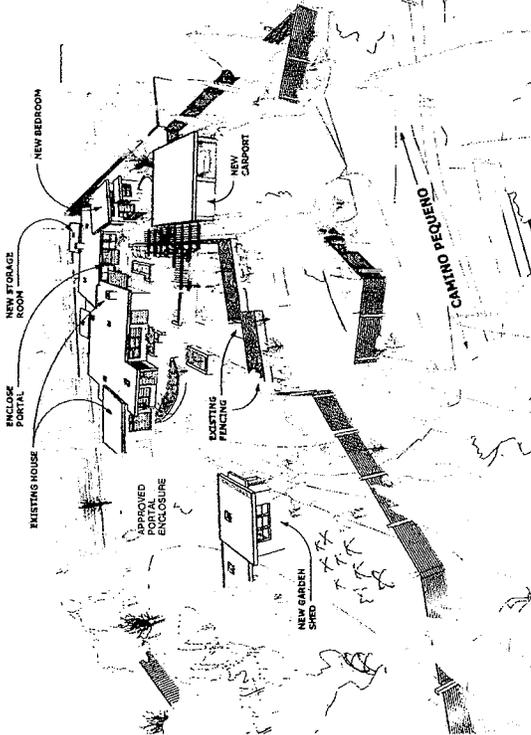
Remodel and Carport Addition
 2 Camino Pequeno
 CITY OF SANTA FE, NEW MEXICO

COVER SHEET

DATE:
 HISTORICAL REVIEW
 AUG. 11, 2015

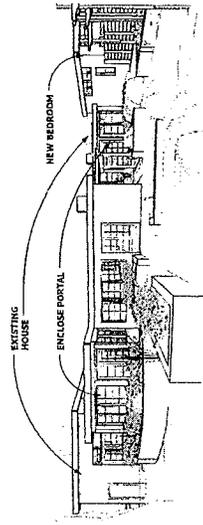
Sheet No.
 A-1.1

| Sheet Number | Sheet Name |
|--------------|--|
| A-1.1 | COVER SHEET |
| A-1.2 | EXISTING SITE PLAN TERRAIN MANAGEMENT |
| A-1.3 | APPROVED SITE PLAN |
| A-1.4 | PROPOSED SITE PLAN |
| A-2.1 | EXISTING FLOOR PLAN |
| A-2.2 | APPROVED FLOOR PLAN |
| A-2.3 | PROPOSED FLOOR PLAN |
| A-3.1 | SOUTH ELEVATIONS |
| A-3.2 | NORTH ELEVATIONS |
| A-3.3 | WEST ELEVATIONS |
| A-3.4 | EAST ELEVATIONS |
| A-4.1 | GARAGE / CARPORT ELEVATIONS |
| A-4.2 | GARDEN SHED PLANS |
| A-5.1 | SECTION |



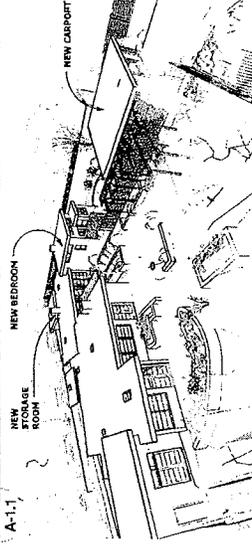
1 Aerial View from South

1 A-1.1



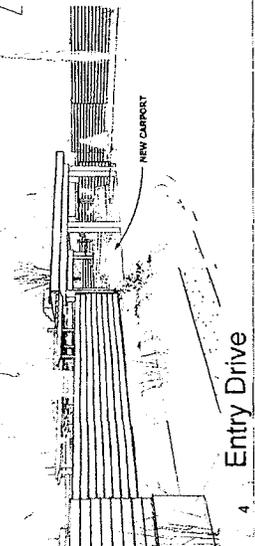
2 House View from South

2 A-1.1



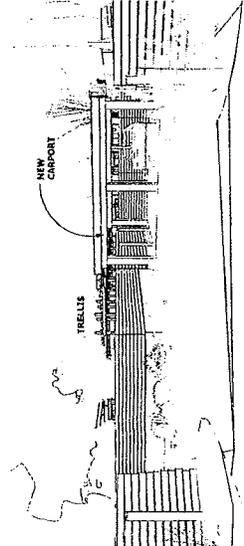
3 Garden Aerial

3 A-1.1



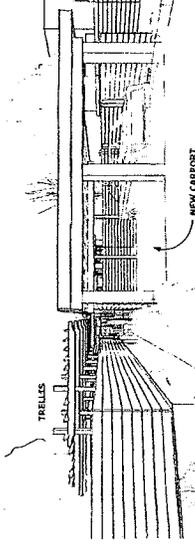
4 Entry Drive

4 A-1.1



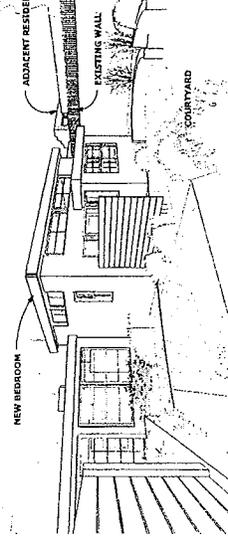
5 Entry View from South

5 A-1.1



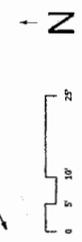
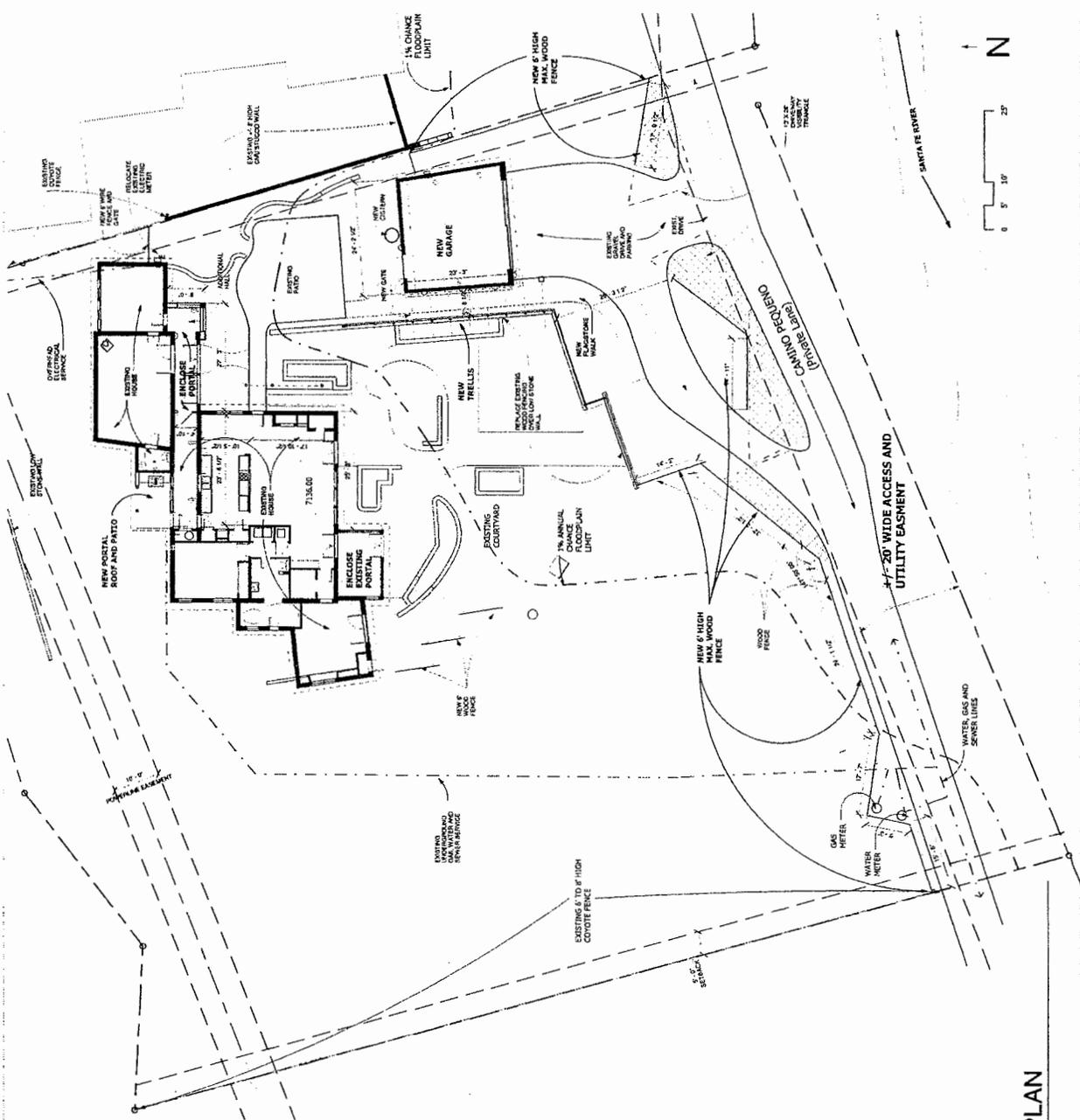
6 Entry Trellis and Carport

6 A-1.1



7 NEW ADDITION FROM SW

7 A-1.1



APPROVED SITE PLAN
 1" = 10'-0"
 A-1.3

This page intentionally left blank



JUL 30 2015

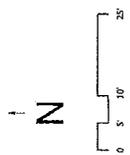
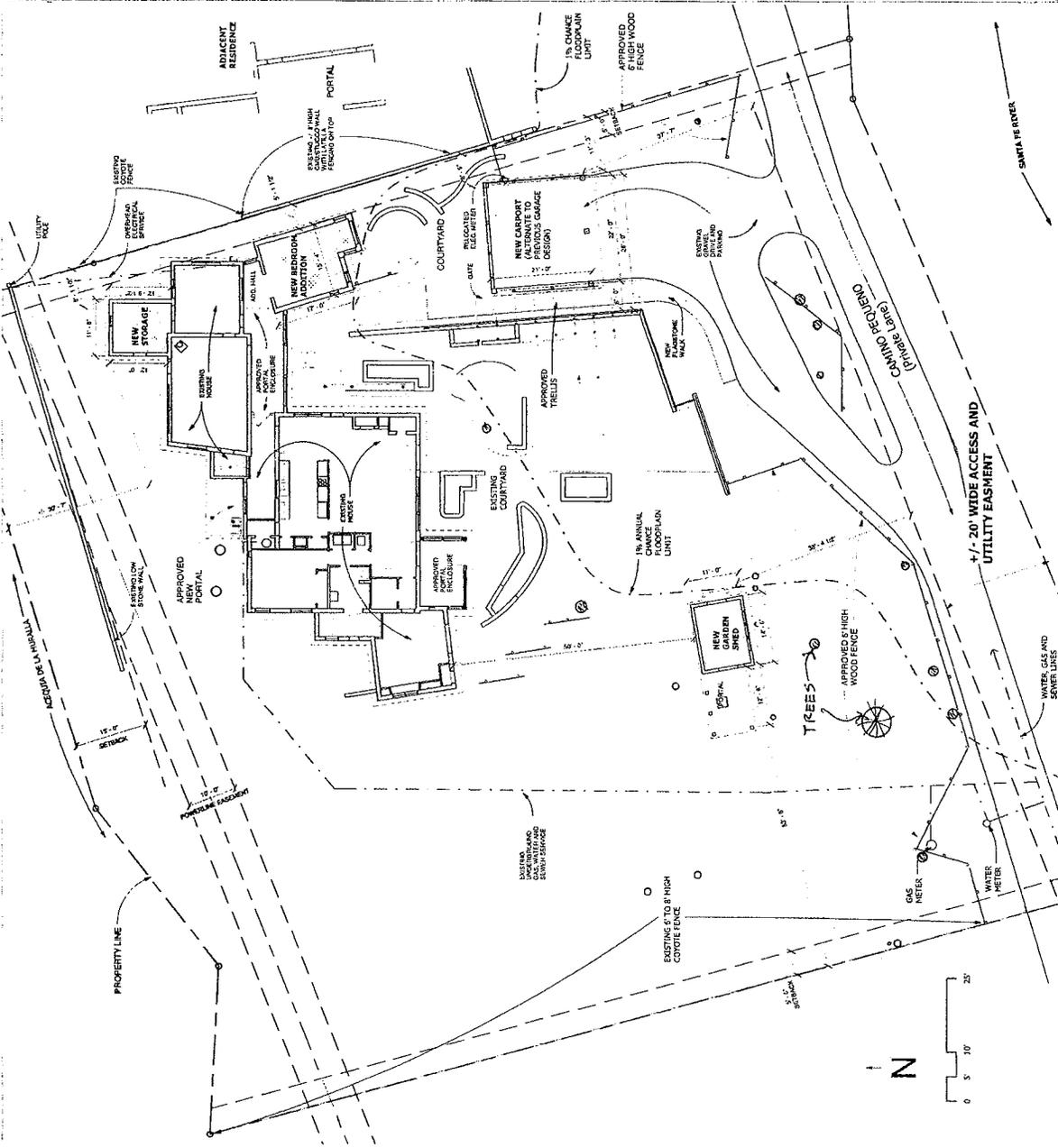
Mathey and Associates
Architects
22 Camino Pequeno, Santa Fe, New Mexico 87501
505.866.9654 matheyarchitecture@gmail.com

Remodel and Carport Addition
2 Camino Pequeno
CITY OF SANTA FE, NEW MEXICO

PROPOSED SITE PLAN
NLS

DATE: HISTORICAL REVIEW
AUG. 11, 2015

Sheet No.
A-1.4



2 PROPOSED SITE PLAN
A-1.4 1" = 10'-0"



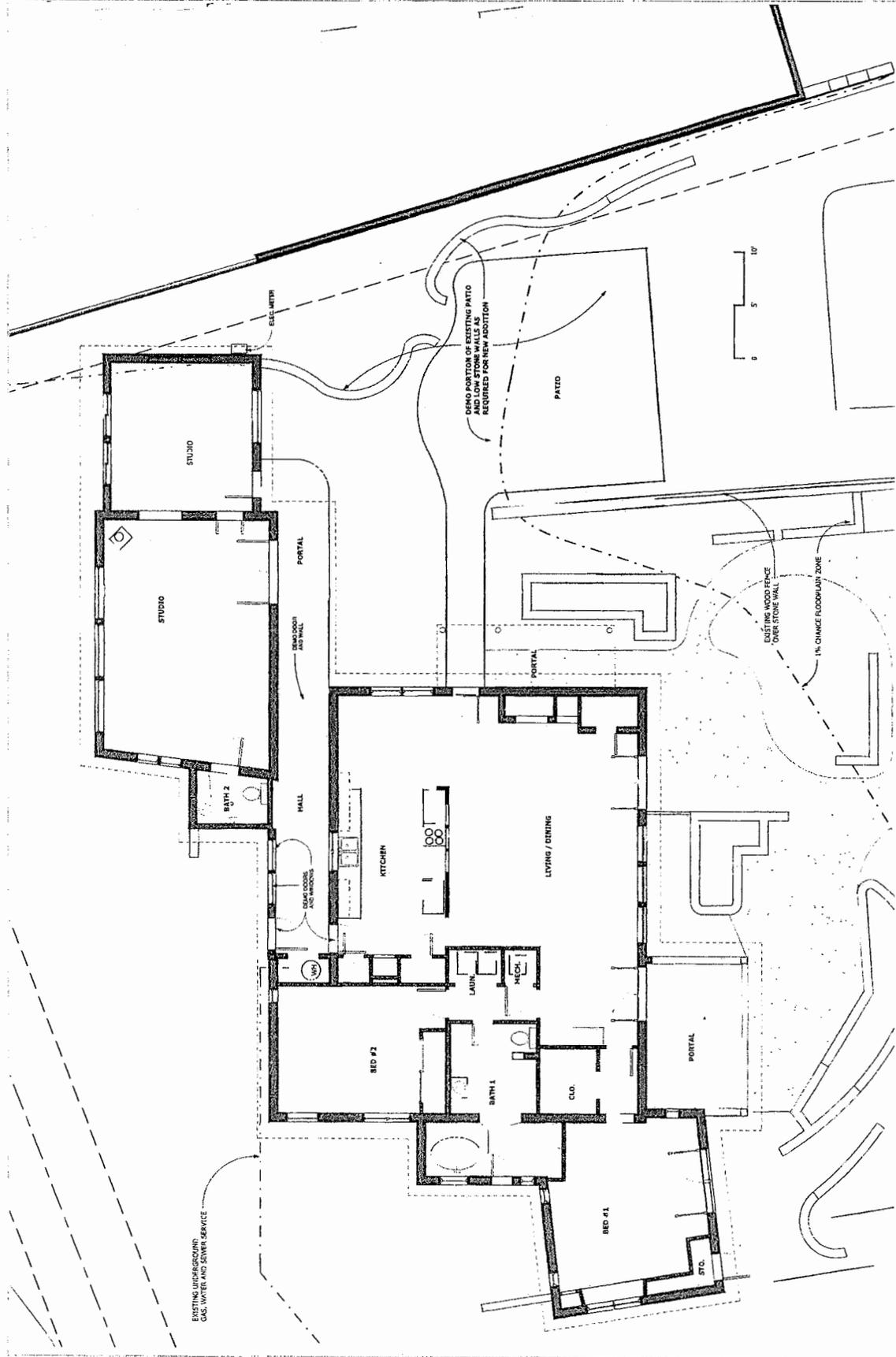
Mathey and Associates Architects
 22 Camino Pequeno, Suite 10, New Mexico 87501
 505.966.9654 matheyarchitect@mac.com

Remodel and Carport Addition
 2 Camino Pequeno
 CITY OF SANTA FE, NEW MEXICO

NCS
 EXISTING FLOOR PLAN

DATE: 11/11/2015
 APPROVAL REVIEW: AUG. 11, 2015

Sheet No. A-2.1



1 EXISTING FLOOR PLAN
 1/4" = 1'-0"

A-2.1

This page intentionally left blank

This page intentionally left blank

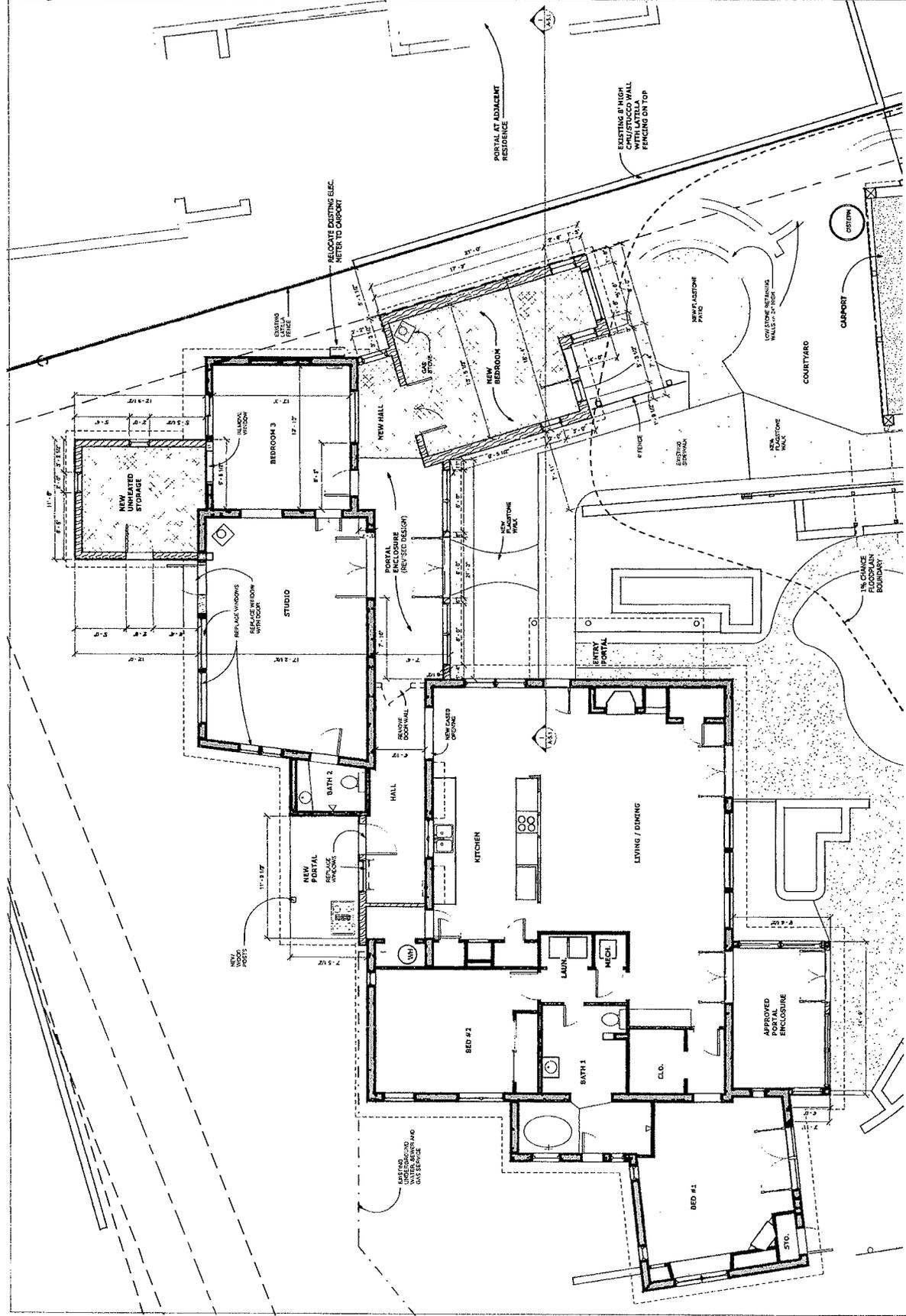


JUL 30
 505.98.8514
 Matthew and Associates
 Architects
 22 Camino Pequeneno, Santa Fe, New Mexico 87501
 505.988.8514
 matthewarchitect@gmail.com

Remodel and Carport Addition
 2 Camino Pequeneno
 CITY OF SANTA FE, NEW MEXICO

PROPOSED FLOOR PLAN
 NCB
 DATE: 11/21/2015
 REVISION: 11/21/2015

Sheet No.
 A-2.3



1
 PROPOSED FLOOR PLAN
 1/4" = 1'-0"
 A-2.3



JUL 3 2015

Mathey and Associates
Architects
77 Camino Requeno, Santa Fe, New Mexico 87501
505.562.5854 matheyarchitectur@gmail.com

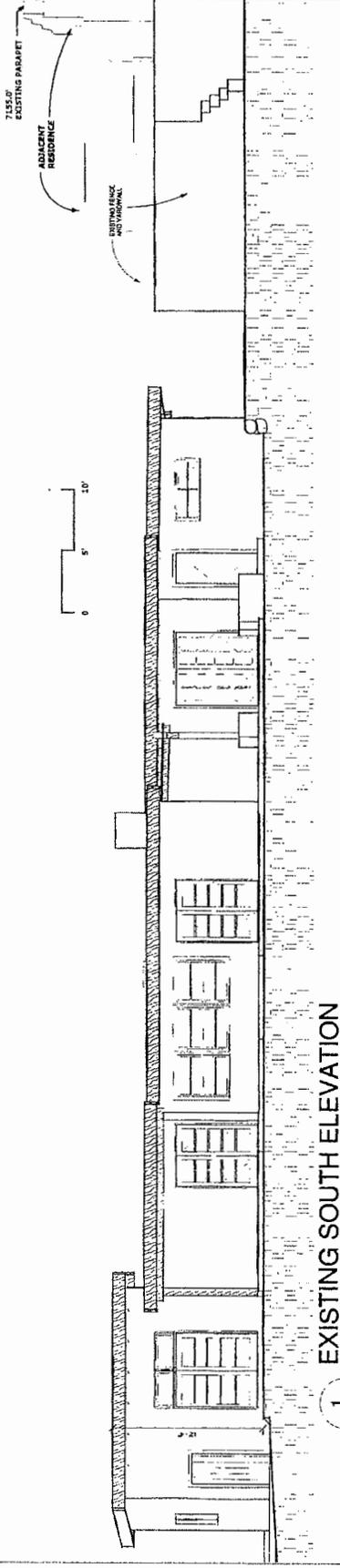
Remodel and Carport Addition
2 Camino Requeno
CITY OF SANTA FE, NEW MEXICO

NCB

SOUTH ELEVATIONS

DATE: HISTORICAL REVIEW
AUG 11, 2015

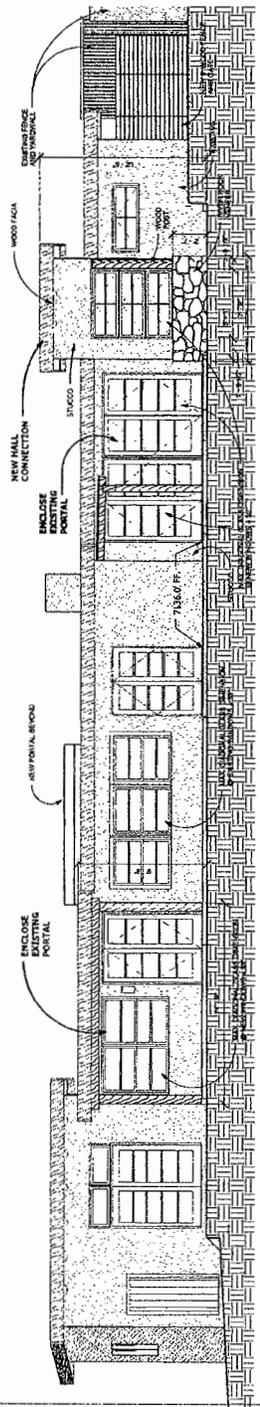
Sheet No.
A-3.1



1 EXISTING SOUTH ELEVATION
1/4" = 1'-0"

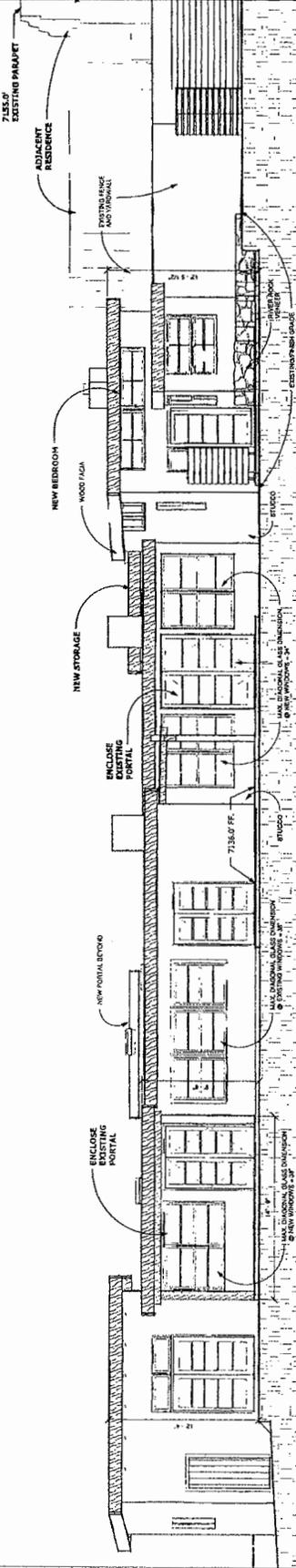
A-3.1

TYPICAL EXTERIOR FINISHES
WALLS: STUCCO-FINISH, WHITE (MATCH EXISTING) NORTH SIDE
STONE: RIVER ROCK, TORTURED (MATCH EXISTING)
WOOD: STAIN FINISH, BROWN (MATCH EXISTING)
DOOR AND WINDOW CLADDING: STAIN FINISH WOOD OR TAN METAL CLAD (MATCH EXISTING)
METAL DOOR HINGES, DOWNSPOUTS, ETC.: PAINT FINISH, WHITE OR BERTHACON
ROOFING: EARTH TONE BITUMASTONE OR PLY MEMBRANE



2 APPROVED SOUTH ELEVATION
1/4" = 1'-0"

A-3.1



3 PROPOSED SOUTH ELEVATION
1/4" = 1'-0"

A-3.1



JUL 30

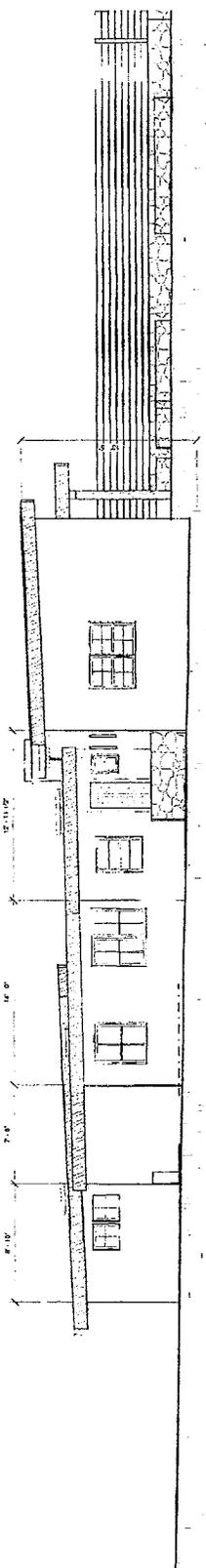
Mathey and Associates
Architects
82 Camino Piqueno, Santa Fe, New Mexico 87501
505.986.8854 matheyarchitectur@gmail.com

Remodel and Carport Addition
2 Camino Piqueno
CITY OF SANTA FE, NEW MEXICO

WEST ELEVATIONS
NBS

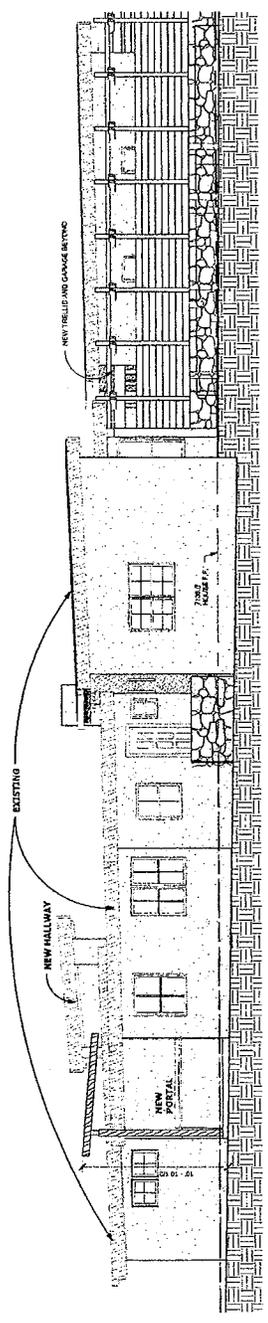
DATE: HISTORICAL REVIEW
AUG. 11, 2010

Sheet No.
A-3.3



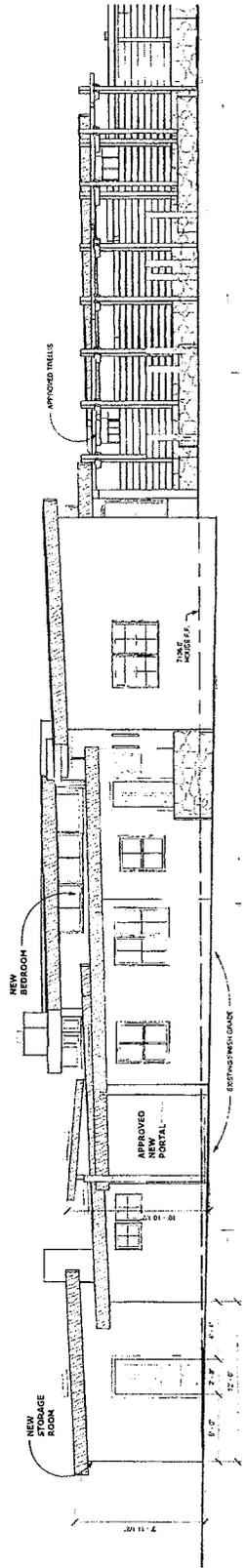
1 EXISTING WEST ELEVATION

A-3.3 1/4" = 1'-0"



2 APPROVED WEST ELEVATION

A-3.3 1/4" = 1'-0"



3 PROPOSED WEST ELEVATION

A-3.3 1/4" = 1'-0"



JUL 3 0

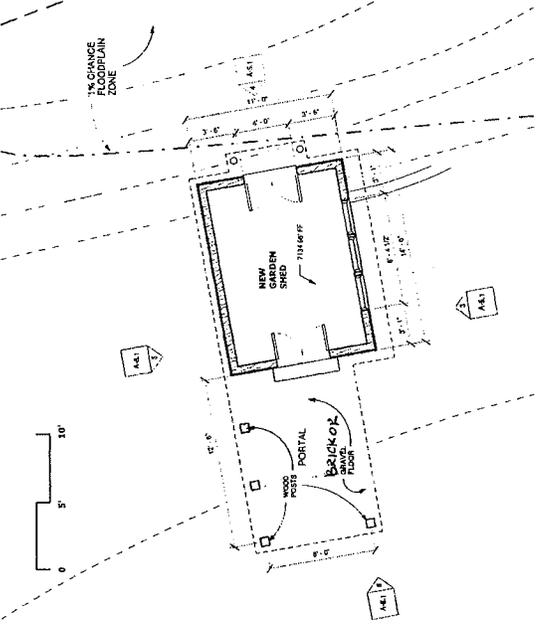
Mathey and Associates
Architects
42 Camino Pequeno, Santa Fe, New Mexico 87501
505.958.8854 matheyarchitects@gmail.com

Remodel and Carport Addition
2 Camino Pequeno
CITY OF SANTA FE, NEW MEXICO

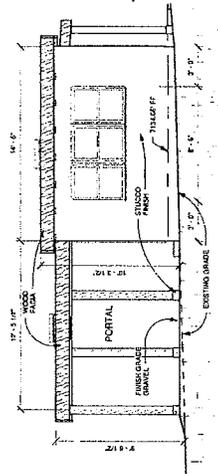
GARDEN SHED PLANS
SECTION

DATE: HISTORICAL REVIEW
AUG. 11, 2015

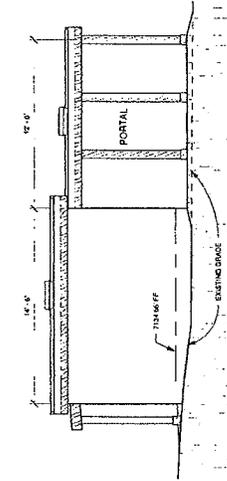
Sheet No.
A-5.1



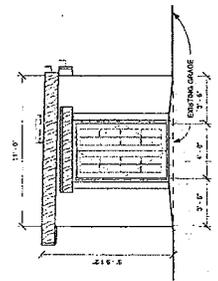
2 NEW GARDEN SHED FLOOR PLAN
A-5.1 1/4" = 1'-0"



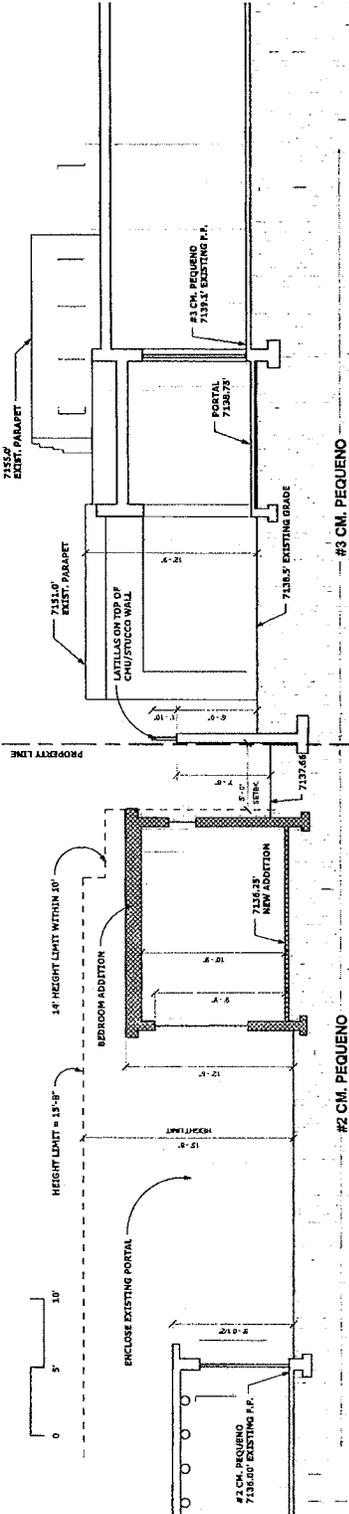
4 NEW GARDEN SHED - EAST NEW GARDEN SHED - SOUTH
A-5.1 1/4" = 1'-0"



5 NEW GARDEN SHED - NORTH
A-5.1 1/4" = 1'-0"



6 NEW GARDEN SHED - WEST
A-5.1 1/4" = 1'-0"



1 SECTION THRU #2 AND #3 CM. PEQUENO
A-5.1 1/4" = 1'-0"

ROACH, LISA G.

From: Cindy Kuziel <bayeta1231@aol.com>
Sent: Tuesday, August 11, 2015 1:46 PM
To: ROACH, LISA G.
Subject: changes planned for the Mathey's property on #2 Camino Pequeno

Our family is located at #1 Camino Pequeno, just west of the Mathey's residence at #2. We have known the Matheys for a long time and found them to be wonderful neighbors with real concerns for the quality of the Camino Pequeno road.

We see no problem with the planned changes to their property.

Sincerely,

Cindy Kuziel

(505) 982-4971

bayeta1231@aol.com

ROACH, LISA G.

From: ch sc <454real@gmail.com>
Sent: Tuesday, August 11, 2015 1:38 PM
To: ROACH, LISA G.
Cc: Courtenay Mathey
Subject: Mathey Proposal 2 Camino Pequeno

This letter states my support of the proposed additions at 2 Camino Pequeno. I grew up on this street; my family has owned property and maintained a home at 5 Camino Pequeno since the early 1960's.

The drawings of the proposed improvements appear to meet or exceed land use requirements, including historical design considerations. These proposed changes to the Mathey's recently approved submittal reflect consideration and attention to scale and surroundings. The applicant's commitment to the unique neighborhood values of this eastside bosque are reflected in this thoughtful, appropriate and careful design proposal.

It should be noted that the applicant was instrumental in the work (2 years) that created the citywide ordinance to protect property rights along sections of the river when FEMA revised its flood plain maps nearly a decade ago. The Mathey's are sensitive stewards of this special, tiny area along the Santa Fe River, and have been for many years.

As a neighbor and as a property owner, I fully support the approval of the Mathey project.

Sincerely,

Jason Krause

5 Camino Pequeno, Santa Fe NM 87501
505-470-0719

ROACH, LISA G.

From: Cia Thorne <cia@ciathorne.com>
Sent: Sunday, August 09, 2015 5:55 AM
To: ROACH, LISA G.
Subject: Cia Thorne

To ,

I am a resident at #4Camino Pequeno

The wall proposed to be built against the property of Brad and Mary Perkins is reactive and inappropriate. The Mathey family has been very destructive to this small neighborhood. If they put up a wall it should face the CaminoPequeno road to protect them from strangers walking up the road, not their neighbors.

Thank you for your time, if you have questions I can be reached at
(505) 490-5509
Cia [@ciathorne.com](mailto:cia@ciathorne.com) I

ROACH, LISA G.

From: hcwhy@aol.com
Sent: Monday, August 10, 2015 5:20 PM
To: ROACH, LISA G.
Cc: cmathey2@gmail.com
Subject: Mathey home improvements

Dear Ms. Groach,

I have been the owner of the property at 6 Camino Pequeno for around forty years and I'm excited about the Mathey's plans to upgrade their property. I think the design is creative and attractive and that it will be an asset to our neighborhood and our lane. Their plans have my full and enthusiastic support.

Sincerely,
Hank Yeiser

ROACH, LISA G.

From: Cheryl Roth <cherylroth92@msn.com>
Sent: Monday, August 10, 2015 1:24 PM
To: ROACH, LISA G.
Subject: RE: H-15-60b

Follow Up Flag: Follow up
Flag Status: Flagged

1481 Upper Canyon
Santa Fe , 87501

From: lgroach@ci.santa-fe.nm.us
To: cherylroth92@msn.com
Subject: RE: H-15-60b
Date: Mon, 10 Aug 2015 19:21:25 +0000

Thank you for your comments, Cheryl. Please send me your address if you would like this to be admitted into the record.

Lisa G. Roach
Senior Planner – Historic Preservation
City of Santa Fe
Direct Line: 505-955-6660

From: Cheryl Roth [<mailto:cherylroth92@msn.com>]
Sent: Monday, August 10, 2015 12:12 PM
To: ROACH, LISA G.
Subject: Ref: H-15-60b

Historic Board,

I am writing with reference to the above decision regarding an addition to the #2 Pequeno property.

I have sat very often on the portal of the directly adjacent neighbors to this proposed structure and support their opinion that it will be very detrimental to their existing view from their portal. It will have the effect of "closing in" their property and eliminating a lovely view of the sky. Of further importance is the view from the street.

The Historical Board tries to preserve the quality of the homes in Santa Fe, and the question that begs answering is would this structure be a positive addition to the existing home. Currently #2 Pequeno is not maintained very well, with unsightly old autos permanently parked in the yard along with two regular autos and a very messy looking yard. The property always looks unkempt. Will the existing home be brought up to the standards of the new structure that will be added? Will the overall look of the home be pleasing? I very much doubt this and ask the board to consider this aspect of the new addition and whether it will add value to the property or be another possible eyesore.

All of us in Santa Fe are asked to preserve the beauty of our fine city and we look to the Historical Board to help us with these decisions. Please consider the above objections carefully.

Regards,

Cheryl Roth
Property Owner Eastside

ROACH, LISA G.

From: Wanda AOL <fortitude23@aol.com>
Sent: Tuesday, August 11, 2015 8:54 AM
To: ROACH, LISA G.
Subject: Re: construction impact on Camino Pequeno

Dear Ms. Roach,

Thank you for your response.

My current address is;

Wanda Kuziel Brown
1251 Tall Pine Cr.
Gulf Breeze , Florida
32561

My previous address as well as my family's current address;

1 Camino Pequeno
Santa Fe, New Mexico
87501

On Aug 11, 2015, at 9:02 AM, "ROACH, LISA G." <lgroach@ci.santa-fe.nm.us> wrote:

Please send me your address if you wish for your comments to be entered into the record.

Thank you,

Lisa G. Roach
Senior Planner – Historic Preservation
City of Santa Fe
Direct Line: 505-955-6660

From: fortitude23@aol.com [<mailto:fortitude23@aol.com>]
Sent: Monday, August 10, 2015 8:58 PM
To: ROACH, LISA G.
Subject: construction impact on Camino Pequeno

Dear Ms. Roach,

I am a friend of Mr. James Perkins and his wife Mary who reside at #3 Camino Pequeno in Santa Fe. I am a previous resident on the road having lived there and visited since 1971 when my family bought property. My family continues to live on Camino Pequeno. After more than forty years, the road still maintains it's special atmosphere and peaceful natural beauty. It is a small private road along the Santa Fe River with only nine properties. Each of the properties is spaced so that there is optimal views of the trees, river, and wild vegetation. It is a place with an intimate sense of nature that each resident enjoys.

The outside living areas and patios of homes along the river offer a retreat used almost year round in Santa Fe. Mr and Mrs. Perkins are aware that their next door neighbors, the Mathey's, of #2 Camino

Pequeno are proposing to build a structure that will exceed their fence height and obstruct the trees and sky that make the Perkin's property uniquely beautiful and enjoyable.
I am writing to oppose this construction. It is not compatible with the neighborhood and obstructs the vista. It is not the appropriate action of a good neighbor on this little road.

Yours Respectably,

Wanda Kuziel Brown

fortitude23@aol.com
(850) 932-8813

BRAD AND MARY PERKINS

3 Camino Pequeño
Santa Fe, New Mexico

August 11, 2015

Historic Districts Review Board
City of Santa Fe, New Mexico

RE: Case No. H-15-060B
2 Camino Pequeño

Dear Members of the HDRB:

We are writing in regards to the above-referenced case. We own the home and reside at 3 Camino Pequeño, which is located immediately to the east of the property that is the subject of this application, 2 Camino Pequeño. For the reasons stated below, we oppose the application and request that it be denied:

The property is located in the Downtown & Eastside historic district. Section 14-5.2(E) of the City Code recognizes only two type of architectural styles in this historic district—Old Santa Fe Style and Recent Santa Fe Style. The proposed design does not comply with either. The design is contemporary in nature and is out of keeping with the other homes on the street, including our home next door which is a pueblo style and compliant with the design requirements of the historic district.

Of greatest concern is the new proposed bedroom addition that would be located immediately adjacent to your property. The proposed new bedroom additional (shown below) has a distinctly modern appearance that does not adhere in any respects to the design characteristics of either Old Santa Fe Style or Recent Santa Fe Style. The addition presents as tall box-like structure with long horizontal windows immediately below the roof line.



The new bedroom addition and its inappropriate contemporary appearance will be highly visible from the west-facing portal of our home next door. See attached photograph showing how the new bedroom tower will appear from our portal. This is not acceptable, especially given the fact that our house was built and designed in strict conformity with the design requirements of the historic district.

Although we feel strongly that this application should be denied, any action on this application should, in any event, be postponed in order that the HDRB can reevaluate the historic status of the existing residence at 2 Camino Pequeño. According to the Historic Building Inventory report for the property, the residence was constructed in 1957 and qualifies for contributing status because it is more than 50 years old. The residence also has the characteristics of Old Santa Fe Style, including its low horizontal massing, flat roof, stained wooden elements and one-story adobe construction. The residence was constructed by local artist, writer and craftsman, James Wing. As a result of these features and its history, the residence is likely to qualify as a "contributing structure," which the Code defines as a "structure located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district." If the status of the structure is recognized as contributing, as it should be, that will affect how and whether it can be modified.

Sincerely,



Brad Perkins



Mary Perkins

Lisa Roach

August 11, 2015

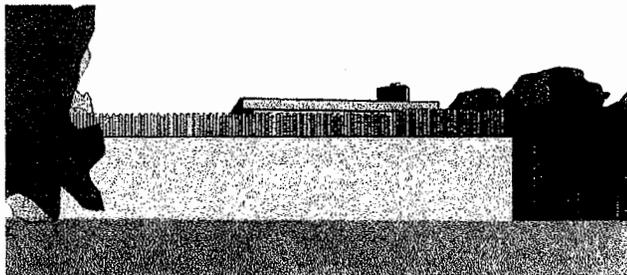
City of Santa Fe Historic Review

Re: response to complaints about #2 Cm. Pequeno

Dear Lisa,

Thank you for forwarding us the comments and complaints regarding our proposal. We wish to address them as follows:

1. In regards to the request from the Perkins that the application should be denied or postponed in order for the HDRB to reevaluate the historic status of the residence, the house was built starting in 1959 or so and was completed in the early 1960's (not 1957 as stated in the complaint letter). Regardless, the house was not found to be contributing when we first remodeled it in 1999. We maintained the original unique character of the house but replaced and added doors and windows and added a portal and a bedroom on the front façade so there is little remaining of the original structure visible from the private street. Mr. Perkins' letter on one hand condemns the architectural character of the house as not being compliant with historic requirements and then tries to insist that it be given contributing status since it helps to establish and maintain the character of the historic district. These conflicting views are confusing at best. We feel that this request is another attempt on the Perkins' part to delay the project in order to force us to lower the proposed height of the structure, not due to any particular love they have for our property itself. They have already threatened to file an appeal should we pursue building our approved garage in the floodplain if we don't lower the addition and this feels like a similar tactic.
2. The design of the addition is three feet below the height limit. The Perkins complain of being able to see the top part of our addition. Their property is three feet higher than ours as shown on the "Section Thru #2 and #3 Cm. Pequeno" included with our submittal plans. I don't believe that the visibility impact will be as they indicated in the photo/drawing of their letter but more as shown here:



View from standing on Perkins' portal

Perhaps some of the addition is visible, but there will still be a nice view of the trees on our property for the Perkins to enjoy.

Furthermore, we see their house from our patio area all the time and have never made a big deal of it. Is there some law that says we have to look at their house but they don't have to look at ours? In this picture taken from just outside our front door you can see the Perkins house and portal on the other side of the wall. The latilla fencing on top of the wall was added by the Perkins after they remodeled their house in order to cut out views of our house. We would not support them raising the wall/fence any higher but perhaps they could consider planting some trees/shrubs on their side of the property to minimize any views they may have of our addition.

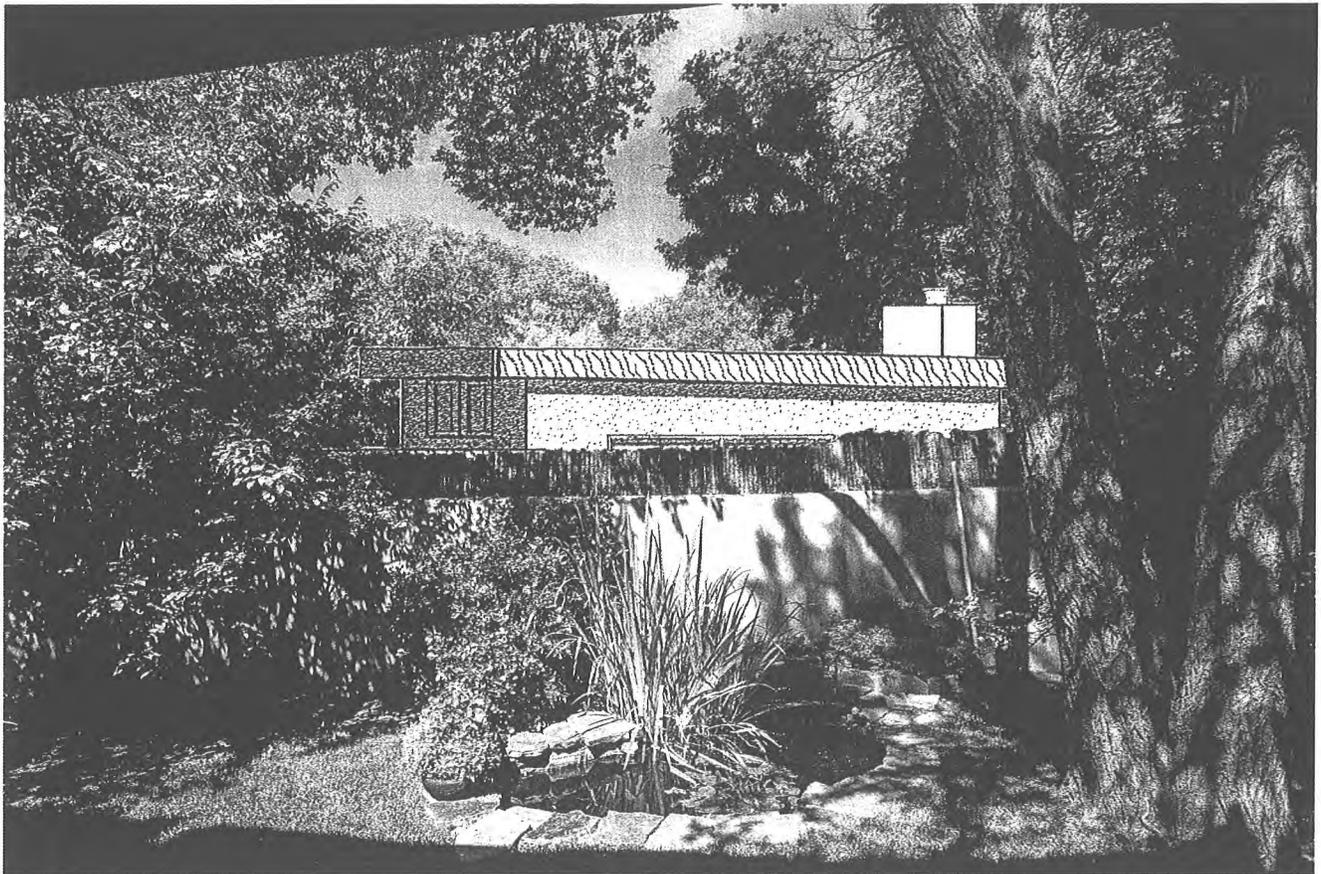


View East of the Perkins Residence, taken outside our front door on the patio

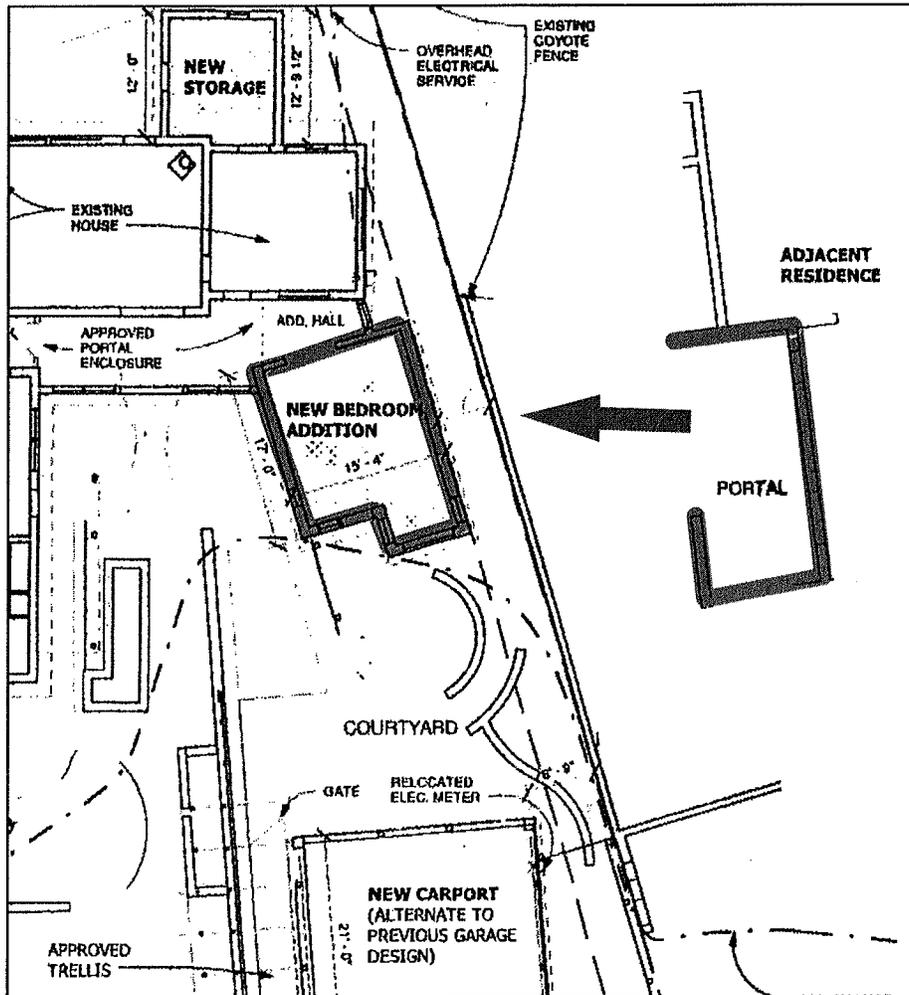
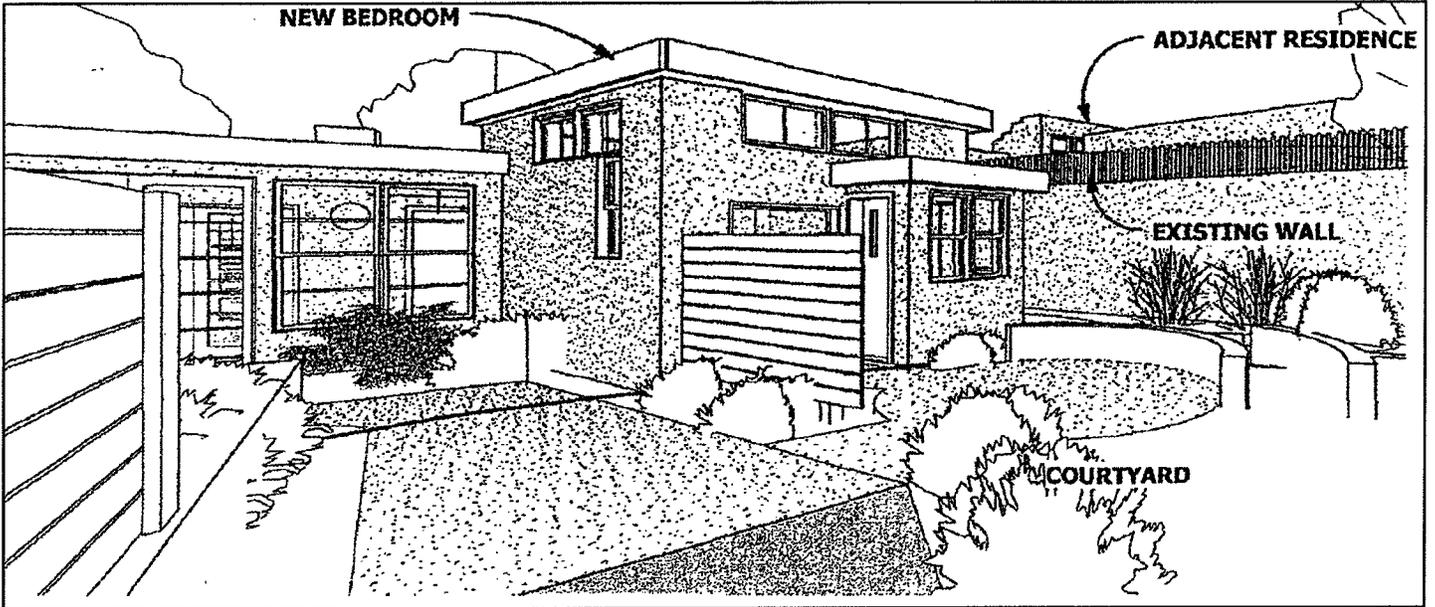
We feel that we have done much to minimize the visual impact on the Perkins and that the new addition will give a greater sense of privacy for both properties.

Sincerely,

Courtenay and Jackie Mathey

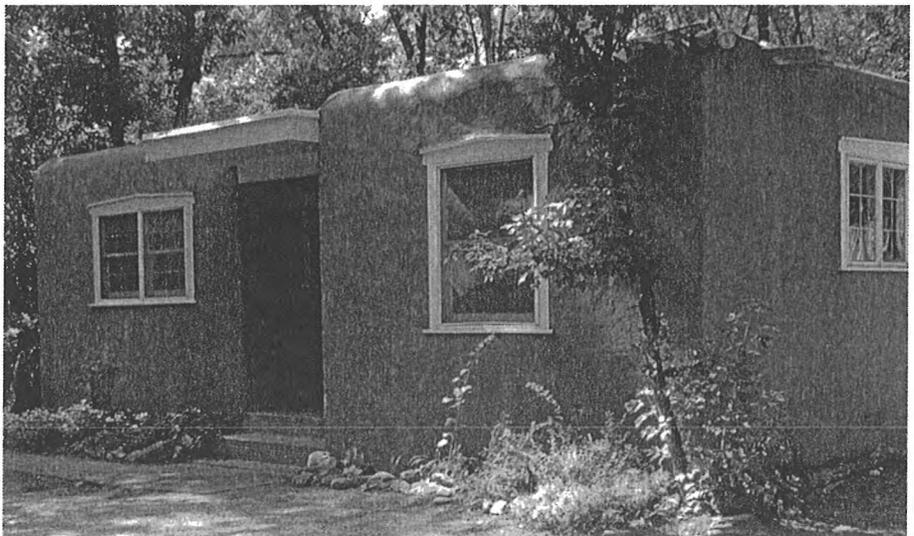
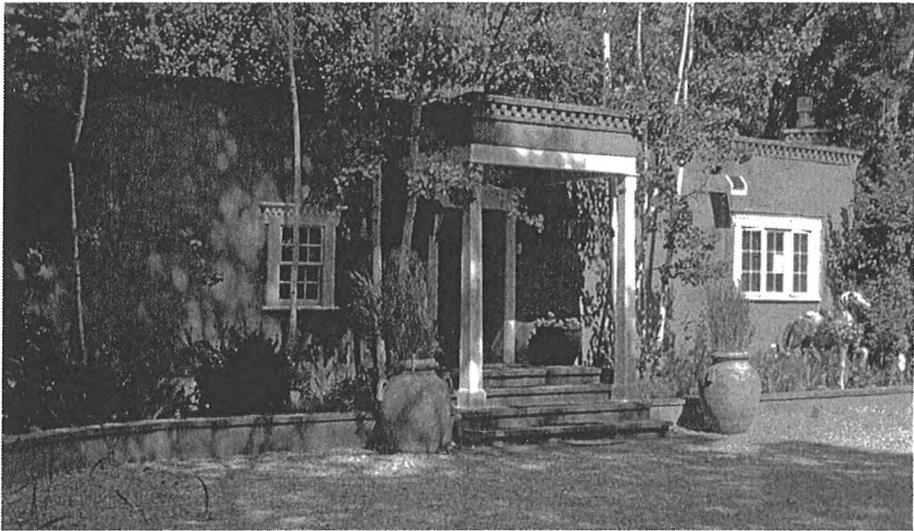


HDRB CASE NO. H-15-060B





HDRB CASE NO. H-15-060B





Agenda

CITY CLERK'S OFFICE

DATE 8/5/15 TIME 10:30 am

SERVED BY M. Culligan

RECEIVED BY Tricia Hartig

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, August 11, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, August 11, 2015 at 5:30 P.M.

CITY COUNCIL CHAMBERS

AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 28, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-04-076. 201 Old Santa Fe Trail
Case #H-15-067A. 721 Camino Cabra.
Case #H-15-068. 138 Park Avenue.

Case #H-15-024C. 558 San Antonio Street.
Case #H-15-067B. 700 Acequia Madre.

- F. BUSINESS FROM THE FLOOR
- G. ACTION ITEMS

1. Case #H-15-060B. 2 Camino Pequeno. Downtown & Eastside Historic District. Courtenay Mathey agent/owner, proposes to amend a previous approval, including an alternate design for a 552 square foot carport, elimination of a portion of the north hallway, addition of a 368 square foot bedroom and a 145 square foot storage room, and revision to door and window layout on the north portal enclosure. An exception is requested to place windows within 3' of a corner (Section 14-5.2(E)(2)(b)). (Lisa Roach).
2. Case #H-14-108B. 317 Hillside Avenue. Downtown & Eastside Historic District. Jeff Seres, agent for Robert Jordan, owner, propose to construct an approximately 475 sq. ft. addition to a height of 12' 6" to match the contributing residential structure and a 620 sq. ft. casita to the maximum allowable height of 14'. (Lisa Roach).
3. Case #H-12-059. 610 Garcia Street. Downtown & Eastside Historic District. Jack Robinson, agent for Doug & Peggy McDowell, owners, propose to construct a 3,597 sq. ft. residence to a height of 15'4" where the maximum allowable height is 15'11" on a vacant lot. (David Rasch).
4. Case #H-14-068. 525 1/2 Palace Avenue. Downtown & Eastside Historic District. John Rutherford, agent for Linda Osborne, owner, proposes to construct a deck above a portal and to add a door and window to access the deck on a non-contributing residential property. (Lisa Roach).
5. Case #H-15-071. 314 McKenzie Street. Downtown & Eastside Historic District. Conron and Woods Architects, agent for Milton Johnson, owner, propose to construct a 6' high coyote fence with pilasters and a vehicular gate on a significant commercial structure. (David Rasch).
6. Case #H-15-072. 940 Acequia Madre. Downtown & Eastside Historic District. Christopher Purvis, agent for Joshua Cooper Ramo, owner, proposes to remove the garage, entryway and mechanical additions, construct an 1013 sq. ft. addition, add a yardwall and replace a gate, windows and doors on a non-contributing structure. (Lisa Roach).





Agenda

CITY CLERK'S OFFICE

DATE 7/23/15 TIME 11:24am

SERVED BY M. Culligan

RECEIVED BY Alicia Hasty

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, August 11, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, August 11, 2015 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 28, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-04-076. 201 Old Santa Fe Trail
Case #H-15-067A. 721 Camino Cabra.
Case #H-15-068. 138 Park Avenue.

Case #H-15-024C. 558 San Antonio Street.
Case #H-15-067B. 700 Acequia Madre.

- F. BUSINESS FROM THE FLOOR
- G. ACTION ITEMS

1. Case #H-15-060B. 2 Camino Pequeno. Downtown & Eastside Historic District. Courtenay Mathey agent/owner, proposes to amend a previous approval, including an alternate design for a 552 square foot carport, elimination of a portion of the north hallway, addition of a 368 square foot bedroom and a 145 square foot storage room, and revision to door and window layout on the north portal enclosure. (Lisa Roach).
2. Case #H-14-108B. 317 Hillside Avenue. Downtown & Eastside Historic District. Jeff Seres, agent for Robert Jordan, owner, propose to construct an approximately 475 sq. ft. addition to a height of 12' 6" to match the contributing residential structure and a 620 sq. ft. casita to the maximum allowable height of 14'. (Lisa Roach).
3. Case #H-12-059. 610 Garcia Street. Downtown & Eastside Historic District. James Satziner Architect, agent for Doug & Peggy McDowell, owners, propose to construct a 3,597 sq. ft. residence to a height of 15'4" where the maximum allowable height is 15'11" on a vacant lot. (David Rasch).
4. Case #H-14-068. 525 1/2 Palace Avenue. Downtown & Eastside Historic District. John Rutherford, agent for Linda Osborne, owner, proposes to construct a deck above a portal and to add a door and window to access the deck on a non-contributing residential property. (Lisa Roach).
5. Case #H-15-071. 314 McKenzie Street. Downtown & Eastside Historic District. Conron and Woods Architects, agent for Milton Johnson, owner, propose to construct a 6' high coyote fence with pilasters and a vehicular gate on a significant commercial structure. (David Rasch).
6. Case #H-15-072. 940 Acequia Madre. Downtown & Eastside Historic District. Christopher Purvis, agent for Joshua Cooper Ramo, owner, proposes to remove the garage, entryway and mechanical additions, construct an 1013 sq. ft. addition, add a yardwall and replace a gate, windows and doors on a non-contributing structure. (Lisa Roach).
7. Case #H-15-069. 530 South Guadalupe Street. City Landmark. Hogan Group Inc., agent for Gross Kelly Warehouse, LLC, owner, proposes to replace an existing portal and entry with an enlarged approximately 540 square foot portal and entry. An exception is requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)). (Lisa Roach).

Member Boniface moved to approve the Findings of Fact and Conclusions of Law for Case #H-15-067A at 721 Camino Cabra. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

Case #H-15-068. 138 Park Avenue.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit C.

Member Roybal moved to approve the Findings of Fact and Conclusions of Law for Case #H-15-068 at 138 Park Avenue. Member Bayer seconded the motion and it passed by unanimous voice vote.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. ACTION ITEMS

Vice Chair Katz announced to the public that anyone who wished to appeal a decision of this Board has 15 days after the approval of the Findings of Fact and Conclusions of Law to submit an appeal to the Governing Body. He suggested they consult with Mr. Rasch or Ms. Roach if they wished to file an appeal.

1. **Case #H-15-060. 2 Camino Pequeño.** Downtown & Eastside Historic District. Courtenay Mathey agent/owner, proposes to amend a previous approval, including an alternate design for a 552 square foot carport, elimination of a portion of the north hallway, addition of a 368 square foot bedroom and a 145 square foot storage room, and revision to door and window layout on the north portal enclosure. An exception is requested to place windows within 3' of a corner (Section 14-5.2(E)(2)(b)). (Lisa Roach).

Ms. Roach gave the staff report as follows:

BACKGROUND & SUMMARY:

2 Camino Pequeño is a 2,461 square foot residence with 647 square feet of unheated portal spaces, for a total roofed square footage of 3,118. The residence was constructed in the early 1960s in what can be described as a blend of Mid-Century Ranch style and Prairie Revival style. The residence is characterized by its horizontal lines, low massing with areas of exposed whitewashed adobe, slightly pitched shed roof with projecting eaves, stained wooden elements, and wood windows with a horizontal, rectangular lite

pattern. The residence is listed as non-contributing to the Downtown and Eastside Historic District.

In June of 2015, the HDRB approved the construction of a freestanding garage and entry trellis, the enclosure of the southwest portal (including a 3' corner rule exception), the enclosure of the southeast portal (including a 3' corner rule exception), replacement of windows, construction of a new portal on the north façade, repair of wood framing and construction of a 6' high fence. Now the applicant proposes to amend the approval with the following:

1. Alter the garage to become an open 552 square foot carport in the same location;
2. Eliminate the tall portion at the east end of the southeast portal enclosure, and replace it with an approximately 368 square foot bedroom and hallway addition to a height of 12'6" (still requiring the 3' corner rule exception as requested in the previous approval – see below);
3. Add a 145 square foot storage room to the east end of the north façade;
4. Revise the door and window layout of the north portal enclosure; and
5. Construct a free-standing 322 square foot garden shed with portal.

RELEVANT CODE CITATION: Section 14-5.2(E)(2)(b) Recent Santa Fe Style

"No door or window in a publicly visible façade shall be located nearer than (3) three feet from the corner of the façade."

EXCEPTION CRITERIA:

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

Applicant Response: This design feature will not damage the character of the district as it will not be visible from Camino Pequeño.

Staff Response: Staff agrees with this response, as windows to be placed within 3' of a corner are located behind the proposed carport, which will substantially limit public visibility. Also, this exception has been granted elsewhere on the residence.

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

Applicant Response: If the door and window openings were three feet from the building corners at these locations, it would severely limit the sunlight and views offered to the residence.

Staff Response: Staff agrees with this response.

- (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.

Applicant Response: This design option blends well with the original "ranch house" design aesthetic of the '60's and will strengthen the character of the City by honoring this distinctive variation on traditional Santa Fe style design.

Staff Response: Staff agrees with this response. The design is a unique blend of styles that are uncommon in the Downtown and Eastside District.

STAFF RECOMMENDATION:

Staff finds that the criteria for an exception to Section 15-5.2(E)(2)(b) have been met and recommends approval of this application, which otherwise complies with Section 14-5.2(D)(9) General Design Standards for All H Districts: Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District. Ms. Roach also presented six emails she received for this case [attached as Exhibit D].

Questions to Staff

Member Boniface noted her description of the style in the staff report as Mid Century Ranch or Prairie Style Revival and asked if that is the applicant's position as well.

Ms. Roach said he would have to ask applicant but that is the way it was described in HCPI.

Applicant's Presentation

Present and sworn were Mr. Courtenay Mathey and Ms. Jackie Mathey. Mr. Mathey said they appreciate that it is recommended for approval and look forward to moving ahead. He explained that the new design for the carport is an alternate design and not a replacement for what was previously approved. They haven't committed to changing that design but want the permission to do either.

Public Comment

Present and sworn was Mr. Frank Herdman, 123 east Marcy, representing Brad and Mary Perkins who own the property next door to the east and object to this application for several reasons. He had some handouts. [A copy of the handout is attached to these minutes as Exhibit E.] This is located in the Downtown and East Side Historic District in which there are only two architectural styles recognized in the Code. They are Old Santa Fé style and recent Santa Fé style and the Perkins object because the proposed style doesn't comply with either approved style.

In particular, the proposed bedroom addition just adjacent to Perkins' property does not comply with either architectural style. As shown on the handout, has a distinctive contemporary appearance in a tall, box-like structure with long horizontal windows immediately below the roofline. The design does not adhere to any of the characteristics of the Old Santa Fé style or the Recent Santa Fé style. The bedroom addition is especially objectionable because its inappropriate design will be highly visible from the west-facing portal of the Perkins' property next door.

The second diagram shows the portal in blue and an arrow with the line of sight. On page two of the handout, is portrayed from the applicant's plans the elevations for the new bedroom addition the way it will appear to Mr. and Ms. Perkins to the west. The contemporary design is very visible including the windows below the roofline. It just doesn't have appearance of either Santa Fé style or recent Santa Fé style. It is only five feet from the property line and simply not acceptable for the Historic District.

It is also out of keeping with other homes on the street. On page three of his handout, he showed examples on the street in close proximity. The first is the Perkins' Pueblo Revival style home which is in keeping with the code.

For that reason alone, the Perkins object to this design, but especially the bedroom addition.

The application should not be approved at this time because the historic style should be re-evaluated. It was constructed in 1957 and therefor over fifty years old so it qualifies as a potential contributing structure and it has low horizontal massing and flat roof. It is a very conspicuous one-story adobe construction. As a result of those features, the residence is likely to qualify as a contributing structure as defined in the Code. In the 25 years he has practiced law here, that could qualify as contributing. But it would be a disservice to the district and to the other owners there not to evaluate it for status.

In his experience, that is routinely done in connection with proposals to modify existing structures for those who might qualify but at least the property is put to the test and that hasn't been done in this case.

Lastly, he stated that his client is willing to meet with the applicant to work it out. So it should either be denied or at least postponed for those reasons.

Present and sworn was Mr. Brad Perkins, 3 Camino Pequeño, who confirmed that he supported everything that was said by Mr. Herdman. He said, "We understand the project thoroughly and would be glad to sit down with applicant at any time for a solution that would satisfy both of us."

There were no other speakers from the public regarding this case.

Response of Applicant.

Mr. Mathey said Mr. Perkins did call him a week ago and said he had issues with the height of the building and furthermore said the was going to be meeting with the flood plain authority in three hours to

complain about this project potentially having the garage in the flood plain if we did not lower the addition. That is a completely irrelevant issue and indicative of the kind of pressure they have been receiving.

They are more than 3' below the maximum height limit. Included in the plans was a section he provided between the two properties and added red lines that show a person standing on the Perkins portal and their potential views of this addition.

Mr. Mathey said he didn't agree with the rendering Mr. Perkins submitted showing their potential view of his property. The reason was because it might be true if they are looking straight on in elevation but not in 3-D real life there is maybe only a foot or only 16-18" of their roof visible to them and it is in a drawing he submitted today to Ms. Roach of what he and his wife see all the time. And if there is a law that could address why the Perkins don't have to look at his house while he has to look at their house, he would be very willing to look into it.

He said he was confused by Mr. Herdman assertions that their building doesn't relate to the neighborhood and then saying it should be evaluated as a contributing structure. He didn't understand how you can hold both thoughts. It is more continuing pressure from them and others. It is 3 feet below the height limit and there are other ways they could address it like planting trees in their yard.

Ms. Roach said regarding the question of historic status that a status hearing was not called for in the previous case and she opined the reason was because the style is not compatible. It doesn't contribute to the district and is not Santa Fé style. It also has been substantially altered in 1999. So staff didn't feel a lengthy status review was necessary.

Questions to the Applicant

Vice Chair Katz said there was a status review in 1999 when it was remodeled.

Ms. Roach said she didn't have that information with her.

Member Roybal asked if what they would do would match what is there now.

Mr. Mathey agreed. It is all intended to match what they have.

Member Boniface asked if Mr. Mathey agreed with the description of this property as stated.

Mr. Mathey said he did. "Given that there is not that many examples of that style, I think that is about as good as I could get at this point. The main horizontal window lines that the gentleman built, the general look of the house, the overhangs rather than parapets and things like that. Those are the things we kept from the original house and we've built upon that. And frankly, we have gotten a lot of positive comments on it. People like it and it is a little different. And we are not trying to stick out with this but feel we have a right to be unique and stay true to what the original character of the building was. I think if we have to try to make

the new addition like a Pueblo or Territorial style that would look horrible. It would look like something stuck on to the end of our house. And it just doesn't make any sense. We have to maintain the character of what's been established already."

Member Boniface tended to agree with what he was saying. He wouldn't see that adding a pueblo style box on the end of this long, low building would be appropriate. In that line of thinking, the ranch style or prairie style is typically long and low. As an architect, he was having a problem with the new bedroom addition that seems to be this bump that is out of place with the rest of the house - this very tall and skinny mass.

Member Boniface asked what the ceiling height is in the existing living room and kitchen.

Mr. Mathey said the ceiling height in the house runs from about 7' 8" to just over 8' and was the reason why they would like to have a taller ceiling. Many new homes consider 8' as a very low ceiling. The tallest ceiling now is the existing bedroom on the west which is 10' and they would like to have this bedroom at that proposed height. If they had parapets instead of an overhang, it would add another 2' to the building height. He felt they were already low. Ten feet is not exceptional for a requested ceiling height. It provides a nice balance to the overall look of the house. The bedroom on west is actually taller because the land drops off and this is shorter than that.

Member Boniface said to him, the drawings presented make it look like ceiling is actually almost 11'. He asked if the applicant would be willing to lower the new bedroom area by 12".

Mr. Mathey said he really wouldn't. He didn't know if vigas were shown in the drawing.

Member Boniface told him the Board could only vote on what was presented to them.

Mr. Mathey said the building is 12.5' high and that was what they'd like to stick with. It wouldn't make the addition disappear for the Perkins by dropping it 12".

Member Boniface clarified that his line of questioning has nothing to do with his neighbors. It is about the design.

Ms. Roach said 12.5' was approved at the last hearing and as shown on page 20, the addition on the left side is approximately the same height on the proposed addition on the right side and provides some balance to the architecture of the home.

Mr. Shandler asked where in the Code it says if a person has a structure in a vernacular style that an addition has to be in Santa Fé Style. He would like to see that language out on the table.

Vice Chair Katz said it is in 14-5.2 A 6 on nonconforming structures. This is a nonconforming structure. It says, "Except the repairs and maintenance required by law, no non-conforming building may be added to or altered in any way unless the proposed addition or alteration would bring the whole to a degree of

conformity acceptable to the Board.” He presumed that conformity meant conformity of the design strictures of the H Ordinance.

Vice Chair Katz agreed with the applicant that it would look really silly to have an old Santa Fé style addition. And it may be that when it says bring the whole to a degree of conformity, they now have to do an old Santa Fé style. He just felt that doesn’t make sense. And his understanding was that is not what the Board has done over many years. But what it does require is that in the addition to match what is there. And this proposal is in that style. Whether prairie style means 12.5’ addition or it should be lower – that is something the Board would consider. But the language is there and it is very problematic. Maybe the Council will look at that for changing in the revisions.

Action of the Board

Member Roybal moved in Case #H-15-060 at 2 Camino Pequeño, to approve per staff recommendations the 5 items in the application. Member Boniface seconded the motion but added an amendment to recognize that the applicant has met the exception to have a window within three feet of any corner. Member Roybal accepted the amendment as friendly.

Member Biedscheid requested an amendment add that the Board is approving two designs – a garage and a carport of which one will be built. Member Roybal accepted that amendment as friendly.

Member Biedscheid said she believed it is important to preserve styles from the 1960's and preserving or retaining a rare example of such diversity only enhances what we refer to as Santa Fe style and highlights the difference with traditional styles.

The motion passed by unanimous voice vote.

- 2. Case #H-14-108B. 317 Hillside Avenue.** Downtown & Eastside Historic District. Jeff Seres, agent for Robert Jordan, owner, propose to construct an approximately 475 sq. ft. addition to a height of 12’ 6” to match the contributing residential structure and a 620 sq. ft. casita to the maximum allowable height of 14’. (Lisa Roach).

Ms. Roach gave the staff report as follows:

BACKGROUND & SUMMARY:

317 Hillside is a two-story, single-family residence and free-standing two-car garage that were constructed in the Spanish-Pueblo Revival style between 1926 and 1928. The buildings are listed as contributing to the Downtown and Eastside Historic District. In December 2014, the HDRB assigned primary façades for both structures – south and west façades of the main residence, and east façade of the garage.

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

Case #H-15-060

Address-2 Camino Pequeno

Owner/Applicant's Name-Courtenay Mathey

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on August 11, 2015 upon the application ("Application") of **Courtenay Mathey** ("Applicant").

2 Camino Pequeño is a 2,461 square foot residence with 647 square feet of unheated portal spaces, for a total roofed square footage of 3,118. The residence was constructed in the early 1960s in what can be described as a blend of Mid-Century Ranch style and Prairie Revival style. The residence is characterized by its horizontal lines, low massing with areas of exposed whitewashed adobe, slightly pitched shed roof with projecting eaves, stained wooden elements, and wood windows with a horizontal, rectangular lite pattern. The residence is listed as non-contributing to the Downtown and Eastside Historic District.

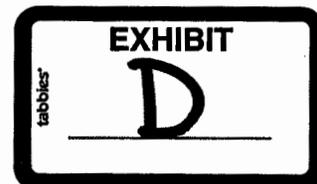
In June of 2015, the HDRB approved the construction of a freestanding garage and entry trellis, the enclosure of the southwest portal (including a 3' corner rule Exception), the enclosure of the southeast portal (including a 3' corner rule Exception), replacement of windows, construction of a new portal on the north façade, repair of wood framing and construction of a 6' high fence. The Applicant proposes to amend the approval with the following:

- 1) Determine whether to have the garage to become an open 552 square foot carport in the same location;
- 2) Eliminate the tall portion at the east end of the southeast portal enclosure, and replace it with an approximately 368 square foot bedroom and hallway addition to a height of 12'6" (still requiring the 3' corner rule Exception as requested in the previous approval);
- 3) Add a 145 square foot storage room to the east end of the north façade;
- 4) Revise the door and window layout of the north portal enclosure; and
- 5) Construct a free-standing 322 square foot garden shed with portal.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.



3. Staff finds that the criteria for an Exception to Section 15-5.2(E)(2)(b) have been met and recommends approval of this application, which otherwise complies with Section 14-5.2(D)(9) General Design Standards for All H Districts: Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14.5.2(D)(9), Height, Pitch, Scale, Massing and Floor Stepbacks
 - b. Section 14-5.2(E)(2), Downtown and Eastside Historic District
 - c. Section 14-5.2(C)(5)(b)(i-iii), Height, Pitch, Scale, Massing and Floor Stepbacks Exceptions.
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), and 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.
6. 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.
7. Under Section 14-5.2(E)(2)(b), the general rule is that the “No door or window in a *publicly visible* façade shall be located nearer than three (3) feet from the corner of the façade.”
8. The Exception meets the Section 14-5.2(C)(5)(b)(i) criterion because the design feature will not damage the character of the district as it will not be visible from Camino Pequeño.
9. The Exception meets the Section 14-5.2(C)(5)(b)(ii) criterion because the portal addition will prevent a hardship to the Applicant or an injury to the public welfare because if the door and window openings were three feet from the building corners at these locations, it would severely limit the sunlight and views offered to the residence.
10. The Exception meets the Section 14-14-5.2(C)(5)(b)(iii) criterion regarding heterogeneous character because the proposed improvements will strengthen the unique heterogeneous character of the city because this design option blends well with the original “ranch house” design aesthetic of the ‘60’s and will strengthen the character of the City by honoring this distinctive variation on traditional Santa Fe style design.
11. The Applicant at the hearing requested to have the option to have a garage or a carport.
12. The information contained in the Application, and provided in testimony and evidence, is sufficient to establish that all applicable requirements have been met.

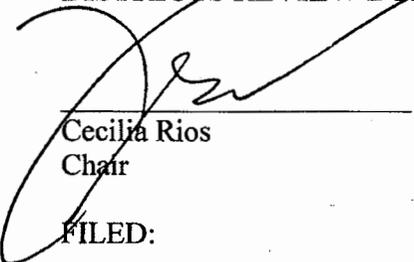
CONCLUSIONS OF LAW

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 Application and Exception as recommended by Staff with the condition that the Applicant may build a garage or a carport.

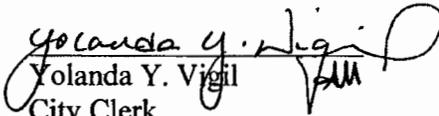
IT IS SO ORDERED ON THIS 25th DAY OF AUGUST 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.



Cecilia Rios
Chair

8/25/15
Date:

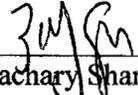
FILED:



Yolanda Y. Vigil
City Clerk

8/27/15
Date:

APPROVED AS TO FORM



Zachary Shandler
Assistant City Attorney

8/25/15
Date:

To: Theresa Gheen, Assistant City Attorney
City of Santa Fe, NM

September 25, 2015

Re: Response to Appeal, Case #2015-87
Regarding approval of our residential addition at 2 Camino Pequeno

Dear Ms. Gheen,

Thank you for taking the time to look at the appeal from our neighbor Brad Perkins (BP) regarding the Historic Board's approval of our 498 sf residential addition on August 11th. We are glad the city has a review process to ensure the continued heritage of Santa Fe's architectural styles and feel that our project complies completely with all City requirements. Having worked very diligently with city staff to ensure compliance with City Requirements and obtained unanimous approval without conditions from the Historic Board at the August 11th meeting we would be fine with any meeting with the City Council, etc.. as needed to proceed with our project. The city has been provided with four letters of support for our project from other neighbors on the street as well.

We feel that the appeal has no legal merit, as did the similar accusations that were denied at the historical review meeting, for the following reasons:

Regarding the claim of intrusion on privacy

On the Description of Harm portion of the appeal, BP states that our project would intrude upon his privacy. He does not elaborate on how this would be an intrusion until the last few words on Attachment 'C' where he says that the injury would be caused because it would be in his view. So, we're assuming the only reason he says our project would violate his privacy is because he could see it. We easily see the Perkins' residence from our house and patio as shown here:



View East of the Perkins Residence, (other side of wall) taken outside our front door

If BP's complaint is legitimate wouldn't that mean his house is in violation as well? Is there some law that says we have to look at their house but they don't have to look at ours? If the law stated that just because you can see something it's a violation of privacy it doesn't seem like there'd be much of a town

EXHIBIT

66

E

tabbles

to live in. As far as we know, there is no legal precedence saying that because you can see something it's an intrusion of your privacy. The only intrusion of privacy aspect is we have as neighbors is eavesdropping in that we can hear them talking and eating dinner on their side portal that faces our house and assume they can hear us.

We think the privacy for both properties will be much improved by our addition and do not feel that just because they will see a portion of our addition that we are violating any law whatsoever.

The maximum height of our addition is 12'-6" and our height limit is 15'-8". The height limit within ten feet of the property line is 14'. So, we are 18" under the height limit for the first five feet of our addition and 3'-2" under the height limit for the rest.

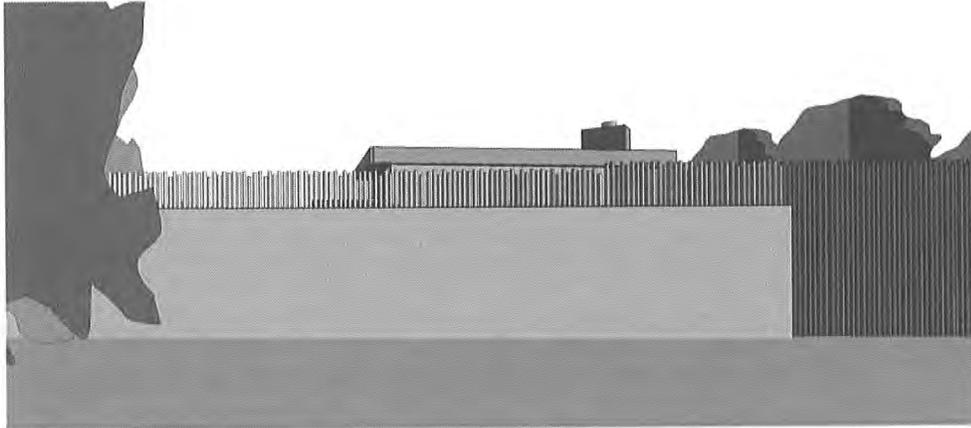
The tallest existing building height on our property is 14' above grade (on the west side, away from BP). A portion of BP's residence is 16'-9" high and the majority of his house close to our property line is 13' or higher above grade. Plus his property is a couple of feet higher than ours which reduces his visibility of our house but increases our view of his

For the August 11, 2015 historic review meeting, BP presented an image of what he believes will be his view of our addition:



BP's rendering of view from his portal towards our house

As we pointed out in response to his objections at the August 11 meeting, his rendering does not take into consideration that, with perspective, our addition should not have near the impact he shows with his collage. Yet he still is showing the same image he brought to the H-Board without taking the comments into consideration. Courtenay was the architect for BP's house and has constructed an accurate cadd model of our two properties. We believe the view will be more as shown here:



Cadd rendering view of addition from BP's portal

We do not believe that BP's representation of the impact on his views is accurate.

Regardless, our addition is significantly below the allowable height limit.

It should be noted that the latilla fencing on top of the wall shown in BP's photo collage is an unapproved addition added by the Perkins after they remodeled their house in order to cut out views of our house. In addition to being unapproved by historic review, the latillas added greatly to the height of the wall on our side, it is almost nine feet high from original grade to the top of the latillas on our side of the fence. They also replaced some original wire coyote fencing with 9' high coyote fencing along our common property line, again without city review. The maximum height allowed for fencing and walls is 6'.

The point being is that they constructed things above the height limit without city approval and we would hope that BP would realize we are building within the height requirements and with the appropriate approvals.

As we mentioned in an earlier response to BP's protest letter of August 11th, we would not support them raising their non-compliant wall/fence any higher but perhaps they could consider planting some trees/shrubs on their side of the property to minimize any views they may have of our addition.

Response to BP's Attachment B regarding nonconforming structures:

BP's Attachment B does not seem relevant to his claim of intrusion of privacy. Instead, it focuses on the architectural nature of our house and claims that it does not comply with historic standards. BP quotes Section 14-5.2(A)(6) regarding nonconforming structures:

"Any building in the historic district not meeting the standards for architectural style set forth in this section, unless given special approval by the board for architectural or historic interest or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register, shall be considered nonconforming. Except for repairs and maintenance required by law, no conforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity ***acceptable to the board.***"

We have had three historic reviews of our residence, starting with the initial remodel in 1998/99. At all three meetings, the submittals have been accepted as being compliant with historic regulations and have had unanimous approval, without changes or conditions.

BP states that our structure does not comply with Section 14-5.2 in that it is neither Old Santa Fe Style or Recent Santa Fe Style, and that these are the two standards applicable in our historic district per 14-5.2(E).

While we agree that the residence is not Old Style, it certainly fits every requirement for complying with Recent SF Style as described in Section 14-5.2(E)(2)(a-e). Recent SF Style intends to achieve harmony with historic buildings by requiring that those of more modern design retain a similarity of materials, color, proportion and general detail. Items (a) through (e) define what is required to achieve similarity with the old style and our projects have been found to be compliant with these items by city staff and the historic board, once in 1998 and twice this year.

BP does not cite any particular violation of the requirements and is making a blanket statement that has no validity as we see it.

BP further goes on to say that the Board made no finding that the proposed addition and alteration will bring the project into conformity. We disagree completely and believe that the H-Board's unanimous approval of our project without conditions indicates that our house and remodel projects maintain and bring the whole to a degree of conformity acceptable to the board as is required by the code.

BP's last comment in his Attachment B states that the H-Board described the alterations as blending with the 1960's ranch style house aesthetic, a non-standard approved style. Actually, the reference in the Findings of Fact regarding the "ranch style house" label is made in relation to our Exception that was obtained allowing windows to be less than three feet from a building corner at portals we are enclosing and was not a comment about the overall house design, so we believe BP's comment is a misrepresentation or misunderstanding. The house "style" was described as "Vernacular" on the original NM Historic Building Inventory in 1983 and it was also noted on that survey that it was "*similar to the surroundings*". In our recent submittals the house style was described as a blend of Mid-Century Ranch and Prairie Revival. Whatever you want to call it, the house was deemed as being similar to the surroundings back in 1983 and was approved in 1998 and twice in recent months for additions and alterations that honor the unique though harmonious architectural style that has been deemed to fully comply with the requirements of Recent Santa Fe Style.

For all these reasons we do not find BP's appeals regarding the privacy or architectural issues to be valid at all and believe it would be a waste of the city's staff and council time to pursue it. However, we honor the process of law, feel completely confident with our current approvals and would welcome any further action as needed at a city council meeting, etc...

We would also like to point out that the only direct communication we have had with BP regarding our projects was a phone call from BP to Courtenay on June 30 at 8:53 am (See ATTACHMENT 'A'). He left a message on our house phone saying he was wanting to get together and discuss the height of our proposed addition, but that if we did not respond to him before eleven that morning he would be meeting with RB Zaxus to challenge the approval of our garage project since it would be in the 1% floodplain zone.

Our garage and carport designs were carefully reviewed with RB and other city staff to ensure compliance with all codes yet BP is threatening an appeal on those items as well to stall our project or to get us to reduce the height.

Just a few years ago our neighborhood was swallowed up by the new FEMA floodplain that was adopted by the city. Courtenay volunteered for almost two years to supervise a new floodplain analysis for the neighborhood that resulted in 21 homes being taken out of the floodplain, including BP's residence. He also helped negotiate a new city ordinance that has given protection city-wide to those caught in similar situations. Given this familiarity with the FEMA requirements we would clearly be familiar with the zoning code and abide by regulations.

Additionally, we feel that BP's earlier requests to have the city stall the project and re-evaluate the historic status (which was done in 1998 and again this year by historic staff along with our submittals) was another angle he has tried to use against our improvements.

We've been patient with BP's continued attempts to change, slow or stop our project and had thought that with the last approval by the H-Board the Perkins would realize that we have a legitimate right to proceed with our improvements and decide to add some landscaping to quiet their views.

With them filing an appeal on our unanimously-approved project, their continued persistence to stumble our project has grown to feel nettlesome as well as a major attempt to limit our property rights.

We hope that at some point soon they decide to leave us alone to pursue our projects in peace and quit attempting to thwart our legal improvements.

Again, thank you for taking time to consider our response. Please let us know if you have any questions.

Sincerely,

Courtenay and Jackie Mathey

Response to Appeal, Case #2015-87

Regarding approval of our residential addition at 2 Camino Pequeno

ATTACHMENT 'A' Transcript of phone message to Courtenay Mathey from Brad Perkins

Tuesday June 30, 2015 8:53 am

"Courtenay, this is Brad. Uh, calling with the hope that, uh, we might, I might, be able to convince you to have a conversation with me, uh, in which I'd ask you to let me know to define, anyway you'd like to, if there's anything that we can do to, uh, convince you to reduce the height, uh, overall height of your project to, uh, less than that 12.5 feet so it won't intrude on our view which is very important to us as I'm sure you can understand. Um, would appreciate a call back.

Uh, the reason for my call this morning at this time is that I've got a meeting set up at eleven o'clock with, uh, Miss Zaxus at the city to talk to her about, uh, flood issues as it relates to the project. And I don't want to do that until I've heard back from you about the possibilities to talk about things because in talking to her if I get any, uh, if there's any indication that anything that she and I talk about turns out to be unfavorable to her current ruling on the situation, uh, she's just gonna, of course as a bureaucrat, she's just gonna proceed and both you and I would lose control of the process. Uh, not saying that's for sure that I can convince her that she needs to do more, uh, but I want to be open with you about the process and I don't want anything that happens to come as a surprise to you. Uh, and uh, particularly to get to the background of the reason for the call in the first place which is to see if we can find some other way to work out something that works for you and works with us in regards to the height on the building.

Please give me a call or if you'd prefer not to talk I'll under.. well, I'll understand but not understand. I'll be disappointed of course but you can send me an email but I would appreciate a call back so I know what to do. My meeting with her is at eleven."

We listened to the message a few minutes after it was left and chose not to respond.