





# 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
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- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

## Memorandum

To: Members of the Governing Body

From: Zachary Shandler, Assistant City Attorney *ZS*

CC: Kelley Brennan, City Attorney *KAB*

Re: Case #2014-87 & Case #2014-89 – Two Consolidated Appeals. 1640 Hospital Drive LLC (Applicant Appellant) and Old Santa Fe Association (Organization Appellant) Both Appeal the August 12, 2014 Decision of the Historic Districts Review Board (HDRB) in Case #H-13-095 Approving the Demolition of Non-Contributing Commercial Structures and Construction of New Structures with Conditions at 321, 325, 329 W. San Francisco Street Located in the Downtown and Eastside Historic District.

Date: October 23, 2014 for October 29, 2014 Meeting of the Governing Body

### I. THE APPEAL

On August 27, 2014, 1640 Hospital Drive LLC (Applicant) and Old Santa Fe Association (OSFA) (collectively, the Appellants) each filed a Verified Appeal Petition (collectively, the Petitions) appealing the August 12, 2014 Decision of the Historic Districts Review Board (HDRB or Board) in Case #H-13-095 Approving the Demolition of Non-Contributing Commercial Structures and Construction of New Structures with Conditions at 321, 325, 329 W. San Francisco Street Located in the Downtown and Eastside Historic District. Copies of the Petitions are attached as **Exhibits A** and **B** respectively. Between them, the Appellants raise eight issues on appeal.

## II. HISTORY OF THE CASE

321, 325 and 329 W. San Francisco Street are part of the San Francisco Street Plaza, which includes four connected buildings on the northeast corner of the intersection of San Francisco and Guadalupe Streets. These buildings house the establishments from Yoberri Yogurt west to the Thai Café (on 325 and 329 W. San Francisco Street respectively) and north from the Thai Café to the Spanish Table (on 109 North Guadalupe Street). The buildings east of Yoberri Yogurt to the Eldorado Hotel (321-323 W. San Francisco Street) are not part of the project that is the subject of this appeal. A map of the area is attached as **Exhibit C**.

321-323 W. San Francisco Street is a Spanish-Colonial or Spanish-Pueblo style building constructed around a central courtyard in the late 19<sup>th</sup> century with additions made in the 1920s. It is listed a significant to the Downtown & Eastside Historic District. While the building is not a part of the project that is the subject of this appeal, it is important in defining what makes the block front unique.

325 W. San Francisco Street is a Territorial building that was constructed before 1902 with additions made between 1921-1930 and after 1945. It is listed as non-contributing.

329 W. San Francisco Street (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed before 1902 with additions made after 1945. It is listed as non-contributing.

109 North Guadalupe Street (attached to rear of 329 W. San Francisco Street) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing.

On November 26, 2013, the Applicant requested a status review of the buildings at 329 W. San Francisco and 109 North Guadalupe to the Board. (Relevant portions of the minutes of the November 26 Board meeting are attached as **Exhibit D**). After a public hearing, the Board voted:

To maintain the non-contributing status of building at 109 N. Guadalupe due to non-historic alterations that had previously been made to the building.

To maintain the non-contributing status of the building at 329 W. San Francisco due to non-historic alterations that had previously been made to the building.

The Board did not issue a written Findings of Fact on these decisions.

At November 26, 2013 meeting, the Board also heard the Applicant's request for approval to demolish the non-contributing buildings at 325 and 329 W. San Francisco Street and 109 N. Guadalupe Street and to construct new buildings in their place. (See Exhibit D for the Board's discussion). The proposed new buildings included a second story, a two-story bell tower at the corner of W. San Francisco Street and N. Guadalupe Street, a 7-foot sidewalk on W. San

Francisco Street (generally where Yoberri Yogurt is located) with a portal covering. According to City Code, § 14-3.14(C)(2), a request to demolish a historic structure must include a report from the city building inspector on the structural stability of the structure. Also, according to City Code, § 14-3.14(G)(1)(b), in determining whether to approve a request to demolish a structure in an historic district, the Board must consider whether the buildings that are proposed to be demolished are an essential part of a unique street section or block and whether the new buildings will reestablish the street section or block front. The record before the Board at the November 26 hearing included:

An October 7, 2013, letter from City of Santa Fe Building Official stated the buildings appear to be “structurally sound. These structures do not comply with the current Building Codes but do not appear to pose any danger to life or property...My inspection was a visual observation only.”

A November 8, 2013, letter from Mr. Chris Walker, Applicant’s Engineer, stating that “the roofs of the referenced units could fail under full 30 psf snow loading and [as] such the public health, safety and welfare would be best served by the demolition and replacement of these buildings.”

One Board member stated the structures on W. San Francisco Street were part of a unique street section because it retained strong Spanish style up to the street. (Board Minutes, 11/26/13, p. 8, para. 13).

One Board member stated the façade on San Francisco and the corner were essential parts of the street. (Board Minutes, 11/26/13, p. 13, para. 6). The member also stated the structures having closeness to the street were essential parts of the street.

One Board member stated that this very old part of Santa Fe, which has been maintained over hundreds of years, represented a typical building pattern of abutting buildings having all the same level of façade up against the street. (Board Minutes, 11/26/13, p. 15, para. 5).

Applicant stated that Business-Capitol District (“BCD”) standards applied and the BCD standards urged the addition of portals for pedestrian use on the streets. (Board Minutes, 11/26/13, p. 15, para. 9).

Applicant stated that he didn’t think anyone was comfortable walking on the sidewalk because of its narrow width. (Board Minutes, 11/26/13, p. 16, para. 2).

One Board member stated that as much as she enjoyed walking under portals, the current street design was equally important and it must be maintained. (Board Minutes, 11/26/13, p. 18, para. 8).

The Board voted to postpone deciding on the demolition request to provide more time for the Applicant to come back with a re-design of the replacement of the buildings that would re-establish the unique street section consistent with certain design elements.

The Board identified the design elements needed to re-establish the unique street section or block front as follows:

- facades close to the street
- modest window and door openings
- narrow sidewalk without a portal
- a setback on the second floor that would give as sense of low facades<sup>1</sup>

On July 22, 2014, the Applicant returned to the Board and requested approval for the demolition of the non-contributing structures and construction of new structures in their place. (Relevant portions of the minutes of the July 22 meeting are attached as **Exhibit E**). The Applicant’s revised proposal still included the second-story bell tower at the corner of W. San Francisco Street and N. Guadalupe Street and the 7-foot sidewalk on W. San Francisco Street with a portal covering. The record before the Board at the July 22 hearing included the following:

Staff stated the proposed building showed a street façade of one story and the second story was set back enough that it did not read as two stories from the street frontage. (Board Minutes, 7/22/14, p. 13, para. 10)

One Board member stated that what should be reestablished was the uniqueness—the closeness to the street and that was one of the few places in downtown Santa Fe where that still exists. (Board Minutes, 7/22/14, p. 16, para.1)

One Board member stated that a big tower did not mimic the buildings there now (Board Minutes, 7/22/14, p. 17, para. 6).

One Board member stated the demolition requirement was focused on block front or street section, which was a different term than a streetscape. The property at issue was a place where there were two or three buildings in that block front. (Board Minutes, 7/22/14, p. 18, para. 5).

One Board member stated that each building was not unique, but the block front was unique. (Board Minutes, 7/22/14, p. 18, para. 9).

Applicant stated the sidewalk width varied from 3’4” up to 5’ on W. San Francisco Street (Board Minutes, 7/22/14, p. 17, para. 8).

OSFA stated the buildings on San Francisco Street had always been close to the street and they used to have no portals on it and that is what defines what San Francisco Street is. (Board Minutes, 7/22/14, p. 20, para. 12).

After the public hearing:

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<sup>1</sup> One Board member did request “single level streetscape.” (Board Minutes, 11/26/13, p. 19, para. 15).

The Board voted to approve the demolition with the *condition* that reestablishing the character of the street section/block shall require that: (a) the current sidewalk widths shall be maintained; (b) there shall be no tower; (c) there shall be no portal [on W. San Francisco Street] but there may be a portal on the Guadalupe (west) side.

On August 12, 2014, the Board approved Findings of Fact and Conclusions of Law embodying the Decision. (A copy of the Findings of Fact and Conclusions of Law is attached as **Exhibit F**). On August 27, 2014, Applicant/Appellant and OSFA/Appellant filed an appeal of this decision.

### III. BASIS OF APPEAL

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

1. There was not substantial evidence to conclude the existing properties constituted a unique street section/block.
2. There was not substantial evidence to conclude a wider sidewalk on W. San Francisco, a portal on W. San Francisco, or bell tower failed to re-establish the unique street section/block.
3. It is a misapplication of law to conclude the existing properties constituted a unique street section/block.
4. It is a misapplication of law to conclude a wider sidewalk on W. San Francisco, a portal on W. San Francisco or bell tower failed to re-establish the unique street section/block.

#### B. OSFA's Issues on Appeal.

5. There was not substantial evidence that 109 N. Guadalupe should have retained its non-contributing status.
6. The Board should have given more evidential weight to the report from the city building inspector.
7. There was substantial evidence to conclude that having a second story was impermissible as part of re-establishing the unique street section/block.
8. There was substantial evidence to conclude that having a portal on 107 N. Guadalupe was impermissible as part of re-establishing unique street section/block.

### IV. RELIEF SOUGHT

Applicant asks the Governing Body to grant its appeal and approve the Project in accordance with its Application. OSFA asks the Governing Body to grant its appeal and deny the authorization for the demolition of the structures.

### V. ISSUES RAISED BY THE APPEAL; ANALYSIS

#### A. Applicant's Issues.

1. *There was not substantial evidence to conclude the existing properties constituted a unique street section/block.*

And

2. *There was not substantial evidence to conclude a wider sidewalk on W. San Francisco, a portal on W. San Francisco or bell tower fails to re-establish the unique street section/block.*

Code §14-3.14(G) requires the Board in determining whether to grant a request for demolition in a historic district to consider (1) whether the structure is of historical importance; (2) whether it is an essential part of a unique street section or block front and whether that street section or block front will be reestablished by a proposed structure; and (3) the state of repair and structural stability of the structure.

The legal definition of “substantial evidence” does not mean the Board must find a certain percentage of the evidence that supports one side. It means that the Board must identify evidence that is particularly persuasive and is “such evidence as a reasonable mind might accept as adequate to support a conclusion. NM Human Services Dept. v. Garcia, 94 N.M. 175, 177 (1980).

The record from the November 26, 2013 and July 22, 2014 meetings provides several examples of where the Board found evidence that was particularly persuasive to determine that this portion of W. San Francisco was a unique street section or block front and should be re-established in a certain manner. If the Governing Body finds that these examples provide enough information for a reasonable mind to accept as adequate to support the Board’s conclusion, it should deny the Applicant’s claims.

3. *It is a misapplication of law to conclude the existing properties constituted a unique street section/block.*

The demolition requirements do not refer to a streetscape, which generally is a larger area (i.e. 600 feet) than a block section. For example, the Applicant’s proposal does not alter the section of buildings and sidewalk between the Eldorado Hotel and Yoberri Yogurt or even across the street at the Hilton Hotel. If the Governing Body finds that all the buildings that comprise San Francisco Plaza, including the building designated as significant, constitute a unique street section/block embodying identifiable design elements in accordance with the Board’s conclusion, it should deny the Applicant’s claims because the Board properly applied the demolition requirements to make an analysis of a street section as opposed to reviewing the entire streetscape area.

4. *It is a misapplication of law to conclude a wider sidewalk on W. San Francisco, a portal on W. San Francisco or bell tower fails to re-establish the unique street section/block.*

The demolition requirements require the Board’s exercise of discretion in determining what design elements are essential to re-establish a unique street section or block front. We could not identify any legal authority that mandated that a party must tear up an existing sidewalk and make it ADA compliant, if the sidewalk is not part of the project. Specifically, the buildings can be demolished and re-built separate and apart from the sidewalk. (It is important to note that the

sidewalk width on the stretch of sidewalk between the Eldorado Hotel and Yoberri Yogurt is also less than four feet and the proposal does not alter its width.)

Applicant argued to the Board that the BCD standards mandate portals on the streets. However, the BCD is not an overlay zoning district and in this instance, its standards do not control. Code § 14-7.4(A)- Table 1, states that the BCD standards on portals on San Francisco Street provide that portals are “[p]ermitted within ROW [Right of Way] at the discretion of Governing Body.” This table, however, also states: “Provisions of overlay districts including historic...may override standards in this table.” This statement is consistent with Code § 14-5.1(A), which states: “When the requirements of an overlay district are in conflict with those of the underlying district or those of another overlay district, the more restrictive limitation or requirement controls as provided for in Section 14-1.7.” Since the BCD portal standard is permissive, and the standards for demolition of buildings in historic district require the Board to consider whether the proposed replacement buildings will re-establish the unique street/block section after demolition, standards applicable to historic districts take precedence over BCD standards.

Specifically, historic district overlay requirements authorize the Board to ensure that projects “achieve harmony with historic buildings by retention of a similarity of materials, colors, proportion, and general detail.” Code § 14-5.2(E)(2). Here, the significant building in the street section/block extends to the property line/sidewalk. The buildings slated for demolition do the same, presenting a uniform appearance west to Guadalupe Street. If the Governing Body finds that the Board has the authority under the Historic Code to exclude a portal or the two-story bell tower if these architectural elements do not achieve harmony with the historic buildings, it should deny the Applicant’s claims.

B. OSFA’s Issues

5. *There was not substantial evidence that 109 N. Guadalupe should retain their non-contributing status.*

A “noncontributing structure” is “[a] structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.”

The record from the November 26, 2013 meeting provides examples of where the Board found evidence that was particularly persuasive to determine that the two structures should be maintained at their current status due to building alternations. Code § 14-3.17(C)(4) also provides that the time for appeal shall be 30 days after the Board’s written Findings are adopted or 31 days after the Board’s oral motion is adopted. Thus OSFA should have, but did not, filed its appeal of the status designation on the 31<sup>st</sup> day after the November 26, 2013 meeting. If the Governing Body finds that OSFA’s appeal on this point was not timely filed, or that the Board’s decision was based on substantial evidence on the record, it should deny OSFA’s claim.

6. *The Board should have given more evidential weight to the report from the city building inspector.*

Code §14-3.14(G) requires the Board in determining whether to grant a request for demolition in a historic district to consider (1) whether the structure is of historical importance; (2) whether it is an essential part of a unique street section or block front and whether that street section or block front will be reestablished by a proposed structure; and (3) the state of repair and structural stability of the structure. This requirement, however, does not mean that the letter from the City Santa Fe Building Official is the absolute authority on this matter. Applicant submitted a letter from a professional engineer that provided its own evidentiary information on this matter. The Board has the authority to assign appropriate weight to both documents. The Board found the letter from the professional engineer had persuasive weight and entered Finding #11: “Applicant provided a written exhibit from a professional engineer that stated the structural stability of the roof(s) could fail under full 30 psf snow loading.” If the Governing Body finds that the evidentiary weight given to the two letters was reasonable based upon the record, it should deny OSFA’s claim.

7. *There was substantial evidence to conclude that having a second story was impermissible as part of re-establishing the unique street section/block.*

And

8. *There was substantial evidence to conclude that having a portal on 107 N. Guadalupe was impermissible as part of re-establishing unique street section/block.*

The legal definition of “substantial evidence” does not mean that the Board must find a certain percentage of the evidence that supports one side. It means that the Board must identify evidence that is particularly persuasive and it is “such evidence as a reasonable mind might accept as adequate to support a conclusion.” NM Human Services Dept. v. Garcia, 94 N.M. 175, 177 (1980).

The record from the November 26, 2013 and July 22, 2014 meetings provides several examples of where the Board found evidence that was particularly persuasive to determine that W. San Francisco was a unique street section. However, there was not substantive evidence that having a second story on W. San Francisco Street interfered with the re-establishment of that unique street section, especially since the second story was set back so that the proposed building “reads” as a single story from the street. Nor was there substantive evidence that having a portal on N. Guadalupe side interfered with the re-establishment of the W. San Francisco Street section of the property, especially since the proposed portal would not affect the W. San Francisco Street section, as it would not be visible from that street.

If the Governing Body finds that there was substantial evidence for the Board to conclude that that neither the second-story addition (which does not include the proposed corner bell-tower) nor the Guadalupe Street portal affected the W. San Francisco street/block section, it should deny OSFA’s claim.

## VI. CONCLUSION

A. Applicant's Appeal

- If the Governing Body concludes the Board's decision was supported by substantial evidence and the Board properly applied the requirements of Chapter 14, the Governing Body should deny the Applicant's appeal and affirm the Board's decision.
- If the Governing Body concludes the Board's decision lacked substantial evidence to support it or the Board's misapplied the requirements of Chapter 14, the Governing Body should vote either to (1) grant the appeal and approve the Project in accordance with the Application; or (2) remand to the Board for further action in accordance with the direction of the Governing Body.

B. OSFA's Appeal

- If the Governing Body concludes the Board's decision was supported by substantial evidence and the Board properly applied the requirements of Chapter 14, the Governing Body should vote to deny the appeal and affirm the Board's decision.
- If the Governing Body concludes the Board's decision lacked substantial evidence to support it or the Board's misapplied the requirements of Chapter 14, the Governing Body should vote either to (1) grant the appeal and deny the authorization to demolish the buildings and order that the two non-contributing buildings should be upgraded to contributing status or (2) remand to the Board for further action in accordance with the direction of the Governing Body.

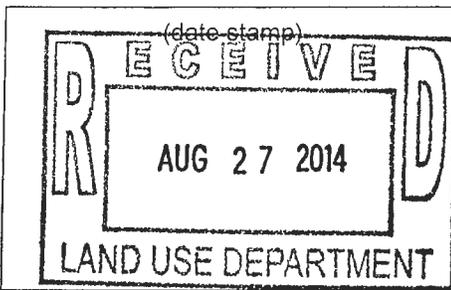


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Time Filed: 2:19 PM

Fee paid: \$100.00

Receipt attached:



Case#2014-87

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: 1640 HOSPITAL DRIVE, LLC

Address: P.O. BOX 2328  
SANTA FE  
NM 87504

Phone: (505) 992-3555 E-mail Address: \_\_\_\_\_

Additional Appellant Names: EU

Correspondence Directed to:  Appellant  Agent  Both

Agent Authorization (if applicable)

I/we: Greg Gonzalez, MANAGER OF 1640 HOSPITAL DRIVE, LLC

authorize KARL H SOMMER to act as my/our agent to execute this application.

Signed: [Signature] Date: 8/20/14

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Subject of Appeal

Project Name: 321, 323, 329 W. SAN FRANCISCO STREET

Applicant or Owner Name: \_\_\_\_\_

Location of Subject Site: 321, 323, 329 W. SAN FRANCISCO STREET

Case Number: #H-13-095 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):

APPELLANT IS THE OWNER OF PROPERTY WHICH IS THE SUBJECT OF THE APPEAL

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:  
THE HDRB DENIED APPELLANT'S APPLICATION FOR DEMOLITION/REMODELING OF THE LANDS COMMONLY KNOWN AS 321, 323, 329 W. SAN FRANCISCO ST.

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

"A"

**Description of Harm**

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

SEE ATTACHED EXHIBIT A

**Explain the Basis for Appeal**

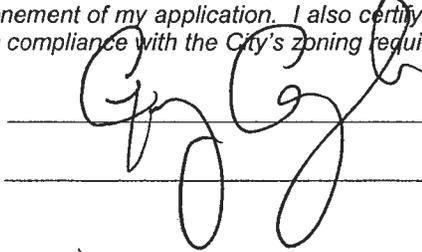
Please detail the basis for Appeal here (be specific):

SEE ATTACHED EXHIBIT B

**Signature and Verification**

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

Appellant Signature.



Date:

8-27-14

Agent Signature:

Date:

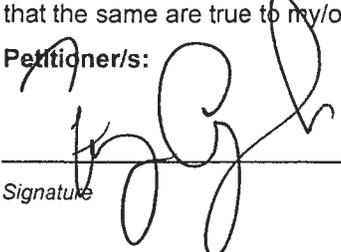
State of New Mexico )

) ss.

County of Santa Fe )

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

Petitioner/s:



Signature

Signature

Greg Gonzalez

Print Name

Print Name

Subscribed and sworn to before me this 27<sup>th</sup> day of August, 2014.



NOTARY PUBLIC

My commission expires:

3-11-15

## EXHIBIT A TO VERIFIED APPEAL

Applicant will be harmed by the denial of its application because it will not be allowed to redevelop its property in a manner allowed by the SFCC 1987. More specifically, but without intended to limit the full nature of the harm Applicant will suffer, Applicant's harm will be a substantial economic harm, as the buildings currently on the property do not make efficient and economically viable use of the property.

## Exhibit B to Verified Appeal

The decision of the Board was arbitrary, capricious, not supported by substantial evidence, and not in accordance with the applicable standards of the Santa Fe City Code. Without limiting the general nature of the foregoing bases of this appeal, Applicant contends that:

1. Findings 9 and 10 of the Board's Findings of Fact and Conclusions of Law are not supported by the evidence in the record.
2. Findings 9 and 10, to the extent that they rely upon a determination of the legal interpretation, are based on a misreading and misapplication and standards of Section 14-3.14 SFCC 1987.

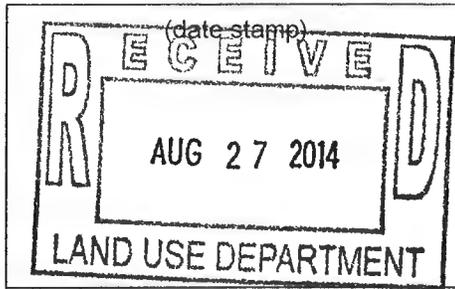


LUD Use Only

Time Filed: 4:44 PM

Fee paid: \$100.00

Receipt attached:



Case # 2014-89

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: OLD SANTA FE ASSOCIATION

Last First M.I.

Address: P.O. Box 1055

Street Address Suite/Unit #

Santa Fe NM 87504

City State ZIP Code

Phone: (505) 984-8428 E-mail Address: MABINSE@aol.com

Additional Appellant Names: MARILYN BANE

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: 321, 323, 329 W. San Francisco ST.

Applicant or Owner Name: Wayne Lloyd

Location of Subject Site: 321, 323, 329 W. San Francisco ST.

Case Number: #H-14-095 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):**

Demolition, non-contributing status, streetscape

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:**

Findings # 3, # 11, # 9  
Conclusion of Law # 2

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

"R"



ADDENDUM TO OSFA APPEAL FROM THE HDRB DECISION –CASE #H-14-095

The Old Santa Fe Association appeals the Findings of Fact and Conclusions of Law in the above-noted case, specifically:

**1. Finding No. 3 is appealed:** This finding states: “Board staff defers to the Board regarding demolition request for the three non-contributing structures and the design of the replacement structure. Whether the structure is of “historic importance”. Despite the board’s determination of no-contributing status, the historic nature of 107 N. Guadalupe (Thai Restaurant) is clear. The Board found the structure to be non-contributing due to several openings having been changed in the past. That should not have been the basis for such a status finding particularly in light of the Applicant’s own commissioned HPCI Survey by Gayla Bechtol, which finds the” historic fabric of the building largely intact” despite alteration of openings. She states that it is a 19th century building, with a very long list of venerable Santa Fe Businesses operating at the site for over 100 years.

**2. Finding no. 11. Is appealed:** This finding cites the submission of a written exhibit by an Engineer hired by Applicant, which letter states a conclusory finding that it is in the public interest that the building should be demolished, due to a supposed 50 year possible snow load, as a result of the condition of the beams. Said letter contained no supporting documentation of specifics, rather simply stated that “measurements were taken of selected beams”. The engineer did not indicate that the beams, as often done could be reinforced to take care of load-bearing concerns. The Board makes no mention of their weighing this conclusory finding against the letter from Mr. Purdy of the City of Santa Fe who concluded that the building was structurally sound. Mr. Purdy’s letter is in the record and mentioned on p. 1 of the Findings of Facts and Conclusions of law, but not mentioned in the actual finding, and the finding does not indicate that the Board weighed the two letters in favor of one or the other, it just states that the Applicant’s structural engineer’s letter was submitted.

2. The other buildings which are not historic, nor 107 N. Guadalupe, should not be demolished unless the streetscape is re-established. Per

a. In Finding No. 9. , the Board states that “The structure (107 N. Guadalupe) is an essential part of the unique street/section block.” The streetscape is one story up and down Guadalupe for several blocks. The Streetscape is one story east on San Francisco St. East up to the non-conforming Eldorado Hotel and all the way down W. San Francisco St. with one exception. Approval of a two story complex in place of the 3 to be demolished structures does not replace the streetscape. Furthermore, the streetscape primarily in all directions (until you get closer to the Plaza) does not have portals, allowing the portal on the N. Guadalupe side of the building does not re-establish the existing characteristic streetscape.

Thus **Conclusion of Law No. 2 is appealed**, which states that the proposal as approved re-establishes the streetscape.

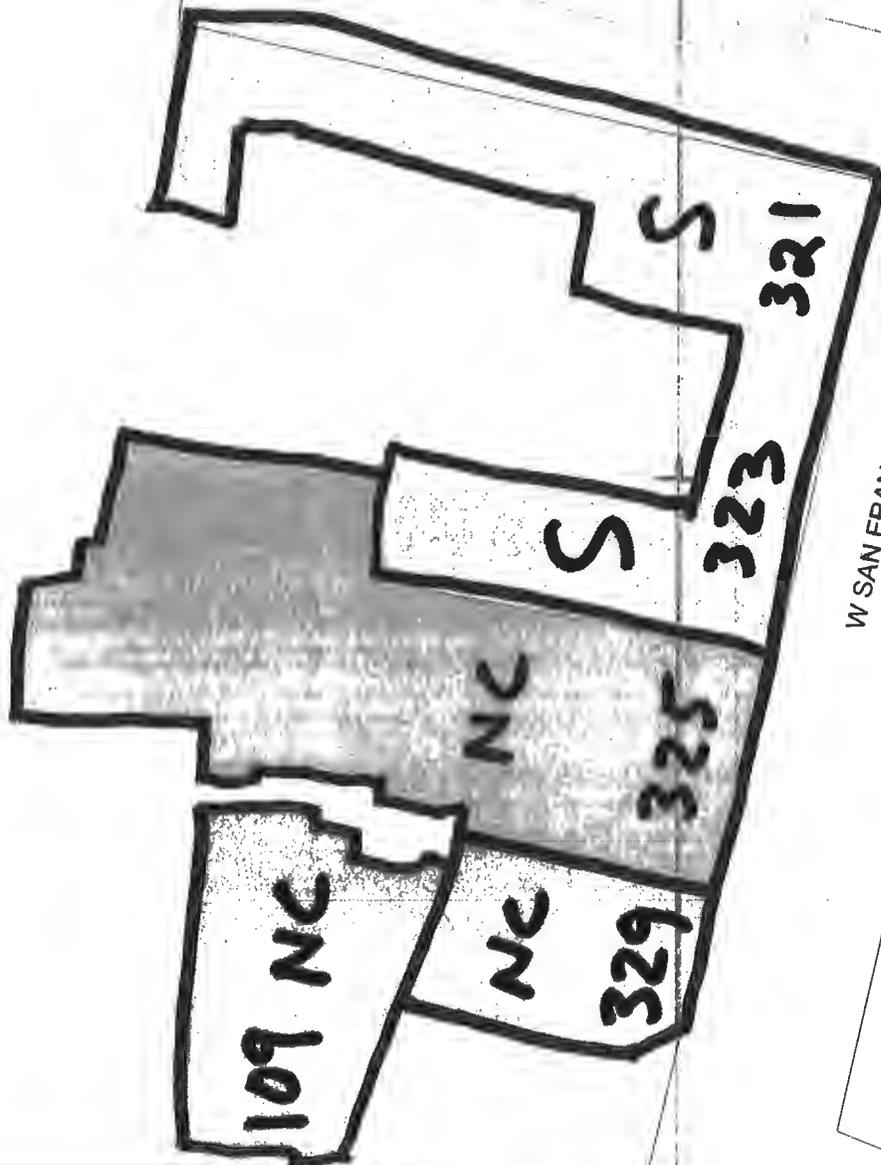
NC = Non-Contributing Status

S = Significant Status

CHAPELLE ST

N GUADALUPE ST

"C"



Eldorado Hotel

W SAN FRANCISCO ST

Ms. Mather thought if this had come to the Board and the applicant had asked for 12' 6" it would have been granted. That's why she made her motion.

Mr. Boniface said he want to include in a motion his displeasure with this but he would move for approval because it was four feet below the allowed height. He added that he was only doing so under duress.

**Mr. Boniface moved to approve Case #H-12-028 as submitted. Ms. Mather seconded the motion and it passed by majority voice vote with all voting in favor except Ms. Walker who was opposed.**

2. **Case #H-13-095. 321, 325, 329 W. San Francisco Street.** Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Columbus Capital d.b.a. 1640 Hospital Dr., LLC, owners, proposes an historic status review of 329 W. San Francisco and 109 N. Guadalupe, to demolish non-contributing structures, and requests a preliminary hearing to construct approximately 11,000 sq. ft. in four structures with a potential height exception above the maximum allowable height of 20'4". (David Rasch).

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

San Francisco Plaza includes four structures on the corner of San Francisco Street and Guadalupe Street. Building addresses are as shown on the attached map.

321-323 San Francisco Street is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19<sup>th</sup> century and additions in the 1920s with a central courtyard design. It is listed as significant to the Downtown & Eastside Historic District. There are presently no requests for exterior alterations on this structure.

325 San Francisco Street is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It was downgraded to non-contributing due to non-historic alterations by the HDRB in 2012.

329 San Francisco Street (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed before 1902 and additions after 1945. It is listed as non-contributing due to non-historic alterations. A resurvey of the building was completed last week which recommends non-contributing historic status due to non-historic alterations including loss of historic material, an addition on the north, and opening dimension changes.

109 North Guadalupe Street (attached to rear of 329 San Francisco Street) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing. A resurvey of the building was completed last week which recommends non-contributing historic status due to non-historic alterations including loss of historic material, an addition on the south, and opening dimension changes.

\* The applicant proposes to remodel the property by demolishing the non-contributing structures and requests a preliminary review of proposed new structures with a potential request for a height exception. The applicant provided verified building heights and a topographic survey to show slope on the site. The maximum proposed height will exceed 25' and the maximum allowable height is 20' 4".

He referred to page 22 of the application packet that had a topographic representation of the site showing more than two feet change in grade and the Board has discretion to grant four additional height without requesting a height exception response. If the Board granted four feet, the maximum height would be 24' 4".

Mr. Rasch showed the layout of the buildings on the site map and identified each one of them. The significant building was 321- 323 San Francisco. 325 was what once a Contributing building but was downgraded last year. The status review was on 329 San Francisco and 109 N Guadalupe. He recommended first taking action of the historic status reviews.

The second part of this case was the applicant requesting permission to demolish all three buildings that were not designated significant.

Finally, the applicant was requesting for preliminary review of the new proposed drawings. He showed the floor plans and elevations and the Board could talk about specifics of the design. The preliminary view was intended to give the applicant advice on what the Board would like or not like in the proposal and what code issues there were.

Chair Woods understood the Board didn't have to vote on the preliminary review but could each comment on them.

Mr. Rasch agreed. The review was an informal review and the Chair could poll each Board member to give advice to the applicant...

#### **STAFF RECOMMENDATION:**

Staff recommends retaining the non-contributing historic statuses for 329 West San Francisco and 109 North Guadalupe Streets, approval of the demolition request for the three non-contributing structures, and defers to the Board for guidance on the preliminary proposed structures which will need to comply with Section 14-5.2(C) Regulation of Significant Structures, (D)(9) General design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District design standards.

#### **Questions to Staff**

Mr. Katz asked for the definition of Contributing to be read.

Mr. Rasch read the definition from chapter 14 under definitions.

Mr. Boniface understood it was a preliminary approval on the south elevation for construction and the Board could ask the applicant to come back later.

Mr. Rasch said it was what the Board felt did or did not meet code in the application.

Mr. Boniface clarified the code said regarding heights and slope that the "increase in height shall only be constructed only in stepbacks from the street." So he asked if they met the stepback requirements.

Mr. Rasch said in this instance, stepping back from the front was acceptable. He also believed that a portal structure in front on the ground provided that massing relief so that the second story would appear to be a step back.

Mr. Boniface understood there was no hard number for the step back. Disregarding the portal if it was a two-story building. Without a portal there would be no hard number to indicate what that step back had to be.

Mr. Rasch said the code said the increase in height shall be a step back.

Ms. Brennan agreed that there must be a step back for that second story.

Chair Woods believed there was an amount of setback required and asked if someone could look that up.

Mr. Boniface had one last question. According to the code, it said additions were permitted to the side from a primary façade if set back at least 10 feet and shall not exceed 50% of the footprint. The applicant was proposing to extend out ten feet but he asked if it also was the 50% rule.

Mr. Rasch said they had a series of structures on the site. He assumed there was a fire wall between to separate these two structures. But on a significant buildings, all elevations were primary so the setback rule did apply. As drawn, it did come proud of this east elevation of the significant structure. This, as drawn, would require an exception.

Mr. Boniface understood that with the firewall, the 50% rule would not apply.

Mr. Rasch agreed. It would only be considered an addition if it had a pass-through and then the 50% rule would apply.

Ms. Mather had two questions. One was about the streetscape on San Francisco Street. This part of it was a place that retained strong Spanish style up to the street. She was concerned that at least in preliminary plans that element would be radically altered. She asked what the code said about that. It deteriorated the original streetscape of that historic building.

Mr. Rasch said in the relevant demolition standards, the Board must determine if all three standards

were met to grant demolition. The second standard was whether the structure for which demolition was requested was an essential part of the unique street section or block front and whether the street section or block front would be re-established by the proposed structure. His advice to the Board was if they thought there was an essential street section here, the Board should define that so they would know in the proposal if it met that street section or not.

There were also BCD standards to meet which was an underlying zoning issue. The Attorney and he had looked at those standards they were similar to what the Board was saying. The BCD standard says the building shall be built to front property line. For this section of the BCD, it said buildings should be built to the front property line and if not, the front wall should still retain a massiveness OR the front yard had to be at least 80% paved for pedestrian use. He opined that a portal was typically paved for pedestrian use. So as designed, the application met the BCD standards but it pointed to that street zero lot line.

Ms. Brennan read some sections of the code noting that normally she wouldn't point to underlying zoning but here there were parts that spoke to defining streetscapes in the subdistricts of the BCD. In this subdistrict it said for this portion between Sandoval and San Francisco they shall be built to the property line and elsewhere should also be built to the property line but where a building was set back from the street right of way, a wall should be built at the property line unless thirty percent of the yard was designated for pedestrian use. She also said in the code it said that the design objectives for the individual town scape subdistricts shall be preserved while encouraging diversity of design in individual town scape districts. New development should be harmonious with the specific physical characteristics in developing a design - objectives were listed which, for the San Francisco subdistrict it was continuous street façades encouraging additional portals for pedestrian use and provide continuity of building mass with building to building height characteristics of existing buildings, encourage high walls to separate open or vacant areas from the public ROW and provide continuity of street façade and, except for the plaza and cathedral areas confine landscaping to interior patios or walled courtyards and emphasize verticality of façades on San Francisco Street.

So the underlying zoning in this area has defined some of those qualities the Board might also regard as essential.

Ms. Mather said her second question was about impact on the significant building. They were not making changes to the significant building but the other changes might have a significant negative impact.

Mr. Rasch agreed. He read in the next paragraph of the code that the status of significant structure shall be retained and preserved. If a proposed alteration might cause an adjacent structure to lose its significant status the application may be denied.

Chair Woods asked that the Board talk about the status of both buildings first.

#### Applicant's Presentation

Present and sworn was Mr. Wayne Lloyd, 100 North Guadalupe. He said he could see the Board put a

lot of careful thought into this application. Last time, the Board tabled the application with three requests - to measure the buildings which reduced the maximum height by 8" to 20' 4". The second request was to have a structural engineer look at the buildings. The report was in the packet. The engineer found joists would fail under a live load of snow. The third request was to request a status review by an independent consultant and that report was done by Ms. Gail Bechtol. Her report continues to list them as non-contributing. The windows and doors were constantly replaced during 20<sup>th</sup> century.

### Questions to the Applicant

Ms. Walker said her inclination was to designate the building contributing, given the form to this corner, because there were other buildings nearby that mimic each other with this excessive brick coping and this corner was very distinctive. So she was not inclined to have it be non-contributing.

Mr. Lloyd countered that these two were already non-contributing.

Ms. Walker acknowledged that they were in the 1980's and 28 years later she thought it was contributing.

Mr. Lloyd said the report took that into account. All doors and windows were changed out. Ms. Bechtol followed the City's criteria.

Chair Woods asked, if a building maintained its massing and its walls and the openings have changed that the rest of the building had a significant coping, she had to assume that the Board had voted both ways on that. When openings had been changed to that extent she asked if that would always impact the building's status.

Mr. Rasch said as he read the contributing definition, the buildings were not unique. But the Board should determine if the alterations were minor or not. Back several years ago, the Board considered loss of material more important and today massing was more important.

In this case they had evidence that the primary elevations had loss of historic material and change of openings and the Board would have to consider that strongly.

Mr. Murphey said this was not his case. But generally, all historic buildings had certain components: footprint, form, fenestration, architectural detail. We have a photograph of this building from the early 20<sup>th</sup> century that showed considerable differences so in his opinion he thought it had gone through a lot of alteration but retained its form and function.

Mr. Katz asked, if the Thai Café were considered Contributing, if a second floor could be set back ten feet from the south façade...

Mr. Rasch said by code the Board could increase a height of a Contributing building with an additional story. However, the Board had never allowed that during the ten years he had worked here with the Board.

Mr. Katz said if the addition was to be ten feet back from the primary façade the Board could find that the characteristic of the streetscape was as Ms. Mather mentioned that it comes right up to the property line. It had a narrow sidewalk but wouldn't necessarily preclude them from leaving the façades of those two buildings as they were but building a second story back somewhat from it.

Mr. Rasch agreed. And if the Board made the south elevation primary, the second story addition would have to be ten feet back to avoid an exception.

Chair Woods asked Mr. Lloyd if he had anything to add.

Mr. Lloyd said there were two issues on status. Yes it was changed in the 1980's and they were already Non-Contributing but he didn't know if those changes came to the Board or not. But had that building been listed as Contributing, the changes that occurred then would have made it Non-Contributing under the standards he read. So it happened recently enough that the consultant could say they were Non-Contributing.

#### Questions to the Applicant

There were no other questions to the Applicant.

#### Public Comment

Chair Woods said they got some written comments about this case and cautioned the public that right now the Board was only considering historic status of these two buildings and asked speakers not to get into any other things.

Present and sworn was Mr. Steve Arias, 115 Circle Drive, who said his father many years ago in the 1950's sat where Board members were sitting now. Decisions were made then about keeping things the same in downtown Santa Fé and he asked his father why so many people were coming here and he said they could not build a fence around the town but they could keep it the way it was now. In the 1950's when Santa Fé High School was moved out of downtown to build Sweeney Convention Center after they took out an entire furniture store to build the Hilton Hotel. They decided to build Sweeney Convention Center at that time to bring people to the city and to develop Loretto Academy, the Inn at Loretto and then purchase Big Jo Hardware to build the Eldorado Hotel. Those decisions were all made by Santa Fé fathers to make the city more robust and to keep native Santa Fé people here. The Spanish Table was once the Silver Dollar Bar those families all went to Carlos Gilbert with his sister.

They wanted to make the downtown more robust. He thought this development intended to do that. The buildings there were deteriorated and needed to be replaced. They were ready to fall down. It would take a major investment to continue to have that type of architecture. He didn't think the Eldorado or Hilton took that away although he felt four stories was a bit much.

This historic character was still going to be there and this developer would maintain the place. It needed help. He appreciated the Board giving him time to express his thoughts.

Ms. Beninato [previously sworn] thought this complex was an example of what happens when doing things piecemeal. In doing that the owners had been allowed to take away historic material. However, the footprint and the massing and the coping were still original. It was significant with this row of buildings located to the street. And if demolished and allowed to be set back, the Board would be destroying the streetscape. The fire wall was just a supposition. The Board could be justified in changing them to Contributing and we don't even know if these doors and windows were approved by the Board or granted an exception. So changes were made and then the people could come in and second stories were allowed. She would urge the Board to reconsider their historic status and make them contributing

Present and sworn was Ms. Louise Spencer, 131 Duran Street, who said she lived in the neighborhood and walked by them several times each week. The Board's discussion about them hugging the street and that streetscape were the real character of that corner whether they were contributing or not. The character of the neighborhood was enhanced by them.

Present and sworn was Mr. John Costick, 329 West San Francisco who said he was speaking to property rights.

Chair Woods told him this public hearing was not about property rights but about historic status.

Mr. Costick, said regardless, the owners bought the property and they had a right to do with that property what they wished as non-conforming property. The Board wanted to change the rules. I had never been part of downtown Santa Fé for 35 years. He asked if they were willing to compensate the petitioners for the property they bought and owned. It did matter what they wanted to do with it. It was nonconforming when they bought it and was nonconforming now.

Mr. Costick said he owned the Thai Café. He knew the structural situation with it. Right now if someone wanted to upgrade it, there would be problems inside. It was not a safety hazard but it needed work to a point that doing it was cost prohibitive for anybody. A floor collapsed in the middle of the kitchen. There were four floors underneath it that they replaced. There was sand, plywood, etc. and all of it collapsed. He thought they needed to look at what was really going on with the buildings, the law and his land lord. He asked what the owners' rights were when they bought it as non-conforming. They should do whatever they wanted with their own property unless the Board was willing to compensate them for it.

Ms. Mather said there were three buildings - all separate structures. The fact that they were separate - and one structure was to replace them on the street would make it a monolithic structure.

She asked Mr. Lloyd about them not being structurally sound and asked for which building that was the case.

Mr. Lloyd said the letter addressed both structures. Specifically, the study was done on the Spanish Table only because they didn't want to put the ceiling in the Thai. Café. That roof would not meet today's code either way.

Ms. Mather asked if he meant each building.

Mr. Lloyd said they had not gotten to the monolithic building yet.

Mr. Lloyd said the City staff did a report and listed it as non-contributing and the Board asked for an independent review and it was done so the Board had at least two professionals that say they were non-contributing. It was hard to come up with a different approach, given those reviews.

Mr. Katz said there were two aspects of what the Board was doing. One was to determine if the buildings were contributing. And if the buildings were considered contributing, they were talking about what could be done to them. The other part though was that the standard for demolition was whether the structure was an essential part of a unique street section and whether that would be re-established.

He thought the façade on San Francisco and that corner were essential parts of the streetscape. That didn't mean they couldn't have a second story or couldn't clear out anything behind that front and totally rebuild. He felt that could be done either by saying it was contributing building or by saying this was an essential part of the streetscape and could not be changed. It would have to be maintained, and it was probably better to maintain the façade rather than to rebuild it. With the closeness to the street, the parapet and that aspect of it, he thought were essential. So he wasn't sure which way they should go.

Chair Woods said the motion had to be based on whether these buildings met the contributing criteria. Then the next step was to consider what would be done with them.

Mr. Katz noted the opinions the staff and the experts were for Non-Contributing.

Chair Woods asked for a motion on the Spanish Table status.

#### Action of the Board

**Mr. Boniface moved to designate the Spanish Table building at 109 North Guadalupe as Non-Contributing. Mr. Katz seconded the motion and it passed by unanimous voice vote.**

Chair Woods - 329 motion.

**Mr. Katz moved to maintain the Non-Contributing status of the building at 329 W. San Francisco. Mr. Boniface seconded the motion and it passed by majority voice vote with all voting in favor except Ms. Walker who voted against.**

#### Applicant's Presentation (on demolition)

Mr. Lloyd said there were three criteria for demolition. The board just made them Non-Contributing. The second was whether the structure was essential to the block front. So in demolition it was important to review what was being proposed. The third was the condition of the structure which was already reported.

Mr. Katz had a question for Ms. Brennan. He said if the Board decided it was not essential then it didn't matter what would replace it. But if the Board considered it essential, they would need to consider what was to be put in its place. He didn't feel what they were proposing did take its place. He asked what he should say - demolish it or go back and make the proposal work so it would reestablish the streetscape.

Ms. Brennan thought the Board could just say these were the elements the Board considered to be essential elements of the streetscape and then in the preliminary plan the Board could say what was proposed didn't replace that character because it doesn't come up to the property line. She thought defining the essential elements was the important factor when they were looking at any subsequent design, if they approved demolition.

Chair Woods believed there were two ways to read that part of the ordinance. She thought all the Board members were confused about what that ordinance was saying.

Ms. Brennan said there were two parts for that criteria - whether it was an essential portion and whether it would be replaced by the proposed structure. That, in some respects, was whether it has importance. Whether it was an essential element of the streetscape and whether it could be reestablished and then the state of repair. It was an issue for the Board to weigh.

Ms. Walker said this building was probably essential to the streetscape with its single story. So the Board would have to automatically say that two stories would not be possible if that had to be replaced. So it couldn't be demolished if it was an essential element. They were intertwined too much.

Ms. Brennan said the Board had the application for demolition in front of them. So if the Board found in favor of demolition and had described the streetscape adequately, then the Board would use that definition to review the preliminary plans that were submitted. If the Board believed it was essential that they had to be one-story, that would agree they couldn't be demolished because of the other standards, then the review of the plan in a preliminary manner the Board would say it had to reestablish that streetscape would require a single-story building.

Mr. Lloyd was sympathetic to the Board's position. The ordinance says two different things. If they were so unique, then they have to remain. He didn't see how they could have a unique character-designed element in a building that was not contributing.

Chair Woods disagreed. The massing was still there. It had retained that massing. These were three separate one-story structures and they all went to the property line which reflected also what the BCD talked about as important. Looking at what was being proposed that was a very different streetscape.

Mr. Lloyd said he had not had a chance to talk about what he was proposing now.

Chair Woods said no because they needed to talk about the demolition. She said that was what was confusing the Board as well because what was shown as proposed was so different.

Mr. Katz responded that first, the phraseology of the demolition standard said the essential part of the unique street section or block front was not part of the criteria for historic status consideration. It was a completely different standard. There could be a portion of a structure that was an essential part of a street section that couldn't be Contributing because it was not old enough. It was a completely different standard and initially when it was discussed, he had said it didn't make sense because it was a completely different standard.

Ms. Brennan read the definition of streetscape.

Ms. Mather said due to the historic nature of this very old part of Santa Fé that has maintained over hundreds of years actually this typical building pattern of abutting buildings having all the same level of façade up against the street. It was a unique part of Santa Fé and certainly a part of this particular streetscape. So to remove that, since they were not offering a plan that mimics that, the City would be losing structure or element of that streetscape. So she saw no way she could vote for demolition because it was not reestablishing that streetscape. Regardless of first or second stories, to her it was the way the buildings were defined along the street.

Mr. Lloyd asked if the Board was allowed to review what was proposed but without his opportunity to speak to that.

Chair Woods understood and didn't know how the Board could go from here. She asked if it was relevant to allow the applicant to talk about what he wanted to put there as part of the demolition consideration. She asked Ms. Brennan about that issue.

Ms. Brennan said the Board could consider it and might want to go into more detail later. But because of this discussion of whether this street section would be re-established by a proposed structure - there was a proposed structure was considered essential would be re-established. Perhaps the Board could look at the proposal and by looking at the proposal the Board could define what it considered to be those essential elements.

Chair Woods asked Mr. Lloyd to present.

#### Applicant's Presentation (on re-establishing the streetscape)

Mr. Lloyd said the first thing he did was to assume the two buildings were Non-Contributing and therefore he could remove them. He then immediately turned to those subdistrict standards for this area and tried to follow them as much as possible. The subdistrict urged a continuous street façade and encouraged the addition of portals for pedestrian use on the streets. The height of 24' 4" would be without

an exception if the Board granted the extra 4' for slope.

Wall heights would be increased to better shield the parking area to the north. Landscaping would be limited to the courtyards and not on the streetscape. Verticality was to be emphasized for this district and they had done that by the verticality of the portal. And by stepping back the second floor, they could meet the height requirements the Board could allow.

He added that he walked that street a lot because his office was just a block away. He didn't think anyone felt comfortable when encountering a person coming the other way because the sidewalk was only three feet wide. He thought it was important to widen the sidewalk for people to pass each other without wading in the street.

His elevations had a plain portal without corbels. It was stained wood so he was picking up very much on the character there with a continuous façade all around it and it would be five feet away from the significant building. He provided more description but not at the microphone so it was inaudible.

He pointed out that the whole point here was that there were no identifiable standards and this was preliminary, not final.

Chair Woods asked Ms. Brennan whether the Board had jurisdiction over BCD subdistrict standards.

Ms. Brennan said both standards reinforced each other and the BCD standards still applied except when there was a conflict, the historic standards applied. The reason she pointed out the BCD standards was because there was a survey done and that talked about the specific qualities for this area. They were applicable although the HDRB decision would take precedence.

Chair Woods asked if she saw a conflict between what the subdistrict said about this area and the responsibility of the Board to maintain the streetscape.

Ms. Brennan said in this case she read what the underlying zoning district standards were because she felt they actually reflected some of what they saw on that street. But the Board's definition of streetscape was what controlled their decision. The Board was not basing its decision on BCD standards.

Mr. Lloyd shared a perspective section [attached as an exhibit] with a person standing on Water Street. What he wanted to describe were the portal columns on the corner and then a dashed line in green. He described it as a perspective. That would be the face of the existing buildings. So the portal columns would set at the curb and the proposed first section or cut through the wall was where they were proposing to set the building back so they would have a six foot portal. The parapet would be fairly seen with where the buildings were now. The six foot portal and the parapet would be within inches of where the building was now and then stepping the second floor back. It varied from 15 to 20 feet and the west side was about 12 feet. It showed that you would see just a little over four feet of the second floor from the opposite side of the street.

He said they could build to the green line or leave the wall at the green place and could go to 24' 4" and he pointed out the sight lines. So the second floor was set back to far that it was not a big factor. A lot of buildings in the area were both Territorial and Pueblo at the same time. He pointed out examples.

He tried to define architectural elements in the area and the street was very Territorial and Pueblo. The mix was there and he tried to pick up on that mix.

The other key element he called an iconic element was not addressed in the Code. Throughout town these iconic elements were used to add emphasis as in La Fonda. It seemed to go seven stories right on the corner. At Inn on the Alameda it was not just 2-3 feet. The one he liked best was the Gross-Kelly building that had nice little corners but those were not addressed in the ordinance anywhere. That corner element created that iconic element. People get as far as Il Vicino and say that was far as they wanted to go. So it would give an iconic element to the corner. The standards actually gave bonuses to residential downtown. He set it back 15 or 20 feet. There were already people that were interested in living in these. It was good for the core of Santa Fé.

#### Public comment.

Chair Woods noted they had three pages of written comments submitted [attached as exhibits].

She invited other public comments.

Ms. Beninato (previously sworn) said it was hard because they couldn't see this handout. She thought the Board should table this until they had a plan in front of them to determine if the proposed design replaced the streetscape. The standards for contributing and standards for BCD were different. We don't need for everything to look the same. There were no portals in this block and what was there was characteristic of construction at a certain time. So the elements might include a setback second story. It was part of the historic fabric of that era and she thought it should be maintained.

She said the Board was not being consistent. "Last week you totally ignored the staff report with 777. Consistency is really good because it protects you later on. We should not even be talking about demolition until you see what was actually going to happen. A portal doesn't make them more palatable. They want another four feet and don't need parking. There were many condos downtown that were all vacant. And we should be able to provide them parking."

Mr. Lloyd said regarding parking that commercial use was different from residential. They were not proposing to reduce parking.

Chair Woods asked Mr. Rasch to read the written comments and he did.

He said the Board members each received a postcard that said the same thing.

Mr. Lloyd said in response to comments by Ms. Beninato that this was not a duplication of a plaza

portal. They were all over town. They were characteristic and part of the ordinance. More importantly, they kept the code requirements. On San Francisco he explained the slope. When he turned in the application, he thought it would take them to 24' 11". That only existed at the far west end. Working back to the east, that second story wasn't as high as the existing building. So it was a pie-shaped piece. The average increase over the entire length would be 2 feet. So it was a zero increase request at the east end. The tower was 26'.

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

Chair Woods polled the Board.

Mr. Katz said he would vote against demolition at this point because it was an essential element. He had no problem with the two story proposal.

He didn't think the design shown to the Board did preserve the essential part of the streetscape and he would have problems with building anything on the northeast corner. The rule was ten feet back from a significant building so it needed to be ten feet back from that part.

Ms. Walker said she would also vote against demolition. They couldn't encroach into the historic plaza. Sena Plaza was a fine location for them. It was possible to have some second story and still have preservation.

Mr. Boniface believed the structural engineer and staff that the applicant had met the criteria for demolition. However, in the testimony, board members and staff felt the south elevation was an essential part of the streetscape. That would lead him to vote in favor. He couldn't vote for it right now because he didn't know what would replace it and did feel it was an essential part of the streetscape. He would like to see what the applicant came back with. At the northeast corner of 323 he was concerned about the ten foot setback to know what was historic and what was not. He wanted to know what was different.

Ms. Mather agreed with her colleagues. This was the streetscape they were trying to preserve. This flat and humble character was essential to the streetscape on this street and was what the Board was trying to preserve. As much as she enjoyed walking under portals, this type was equally important and it must be maintained. What the applicant was proposing did not re-establish that.

Chair Woods said her concerns were that the streetscape merited preservation. It would be a significant change to read as one large building there. She was also concerned about any encroachments on the plaza. She was on the Board when the Eldorado was done. The Board decided this property was historic and preserving that plaza was very important. She was also concerned about having two-story façades right on that plaza. She proposed postponing demolition and give Mr. Lloyd the opportunity to take this feedback into consideration and have the case come back.

Mr. Lloyd said he needed to hear the Board define those key identifying features the Board wanted. He heard to stay at the sidewalk; stay at the building line.

Chair Woods said a feature was to stay and read as three distinct buildings; mixed feelings by the Board on the second story; protection of San Francisco Plaza - not to encroach; and the biggest was to look at the pictures that spoke clearly.

Mr. Lloyd understood that and clarified what his approach was. It sounded like there were three items.

Mr. Katz added the distinctive parapet on the Thai Café would be preserved.

Mr. Lloyd questioned that it was historic but acknowledged it was there.

Chair Woods said re-establishment was what they were looking for.

Mr. Katz asked if there was any time problem if they postponed it now.

Mr. Rasch said the Board had 65 days to act, starting when the application was received. October 22 started that clock.

Ms. Brennan advised that the applicant to consent to stopping the clock.

Mr. Lloyd said he could not be back until January 14. He agreed to leave the clock stopped.

#### Action of the Board

**Mr. Katz moved to postpone Case #H-13-095 in order for the applicant to come back with a design of the replacement of the buildings that are there that would meet the essential elements that would be re-established as the Board discussed. Mr. Boniface seconded the motion.**

Chair Woods said it would be good to identify those features that were essential in the motion.

**Mr. Katz added to his motion the specific essential elements of reading as three separate buildings, the façades three feet from the street, narrow sidewalk, no portal, the parapet, no encroachment into the San Francisco Plaza, setback on the second floor.**

**Ms. Mather asked that the nature of the openings on the buildings being modest. Some of them had Territorial style, flat against the structure.**

**Mr. Katz hoped they would be spared large swinging glass doors.**

**Ms. Walker add to have a single level streetscape.**

The motion passed by unanimous voice vote.

# City of Santa Fe, New Mexico

# memo

DATE: November 26, 2013  
TO: Historic Districts Review Board Members  
FROM: David Rasch, Supervising Planner in Historic Preservation DR

CASE # H-13-095

ADDRESS: 321, 325, 329 W. San Francisco  
and 109 N. Guadalupe Streets  
Historic Status: Non-Contrib. + Significant  
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. ht. calc.  
Bldg. Official ltr.

### APPLICANT SUBMITTALS

- Proposal Letter
- Vicinity Map
- Site Plan/Floor Plan
- Elevations
- Photographs
- Other: historic consultant's report  
structural engineer's report

## STAFF RECOMMENDATION:

Staff recommends retaining the non-contributing historic statuses for 329 West San Francisco and 109 North Guadalupe Streets, approval of the demolition request for the three non-contributing structures, and defers to the Board for guidance on the preliminary proposed structures which will need to comply with Section 14-5.2(C) Regulation of Significant Structures, (D)(9) General design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District design standards.

## **BACKGROUND & SUMMARY:**

San Francisco Plaza includes four structures on the corner of San Francisco Street and Guadalupe Street. Building addresses are as shown on the attached map.

321-323 SFS is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19<sup>th</sup> century and additions in the 1920s with a central courtyard design. It is listed a significant to the Downtown & Eastside Historic District. There are presently no requests for exterior alterations on this structure.

325 SFS is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It was downgraded to non-contributing due to non-historic alterations by the HDRB in 2012.

329 SFS (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed before 1902 and additions after 1945. It is listed as non-contributing due to non-historic alterations. A resurvey of the building was completed last week which recommends non-contributing historic status due to non-historic alterations including loss of historic material, an addition on the north, and opening dimension changes.

109 North Guadalupe Street (attached to rear of 329 SFS) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing. A resurvey of the building was completed last week which recommends non-contributing historic status due to non-historic alterations including loss of historic material, an addition on the south, and opening dimension changes.

\* The applicant proposes to remodel the property by demolishing the non-contributing structures and requests a preliminary review of proposed new structures with a potential request for a height exception. The applicant provided verified building heights and a topographic survey to show slope on the site. The maximum proposed height will exceed 25' and the maximum allowable height is 20' 4".

### Relevant height code citation in 14-5.2(D)(9):

#### (c) Height

(ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

A. If a proposed building has a parapet, the façade shall not be in excess of two (2) feet of the average of the height of the façades in the streetscape.

F. The board may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two (2) feet. In no case shall the height of a façade exceed four (4) feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building stepbacks from the street.

(e) Scale

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

(f) Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

\* The non-contributing buildings to be demolished do not represent an essential part of the streetscape and the City Building Official has submitted the required report about code and structural compliance. Also, as reported by a structural engineer, the roofs are inadequate for potential snow loads.

Relevant demolition code citation in 14-3.14:

(G) Standards

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

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

\* The new buildings are designed in a blend of Spanish-Pueblo Revival and Territorial Revival styles with a tower element at the corner of the two streets. The proposal letter states that the new building will replace a small part of the significant building at 321, but that is actually part of the non-contributing building at 325 that fronts the NW corner of the plaza which the significant building mostly surrounds.

with it.

**Mr. Katz asked for a friendly amendment to approve the fence at six feet and a recommendation to use the type of fence used at the Water Park that tapered very much at the top. Ms. Mather accepted the amendment as friendly.**

He thought it worth the applicant's consideration to try to make this work. The neighbor could install a video camera on top of their house and subvert the applicant's privacy.

Mr. Armijo asked Mr. Shandler if the board had that right to require that spacing. In the traditional coyote fence the latillas abut each other. So he asked if the Board had a right to require the separation in such a fence.

Mr. Shandler advised that the Board did have the right to make that kind of motion.

**Mr. Armijo accepted the amendment as friendly.**

Vice Chair Rios said the Board had recommended that before.

**The motion, as amended, passed by unanimous voice vote.**

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2. **Case #H-13-095. 321, 325, 329 W. San Francisco Street.** Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Columbus Capital dba 1640 Hospital Dr., LLC., proposes to demolish non-contributing commercial structures and to construct approximately 11,000 sq. ft. to a height of 27' 4" on a sloping site where the maximum allowable height is 20' 4". (David Rasch).

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

San Francisco Plaza includes four structures on the corner of San Francisco Street (SFS) and Guadalupe Street. Building addresses are as shown on the attached map.

321-323 SFS is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19<sup>th</sup> century and additions in the 1920s with a central courtyard design. It is listed as significant to the Downtown & Eastside Historic District. There are presently no requests for exterior alterations on this structure.

325 SFS is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It is listed as non-contributing.

329 SFS (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed

" E "

before 1902 and additions after 1945. It is listed as non-contributing.

109 North Guadalupe Street (attached to rear of 329 SFS) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing.

On November 26, 2013, the HDRB postponed action on the demolition of the non-contributing structures and the preliminary hearing on the replacement structure pending redesign that incorporates the essential street section character which shall be reestablished. The Board found that the essential street section character consists of massing that reads as three separate buildings, with façades three feet from the street, with modest window and door openings, with a narrow sidewalk, without a portal, with distinctive parapet, and with a setback on the second floor that gives as sense of low façades. Additionally, the Board required that the new structure shall not encroach into San Francisco Plaza (previous hearing minutes attached).

Now, the applicant proposes to remodel the property by demolishing the non-contributing structures and constructing an approximately 14,100 square foot multi-use structure.

The non-contributing buildings to be demolished (a) are not of historical importance, (b) do represent an essential part of the streetscape (but elements of it do), and (c) the City Building Official has submitted the required report about code and structural compliance. Also, as reported by the applicant's structural engineer, the roofs are inadequate for potential snow loads.

The new buildings are designed in a blend of Spanish-Pueblo Revival and Territorial Revival styles with a tower element at the corner of the two streets to a height of 26' 4" on a sloping site where the maximum allowable height is 20' 4". The applicant requests additional height due to slope which would grant a maximum height of 24' 4". A height exception (Section 14-5.2(D)(9)) has not been requested for the additional three feet needed for the tower element at the corner.

The proposal partially meets the streetscape character as defined. The portal on San Francisco and the larger windows on the ground floor at both street frontages appear to be in conflict with the streetscape character. The proposed building does present a one story street frontage mass with second story setback and distinctive design details that separate the building into the appearance of separate buildings. The brick coping is somewhat distinctive, but not as much as the existing parapet.

Relevant demolition code citation in 14-3.14:

(G) Standards

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

(a) Whether the structure is of historical importance;

- (b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
- (c) The state of repair and structural stability of the structure under consideration.

Relevant height code citation in 14-5.2(D)(9):

(c) Height

- (ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.
  - A. If a proposed building has a parapet, the façade shall not be in excess of two (2) feet of the average of the height of the façades in the streetscape.
  - F. The board may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two (2) feet. In no case shall the height of a façade exceed four (4) feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building stepbacks from the street.

(e) Scale

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

(f) Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

**STAFF RECOMMENDATION:**

Staff defers to the Board regarding the demolition request for the three non-contributing structures and the design of the replacement structure as not complying with the essential street section character which shall be reestablished with the new structure (Section 14-3.14(G)(b)).

### Questions to Staff

Vice Chair Rios noted that for the tower there was no height exception for the added 3' so the Board couldn't consider that this evening.

Mr. Rasch said there were several options for the Board. They could postpone for a height exception for the tower element and ask the applicant to come back; the Board could remove the tower element or could allow them to exceed the height with the tower by determining that the tower was an accent.

Vice Chair Rios asked who verified that the grade exceeded two feet.

Mr. Rasch said there was a topo in the packet and it showed a slope in excess of two feet so the Board could consider granting four feet of additional height without an exception.

Ms. Mather reasoned that the Board had six elements that the Board had laid out for the applicant that they felt were essential to maintain the streetscape in particular. She added that she couldn't find it in the minutes but knew that the Board did discuss the tower element as not in keeping with the streetscape and so in order to move forward with a demolition application, one item was whether the structure for which demolition was requested was an essential part of a unique streetscape or block front and whether this street section or block front would be re-established by a proposed structure.

That was why the Board was offering that information.

But she was stunned to see that this was pretty much the same kind of building and didn't see that any of those elements had been addressed by the applicant. She asked if the Board needed to keep sending the case back until he got it or how this would work.

Mr. Rasch said he saw those street character features as defined by the Board. When he examined this request, some of them seemed to be met and others not.

Ms. Mather asked him to go through which he felt had been met.

Mr. Rasch believed the proposed building showed a street façade of one story and the second story was set back enough that it didn't read as two-stories from the street frontage. So that character was met.

In looking at the design of the west elevation and the south elevation, the building appeared to be broken up into separate masses. For example, on page 34, on the back of the building, those same kind of characters were kept as one moved along that second story, areas with brick coping, an area with a portal with stuccoed parapet without coping. So the applicant had made an effort to break the single mass out into separate sections. On page 32, the south elevation, the second story and even the first story on the portal, that aspect was clearly drawn. The portal roof had an area with stuccoed parapet and part with a brick parapet.

So the set back, the separate building aspect, and also seen on the south elevation, the parapet might not be as large as the existing parapet but was not typical - it was distinctive.

Probably the biggest area where the application did not comply with the street was that the applicant was proposing a portal where the streetscape width standard said there would be no portal.

On the existing elevations in relation to the proposed elevation, on the south elevation, there was one rather large window. That was well mimicked above but the remainder of the windows seemed to have rather modest openings so not all of the character was been re-established but some had.

Ms. Mather countered that the portal was there and the Board had requested that there not be a portal there because was the single most essential part of the streetscape and not being re-established.

Mr. Rasch agreed. That defined streetscape character was an action that was not appealed so that action would stand.

Ms. Mather thought the tower was part of the Board's discussion.

Mr. Rasch said the applicant did need a 3' height exception but thought the applicant was prepared to speak about the tower.

Vice Chair Rios asked Mr. Rasch to compare the existing height with the proposed height.

Mr. Rasch said most of the existing non-contributing buildings were lower than the significant building in proposed as shown on page 32. Very clearly, the right half of that elevation was substantially taller than the existing buildings but it was the maximum allowable height that enabled them to get quite close to the proposed height. The applicant was asking for the four additional feet due to slope and then perhaps the three feet additional for the tower.

Mr. Rasch pointed out those heights. On page 32 on the far left, the height of that one building was 14', 7.5". The next building was 14' 9" and the significant building at the west end was drawn at 20'. So clearly, those existing buildings were not two-story buildings.

Mr. Armijo asked how much the street sloped.

Mr. Rasch said from the east end to the west end, it slope change was listed at 5' 1.5" of grade change at sleep level.

Mr. Armijo reasoned that with that slope, the west height would be the same as existing.

Mr. Rasch agreed.

### Applicant's Presentation

Present and sworn was Mr. Wayne Lloyd, 100 North Guadalupe Street and with him was Mr. Karl Sommer (previously sworn).

Mr. Sommer said Jack Branch, Greg Gonzales and Mark Ruhlman were among the owners. The Board sent back the design in the context that the property was not designated as contributing. It was downgraded and that meant it could be demolished.

Mr. Sommer thought the question that was central to the Board's determination here was what the meaning of the code that was referenced by Ms. Mather. That was that when the code said you were allowed to demolish a building but must show how you would re-establish the street scape. That was the central question in front of the Board.

The code didn't require an applicant who demolishes a building must replicate the existing streetscape. This code had been applied many times over and one of the policies of the Code was to make sure you are not creating a streetscape by allowing the demolition and then nothing was going to be there. It would be like having a tooth mission in a smile.

The other policy to make sure that what was being proposed there was in keeping with historic styles ordinance. It was not about historic preservation. So it was what was included in the design ordinance.

The bottom line here was what kind of streetscape you were talking about. The Code was very expansive and when it talked about heights, it used streetscapes that ran great distances and in many directions and at intersections, was highly defined to include specific angles and it was not just a single block. It was an expansively used term. It was also found in the townscape ordinances that applied in the BCD.

Mr. Sommer said with respect to the vast majority of the elements the Board discussed with the applicant at the last meeting, they had been addressed in a meaningful way.

There were two elements and one of them was a little bit confusing and it related to the tower. It was in the minutes, but the letter didn't address it specifically and Mr. Lloyd would address that specifically with the Board. The other was the portal element and that had not changed. Then they would have some concluding remarks to answer questions raised by the public and by the Board.

### Questions to the Applicant

Ms. Mather appreciated Mr. Sommer's spin on this but the code actually said was whether the structure for which demolition was requested was an essential part of a unique street section or block front. And as a historian on this Board, she said it was a unique street section in Santa Fé and then it dealt with whether the street section or block front was reestablished so she agreed it shouldn't be a vacant lot. Something needed to be reestablished.

But what should be reestablished was the uniqueness - the closeness to the street and that was one of the few places in downtown Santa Fé where that still exists.

Mr. Sommer said he was not contesting the Board's discretion in these matters and was not saying the Board had no choice. He agreed with her interpretation but he was focusing on the second part. She was focusing on whether it should be demolished or not.

Mr. Lloyd said he carefully went over the letter he received after the last meeting. He was dismayed that his work to address each one of the items in it was not recognized. He said the portal and the tower were the exceptions and he would explain why he held onto those elements.

He read from the letter that first, it was to reestablish the essential character of the existing San Francisco streetscape - not a block - "the San Francisco streetscape, defined as representing distinct buildings that are built to the sidewalk" which they were doing "without portales, with a sense of low façades with distinct parapet details with modest façade openings and that the replacement structures shall not encroach into the plaza." He said the floor plan showed there was no encroachment into the plaza. So they took care of that item. The parapet that was reestablished on the new building was to the sidewalk; the sidewalk was just deeper. So they agreed that the building should be to the sidewalk.

They also agreed with the MPO and their recent studies with pedestrians getting from the core of town to the train station. The MPO encouraged wider sidewalks and portals that allow people feel comfortable on the street without having to step aside when encountering another person on the sidewalk on a fairly heavily traveled San Francisco Street that puts them in danger of the traffic. He thought as a licensed architect, he was responsible to not put pedestrians in danger. So he agreed there should not be landscaping; that the building should be to the sidewalk. The sidewalk just needs to be deeper. So they met that item.

The lower elevation there was the level of the existing buildings. The entire building to the right was the significant building and they were not doing anything to that building. The next building where Yoplait has been was just a rounded parapet. That width and height was identical in the new structure. The portion up above was in line with what was below and would have no brick on it. So it would maintain that distinctive look. They were trying to rebuild that existing wall but trying to maintain that same character.

On the next building, the Thai restaurant, they put the same brick coping and at the same height and in his letter he said they would reuse that existing brick in the new parapet. It was within an inch in depth of the old brick parapet. He clarified that he was not trying to duplicate it but it would be the same height and width.

The window was the same width as the one below. The next opening was the door into Yoplait and it would be the same width. The next two windows were same width as the two new windows in the upper elevation. There was lots of glass at the corner of the Thai restaurant and in line with the window in the elevation above. He added one window of the same size into that entire façade. So he did what the Board

suggested as modest façades.

They pulled back the second floor out of the plaza. He said he went through all of the details with Mr. Rasch last week to make sure he was addressing as many of the Board's recommendations as he could. He reminded the Board that the last time they had a staff recommendation for approval and the only thing that had changed since then was that the Board didn't think a portal was appropriate.

Now he thought the Board had taken a narrow view of the streetscape as Mr. Sommer suggested. He pointed out that they weren't making it any higher to the east elevation but it would get taller as they got to the west because the grade became lower. It didn't need an exception for eight. He added that the classic pueblo building was like those found at the Railyard.

Mr. Lloyd said the Board has the ability to make a condition and pull that down three feet or to treat it as an appurtenant structure or as an architectural element that churches and other buildings have that break up that constant horizontal line which makes it more interesting. Or the Board could say no and stick with that height. It was a mechanical equipment room. Or the Board could ask that he come back for an exception.

Mr. Lloyd said the only thing he had not addressed was the "quick reaction" that the Board felt a portal should not be there. But in the 600' section of streetscape, there were a number of buildings with portals. He asked why the streetscape was only valid for height. There were six portals on each side within 600'. It was recommended by the San Francisco and Plaza Subdistrict. And further east on San Francisco were many, many more portals. So he thought they needed to look at that streetscape the way the code looked at it. And he believed this made it a better building.

He said the MPO pedestrian plan encouraged wider sidewalks and portals and his client very much wanted one.

Vice Chair Rios commented that some of these buildings were over a hundred old although they might not be contributing now. Two of them were built in 1902. So to her, it was important to reestablish the streetscape. In Section 14-3.14 it indicated that the block front would be reestablished by a proposed structure. She thought that was really important. In some instances it was okay to do a porch but not here and not the big tower either. If these buildings were to be demolished, the owners need to mimic the buildings there now as closely as possible.

She asked regarding widening the sidewalks, what their width was now.

Mr. Lloyd said they went from 3' 4" and might get to five feet wide at the Thai restaurant.

Vice Chair Rios asked if under the portal, the sidewalks would be 3' 4" to 5'.

Mr. Lloyd said the new wall was set back so he thought it would be seven feet wide there. They go back to the building façade.

After examining the drawings, he said the sidewalks were 8' from the curb.

Mr. Boniface asked if that was on the south or the west.

Mr. Lloyd said it was on the south.

Ms. Mather said some of the elements were conjectural. They didn't exist there on that streetscape now. A number of portals around Santa Fé were conjectural. They were added at a later time - even at Sena Plaza. Her concern was that this was the streetscape we have now without those conjectural elements. And Mr. Lloyd hoped to introduce those new elements. We need to continue with the style that was there now, regardless of the fact that it was not as wide as someone might like now. But we must preserve those elements in this town.

Mr. Katz pointed out that it was not streetscape as Ms. Mather noted. It was a block front or street section that was a very different term than streetscape but this was a place where there were two or three buildings in that block front. The code said if it was a unique block front, demolition couldn't be done without reestablishing that unique block front.

Mr. Lloyd contended that every building was unique.

Mr. Katz agreed and there was judgment on the historic value of a façade. Garrett's Desert Inn was now over 50 years old. These were very old buildings and the Board said it was a unique block front and it had a narrow sidewalk. But a portal, and a wide sidewalk and tower masked the current façade on that street side first floor.

Mr. Armijo asked the Board why, if we consider this unique, we don't keep it as contributing or significant.

Ms. Mather said it was not that each building was unique but the block front was unique. The Board determined that these buildings could not be preserved but wanted the block front preserved.

Vice Chair Rios said the downgrade was due to the openings that were changed.

Mr. Rasch agreed. That were enough modifications that the Board decided to downgrade them.

Mr. Lloyd said they were already non-contributing.

Mr. Rasch agreed. The one furthest east was downgraded and the other two were always non-contributing. Gayla Bechtol did the status inventory and the Board determined there were enough changes to keep the other two noncontributing. It was at that time that Mr. Rasch questioned the Board about this new situation where the Board had a noncontributing building having a unique street section.

Mr. Katz said to be contributing, it had to be 50 years old and he could imagine a block front not fifty years old but had a very unique street front or block front that needed to be maintained in a demolition.

Mr. Armijo said that to him, if the Board designated them contributing, they could more easily protect them. He added that he liked the design of this place. Mr. Lloyd had taken elements from the surrounding area in his design and he liked it. The uniqueness was in the spirit of how we look at things.

Mr. Boniface said he thought he would be the first to say that he thought the portal helped to break up the massing of the building. He understood the distinct difference between those buildings and the street block section. Personally he liked the addition of the portals because, as an architect, he now had three layers of space - the façade of the portal, the wall behind it which he believed was their balustrade for the second floor and then the buildings behind that. Having said that, the one thing that really bothered him was the tower which felt like it was not part of the design. He asked if the openings on second level if they could be looked through.

Mr. Lloyd said they were not openings. They were just a recess that could be seen publicly. He only opening was on the back side to get enough louver space for the mechanical equipment. The other three sides were only recesses.

Mr. Boniface said they had a height of 24' 4" plus 3' so it made a height of 27' 4" from grade to top of tower. The portal was 11' 4" so the tower was 15' 10" above the top of the parapet on the portal. That was the height of a highway overpass. The mass was overpowering. It has mechanical equipment there and he asked if there was any other mechanical equipment in other places.

Mr. Lloyd said there would be an elevator overrun on the north elevation and vent pipes for plumbing. All HVAC would go in that tower.

Mr. Boniface understood and said if the Board denied the tower, they would have to put it elsewhere and if put on the roof it could be screened.

Mr. Lloyd agreed but harder to dampen the vibration and noise on those residential units.

Mr. Boniface asked, concerning the proposed brick coping on the south elevation, if that brick coping matching existing would not be the same as the coping on the Thai Restaurant which had a height of five feet but matching coping somewhere else.

Mr. Lloyd said they wanted to actually use that brick.

Vice Chair Rios said that coping had about eleven courses and asked how many courses Mr. Lloyd was proposing.

Mr. Lloyd said it was 8-10 layers. The brick was 2.25" plus the mortar joint.

Mr. Boniface wasn't sure where to go with that. The rest were just detail questions. He said he'd like to see divided lights on the French doors. Mr. Lloyd agreed to do that.

Vice Chair Rios said there would be no visible rooftop equipment. Mr. Lloyd agreed.

Vice Chair Rios asked how far back the second floor would start.

Mr. Lloyd said it varied. He pointed out where they were. The closest was 11-12' back all the way around to the east side. The corner on the north side set back only about 3-4' from the front wall but probably seven feet from the face of the portal.

Ms. Mather clarified that she did not object to Mr. Lloyd's design but objected to it in this location. There were attractive elements although she would remove the tower.

Mr. Sommer said the corner with the protruding tower doesn't have anything that was a parking lot so they would establish something there as an element as an entrance. So they didn't need all that height for the equipment but as an inviting nature as an entrance. The problem they were trying to solve was an entrance to this building and it had to be something. Any suggestions of what would be acceptable in height and style was desired from the Board.

Ms. Mather said it looked like a church tower set on this building.

Vice Chair Rios asked for Board preferences and Vice Chair Rios, Mr. Boniface and Ms. Mather wanted it gone. Mr. Armijo felt reducing the height would work and with some kind of grille instead of a recess, he would be fine with it.

Mr. Katz said he was not comfortable with the tower at all. This was on the edge of residential at one-story. It comes down from the Eldorado to residential.

Mr. Lloyd said that was not even mentioned in the letter he received and would have paid more attention to that if it had been stated in the letter.

#### Public Comment

Present and sworn was Mr. John Pen La Farge, 647 Old Santa Fé Trail, President of the Old Santa Fé Association (OSFA), who said the board discussed the design but not this iteration of it. He had listened to the presentation with amusement and astonishment. It was that they said they were going to change the front completely but that the Board should approve it because it would not change at all. This block front was changed so much that it was not what it has been.

He said in his whole life, the buildings on San Francisco Street had always been close to the street. And it used to be than none of SFS had portales on it. That defines what SFS is. The argument was to add

a portal and widen sidewalks. As many of the Board had indicated, they liked the design but not at this particular place. The Empire State building was a fine design but not here.

The street has buildings to the street, narrow sidewalks, etc. and wider sidewalks and portales might be what was recommended at other places but that was irrelevant.

This was Santa Fé was irregular and not in a grid pattern and part of its historic charm was why people come here. It was made it Santa Fé.

It was important to say it was impossible to change the front so much and add a second story to say it fits and was not essentially changed. He thought it was a perfectly good design but not good for this block and he urged the Board not to pass this.

Present and sworn was Mr. Randall Bell, 314 Garcia, who said he was likewise on the OSFA board so in part speaking for their interests too. He contacted Mr. Rasch because he was concerned that the record had board minutes from November 2013 and there was a record of comment appended with a letter he sent and asked Mr. Rasch to include it but it wasn't there.

He said he raised a lot of concerns then - first on the status of these that the Thai Restaurant that had been downgraded. He was on the Board and would never have allowed that but it was downgraded.

He quoted from the inventory done by Gayla Bechtol, question 22 that asked "Do you think this property is eligible for listing on the national registration" with an answer of yes.

There were times when applicants came before the Board where openings had been altered. The Board recognized its historic value and asked the owner to restore the openings. He was recently in New Orleans at a building that in the early 20<sup>th</sup> century was stripped of its brick and decorative elements. All the fenestration had been changed. But the current developer was restoring it through photographs and he would hope there were people here with that kind of consciousness. Just the fact that the structure had now been labeled as non-contributing didn't mean it was not historic. It was a very old building with lots of integrity and a unique brick coping that is highly unusual and to his mind, an integral part of the streetscape.

Ms. Bechtol, in her inventory, on category 15 - relationship to surroundings, said, "Historically, the buildings on this street came to the edge of the street, single story, one [??] adobe buildings, some with courtyards." That was the essence of the streetscape. He pointed out that he once had an office a few doors down and was very familiar with this neighborhood. It was one-story on Guadalupe Street in both directions, from there to Kinkos and the other way up to Santuario Guadalupe was single story and up SFS up to the Eldorado was single story. "If you look at the west elevations before and after the building above is so shockingly different as a streetscape presentation that it really bears no resemblance to the historic streetscape. And you can start with the height. The two story there I think is inappropriate. If you do, I don't think it should be as high as it is.

There is this presumption, or not a presumption but there is this tendency to automatically grant this extra height, given that there is some differential on the slope. But that is discretionary with the Board. And I think there has been this tendency to automatically grant these height exceptions based on that. I think it is an error in previous minutes where it is reflected an element of the streetscape is two story. There are not two stories on there.

"I think I understand what Mr. Katz referenced there was to that if there was going to be two-stories it should be stepped back. But it is not part of the current streetscape."

"Also there is this tendency to presume that if a building has been downgraded, it automatically gets to be demolished. And that is, in fact, not the case. It is potentially capable of being demolished, should the applicant meet certain criteria - one of which is whether the structure is of historical importance. I confirmed that the structure, by their own inventory states that it is eligible for listing - that it is, in fact, historical. In fact it is a 19<sup>th</sup> century building.

"Number 2 - whether the structure for which demolition is requested is an essential part of a unique street section or block front. Now, I believe this Board seems to be of the opinion that, in fact, it is an essential part of the unique street section. Therefore, the demolition should be denied. I don't have a problem with the Yogurt shop and the Spanish Table buildings being demolished. But if they were, they should be reestablished appropriately. When Mr. Lloyd pretends that this streetscape is reestablished when there is all these radically different elements, much larger fenestration; portals should not exist there. And then the corner element which his intention is for it to be iconic. It is not what has ever been part of the streetscape in that area. It's not the fine arts museum. It's the kind of thing that you hearken to a strip mall if you want to get a little commercial attention.

"So I personally feel like that element - the portals. There is the question of the courtyard. There is a fantastic historic courtyard in the back which the owner unfortunately cut down the largest apricot tree in Santa Fe a few years ago without permission. And that courtyard is defined by single story all the way around. There is an indication in the packet that this new structure is not going to encroach on that. Well, it is not going actually physically encroach on the footprint of the structure but the fact that you are now going to be sitting in the courtyard with these very tall second stories looming over it and darkening the entire courtyard which the purpose of the courtyard is to open a property to light.

My feeling is that is a strong negative impact on a very significant feature of the historic part of this building. So I would recommend that the Board deny the application to demolish at least the corner structure for the reasons I've stated below - before - and deny the current plans."

Present and sworn was Ms. Marilyn Bane, 622½ B Canyon Road, who said, "Since I came on the board of OSFA, I think you can get the idea that as an organization we are less than thrilled with this project. We certainly do not believe it reestablishes the streetscape. I will try not to repeat what has been said before. However, there are two things I would like to focus on.

"I am personally offended by the tower and the fact that it is called Santa Fé Plaza. We have a plaza

and it is not at the corner of Guadalupe and west San Francisco Street. And I think that is both arrogant and inappropriate. So that's a personal comment that has also been repeated by our board.

I think I have a little bit different of a take in the sense of the one-story or two story in the presentation - not in terms of actual design. I'm not equipped to really talk about that. But what I am equipped to talk about is that Santa Fé for many years - and I have been coming here since 1947 and lived here for twenty years - Santa Fé has always been known not only as a spiritual city but as a city of humility. And I think that's why you see so many one-story buildings. There were other things, including food on the table, to worry about when these were built. And I think that sense of humility, even through the churches that we have here - I think that flows through Santa Fé culturally, traditionally, architecturally. I think this is the antithesis of that and I think that's why it is jarring to so many of us. It is overscaled for the land that it's on in my opinion - in our opinion. We are concerned about the courtyard and the intent of the courtyard. Mostly, we don't want a building that looks like that - big, bad, or indifferent, on that corner."

Vice Chair Rios asked Mr. La Farge if OSFA was opposed to the whole project - the entire demolition - or the second story.

Mr. La Farge said they certainly were opposed to the second story. If the end at Spanish Table were torn down it would not be a great loss but the rest was not being given the credit due it. The courtyard needs to be maintained. Some of the essence of what their board felt was that the look and feel and historicity of this entire block was important whether contributing or not. And it did establish a unique streetscape and contributed to the entire streetscape. OSFA was certainly against the tower.

Present and sworn was Mr. Han Holland Cué, 3 Camino Oriente, who said, "I am a social designer and have lived here a year. You may not like this but I am going to completely disregard historic and talk about Santa Fé. I think the way to move forward is to allow more higher residences. Within the historic district, the City is a huge promoter of urban sprawl and that is quite unfortunate. I'm from the city and we all like to walk everywhere and the transportation systems in Santa Fé is - I cannot use it from where I live in Sunlit Hills. I think it is important to set a precedent where we are able to build more stories in historic district. Because this is the core of Santa Fé and the hub where people have to go.

Vice Chair Rios asked if he had a comment on this particular project.

Mr. Cué said that if they allowed the second story, it will set a precedent and allow other architects to building multi-stories within the historic district."

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

### Board Discussion

Ms. Mather asked if, given the significance of the contributing structure the Board was trying to maintain, whether this design as proposed would affect the status of that structure.

Mr. Rasch said the furthest east building was significant and was where the courtyard was located. And the code said if a project would affect the adjacent significant structure "it shall be denied." It is a zero lot line and the same height. He didn't feel it would cause the significant building to lose its status.

Vice Chair Rios asked what the second story ceiling heights were.

Mr. Lloyd said the living rooms were at 9.5' and the bedrooms at 8'. The significant structure was higher than what he proposed. So they were not building higher than that building. Yet they were getting two stories.

He said Mr. Bell seemed to be under the impression that the Board downgraded the Thai Restaurant but in fact, the Board just kept it at its current status.

Mr. Armijo asked Mr. Lloyd if he had structural issues with each of these buildings.

Mr. Lloyd pointed out that this Board had approved demolitions of contributing structures recently and said they were not requesting demolition of a contributing structure. They had Mr. Jon Rader drill down in the yogurt shop. He found there was no footing under that building whatsoever. He added that Mr. Rader actually found quite a bit of moisture which surprised everyone. The adobe was just kind of mud there.

He recalled what Sharon Woods recently asked when considering demolition of a contributing structure how anyone could keep a wall when there was no footing and the rest of the walls were gone.

Mr. Armijo noted that the Board didn't have much information about except a little from Mr. Walker.

Mr. Lloyd said Mr. Walker analyzed the Spanish Table and said the roof load was severely lacking for even the present load. That was part of the previous submittal.

Vice Chair Rios pointed out the letter from Mike Purdy that all of these buildings were structurally sound. She guessed it sometimes depended on who was doing it.

Mr. Lloyd said Mr. Purdy was not an engineer but he could have an engineer look at it.

Mr. Armijo said he would like to see a lot more information on it. If it was just on a footing, then most of the east side would be demolished. He would like to even see structural engineers show up at the meeting.

#### Action of the Board

Ms. Mather moved to deny the demolition request in Case #H-13-095 because the unique street section or block front was not being reestablished by the proposed structure. There was no second to the motion.

**Mr. Katz moved to approve the demolition in Case #H-13-095 with the following conditions:**

1. That in reestablishing the street section and block front that the sidewalk remain be same width that it is currently,
2. That there be no tower;
3. That there be no portal but there could be a portal on the Guadalupe (west) side.

Mr. Armijo seconded the motion and it passed by majority (3-1) voice vote with Ms. Mather voting against.

Vice Chair Rios asked if she needed to vote and Mr. Shandler explained that as long as the Board had 3 votes the chair didn't need to vote.

3. **Case #H-14-034. 511 Paseo de Peralta.** Downtown & Eastside Historic District. Architecture Alliance, agent for 511 PDP LLC, owner, proposes to construct four residential units in two structures totaling 11,476 sq. ft. and a 4,340 sq. ft. sub-grade parking structure to the maximum allowable height of 23' and to reduce the height of the street stone wall to 3' on a vacant property. (David Rasch).

Mr. Rasch gave the staff report as follows:

#### **BACKGROUND & SUMMARY:**

511 Paseo de Peralta is a 16,449 square foot vacant lot in the Downtown & Eastside Historic District. The applicant proposes to construct four residential units in two above-grade structures totaling 11,476 square feet and a 4,340 square foot sub-grade parking structure to the maximum allowable height of 23' on the street-facing elevation. The west elevation of the structure shows a height of 30' from cut grade to top of parapet. The above grade structures overlap the garage which is placed in a lot cut. The two elevator overruns and chimneys are not applicable to the height measurement.

On May 27, 2014, the HDRB postponed action on this application pending redesign that incorporated the Board's concerns.

The applicant states that the architectural design is Recent Santa Fe Style with varied massing, stuccoed and stone facing, flat roof overhangs that do not exceed 30", and metal finish details such as windows, cornices, and gates. The street-facing stone wall would be reduced in height to meet traffic standards instead of relying on signage with flashing lights and a mirror.

#### **STAFF RECOMMENDATION:**

Staff defers to the Board regarding the measurement of height and architectural style of the building which shall comply with Sections 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

#### **Questions to Staff**

# City of Santa Fe, New Mexico

# memo

DATE: July 22, 2014  
TO: Historic Districts Review Board Members  
FROM: David Rasch, Supervising Planner in Historic Preservation DR

CASE # H-13-095

ADDRESS: 321, 325, 329 W. San Francisco  
and 109 N. Guadalupe Streets  
Historic Status: Non-Contrib. + Significant  
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. ht. calc.

### APPLICANT SUBMITTALS

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

## STAFF RECOMMENDATION:

Staff defers to the Board regarding the demolition request for the three non-contributing structures and the design of the replacement structure as not complying with the essential street section character which shall be reestablished with the new structure (Section 14-3.14(G)(b)).

## **BACKGROUND & SUMMARY:**

San Francisco Plaza includes four structures on the corner of San Francisco Street and Guadalupe Street. Building addresses are as shown on the attached map.

321-323 SFS is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19<sup>th</sup> century and additions in the 1920s with a central courtyard design. It is listed a significant to the Downtown & Eastside Historic District. There are presently no requests for exterior alterations on this structure.

325 SFS is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It is listed as non-contributing.

329 SFS (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed before 1902 and additions after 1945. It is listed as non-contributing.

109 North Guadalupe Street (attached to rear of 329 SFS) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing.

On November 26, 2013, the HDRB postponed action on the demolition of the non-contributing structures and the preliminary hearing on the replacement structure pending redesign that incorporates the essential street section character which shall be reestablished. The Board found that the essential street section character consists of massing that reads as three separate buildings, with facades three feet from the street, with modest window and door openings, with a narrow sidewalk, without a portal, with distinctive parapet, and with a setback on the second floor that gives as sense of low facades. Additionally, the Board required that the new structure shall not encroach into San Francisco Plaza (previous hearing minutes attached).

Now, the applicant proposes to remodel the property by demolishing the non-contributing structures and constructing an approximately 14,100 square foot multi-use structure.

The non-contributing buildings to be demolished (a) are not of historical importance, (b) do represent an essential part of the streetscape, and (c) the City Building Official has submitted the required report about code and structural compliance. Also, as reported by the applicant's structural engineer, the roofs are inadequate for potential snow loads.

The new buildings are designed in a blend of Spanish-Pueblo Revival and Territorial Revival styles with a tower element at the corner of the two streets to a height of 26' 4" on a sloping site where the maximum allowable height is 20' 4". The applicant requests additional height due to slope which would grant a maximum height of 24' 4". A height exception (Section 14-5.2(D)(9)) has not been requested for the additional three feet needed for the tower element.

The proposal partially meets the streetscape character as defined. The portal on San Francisco and the larger windows on the ground floor at both street frontages

appear to be in conflict with the streetscape character. The proposed building does present a one story street frontage mass with second story stepback and distinctive design details that separate the building into the appearance of separate buildings. The brick coping is somewhat distinctive, but not as much as the existing parapet.

Relevant demolition code citation in 14-3.14:

(G) Standards

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

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

Relevant height code citation in 14-5.2(D)(9):

(c) Height

(ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

A. If a proposed building has a parapet, the façade shall not be in excess of two (2) feet of the average of the height of the façades in the streetscape.

F. The board may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two (2) feet. In no case shall the height of a façade exceed four (4) feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building stepbacks from the street.

(e) Scale

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

(f) Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

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

**Case #H-13-095****Address-321, 323, 329 W. San Francisco Street****Owner/Applicant's Name- Columbus Capital dba 1640 Hospital Dr. LLC****Agent's Name- Lloyd & Associates Architects**

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 22, 2014 upon the application ("Application") of Lloyd & Associates Architects agent for Columbus Capital dba 1640 Hospital LLC, owner ("Applicant").

321, 323, 329 W. San Francisco Street ("SFS") as part of the San Francisco Street Plaza, which includes four structures on the corner of San Francisco Street and Guadalupe Street. 321-323 SFS is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19<sup>th</sup> century and additions in the 1920s with a central courtyard design. It is listed a significant to the Downtown & Eastside Historic District. There are presently no requests for exterior alterations on this structure. 325 SFS is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It is listed as non-contributing. 329 SFS (also referred to as 107 North Guadalupe Street) is a Territorial building that was constructed before 1902 and additions after 1945. It is listed as non-contributing. 109 North Guadalupe Street (attached to rear of 329 SFS) is a vernacular structure that was originally constructed between 1930 and 1948 with a large addition to the south between 1960 and 1965. It is listed as non-contributing.

On November 26, 2013, the Board postponed action on the demolition of the non-contributing structures and the preliminary hearing on the replacement structure pending redesign that incorporates the essential street section character which shall be reestablished. The Board found that the essential street section character consists of massing that reads as three separate buildings, with facades three feet from the street, with modest window and door openings, with a narrow sidewalk, without a portal, with distinctive parapet, and with a setback on the second floor that gives as sense of low facades. Additionally, the Board required that the new structure shall not encroach into San Francisco Plaza.

The Applicant proposes to remodel the property by demolishing the non-contributing structures and constructing an approximately 14,100 square foot multi-use structure. The non-contributing buildings to be demolished (a) are not of historical importance but have elements of historic importance, (b) do represent an essential part of the streetscape, and (c) the City Building Official has submitted the required report about code and structural compliance. The Applicant's structural engineer reported the roofs are inadequate for potential snow loads.

The new buildings are designed in a blend of Spanish-Pueblo Revival and Territorial Revival styles with a tower element at the corner of the two streets to a height of 26' 4" on a sloping site where the maximum allowable height is 20' 4". The applicant requests additional height due to

slope which would grant a maximum height of 24' 4". A height exception has not been requested for the additional three feet needed for the tower element.

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. Board staff defers to the Board regarding the demolition request for the three non-contributing structures and the design of the replacement structure.
4. The property is located in the Downtown & 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), General Design Standards
  - b. Section 14-3.14(C), (G), Demolition of Historic or Landmark Structures
  - c. Section 14-5.2(E), Downtown & Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
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 14-3.14(C), City staff must provide information to the Board on a structure under consideration for demolition.
8. Under Section 14-3.14(G), the general rule is that Board shall consider the historic importance of the structure, whether the structure is an essential part of the unique street section/block front, whether the street section/block front will be reestablished by a proposed new structure and the state of repair and structural stability of the structure.
9. The structure is an essential part of the unique street section/block front.
10. The proposal does not reestablish the street section/block. The elements that fail to reestablish the street section/block include:
  - a. Proposed wider sidewalks
  - b. Proposed portal
  - c. Proposed Tower
11. Applicant provided a written exhibit from a professional engineer that stated the structural stability of the roof(s) could fail under full 30 psf snow loading.
12. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements, absent the reestablishment of the street section/block, 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 demolition with the condition that reestablishing the character of the street section/block shall require that: (a) the current sidewalk widths shall be maintained; (b) there shall be no tower; (c) there shall be no portal but there may be a portal on the Guadalupe (west) side.

IT IS SO ORDERED ON THIS 12<sup>th</sup> DAY OF AUGUST 2014, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rio

Sharon Woods  
Chair

12 August 2014  
Date:

FILED:

Yolanda Y. Vigil  
Yolanda Y. Vigil  
City Clerk

8-13-14  
Date:

APPROVED AS TO FORM

Kelley Brennan  
Kelley Brennan  
City Attorney

8/12/14  
Date: