



City of Santa Fe, New Mexico

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

www.santafenm.gov

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Memorandum

To: Members of the Governing Body

From: Theresa Gheen, Assistant City Attorney *TG*

Via: Kelley Brennan, City Attorney *KAB*

Re: Case #2015-86. Appeal of the August 11, 2015 Decision of the Historic Districts Review Board in Case #H-15-070 Approving the Application but Denying an Exception Request to Restucco 339 Bishops Lodge Rd. With Elastomeric Stucco

Date: December 1, 2015 for the December 9, 2015 Meeting of the Governing Body

I. THE APPEAL

On September 9, 2015, Jennifer Marie Cline and Michael Brent Cline (Appellants), filed a Verified Appeal Petition (Petition) appealing the August 11, 2015 decision of the Historic Districts Review Board (Board) in Case #H-15-070 denying their request for an exception to permit them to restucco a contributing building at 339 Bishops Lodge Road (Building 339) with synthetic (elastomeric) stucco and requiring the use of cementitious stucco. A copy of the Petition is attached as **Exhibit A**. At the same meeting, the Board approved the Appellants' requests to restucco two noncontributing residential buildings at 325 and 343 Bishops Lodge Road and a noncontributing yard wall at 325 Bishops Lodge (collectively, the Other Structures) with synthetic stucco. The Board's decision allowing the use of synthetic stucco on the Other Structures is not the subject of appeal. Findings of Fact and Conclusions of Law (Findings/Conclusions) embodying the August 11 decision were adopted by the Board on August 25, 2015. A copy of the Findings/Conclusions is attached as **Exhibit B**.

II. BACKGROUND

Building 339 is a residential building constructed before 1935 in the Spanish-Pueblo Revival style and is designated as “contributing” to the Downtown and Eastside Historic District.

The Appellants acquired Building 339 in 2005. Prior to that, on July 9, 2002, the then-owner (Prior Owner) received Board approval (the 2002 Approval) for a project that was described in the staff report as providing for, among other things, Building 339 “...to be re-stuccoed in a Buckskin colour.” The Prior Owner stated in his description of the work that the “[s]tucco color is Buckskin Tan.” Buckskin Tan is a color of El Rey cementitious stucco. There is no elastomeric color of the same name. Thus, for people familiar with stucco types and colors, when the Board approved “Buckskin colour” stucco, it was approving cementitious stucco, not synthetic stucco. However, the approval did not specifically call for cementitious stucco. It is thus possible that the Prior Owner believed that the requirement pertained to color, rather than type.

On July 18, 2002, the Prior Owner applied for a building permit for the work at Building 339, describing it in relevant part as “...restucco with Buckskin Tan or equivalent...” Building Permit 02-1991 (BP 02-1991), issued on August 9, 2002, required the Prior Owner to “...comply with all conditions set by historical.” BP 02-1991 was set to expire on August 9, 2003, but on July 28, 2003, the Prior Owner requested and was granted a 180-day extension. Building 339 was restuccoed with synthetic rather than cementitious stucco in a color similar to Buckskin Tan. Documents relating to the 2002 Approval and BP 02-1991, including, without limitation, the Board Action Letter, the HPD staff report, the Prior Owner’s handwritten description of the proposed work submitted to the HPD, and BP 02-1991, are attached as **Exhibit C**.

The Appellants applied in 2015 to restucco Building 339 and the Other Structures with elastomeric stucco. Historic Preservation Division (HPD) staff advised the Appellants that because Building 339 is designated as contributing, an exception was required, as buildings with historic status are required to be finished with cementitious stucco. Generally, elastomeric stucco presents a more uniform surface and even color, while cementitious stucco shows variations in surface and color that more accurately reflect historic finishes.

III. AUGUST 11, 2015 HEARING

At the August 11, 2015 hearing (Hearing), the Appellants testified that the Prior Owner “...applied for a permit and agreed that he would stucco with cementitious stucco in [B]uckskin, but [the stucco] is not [cementitious or Buckskin Tan in color]. It is synthetic and...a beige color...” (Minutes 8/11/2015, p. 30, ¶ 7) However, as noted above, it does not appear that cementitious stucco was called for in the 2002 Approval; rather, it appears that “Buckskin colour” was used to signify cementitious stucco, but may have been understood by the Prior Owner to refer to stucco color, not type. The Appellants also testified at the Hearing that “...the City didn’t follow through with the violation.” (Minutes 8/11/2015, p. 30, ¶ 7) However, it is possible that City inspectors at the time did not believe there was a violation, as the 2002 Approval did not specify cementitious stucco. While HPD staff member David Rasch stated at the Hearing that “...for the last 12 years [he] has recommended cementitious stucco [on

buildings with historic status].” (Id., p. 31, ¶ 10) However, the 2002 Approval was granted prior to that.

In support of their exception request, the Appellants testified at the Hearing that if cementitious stucco is required, the old synthetic stucco might have to be removed, increasing costs by 50%. (Id., p. 30, ¶ 7) They also testified that nearby properties have synthetic stuccos and that “[a]s Mr. Rasch brought up earlier, [Building 339] is not easily seen from Bishops Lodge Road or Magdalena.” (Id., p. 30, ¶ 11) While we do not note such a statement by Mr. Rasch in the minutes of the Hearing, he notes that about a third of Building 339 is visible from Bishops Lodge, with the remainder obscured by other buildings and trees.

In response to Appellants’ statements, Mr. Rasch stated that Santa Fe City Code (Code) requires cementitious finish on historic buildings. (Id., p. 29, last line.) After a Board member asked whether the requirement for traditional stucco is for aesthetic reasons, Mr. Rasch responded, “...it is in the code to maintain traditional finishes – in this case, mud or cementitious.” (Id., p. 30, lines 3-4.) And, as noted above, Mr. Rasch stated that he has recommended cementitious stucco for the last 12 years. (Id., p. 31, ¶ 10)

Regarding the general rule for cementitious stucco, Staff responded, “We realize [] preservation costs more for good reasons...” (Id., p. 28) And a Board member stated that historic buildings are delicate and require maintenance, and in this case, the traditional finish should be retained. (Id., p. 32, ¶ 3) Staff recommended denial of the exception request to restucco a “historic structure with synthetic stucco because the exception criteria were not met...” (Id., p. 29, ¶ 1)

At the conclusion of the Hearing, the Board voted 3 to 1 to approve the application, but to deny the exception request to use elastomeric stucco on Building 339. (Id., p. 32, last ¶)

A copy of the report on the Application submitted to the Board by HPD staff, including exhibits, is attached as **Exhibit D**; relevant portions of the minutes of the Hearing are attached as **Exhibit E**.

IV. BASIS OF APPEAL

Appellants claim that:

1. The Board’s denial of the exception permitting the use of elastomeric stucco on Building 339 is a misapplication of law:
 - a. Board members inconsistently interpret Code §§ 14-5.2(C)(1)(c) and 14-5.2(E)(2) in denying the use of some modern building technologies while allowing other modern materials. Cementitious stucco is not a “distinctive finish” under Code § 14-5.2(C)(1)(c).
 - b. The Board arbitrarily interprets the word “intended” in Code §§ 14-5.2(C) and (E) to mean “shall” based upon Board members’ preferences, even when the proposed change doesn’t impact character; and
2. The Board’s finding that the Appellants did not meet the exception criteria set out in Code

§14-5.2(C)(5)(b) is arbitrary and capricious or otherwise not in accordance with law.

V. RELIEF SOUGHT

Appellants ask the Governing Body to grant their Petition and approve the exception request to permit the use of elastomeric stucco to restucco Building 339.

VI. ANALYSIS

Claim 1(a):

Board members inconsistently interpret Code § 14-5.2(C)(1)(c) and (E)(2) in denying the use of some modern building technologies while allowing other modern materials. Cementitious stucco is not a “distinctive finish” under Code § 14-5.2(C)(1)(c).

Discussion:

Code § 14-5.2(C)(1)(c) identifies the preservation of “[d]istinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure” as one of the purposes of Code § 14-5.2, Historic Districts. Stucco is a finish recognized as characteristic of both Old Santa Fe Style (Code § 14-5.2(E)(1)) and Recent Santa Fe Style (Code § 14-5.2(E)(2)), the design standards specifically applicable to the Downtown and Eastside Historic District where Building 339 is located.

Old Santa Fe Style requires “[m]ud plaster or hard plaster simulating adobe, laid on smoothly...” (Code § 14-5.2(E)(1)(e)) “Hard plaster simulating adobe” refers to cementitious stucco. New Santa Fe Style is intended “...to achieve harmony with historic buildings by a similarity of materials...” by, among other things, requiring that “[n]o less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish...” (Code § 14-5.2(E)(2)(d)) Thus, Old Santa Fe Style, which is “characterized by construction with adobe”, is the reference point for Recent Santa Fe Style, where “[t]he dominating effect is to be that of adobe construction...” The New Mexico Historic Building Inventory Form (the Inventory) dated 11/20/85 identifies Building 339 wall material/surface as “adobe/stucco.” (Exhibit D, p. 7) Building 339 can thus be characterized as Old Santa Fe Style, as it is of adobe construction, which requires the use of cementitious stucco or an exception permitting the use of elastomeric stucco. (Emphasis supplied.)

But even if Building 339 is characterized as Recent Santa Fe Style, an exception is required to use elastomeric stucco. Recent Santa Fe Style is intended to evoke, but not mimic, Old Santa Fe Style. Materials must be similar, but need not duplicate the materials used in Old Santa Fe Style buildings. Elastomeric stucco is therefore appropriate in some applications of Recent Santa Fe Style. However, the Board has consistently required the use of cementitious stucco on contributing, significant or landmark buildings. (Emphasis supplied.)

Code § 14-5.2(D) sets out general design standards for all the historic districts and provides that where it is necessary to replace the finish on any facade of a contributing structure, “...the use of

new material may be approved.” (Code § 14-5.2(D)(5)(b)) The use of elastomeric stucco is thus within the discretion of the Board.

The more restrictive and specific design standards established under Code § 14-5.2(E) take precedence over the general design standards established under Code § 14-5.2(D) in the event of a conflict between the two¹. However, there is no conflict. Building 339, built in the Old Santa Fe Style with adobe construction with a stucco finish, requires the use of cementitious stucco unless the Board grants an exception for the use of elastomeric stucco. Even Recent Santa Fe Style requires the Board to approve an exception for the use of elastomeric stucco. As noted above, these provisions must be read in the context of the purposes of Code § 14-5.2, which include the preservation of “[d]istinctive...finishes, and construction techniques...that characterize a structure.”

Appellants argue that the Board has allowed cementitious stucco on some older properties which may have originally used sand or mud stucco. However, as noted above Old Santa Fe Style requires “[m]ud plaster or hard plaster simulating adobe...” Thus cementitious stucco is a permitted finish.

Appellants reason that the Board’s prior actions imply that a particular stucco material is not essential for preserving “distinctive finishes.” They suggest as an analogy that when the Board permits modern galvanized metal in place of original wooden laths (presumably, in restuccoing), it is not preserving “distinctive construction techniques.” The inference of these arguments is that cementitious stucco is not a “distinctive finish” under § 14-5.2(C)(1)(c) and therefore no exception is required. However, the “construction technique” at issue is the use of lath, not the lath material, whether wood or metal. In addition, cementitious stucco, like mud plaster, is hand applied. Elastomeric stucco is sprayed on. Cementitious stucco is considered a “traditional” finish in that its use in Santa Fe began more than 50 years ago. As a result of these factors, the Board has consistently treated synthetic stucco as a material that is not similar to cementitious stucco.

Conclusion:

The Board has authority to require cementitious stucco on Building 339, a historic, contributing building in the Old Santa Fe Style in the Downtown and Eastside Historic District.

Claim 1(B):

The Board arbitrarily interprets the word “intended” in Code §§ 14-5.2(C) and (E) to mean “shall” based upon Board members’ preferences, even when the proposed change doesn’t impact character.

¹ Code § 14-1.7(B) states: “In the case of a conflict within Chapter 14 . . . the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires . . . higher standards.”

Discussion

Appellants argue the Board misinterprets the word “intended” in Code § 14-5.2(C) and (E)(2) to mean “shall” based upon Board members’ preferences, even when the proposed change doesn’t impact character. As support that synthetic stucco does not impact character, Appellants argue that a majority of people cannot tell the difference between the two types of stucco.

Again, Appellants’ arguments are misplaced. Presumably, Appellants argue the difference between “intended” and “shall” to argue that the Board need not preserve every “distinctive feature [and] finish” under Code 14-5.2(C)(1). However, the Board already acknowledged in its Findings that Code § 14-5.2(C)(1) and (E)(2) are general rules. In addition, the Board went through the exception criteria, thereby acknowledging that exceptions from Code 14-5.2 (C)(1) are allowed.

Conclusion: The Board did not misapply Code §§ 14-5.2(C) and (E) when denying the use of elastomeric stucco.

Claim 2:

The Board’s finding that the Applicants did not meet the exception criteria in Subsection 14-5.2(C)(5)(b) is arbitrary and capricious or otherwise not in accordance with law.

For the reasons set forth above, an exception must be requested and granted to use elastomeric stucco on a historic, contributing building in the Old Santa Fe Style. Code § 14-5.2(C)(5) states, “Staff shall determine whether an exception to this section is required. The [Board] may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning.” To qualify for an exception an applicant must “conclusively demonstrate” under Code § 14-5.2(C)(5)(b) that it meets all three of the following exception criteria:

- (i) Do not damage the character of the district,
- (ii) Are required to prevent hardship to the applicant or an injury to the public welfare, and
- (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

The Board found that none of the three requirements were met and denied the request. (Findings of Fact, ¶¶ 9-11.)

The burden is on an applicant to “conclusively establish”² that the application meets the criteria. Here, the Board found that the Appellants did not meet their burden, finding that (i) elastomeric stucco on a contributing structure detracts from the character of the historic district; and (ii) the

² “Conclusively establish” means that no reasonably person could hold otherwise, *see Padilla v. RRA*, 1997-NMCA-104, ¶ 7.

\$5,000 increase in cost alone does not constitute hardship. While the Appellants now argue that the use of cementitious stucco would increase costs by 50% (\$5,000), the Board has consistently not considered cost as the sole criterion for hardship. (It is worth recalling here that the Board permitted the use of elastomeric stucco on the noncontributing Other Structures.) Appellants are benefitting from the higher property values of being situated within a historic district, even as they protest the additional expense associated with the use of cementitious stucco on one of the structures that were the subject of the application. One Board member stated at the Hearing that “historic buildings are delicate and require maintenance, and in this case, the traditional finish should be retained.” As for inconvenience to tenants, Staff’s response was that a longer period to restucco would not inconvenience tenants, as they could continue to live in Building 339 for whatever period of time it took to restucco. The Appellants did not raise the tenant issue at the Hearing and the Board did not comment on it. Finally, (iii) the Appellants failed to provide alternative preservation options. The Board’s findings were in accordance with law.

The Board’s actions were not “arbitrary or capricious.” An arbitrary or capricious action is a “willful and unreasonable action, without consideration and in disregard of facts or circumstances.” *McDaniel v. New Mexico Bd. of Medical Examiners*, 1974-NMSC-062, ¶ 11; 86 N.M. 447, 449. While Appellants may have wished the Board had granted an exception, Appellants’ opinion does not mean the Board’s actions were done “without consideration” or in violation of Chapter 14. To the contrary, according to the record, the Board collected and considered many facts in this case; it held a public hearing and received oral and written comment in the matter.

Conclusion: Assuming that an exception is required for the use of elastomeric stucco, the Board’s denial of Appellants’ exception request was not arbitrary or capricious or otherwise not in accordance with law.

VI. CONCLUSION

- If the Governing Body concludes the Board’s decision was in accordance with the requirements of Chapter 14, the Governing Body should deny the Appellants’ appeal and affirm the Board’s decision.

MOTION: _____

- If the Governing Body concludes the Board’s decision was not in accordance with the requirements of Chapter 14, and that the Appellants met the exception criteria, the Governing Body should grant the Appellants’ appeal.

MOTION: _____



LUD Use Only
 Time Filed: 10:54 AM
 Fee paid: \$100.00
 Receipt attached:

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

**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: Cline Jennifer and Brent
Last First M.I.
 Address: 325 Bishops Lodge Road
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
 Phone: (505) 820-3306 E-mail Address: yucca@plata.com
 Additional Appellant Names: N/A

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Subject of Appeal

Project Name: Re-stucco 339 Bishops Lodge Road
 Applicant or Owner Name: Jennifer and Brent Cline
 Location of Subject Site: 339 Bishops Lodge Road
 Case Number: H-15-070 Permit Number (if applicable): N/A

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):

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:

Final action taken 27AUG2015. HDRB determination that 339 Bishops Lodge Road must be re-stuccoed with cementitious stucco instead of the existing synthetic stucco applied by the previous owner.

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



Description of Harm

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

Please see attachment for additional details:

- 1) The HDRB members are inconsistently interpreting sections 14-5.2C(1C) and 14-5.2E(2) of the code by denying the usage of some modern materials while allowing the usage of other modern materials.
- 2) Their denial of our exemption adds an additional 50% cost burden (increase of \$5000) in re-stuccoing 339 Bishops Lodge Road.

Explain the Basis for Appeal

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

- 1) As stated above, HDRB members are not being consistent in their interpretation of the relevant code sections.
- 2) HDRB staff and several members do not feel that a 50% cost increase constitutes a hardship for the home owner.
- 3) HDRB staff and several members admitted that the majority of people could not tell the difference between synthetic and cementitious stucco, yet they are claiming the type of stucco is a distinctive finish.

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: *J.M. & M.B. Cline* Date: 9-Sept-2015
 Agent Signature: _____ Date: _____

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

I/We Jennifer M. & Michael Brent Cline, 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:

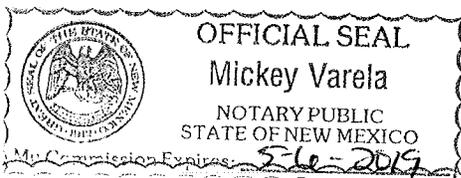
J.M. Cline
 Signature

M.B. Cline
 Signature

Jennifer M. Cline
 Print Name

Michael Brent Cline
 Print Name

Subscribed and sworn to before me this 9 day of September, 2015.



Mickey Varela
 NOTARY PUBLIC
 My commission expires:
5-6-2019

Michael Brent & Jennifer M. Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 820-3306

City Council
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87504

September 9, 2015

We are appealing the decision of the Historic District Review Board (HDRB) denying our exemption request (H-15-070) to re-stucco our property at 339 Bishops Lodge Road with elastomeric stucco. This property currently has failed elastomeric stucco, which was applied by the previous owner before we acquired the property in 2005. (The City appears to have not enforced the building permit and HDRB approvals to ensure the approved stucco type and color were used at that time). The HDRB decision to deny our request is based upon their opinion that we had not properly proven the following exemption criteria:

1. That approving our request would prevent a hardship to the applicant
 - a. The HDRB requirement to use cementitious stucco will increase our cost by 50% (\$5,000), since it will require re-lathing the entire building.
 - b. HDRB staff and several members informed us that they are not concerned with increased cost to the homeowner since “preservation costs more for good reasons.”
 - c. HDRB staff furthermore did not agree that significantly increasing the amount of time to re-stucco the property (by re-lathing) would provide any additional inconvenience to the current tenants.
2. That approving our request would strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts
 - a. For contributing buildings, the HDRB interpretation provides no options other than color for stucco – the homeowner is forced to use cementitious stucco.
 - b. Non-contributing buildings can use elastomeric stucco (although HDRB staff and members discourage homeowners from using elastomeric stucco). Therefore, our neighborhood is a hodgepodge of cementitious and elastomeric stucco. The HDRB cannot make the argument that allowing us to re-stucco 339 Bishops Lodge Road with elastomeric stucco would in any way damage the character of the neighborhood (especially since the structure has had elastomeric stucco for more than a decade without a single complaint).
 - c. Additionally, 339 Bishops Lodge has limited visibility from either street view. The Bishops Lodge view is completely obscured by trees, and the building is only barely visible from Magdalena due to surrounding structures and landscaping.

HDRB staff stated the requirement to use cementitious stucco on a contributing building is represented in the following Land Use Code sections:

Section 14-5.2C

(1) Purpose and Intent

It is intended that:

- (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved.

Section 14-5.2E

- (2) Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail.

Upon review of the relevant codes (listed above) and based upon discussions with HDRB staff and members, we have the additional serious concern about the HDRB ruling in our case:

The HDRB staff and members are inconsistently interpreting sections 14-5.2C-1C and 14-5.2E-2 by denying the usage of some modern building technologies while allowing the usage of other modern materials.

- a. The HDRB is arbitrarily interpreting the word “intended” to mean “shall” based upon member’s preferences, even when it does not impact character.
- b. Depending on the age of a home in the Historic District, the original stucco finish could have been lime and sand, mud, cementitious, or elastomeric stucco. The HDRB allowance of cementitious stucco on some of the older properties, which may have originally used lime and sand or mud stucco, violates the very code they reference for denying elastomeric stucco – “it is intended that *distinctive* features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved.” Therefore, they allow the use of an alternative material, as it is not essential to preserving distinctive finishes.
- c. Lathe would have originally been wood for some homes, yet the HDRB allows modern galvanized metal lathe in its place. For instance, we know the wall below the front portal of our ~1920 home (325 Bishops Lodge Road) uses wood lathe. Therefore, they are not preserving distinctive construction techniques – they are allowing for modern construction techniques.
- d. HDRB staff and several members have admitted that the majority of people could not differentiate between cementitious and elastomeric stuccoes. Therefore, it is difficult to argue that cementitious stucco is a distinctive finish while elastomeric stucco is not, since most people cannot tell the difference. Again, they are applying their personal preference for cementitious stucco for contributing buildings.
- e. Although elastomeric stucco had some issues when it first came onto the market, the product has since matured. When properly applied, elastomeric stucco has increased longevity over cementitious stucco, as evidenced by the large number of commercial properties that have elastomeric stucco in the downtown area. Additionally, elastomeric stucco does not have the tendency to crack and fall off in sheets, as does cementitious (eg. the walls on the north east the corner of Bishops Lodge Road/Washington Ave. and Paseo de Peralta). The Dryvit stucco we have selected is a breathable product with a mottled appearance that is even more challenging to differentiate from cementitious stucco. In addition, elastomeric stucco is much easier to color match for repairs as it ages.

We suggest that any interpreted requirement for cementitious stucco should be reserved for significant and landmark structures, such as the Palace of the Governors (which would most likely not have been the original material used).

Elastomeric stucco is present throughout the Historic Districts and does not damage the character of the Districts. It should be allowed for both non-contributing and contributing buildings. Not allowing elastomeric stucco is an over interpretation of the Land Development Code that does not provide for the use of modern building materials which assist homeowners in maintaining their properties.

We appeal the decision of the Board to City Council and also ask you to consider the Historic Division Review Board’s interpretation of codes in a manner that does not contribute positively to the character of the Historic Districts.

Thank you for considering our request.

Sincerely,



Jennifer & Brent Cline

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

Case #H-15-070

Address-325, 339, 341 and 343 Bishops Lodge Road

Owner/Applicant's Name- Brent and Jennifer Cline

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

325 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style and it is listed as contributing to the Downtown & Eastside Historic District.

339 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style which may have been designed by T. Charles Gaastra (1879-1947) or A.C. Henderson (1874-1921) and it is listed as contributing to the District.

341/343 Bishops Lodge Road is a residential structure that was constructed at an unknown date in the 20th century and it is listed as non-contributing to the District.

The Applicant proposes to remodel the properties with the following two items.

1. A pedestrian door on the south elevation of 339 will be removed and replaced with a simulated divided-lite window in the existing opening height and width. The lower portion of the opening will be infilled with wall and stuccoed. An Exception is not required for this work.

2. The yardwall at 325 and the buildings at 339 and 341/343 will be restuccoed with synthetic stucco in "Prairie Clay", "Spectrum Brown" and "Monastery Brown". An Exception is requested to place a non-traditional finish on listed historic structures that require a traditional mud or cement stucco finish.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends denial of the Exception request to restucco historic structure with synthetic stucco because the Exception criteria have not been met, subject to further testimony from the Applicant, but otherwise recommends approval of this application which complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District.



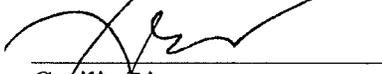
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C), Regulation of Significant and Contributing Structures
 - b. Section 14-5.2(C)(5)(b), Design Standards and Signage Exception
 - a. Section 14-5.2(D)(9), General Design Standards
 - b. Section 14-5.2(E), Downtown and 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 14-5.2(C)(1)(c), the general rule is that: "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved."
8. Under Section 14-5.2(E)(2), the general rule is that: "Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail."
9. The Exception does not meet the Section 14-5.2(C)(5)(b)(i) criterion because elastomeric stucco on a contributing structure detracts from the character of the district.
10. The Exception does not meet the Section 14-5.2(C)(5)(b)(ii) criterion because a request does not depend solely on what someone has to spend on a project.
11. The Exception does not meet the Section 14-14-5.2(C)(5)(b)(iii) criterion because elastomeric stucco on a contributing structure detracts from the character of the district and the Applicant did not provide other preservation options in its submittal.
12. The information contained in the Application, and provided in testimony and evidence, but for the restucco request for 339 Bishops Lodge Road, establishes that all applicable requirements have been met.

CONCLUSIONS OF LAW

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

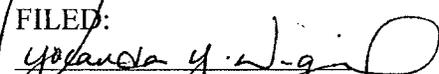
1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff with the condition: (a) colors and finishes shall be submitted to staff for review and approval.
3. The Board denied the Exception Request for use of elastomeric stucco on the re-stucco project at 339 Bishops Lodge Road.
 - a. The re-stucco project shall use cementitious stucco.

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



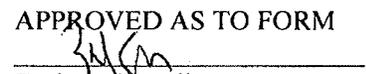
Cecilia Rios
Chair

8/25/15
Date:

FILED:


Yolanda Y. Vigil
City Clerk

8/27/15
Date:

APPROVED AS TO FORM


Zachary Shandler
Assistant City Attorney

8/25/15
Date:



City of Santa Fe, New Mexico

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

Larry A. Delgado, *Mayor*
Jim Romero, *City Manager*

Councilors:

Carol Robertson-Lopez, Mayor Pro Tem, Dist. 4
Patti J. Bushee, Dist. 1
David Pfeffer, Dist. 1
Karen Heldmeyer, Dist. 2
Rebecca Wurzburger, Dist. 2
Miguel M. Chavez, Dist. 3
David Coss, Dist. 3
Matthew E. Ortiz, Dist. 4

Project description : REPLCT/REHAB OF HISTRC/NON-HSTRC WNDWS
Project number : 02-10100087
Case number : H-02-86
Project type : HISTORIC DESIGN REVIEW BOARD

PROJECT LOCATION (S): 339-341-343 WASHINGTON AVE
HISTORIC DISTRICT: DOWNTOWN AND EASTSIDE

PROJECT NAMES:

OW - Jim Swearingen
Santa Fe, NM 87504

PO Box 2662
(505) 984-3050

AP - Jim Swearingen
Santa Fe, NM 87504

PO Box 2662
(505) 984-3050

BOARD ACTION

This is to certify that the Historic Design Review Board (HDRB) at their meeting on July 9, 2002, acted on the above referenced case. The decision of the board was to approve your request as per staff recommendation.

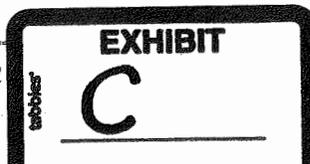
For further information please call 955-6605.

Sincerely,

James M. Hewat
Historic Preservation Planner

Alysia Abbott
Historic Preservation Planner

Note: BUILDING PERMITS FOR HDRB APPROVALS SHALL NOT BE GRANTED UNTIL THE 7-DAY APPEAL FILING PERIOD IS COMPLETED (SFCC 14-70.26 (B)). HDRB APPROVALS EXPIRE ONE (1) YEAR AFTER THE DATE OF THEIR DECISION. RENEWALS OF SUCH DECISIONS ARE AVAILABLE FOR ONE (1) ADDITIONAL YEAR UPON REQUEST (SFCC 1987, SECTION 7-1.6.). **PLEASE PROVIDE COPIES OF THE LETTER WHEN SUBMITTING FOR BUILDING PERMIT.**



City of Santa Fe, New Mexico

memo

DATE: July 9th, 2002

TO: Historic Design Review Board Members

VIA: Sandra Aguilar, Planning and Land Use Department Director
Cyrus Samii, Planning Team Leader

FROM: James M. Hewat, Supervisor Planner

CASES #H-02-91

ADDRESS : 339,343 Washington Ave.
Historic Status: Contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- Case Synopsis
- District Standards & Yard wall
& Fence standards.
- State Historic Survey Sheets
- Other:

APPLICANT SUBMITTALS

- Proposal Letter
- Vicinity Map
- Site Plan
- Elevations
- Photographs
- Other

STAFF RECOMMENDATION:

Staff recommends approval of the submitted proposal as it consistent with Section 14-5.2(D)(5) which outlines the standards for the rehabilitation of windows, doors, and other architectural features on contributing buildings.



CITY OF SANTA FE, NEW MEXICO

Project description: REPLCT/REHAB OF HSTRC/NON-HSTRC WNDWS
Project number: 02-10100087
Case number: H-02-86
Project type: HISTORIC DESIGN REVIEW BOARD

PROJECT LOCATION (S): 339-341-343 WASHINGTON AVE

PROJECT NAMES:

OW - Jim Swearingen
Santa Fe, NM 87504

PO Box 2662
(505) 984-3050

AP - Jim Swearingen
Santa Fe, NM 87504

PO Box 2662
(505) 984-3050

PROJECT DATA:

HISTORIC DISTRICT	DOWNTOWN AND EASTSIDE
HISTORIC BUILDING STATUS	CONTRIBUTING
PUBLICLY VISIBLE FACADE-EAST	NO
PUBLICLY VISIBLE FACADE-NORTH	YES
PUBLICLY VISIBLE FACADE-SOUTH	YES
PUBLICLY VISIBLE FACADE-WEST	YES
HISTORIC DISTRICT SURVEY NUMBER	H-3556
YEAR OF CONSTRUCTION	PRE 1935
PROJECT TYPE (NEW, ADD, ETC.)	REHABILITATION
USE, EXISTING	RESIDENTIAL
USE, PROPOSE	RESIDENTIAL
HISTORIC BUILDING NAME	

BACKGROUND & SUMMARY:

The two houses located at 339-343 Washington Avenue were surveyed in 1985 by Harry Weiss and found to be contributing resources to the Downtown & Eastside Historic District. Weiss notes on the survey form that the buildings may have been constructed by A.C. Hendrickson or T.C. Gaastra, both noted New Mexico architects working in the first half of the twentieth century. The surveyor also noted that while the two-story 343 Washington had experienced moderate alteration in the form of window replacement, the building still retained enough integrity to be considered contributing.

This application proposes the replacement of non-historic windows on the primary facades of 343 Washington and the rehabilitation of the historic windows on that building and the rehabilitation of windows and the replacement of a rear (non-primary) door on 339 Washington, a one-story building. Plans also call for the both buildings to be re-stuccoed in a Buckskin colour.

On 343 Washington, the applicant proposes to replace the c.1970s one-over-one, double hung sash on the second floor of the (west) front elevation with six-over-six, double hung, simulated divided light clad windows. On the first floor of this elevation, plans call for the replacement of the non-historic bank of windows with three, six-over-six, simulated divided light clad double hung sash. The historic six-over-six, double hung window on this elevation will be rehabilitated.

On the rear (east) Magdalena St. elevation, the applicant plans to replace the non-historic windows on the second floor with sash similar to those proposed for the second story on the west elevation. Plans also call for the non-historic, nine light door on the east elevation with a new door of similar profile. The applicant plans to rehabilitate the bank of casement windows on the first floor of this elevation.

Windows on the non-primary north and south elevations are specified to be replaced with six-over-six, double hung, and six light fixed-light casement windows. Plans call for all replacement windows to be finished in a "champagne" colour to match the "Buckskin" stucco.

Elevations indicate that the applicant proposes to rehabilitate all the doors and windows on 339 Washington Avenue, with the exception of the rear (non-primary) door which he plans to replace in-kind.

339-341-343 WASHINGTON AVE,
JIM SWEARINGEN 984-3050
OWNER - APPLICANT

THIS PROJECT WOULD REPLACE THE WINDOWS IN 341
& RE-STUCCO BOTH BUILDINGS. THE WINDOWS
WILL BE POZZI SIMULATED TRUE-DIVIDED LIGHTS.
~~AS I WOULD LIKE TO BUILD A MASONRY WALL~~
~~AROUND THE FRONT YARD AREA AND ALSO~~
~~BETWEEN ONE HOUSE AND THE GARAGE. THE~~
~~STUCCO COLOR IS BUCKSKIN TAN. THE FRONT~~
~~WALL WOULD BE 6' HIGH AND APPROXIMATELY~~
~~150' LONG AND THE REAR WALL BETWEEN THE HOUSE~~
~~AND GARAGE WOULD BE 6' HIGH AND 12.5' LONG.~~
THE HOUSES ARE FRAME WITH STUCCO AND
APPEAR TO HAVE BEEN BUILT IN THE 1930'S.
THERE WERE SOME WINDOWS REPLACED IN THE
1970'S AND STUCCO PATCHING IN THE 1990'S.
THE HOUSE STUCCO COLOR WILL BE
BUCKSKIN TAN, THE WINDOWS COLOR IS CALLED
CHAMPAGNE AND IS SAND COLOR. THE WINDOWS
TO BE REPLACED ARE NOT ORIGINAL, AND
THE ORIGINAL WOOD WINDOWS WILL BE
REFINISHED. THE WINDOWS TO BE REPLACED
ARE SHADED IN GREEN.

CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909
(505) 955-6646 OR (505) 955-6645

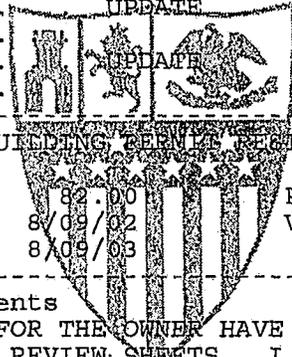
***** BUILDING PERMIT *****

Application Number 02-00001991 Date 8/09/02
Property Address 339 WASHINGTON AVE
Application description ALTER/REPAIR HISTORIC EXT RES DETACHED
Subdivision Name
Property Zoning NOT APPLICABLE

Owner Contractor

SWEARINGEN, JAMES HOMEOWNER
PO BOX 2662
SANTA FE NM 87504 SANTA FE NM 87501
(505) 984-3050

Structure Information: REPLACE WINDOWS & RESTUCCEO/REPLACE DOOR
Construction Type UPDATE
Occupancy Type UPDATE
Roof Type
Flood Zone
Fence Type



Permit BUILDING, RESIDENTIAL
Additional desc
Permit Fee 82.00 Plan Check Fee 27.00
Issue Date 8/09/02 Valuation 6000
Expiration Date 8/09/03

Special Notes and Comments
I, THE OWNER OR AGENT FOR THE OWNER HAVE RECEIVED THE FOLLOWING REVIEW SHEETS. I UNDERSTAND I AM TO COMPLY WITH ALL CONDITIONS INDICATED ON THE REVIEW SHEETS. INITIALS *JH*
1.) UBC 97 CH. 23 WOOD FRAME MIN CODE STDS. 2.) UBC 97 SEC 310.4 EGRESS WINDOW MIN CODE STDS. 3.) UBC 97 SECTION 2403.4 GLAZING, CERTIFIED TEMPERED GLASS WHERE APPLICABLE (HAZEROUS AREA) NEW AND EXISTING GLASS MUST BE REPLACED APPLICABLE. 4.) UBC 97 SEC 310.9.1.4 SMOKE DETECTORS IF NOT EXISTING INSIDE AND OUTSIDE SLEEPING ROOMS.
CONDITIONALLY APPROVED BY PHIL SANTI
APPROVED BY JAMES HEWAT
CASE NUMBER H-02-86
ZONING: COMPLY W/ ALL CONDITIONS SET BY HISTORICAL
NO PROJECTIONS FROM EXISTING STRUCTURE

NOTE: ALL INSPECTIONS MUST BE SCHEDULED 24 HOURS IN ADVANCE

APPROVED BY *JM Swearingen* DATE 8/9/02
APPLICANT *Jim Swearingen* DATE 8-9-02

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within thirty (30) days of its issuance (the "appeal period") pursuant to 14-7.4 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

DISTRIBUTION: WHITE, ORIGINATING OFFICE; YELLOW, FILE; PINK, APPLICANT. BIO08.PMS - 12/95

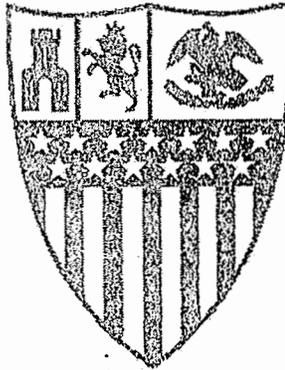
CITY OF SANTA FE, NEW MEXICO
 P.O. BOX 909
 SANTA FE, NEW MEXICO 87504-0909
 (505) 955-6646 OR (505) 955-6645

***** BUILDING PERMIT *****

Application Number 02-00001991 Page 2
Date 8/09/02

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	82.00	82.00	.00	.00
Plan Check Total	27.00	27.00	.00	.00
Grand Total	109.00	109.00	.00	.00

City of Santa Fe



NOTE: ALL INSPECTIONS MUST BE SCHEDULED 24 HOURS IN ADVANCE

APPROVED BY *Jen Barner* DATE *8/9/02*

APPLICANT *Jim Lunday* DATE *8-9-02*

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within thirty (30) days of its issuance (the "appeal period") pursuant to 14-7.4 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repaving or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

DISTRIBUTION: WHITE, ORIGINATING OFFICE; YELLOW, FILE; PINK, APPLICANT. B1008.PM5 - 12/85

Application Tracking #
02-1991

City of Santa Fe
BUILDING PERMIT APPLICATION

76148

↓ FOR OFFICE USE ONLY ↓

Type: ADHR Class: 309 Accepted by: [Signature]
Amount Paid: Plan Check Fee: \$ 270 Balance Due: Permit Fee: \$ 800 Impact Fee: (if applicable) \$ _____

↓ TO BE COMPLETED BY APPLICANT ↓

PLEASE USE A BALL POINT PEN (PRESS FIRMLY)

SITE ADDRESS: 339 WASHINGTON AVE. Suite or Space # _____

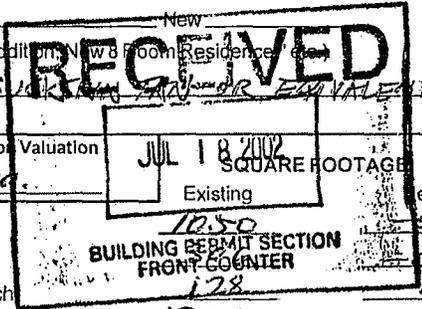
Subdivision: FOOT MARLY HEIGHTS Lot: C Block: _____

Type of work:

- New Construction Additions Exterior Alterations/Repairs Interior Alterations/Repairs Sign Fences/Walls
 Other (Pools, Grading, Utilities, Demolition, etc.) _____

Signs: Number of signs _____ Total Square Footage: Existing _____ New _____

Applicant MUST describe work in detail (i.e., "Bathroom Addition, 4 Room House Addition, New 8 Room Residence, etc.")
REFINISH #1 BATH WINDOWS + DOORS, RESTORED WITH BUCKINGHAM PAINT OR EQUIVALENT,
REPLACE REAR ENTRY DOOR



Property Owner: JIM SWEARINEN

Construction Valuation \$ 6,000. Existing _____ New _____

Mailing Address: PO BOX 2667

Heated: 1050 _____

Daytime Telephone: 984-3050

Garage: _____

OWNER/BUILDER: CONTRACTOR: _____

Patio/Porch: 128 _____

Total Roofed: 1356 _____

Total Square Footage: _____

Contractor Information:

Contractor: _____

Type of Sewage Disposal: Public Sewer Private System

Address: _____

No. of buildings: 1 No. of stories: 1

State License #: _____ City License #: _____

Will the proposed construction result in an increase in the number of residential units?
 Yes No How many? _____

Daytime Telephone #: _____

I hereby certify that I am the duly appointed agent authorized to act on behalf of the property owner. I also certify that the information provided in this application is true and correct and it represents the current status of the subject property; that the plans submitted with this application are complete and in compliance with the building standards set forth in the Santa Fe City Code; and that the plans illustrate all public and private easements located on the property. I also certify that plans and submittals have been prepared in accordance with the submittal checklist. I further understand that failure to follow submittal checklist will result in the delay or rejection of my application.

Contact Name: _____ Address: _____
Daytime Telephone #: _____ Signature Applicant/Agent: _____ Date: _____

↓ FOR OFFICE USE ONLY ↓

Type of Construction: I II III IV V FR BMN Occupancy Group: A B E F H I M R S U Division: 1 1.1 1.2 2 2.1 3 4 5 6 7
Zone/District: _____ Occupant Load: _____

ADDRESS			LANDSCAPING			BUILDING		
date	by	action	date	by	action	date	by	action
7/19	JLS	AD				7/22		
LAND MANAGEMENT			IMPACT FEES			ACCESSIBILITY		
ARCHITECTURAL			HISTORICAL			PLUMBING/MECHANICAL		
			7/22					
ZONING			ARCHAEOLOGICAL			ELECTRICAL		
7/22								
TRAFFIC			FIRE			WATER QUALITY		
GRADING & DRAINAGE/ESCARPMENT			Terrain Management Required			Escarpment Required		

City of Santa Fe, New Mexico

Historic District/Building Code - Review Sheet

Preapplication Review: Yes No Application Review: Yes No
 Date In: 7/23/02 Date Out: 7/23/02 Reviewed By: Pat Track No. 02-1991

Plans Forwarded To: _____

Plan Set ID: _____ Permit Type: ADHR Permit Class: 3C

Project Address: WASHINGTON AVE.

Historic District that this location is in: _____

Action: Approved Conditional Approval Rejected

DESCRIPTION OF WORK Windows Doors replaced w/effins by (restored)

SIZE OF BLDG. (total sq. ft.) _____ OCCUPANCY GROUP R-3

CONSTRUCTION TYPE: VN V1hr IV IIIOne hr IIN IIOne Hr IIFR IFR

PRINCIPAL TYPE OF FRAME

- Masonry (wall bearing)
- Structural Steel
- Wood Frame
- Reinforced concrete
- Other Glass
- Is there an elevator in this building?
 Yes No

TYPE OF HEATING FUEL

- Gas
- Electricity
- Other
- NOTE: Backup Heat is Required on Solar

TYPE OF SEWAGE DISPOSAL

- Public Sewer
- Private System (septic tank, etc.)

TYPE OF WATER SUPPLY

- Public
- Private (well, cistern)

FOR RESIDENTIAL BUILDINGS ONLY

Number of bedrooms _____
 Number of bathrooms _____

- Must comply with Chapter 31 of the UBC and ANSI A 117.1 1992 (Handicapped Access).
- Must provide wall section and/or roof framing plan.
- Fuel fired furnaces and water heaters must be in one hour enclosure.
- Provide proper fire egress.
- Penetrations in fire-rated walls shall comply with Section 4304.
- Submit revised drawings.
- New Mexico Licensed Architects/Engineers stamp required.

New
Both Lots
NO opening allowed closer than 3 ft. to property line adjacent property.

- 1) UBC 97 Chapt. 23 Wood Frame MIN Code STDS.
- 2) UBC 97 Sec 310.4 egress windows MIN Code STDS
- 3) UBC 97 SECTION 2406.4 GLAZING, ~~and~~ Certified Tempered Glass where applicable (Hazardous area) New & Existing Glass must be replaced where applicable.
- 4) UBC 97 Sec 310.9.1.4 Smoke Detectors IF NOT EXISTING shall not be occupied until a Certificate of Occupancy has been issued pursuant to Sections 202 and 207 of the Uniform Administrative Code.

NOTIFIED: _____ TIME: _____ AM / PM DATE: _____
 COMMENTS: _____



City of Santa Fe, New Mexico

PLANNING DIVISION HISTORIC DESIGN REVIEW BOARD/STAFF BUILDING PERMIT REVIEW SHEET

TRACK #

10-02-1992
03-10-1991

Date In: _____ Date Out: 2/24/2002 Application Reviewed By: [Signature]

Project Address: 211-343 WASHINGTON AVE. HDRB # _____

Applicant: [Signature] Phone: 981-3050

Forwarded: Building Permit Supervisor Other _____

- ACTION TAKEN:**
- APPROVED
 - CONDITIONALLY APPROVED
 - REJECT
 - REJECT / HOLD
 - CANCEL -- TO HDRB FOR REVIEW

INFORMATION TO APPLICANT:

AS PER HDRB 02-05 REVIEW AND APPROVAL

City of Santa Fe, New Mexico

02-1991

Address Application Review

Preapplication Review: [] Yes [] No Application Review: [] Yes [] No
Date: 7/19/02 Processed by: [Signature]
Address Assigned: 339 & 341 Washington Ave
Legal Description: [] Lot: [] Block: [] Tract: [] Plat No. []
Proposed Construction: Cont. & R.P. Repairs

IDENTIFIED:

Zoning District AMI
Hillside Overlay District n/a
Zip Code 87501
Census District 1.01
City Council District []
Historic District [] yes [] no
Downtown / Eastside []
Historic Review []
Historic Transition []
Don Gaspar []
Westside Guadalupe []
Archaeological District [] yes [] no
Historic downtown []
River & trails []
Suburban []

Wellhead Protection Area [] yes [] no
Grading & Drainage
Located in 100 Flood Plain [] yes [X] no
Escarpment Overlay District [] yes [] no
Foothill [] yes [X] no
Ridgetop [] yes [X] no
Terrain Management Required [] yes [X] no
In Moratorium Area [] yes [] no

Surface Disturbance:
2500 s.f. or more [] yes [] no
Requires staff/Board Review [] yes [] no

- [X] POSTING OF OFFICIAL ADDRESS - The property owner shall place the assigned street number in a readily visible location at the front entrance to the home or structure.
[] Address shall be posted at construction site, in accordance with the Address Ordinance, within thirty (30) days of issuance of building permit.
[] Approved subdivision plat with city approvals, county recording date, property line showing bearings and distances is applicable.
[] Approved final development plan is applicable.
[] Copy of Warranty Deed to the property dated prior to 1962 (Initial date of adoption of City of Santa Fe Subdivision Regulations) is applicable.
[] Capital Impact Fees are applicable.
[] Affordable Housing Agreement is applicable.

NOTIFIED: _____ TIME: _____ AM / PM DATE: _____

~~EXTENDED~~

02-1991
02-1992

July 28, 2003

Mr. Jim Salazar
City of Santa Fe

Dear Jim:

This is a request to extend the building permits at 339 Washington Ave. and 341-343 Washington Ave., which will expire on August 9, 2003. These permits are for replacing windows and doors and re-stuccoing the buildings.

After the permits were approved, it took almost two months to get the windows and it took another month to get a carpenter to install them. By the time he finished, it was snowing.

I had to do the work one step at a time because I did not have the money to hire a general contractor. Remodeling will always take longer and cost more than anticipated. During this period, my plumber had knee surgery, my electrician moved to Tularosa and my some-time carpenter took a full-time job elsewhere.

I have now obtained a loan and can see the light at the end of the tunnel if you will approve this extension request.

Respectfully yours,

Jim Swearingen

Jim Swearingen
P.O. Box 2662
Santa Fe, NM 87504
984-3050

*Andy -
looks ok. Please extend 180 days.*

*Thanks
JL
7/28/03*

City of Santa Fe, New Mexico

memo

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

CASE # H-15-070

ADDRESS: 325, 339, 341, 343
Bishops Lodge Road
Historic Status: Contributing + Noncont.
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

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

APPLICANT SUBMITTALS

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

STAFF RECOMMENDATION:

Staff recommends denial of the exception request to restucco historic structure with synthetic stucco because the exception criteria have not been met, but otherwise recommends approval of this application which complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District.



Project description: Brent and Jennifer Cline, agents/owners propose to stucco contributing and non-contributing structures using synthetic stucco and replace a door with a window on a primary elevation. An exception is requested to apply non-traditional finish to historic structures (Section 14-5.2(C)(1)(c) and (E)(2)).

Case number: H-15-070
Project Type: HDRB

PROJECT LOCATION (S): 325, 225, 341, and 343 Bishops Lodge Road

PROJECT NAMES:

OW – Brent and Jennifer Cline
Santa Fe, NM 87501

325 Bishops Lodge Road
505-820-3306

AP – Brent and Jennifer Cline
Santa Fe, NM 87501

325 Bishops Lodge Road
505-820-3306

PROJECT DATA:

HISTORIC DISTRICT	Downtown & Eastside
HISTORIC BUILDING STATUS	Contributing/Non-Contributing
PUBLICLY VISIBLE FACADE-EAST	Yes
PUBLICLY VISIBLE FACADE-NORTH	Yes
PUBLICLY VISIBLE FACADE-SOUTH	Yes
PUBLICLY VISIBLE FACADE-WEST	Yes
HISTORIC DISTRICT INVENTORY NUMBER	H3553 & H3556
YEAR OF CONSTRUCTION	1935 & Later
PROJECT TYPE (NEW, ADD, ETC.)	Remodel
USE, EXISTING	Residential
USE, PROPOSE	Residential
HISTORIC BUILDING NAME	NA

BACKGROUND & SUMMARY:

325 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style and it is listed as contributing to the Downtown & Eastside Historic District. 339 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style which may have been designed by T. Charles Gaastra (1879-1947) or A.C. Henderson (1874-1921) and it is listed as contributing to the District. 341/343 Bishops Lodge Road is a residential structure that was constructed at an unknown date in the 20th century and it is listed as non-contributing to the District.

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

1. A pedestrian door on the south elevation of 339 will be removed and replaced with a simulated divided-lite window in the existing opening height and width. The lower portion of the opening will be infilled with wall and stuccoed. An exception is not required for this work.

2. The yardwall at 325 and the buildings at 339 and 341/343 will be restuccoed with synthetic stucco in "Prairie Clay", "Spectrum Brown" and "Monastery Brown". An exception is requested to place a non-traditional finish on listed historic structures that require a traditional mud or cement stucco finish and the exception criteria responses are below.

RELEVANT CODE CITATIONS

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and

14-5.2(E)(2) Downtown & Eastside Historic District - Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail.

EXCEPTION TO USE NON-TRADITIONAL FINISH ON HISTORIC STRUCTURE

(i) Do not damage the character of the district

We have found that a number of properties in our immediate neighborhood appear to have elastomeric stucco. (Photos of some examples are provided below.) This does not detract from the character of the neighborhood, in general the stucco on these structures is in better shape than those with traditional applications.

Staff response: Staff agrees with this statement, although condition may not be relative to material rather due to age and maintenance.

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

These properties were stuccoed by the previous owner using elastomeric (Sto) stucco approximately 13 years ago. In order to apply cementitious stucco over this existing synthetic, it will be necessary to install new metal lath over all of the structures, apply a new base coat, and then stucco.

i. This process will take significantly longer than applying a new coat of elastomeric stucco. These are rental properties and we do not want to inconvenience our tenants any more than necessary. Many of our tenants stay with us for a number of years, adding to the stability of the neighborhood, and we try to go out of our way to encourage this.

ii. In addition, it will also cost 50% more than using elastomeric stucco; \$38,500 rather than \$25,975, an increase of \$12,525.

Staff response: Staff does not agree with this statement. The approval to restucco required cementitious material and the owner violated that requirement. We realize that preservation costs more for good reasons and restuccoing does not inconvenience residents who can continue to live in structures while they are restuccoed.

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

In surveying the neighborhood, we observed a number of instances of traditional stucco flaking off and significant cracking. We take great pride in our properties and want them to contribute positively to our historic neighborhood. Elastomeric stucco that is properly applied should provide a good finish for approximately 20 years. Furthermore, the colors we are proposing are more in keeping with the color pallet of our neighborhood.

Staff response: Staff does not agree with this statement. Color of stucco is not relevant to material choice.

111
KEARNY RD

110
KEARNY RD

MAGDALENA RD

KEARNY RD

341 BISHOPS
LODGE RD

339 BISHOPS
LODGE RD

325 1/2
BISHOPS
LODGE RD

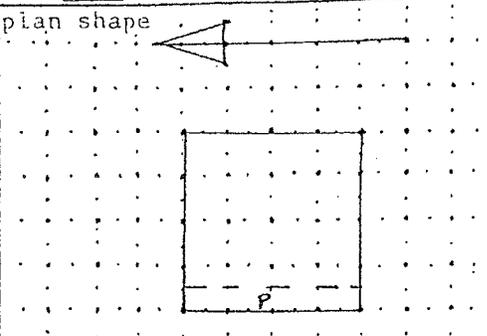
325 BISHOPS
LODGE RD

337
MAGDALENA RD

BISHOPS LODGE RD

Attachment B
NEW MEXICO HISTORIC BUILDING INVENTORY FORM

H3553

building threatened? yes		surveyed date <u>11/20/85</u> by <u>HMW</u>	county <u>SANTA FE</u>	ID no. <u>051610567</u>	
field map <u>SFHD #1</u>		number <u>567</u>	UTM reference easting zone <u>12 13</u> northing		
location description <u>325 WASHINGTON</u>			city/town <u>SANTA FE</u>		
			land grant/reservation		
building name		legal description tnsp <u> </u> N S range <u> </u> E W sec <u> </u> $\frac{1}{2}$ $\frac{1}{2}$			
film roll by HMW no. <u>SFHD 21</u>	negative nos. <u>24</u>	loc. of neg. <u>HPB</u>	plan shape 		
					date of construction <u>PLS 1935</u> estimate actual source
					use present <u>residential</u> other _____ historic <u>residential</u> other _____
condition ____ excellent <input checked="" type="checkbox"/> good ____ fair _____ deteriorating					
style <u>S.P. REV.</u>		foundation material <u>UNK. (CONC?)</u> wall material/surface <u>ADOBLE/ STUCCO.</u>			
architectural features <u>FLAT ROOF; PORCH w/ WEDGE UP VENTS / PRETTY ROUND</u> <u>WD POSTS, LARGE PIC WAYS UNDER PORCH.</u> <u>SIDES NOT ACCESSIBLE.</u>			degree of remodeling <input checked="" type="checkbox"/> minor _____ moderate _____ major describe:		
			surroundings <u>RES.</u>		
			relationship to surroundings <input checked="" type="checkbox"/> similar _____ not similar		
			district potential ____ yes _____ no		
			significance ____ eligible <input checked="" type="checkbox"/> of _____ none if eligible, interest		
comments <u>A GOOD, SLIGHTLY ALTERED EARLY SP REV</u> <u>RESIDENCE.</u>			why? <u>CONTRIB.</u>		
			associated buildings? _____ yes what type?		
			if inventoried, list ID nos.		
			see back? _____ yes		

Attachment B
NEW MEXICO HISTORIC BUILDING INVENTORY FORM

H3556

building threatened? yes	surveyed date 11/20/85 by HMW	county SANTA FE	ID no. 051610566
field map SFHD #1	number 566	UTM reference easting northing zone 12 13	
location description 339-343 WASHINGTON		city/town SANTA FE	
		land grant/reservation	
building name		legal description tnsp <u> </u> N S range <u> </u> E W sec <u> </u> $\frac{1}{4}$ <u> </u> $\frac{1}{4}$	
film roll by HMW no. SFHD 21	negative nos. 23	loc. of neg. HPBI	plan shape



date of construction PRE 1935 estimate _____ actual _____	
source _____	
use present	residential
other	_____
historic	residential
other	_____
condition _____ excellent <input checked="" type="checkbox"/> good _____ fair _____ deteriorating	

<p>S. P. REV.</p>	<p>UNK. (CONC.) wall material/surface ADOBRE / STUCCO</p>
architectural features # 2 BLDGS NOW COMBINED INTO 1 APT COMPLEX. FLAT RFS, FRONT WDS REPAIRED w/ 1/1 D.H. WD SOLID, SIDES / REAR HAVE ORIG. 6/6, 4/4 D.H. WD & 4/4 WD. CASMET. ENCLOSED PORCH - TRIP 4/4 CASMET, NEW SOL LF DOOR. SIDE: SOL LF 15' LIGHT WD. DOOR	
comments THOUGH ALIENED, ENOUGH INTEGRITY FOR INCLUSION IF WAS 2 STORY S.P. REV RESIDENCE (POSSIBLY ORIG APTS). SPECULATION: BY A.C. HENDRICKSON OR J.C. GAASTRA?	

degree of remodeling <input checked="" type="checkbox"/> minor <input checked="" type="checkbox"/> moderate _____ major
describe: WDS LOSS OF VIBES.
surroundings RES.
relationship to surroundings <input checked="" type="checkbox"/> similar _____ not similar
district potential _____ yes _____ no
significance _____ eligible <input checked="" type="checkbox"/> of _____ none
if eligible, interest why? CONTRIB.
associated buildings? _____ yes what type? _____
if inventoried, list ID nos. _____
see back? _____ yes

72002 14.20 0000210330 1943 0350 PAGE 04

T. Charles Gaastra
(1879-1947)

Tjalke Charles Gaastra was born on May 21, 1879 in or near Haarlem, Netherlands. His father, Douwe Gaastra, emigrated with his family to the United States around 1879-1893. T. Charles Gaastra worked as a hod carrier, bricklayer, and logger in Wisconsin and/or Michigan from around 1890 to 1901. Apparently, he took correspondence courses in architecture at one or several of these locations.

From 1901 to 1910, Gaastra was listed as an architect at 801 & 212 Market Street, and later 306 Main Street, Kenosha, Wisconsin. He received an Illinois architect's license (#454) in 1911, and worked with his cousin, Cornelius Borke, from 1911 to 1917 in Chicago, where he designed several schools. In 1917 he married Bonnie Royal, who was born in Ashland, Oregon on December 12, 1884 and worked as a reporter for the Chicago Sunday Tribune and newspaper artist for the Chicago Daily Tribune. In 1925, the couple had a daughter, Elizabeth.

In 1918 Gaastra moved to Santa Fe to join his brother, George, who had moved there in 1916 with tuberculosis. The two brothers worked together in Santa Fe as architect and contractor until about 1925, when Charles formed the firm of Gaastra, Gladding, Johnson & Scoville, which operated out of the French Building in Santa Fe. In 1927 the firm -- now Gaastra, Gladding & Johnson, were listed as "architects & engineers" in both Santa Fe and at 405 N. University in Albuquerque. Apparently Gaastra moved to Albuquerque around this time, because the firm -- now listed as Gaastra and Gladding -- advertised at 407 W. Central in that city from 1929 to 1932. Gaastra received architectural license # 8 after the passage of the New Mexico registration law in 1931. The following year, Gladding became city manager, so Gaastra worked out of his house at 1524 1st Lomas until 1946, with William Burk, Jr. assisting for some of that period. Gaastra served on the New Mexico Board of Architectural Examiners from August, 1923 until June, 1936.

Gaastra seemed to ably handle any style. In fact, his lack of a signature effect or personal motif seems, ironically, to be his mark. His school buildings in Illinois (ca. 1911-1916) as seen in drawings are typical of the period -- a sort of permuted Neo-Classical and World's Fair Classic derivative style. In a few buildings there is a vague hint of Prairie Style influence, undoubtedly from working in the Chicago area at the turn of the century.

After coming to New Mexico in 1918 Gaastra was immediately attracted to the California Mexican Revival and Spanish Pueblo Revival styles and became a noted exponent and practitioner of both. A few important examples of the former are the Eugene

Field Elementary School (1927), Monte Viata School (1930-1931), and the Hebanstroit Residence (1928), all in Albuquerque. The Spanish Pueblo Revival Style is noteworthy in his Cassel Motor Company Building (Santa Fe, ca. 1923), Carlisle Gym (1927-1928) at the University of New Mexico, Albuquerque, and his proposal drawing for the new La Fonda Hotel (Santa Fe, 1919). The Wool Warehouse (Albuquerque, 1928-1929), is, as noted by Mary Davis, an excellent example of a modern industrial structure with possible influences from his native Holland and the then-popular Egyptian Revival Style (most noticeable in the columns). A year before he died he did the Hendren Building (Albuquerque, 1946), which is a striking single story retail structure with large black tile facing curving around two walls at an acute angle and creating a unified facade to two streets.

Other notable buildings designed by Gastra include: the Bartlett Residence (Alcalde, ca. 1923); the Bernalillo County Courthouse (Albuquerque, 1923-1925); Kenneth Adams Residence (643 Cedar NE, Albuquerque, ca. 1927); the Science Lecture Hall, Biology Building (Parsons Hall), and Men's Dormitory (Yatoka Hall), all built in 1928 on the University of New Mexico campus in Albuquerque; the Gastra Residence (1524 Las Lomas NE, Albuquerque, 1929); a Theater and Office Building (Taos, 1937); and the Bell Indian Trading Post (1500 Central NW, Albuquerque, ca. 1946).

Bonney Royal Gastra died on August 19, 1944; T. Charles Gastra followed her on August 15, 1947. Surviving architectural documents are in the possession of their daughter, Elizabeth Gastra Krebs, 9113 Fairridge Court, NE, Albuquerque, NM, 899-5019. A few drawings are located at Albuquerque Public Schools Department of Facilities Planning and Construction and the John Gan Mean Archive of Southwestern Architecture.

See also: William Burk, Jr.

Sources: Edne Heatherington Bergman, "The Fate of Architectural Theory in Albuquerque: Buildings of Four Decades, 1920-1960." Unpub. M.Arch. Thesis, University of New Mexico, Albuquerque, 1978; Susan Dewitt, Historic Albuquerque Today: An Overview Survey of Historic Buildings and Districts, Albuquerque: Historic Landmarks Survey, 1978; Susan McColeman, "A History of the Buildings of the University of New Mexico 1890-1934," ms. on file, Office of the Campus Architect, University of New Mexico, 1964.

Peter B. Ives

CHARLES M. GASTRA

NMBO: El Paso, 1910-1918

A. C. Hendrickson
(1874-1921)

A. C. Hendrickson came from Beloit, Wisconsin to Trinidad, Colorado, in 1899. He went to work with the firm of Rapp and Rapp (v. Isaac Hamilton Rapp) in 1905. Apparently, Hendrickson was the primary draftsman and oversaw construction for the firm. He was made a member of the firm in 1909. Among his personal designs was the Hendrickson Bungalow in Trinidad; apparently he was designing private residences near the end of his life. He died suddenly on July 31, 1921 in Trinidad.

Sources: El Palacio 11:58

E. A. Herspenger

NMSD: El Paso, 191.

Rositor Herrera

NMSD: Williamova, 1903.

Seferino Herrera

NMSD: Santa Cruz, 1936.

Edward A. Herspenger

NMSD: Alamogordo, 1903.

Louis G. Hesseiden

(1895-1975)

Louis Gilbert Hesseiden was born on his grandfather's farm near Wendell, Oklahoma on February 10, 1895 while his mother, Annie (Peltier), was visiting her parents. He was raised in Albuquerque with two older sisters and an older brother, and attended St. Mary's School and Albuquerque High School, where he graduated in 1913. His father, Wallace, was a carpenter who owned the Superior Lumber and Mill Company, a planing and milling operation. Louis worked there summers during his high school years with his father and brother (Wallace, Jr., who would emerge in the 1920s as a building contractor).

In 1917, Hesseiden enlisted in the Army and was eventually promoted to Lieutenant. He resigned in late 1918 and returned to work at Superior Lumber and Mill Company as manager. He worked there six years; during this time he took courses at the College of Engineering at the University of New Mexico. In 1924, he went to the College of Fine Arts, Department of Architecture of the University of Pennsylvania, where he received his Bachelor of

Michael Brent & Jennifer M. Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 820-3306

City of Santa Fe
Historic Preservation Division
200 Lincoln Avenue
Santa Fe, NM 87504

July 13, 2015

We are requesting approval for the following project:

Our property is located at 339 and 341/343 (duplex) Bishops Lodge Road. They were likely constructed in the 1930's. Although some modifications have been made over the past 80 years, such as window replacements, they are understood to be considered as contributing resources to the Downtown & Eastside Historic District.

We acquired this property in 2005. The previous owner replaced the stucco in the 2002 timeframe. The color was changed at that time to a light cream, although 'Buckskin,' a light brown color was stated in the request as part of the Historic Design Review. Although not specifically called out in the 2002 historic review and associated building permit, Sto elastomeric stucco was used. The material was poorly applied and is now failing; allowing water into the walls.

As further detailed below, we propose to change the color to neutral browns that are more in keeping with the historic district. We propose to maintain the elastomeric stucco, but with a superior product (Dryvit brand), that has some of the mottled characteristics of traditional stucco. It is also breathable, which will benefit the structure and improve its longevity.

Proposed actions:

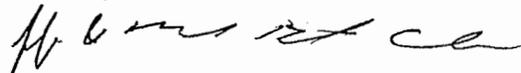
1. Restucco 339 and 341/343 Bishops Lodge Road as well as associated garage using Dryvit elastomeric stucco in a sand finish. Colors will be more in keeping with the historic district. Colors are to be as follows (see attached color chart):
 - a. 339 Bishops Lodge Road – Prairie Clay
 - b. 341/343 Bishops Lodge Road – Spectrum Brown
 - c. Associated garage – Monastery Brown
2. As previously discussed with David Rasch, at the same time the stucco is replaced on 339 Bishops Lodge Road, we propose to replace an existing door with a window. This door leads to the master bedroom and is located only a few feet from the main entrance door. Its location frequently confuses visitors and delivery personnel. It is not needed but an additional window would increase cross-ventilation in the master bedroom. This door is only partially visible from Magdalena Road (rear of the property), as shown in attached photos. As illustrated in the attached diagram, the door is located between two windows. The new configuration will be three matched windows. The existing opening will be used to frame the window, thus top height and width will not change. This action was previously approved in November 2005 (H-05-186), but this portion of the project was not completed due to financial constraints.
3. The existing stucco on the low retaining wall along Bishops Lodge Road, in front of 325 Bishops Lodge Road, has also failed. We proposed to replace the stucco on this wall with new stucco, matching the existing color.

We understand the (re)application of elastomeric stucco requires an exception. City Code Section 14-5.2 5b note exceptions must comply with the following criteria:

- (i) Do not damage the character of the district;
 - a. We have found that a number of properties in our immediate neighborhood appear to have elastomeric stucco. (Photos of some examples are provided below.) This does not detract from the character of the neighborhood, in general the stucco on these structures is in better shape than those with traditional applications.
- (ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and
 - a. These properties were stuccoed by the previous owner using elastomeric (Sto) stucco approximately 13 years ago. In order to apply cementitious stucco over this existing synthetic, it will be necessary to install new metal lath over all of the structures, apply a new base coat, and then stucco.
 - i. This process will take significantly longer than applying a new coat of elastomeric stucco. These are rental properties and we do not want to inconvenience our tenants any more than necessary. Many of our tenants stay with us for a number of years, adding to the stability of the neighborhood, and we try to go out of our way to encourage this.
 - ii. In addition, it will also cost 50% more than using elastomeric stucco; \$38,500 rather than \$25,975, an increase of \$12,525.
- (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
 - a. In surveying the neighborhood, we observed a number of instances of traditional stucco flaking off and significant cracking. We take great pride in our properties and want them to contribute positively to our historic neighborhood. Elastomeric stucco that is properly applied should provide a good finish for approximately 20 years. Furthermore, the colors we are proposing are more in keeping with the color pallet of our neighborhood.

Thank you for considering our request.

Sincerely,



Jennifer & Brent Cline

Tuesday, July 7, 2015

Brent and Jennifer Cline
325 Bishops Lodge Rd
Santa Fe, NM 87501

Re: Tesuque Stucco Company Estimate Revision

Dear Brent and Jennifer;

Below are the revised figures to apply an El Rey cementitious stucco color coat to the two buildings and 3-car garage located at 339-341-343 Bishops Lodge Rd. The buildings currently have synthetic finishes, though the synthetic finish appears the same as the cementitious stucco, synthetic finishes afford much longer life expectancy, because they are flexible, water resistant, and breathable, they also come with a 10 year factory warranty.

In order to apply cementitious stucco over an existing synthetic, it is necessary to install metal lath, a new base coat, and then the new cementitious color coat. This process would be necessary for all three buildings.

This represents an additional expense to you and less protection to the buildings.

Original Synthetic Bid = \$25,975 plus applicable tax

New Cementitious Stucco = \$38,500 plus applicable tax

Should you have any questions my cell number as been provided for your convenience or you may email me at anthony@tesuquestucco.com.

Thank you for allowing Tesuque Stucco Company, LLC the opportunity to bid your stucco project, and we look forward to working with you.

Sincerely;

Anthony Biddle
Sales Manager
505.730.5595



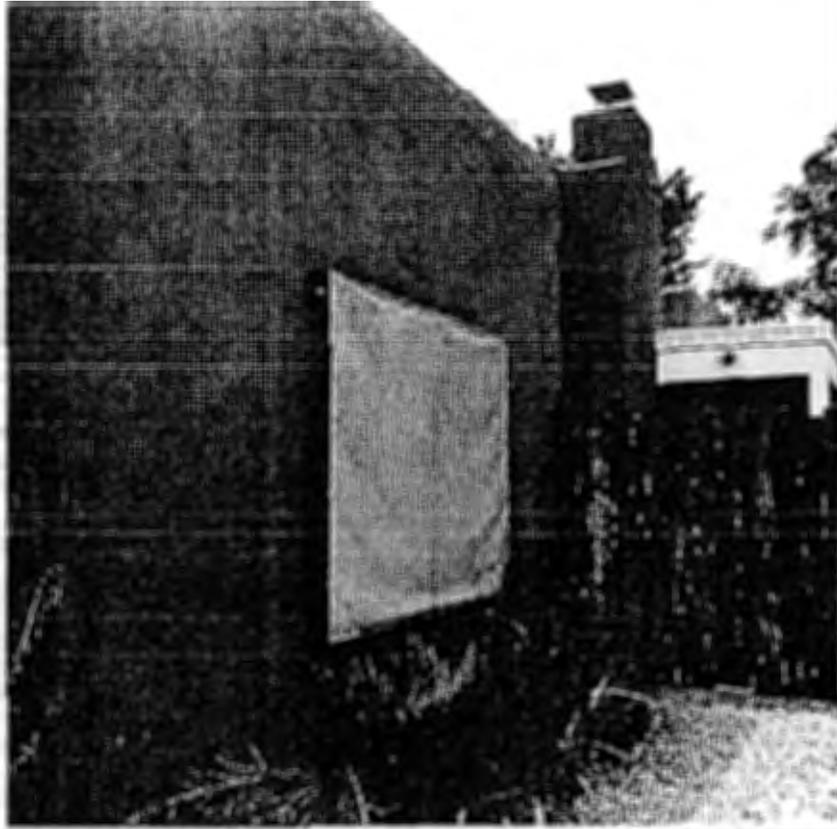
341/343 Bishops Lodge Road – Stucco Damage Detail



Example of Dryvit Stucco Finish – 811 D West Manhattan Ave



Example of Dryvit Stucco Finish – 811 G West Manhattan Ave



Example of Dryvit Stucco Finish – 811 G West Manhattan Ave



Example of Dryvit Stucco Finish – 1202 West Alameda



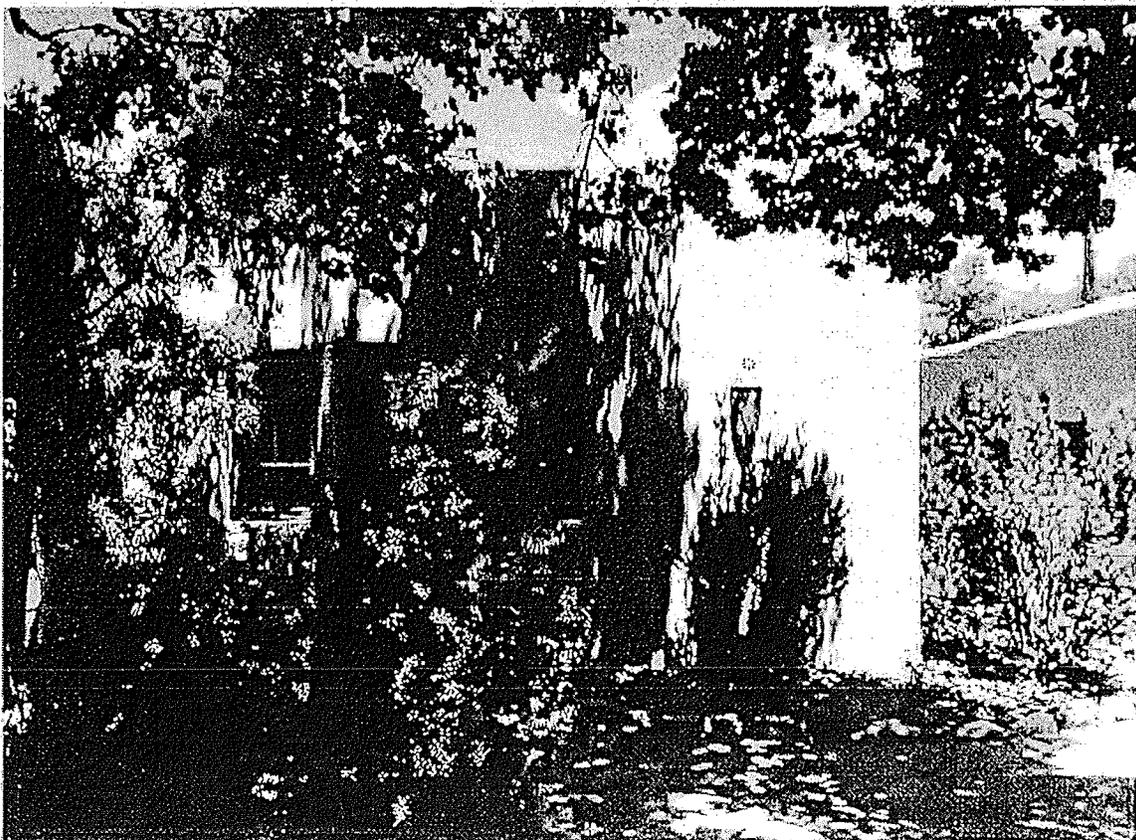
View of 339 Bishops Lodge Road Entrance Area – Viewed from Magdalena
(second external door, proposed to be replaced with window, is not easily visible from the street)



View of 339 Bishops Lodge Road – Entrance from Courtyard
(door to be replaced with window is behind table)



339 Bishops Lodge Road – Partial South Elevation



339 Bishops Lodge Road – Partial South Elevation



339 Bishops Lodge Road – East Elevation



339 Bishops Lodge Road – West Elevation



339 Bishops Lodge Road – Partial North Elevation



339 Bishops Lodge Road – North Elevation (right side)
341/343 Bishops Lodge Road – South Elevation (left side)



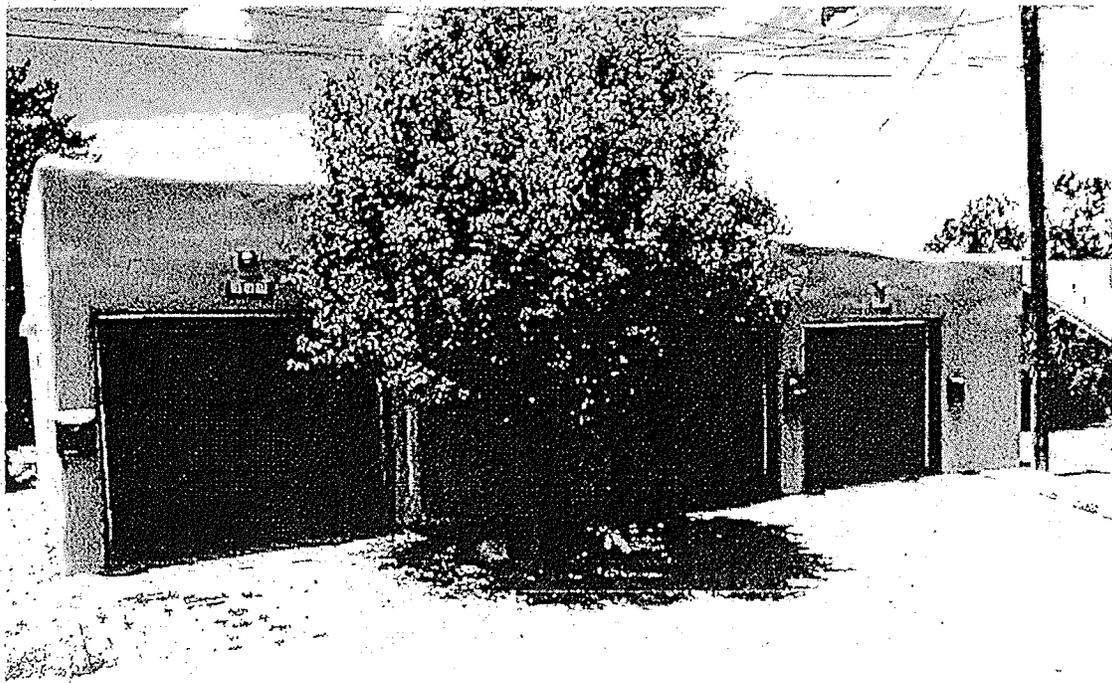
341/343 Bishops Lodge Road – East Elevation



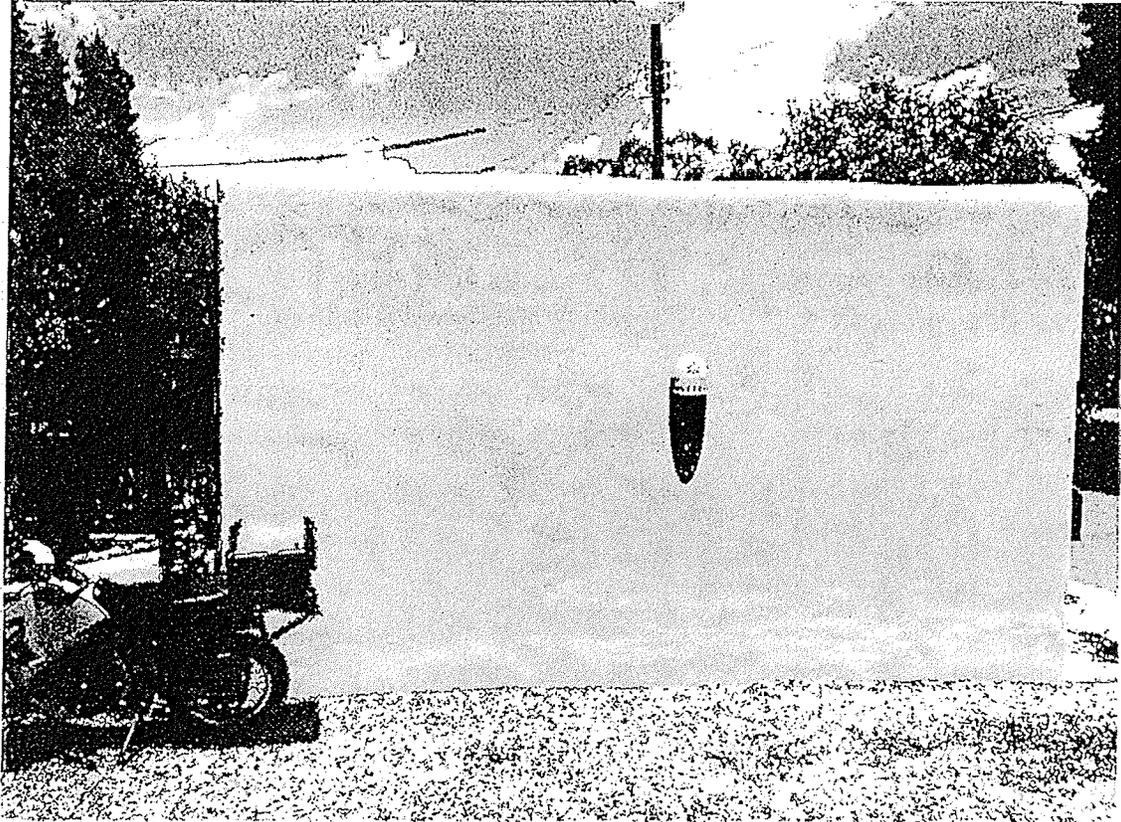
341/343 Bishops Lodge Road – North Elevation



341/343 Bishops Lodge Road – West Elevation



Garage – East Elevation



Garage – South Elevation



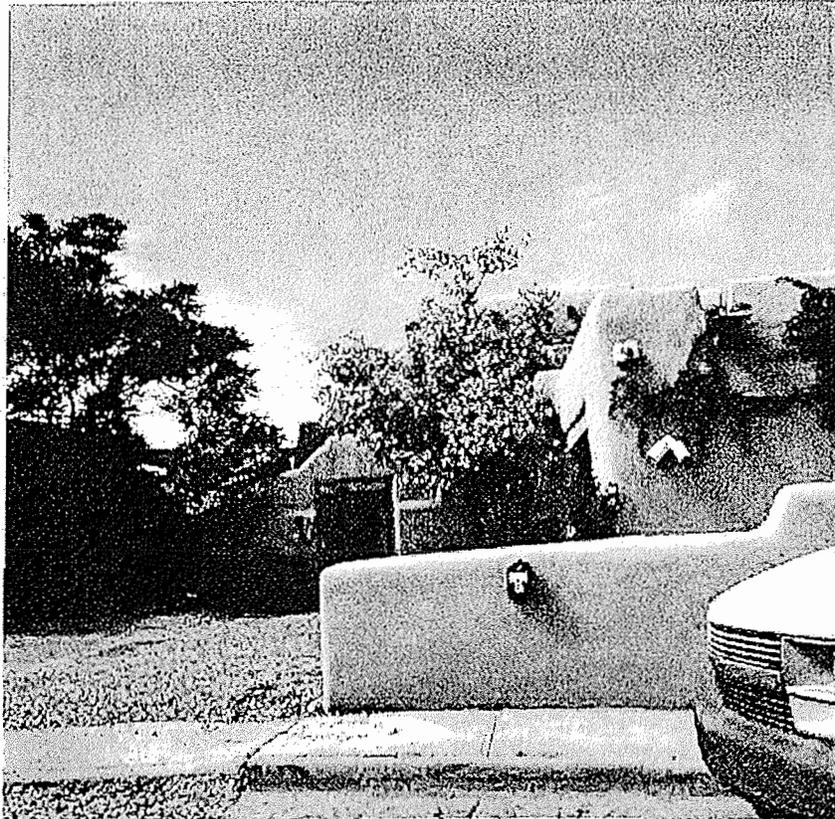
Garage – North Elevation



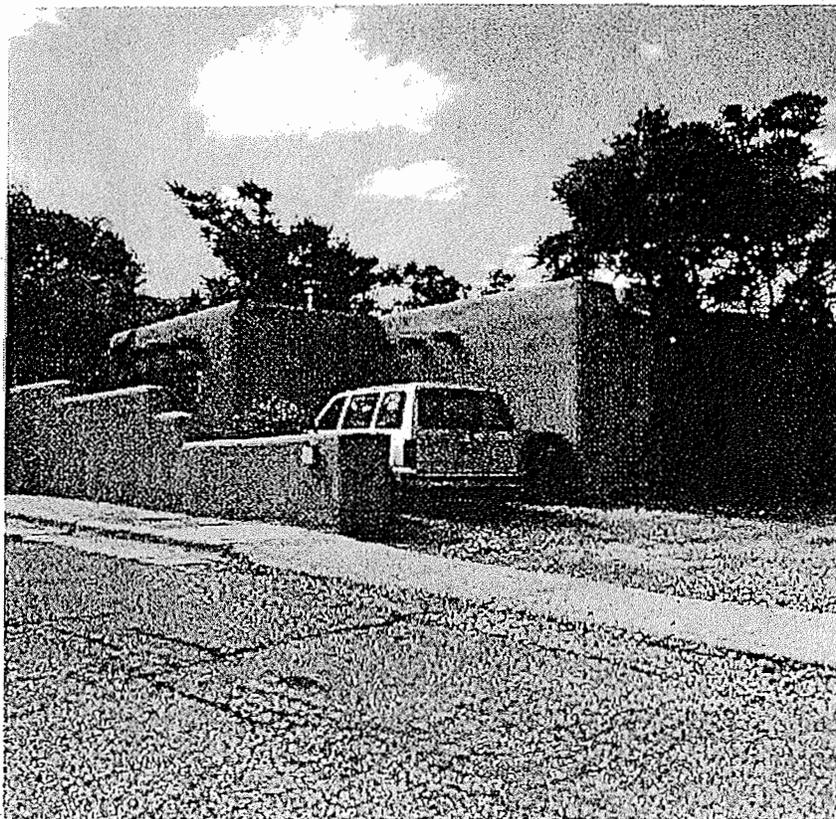
Garage – West Elevation



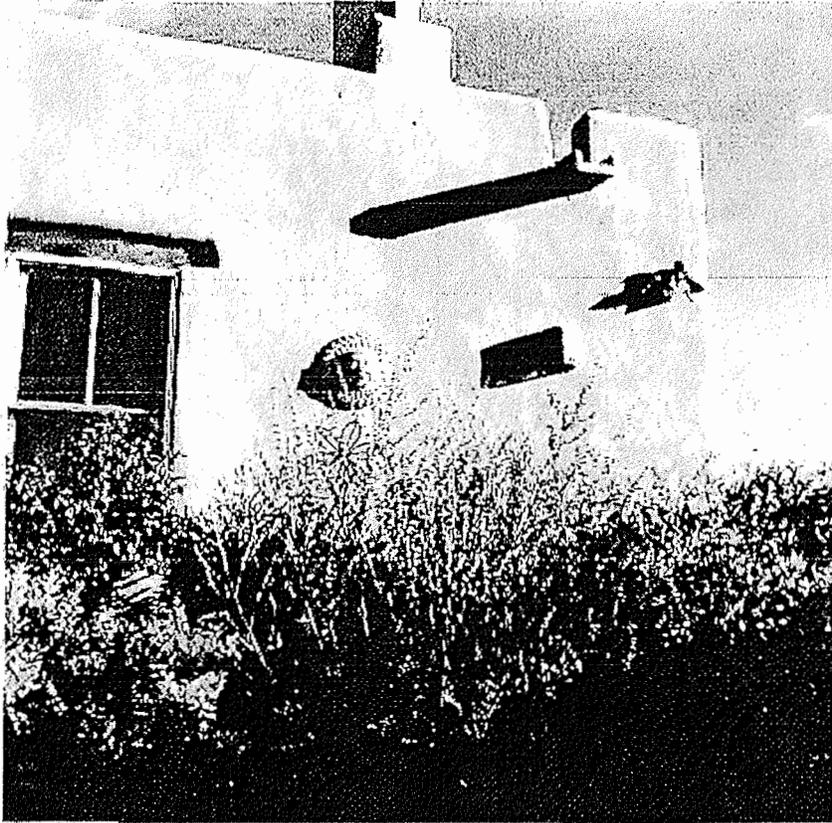
339 & 341/343 Bishops Lodge Road – Viewed From Bishops Lodge Road



Example of Elastomeric Stucco in Neighborhood – 126 A Kearney Ave.



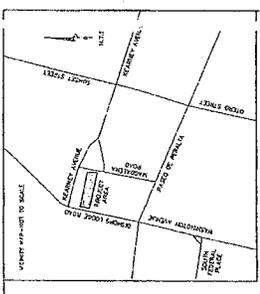
Example of Elastomeric Stucco in Neighborhood – 126 B Kearney Ave.



Example of Elastomeric Stucco in Neighborhood – 342 ½ Otero Street



Example of Elastomeric Stucco in Neighborhood – 321-339 Kearney Ave. Complex



CITY OF SANTA FE REVIEW
 RECEIVED ON 7/31/12
 CITY CLERK
 RECEIVED ON 7/31/12

REVISIONS:
 1. REVISION TO PARAGRAPH 1.1 TO ADD 'AND SUBSEQUENT AMENDMENTS' TO THE LIST OF INSTRUMENTS.
 2. REVISION TO PARAGRAPH 1.2 TO ADD 'AND SUBSEQUENT AMENDMENTS' TO THE LIST OF INSTRUMENTS.
 3. REVISION TO PARAGRAPH 1.3 TO ADD 'AND SUBSEQUENT AMENDMENTS' TO THE LIST OF INSTRUMENTS.

REVISIONS:
 1. THIS REVISION IS BASED ON SURVEY ENTITLED 'PLAT OF BOUNDARY FOR THE LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST' DATED 07/24/12 BY SURVEYOR PAUL A. GUNY.
 2. THIS REVISION IS BASED ON SURVEY ENTITLED 'PLAT OF BOUNDARY FOR THE LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST' DATED 07/24/12 BY SURVEYOR PAUL A. GUNY.
 3. THIS REVISION IS BASED ON SURVEY ENTITLED 'PLAT OF BOUNDARY FOR THE LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST' DATED 07/24/12 BY SURVEYOR PAUL A. GUNY.

PAUL A. GUNY, SURVEYOR
 1000 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO 87505
 PH. (505) 971-1555 FAX (505) 971-1522

AMALIO BUSTILLOS, INC.
 1000 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO 87505
 PH. (505) 971-1555 FAX (505) 971-1522

Document No. 162972
 COUNTY CLERK'S RETURNED RECORD
 COUNTY OF SANTA FE, STATE OF NEW MEXICO
 I hereby certify that the instrument was filed for record on the 24th day of July, 2012 at 10:00 AM in the County Clerk's Office at Santa Fe, New Mexico.



Witness
 VALERIE ESPARZA
 County Clerk, Santa Fe County, New Mexico

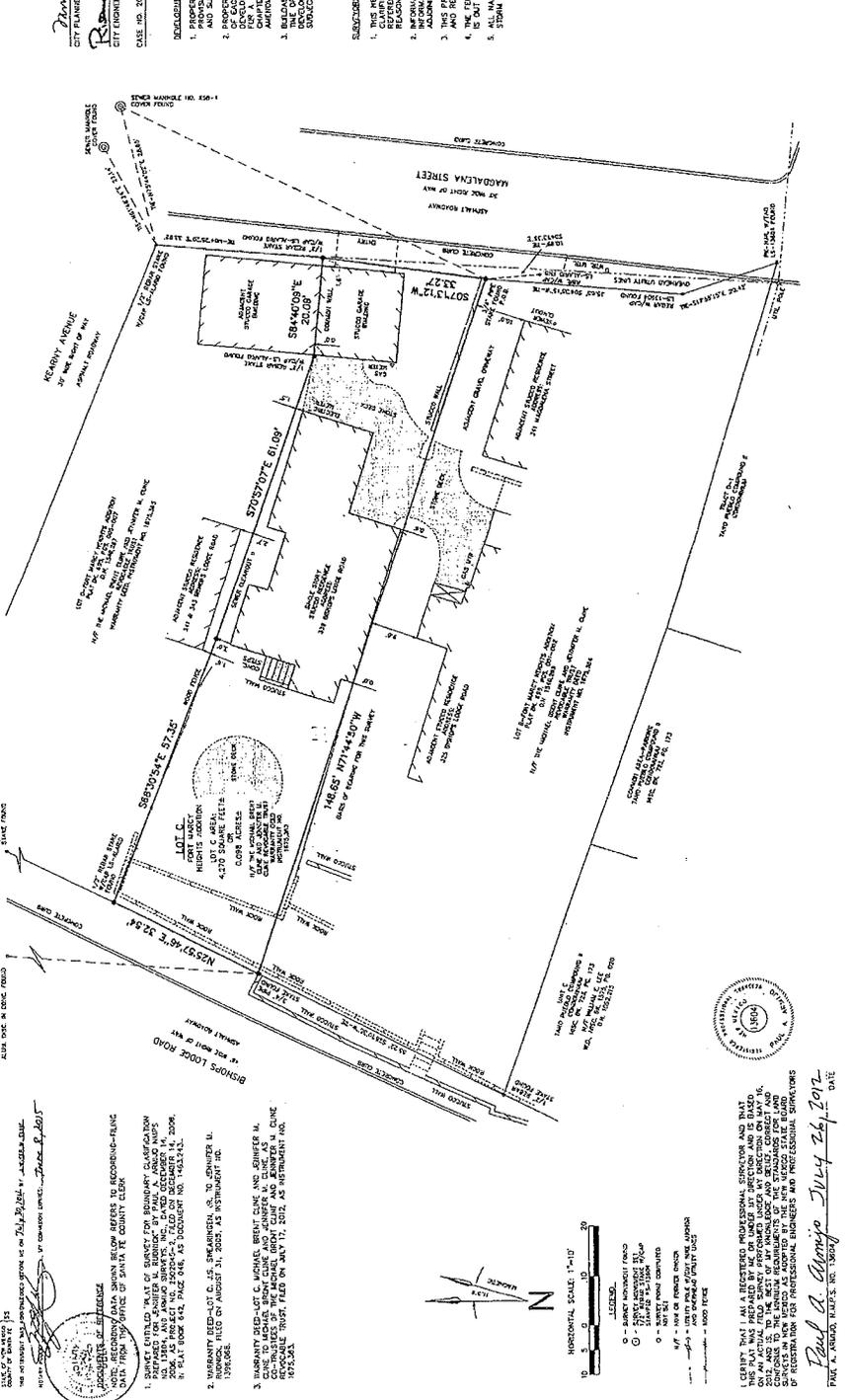
PURPOSE STATEMENT:
 THIS PLAT CLARIFIES BOUNDARY OF LOT C AND CREATES A LEGAL LOT OF RECORD ACKNOWLEDGMENT BY THE CITY OF SANTA FE. NO NEW LOTS HAVE BEEN CREATED.

LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST
 LEGAL LOT C IS LOCATED AT 309 BISHOP'S LOOP, CITY OF SANTA FE, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

THIS PLAT CLARIFIES BOUNDARY OF LOT C AND CREATES A LEGAL LOT OF RECORD ACKNOWLEDGMENT BY THE CITY OF SANTA FE. NO NEW LOTS HAVE BEEN CREATED.

LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST
 LEGAL LOT C IS LOCATED AT 309 BISHOP'S LOOP, CITY OF SANTA FE, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

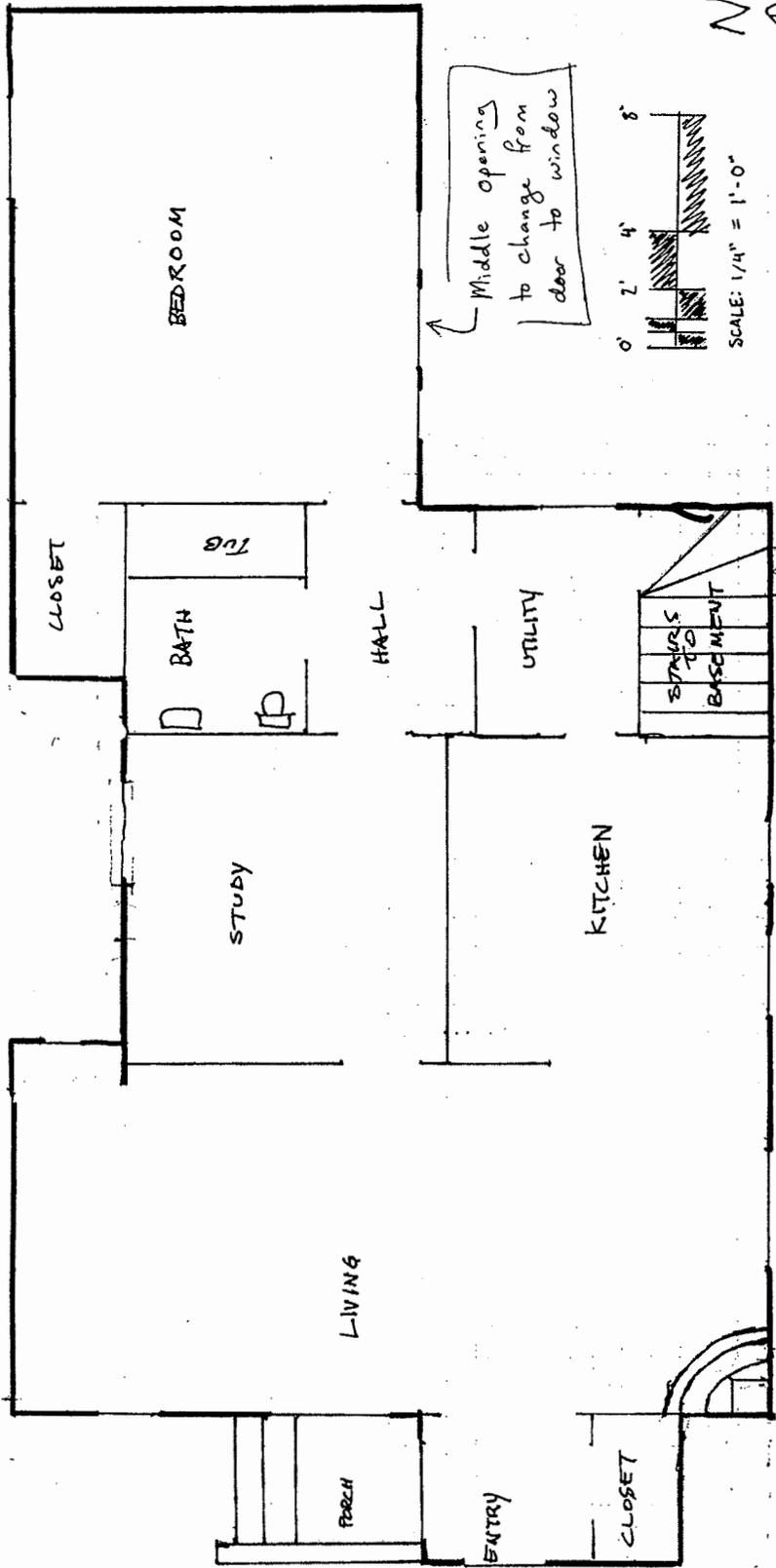
CONVEYANCE TO THE CITY OF SANTA FE
 THE UNDERSIGNED OWNERS DO HEREBY CONSENT TO THE PLAT OF BOUNDARY FOR THE LEGAL LOT OF RECORD ACKNOWLEDGMENT PREPARED FOR THE MICHAEL BRENT CHINE AND JENNIFER M. CHINE REVOCABLE TRUST. THESE LANDS ARE WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, STATE OF NEW MEXICO.



PAUL A. GUNY, SURVEYOR
 1000 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO 87505
 PH. (505) 971-1555 FAX (505) 971-1522

AMALIO BUSTILLOS, INC.
 1000 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO 87505
 PH. (505) 971-1555 FAX (505) 971-1522

DATE: JULY 24, 2012

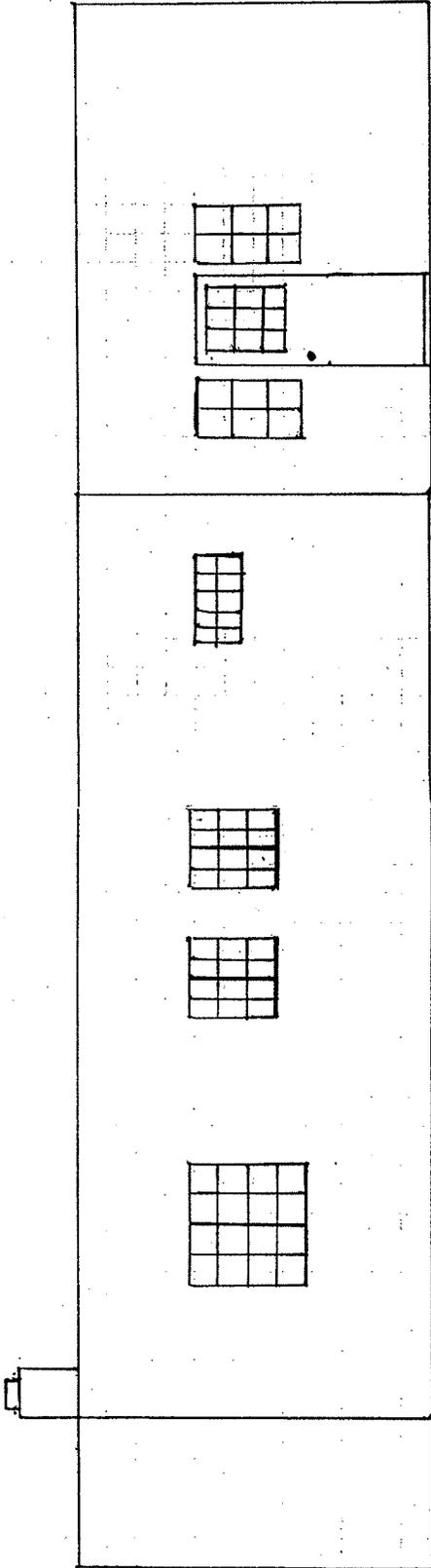


FRONT

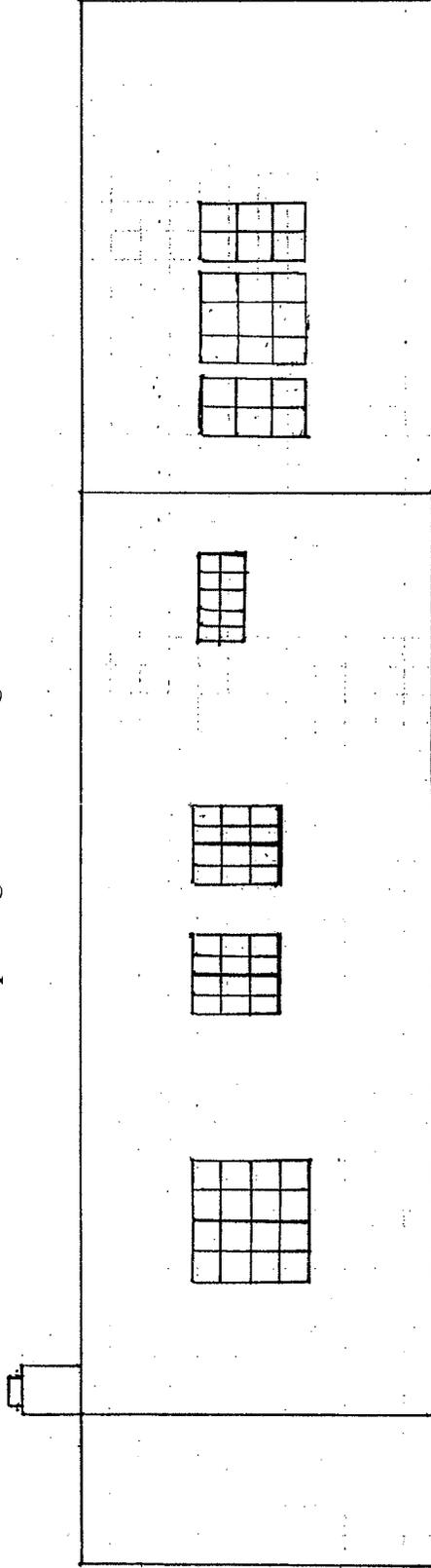
REAR

339 Bishops Lodge Road Existing and Proposed Floor Plan

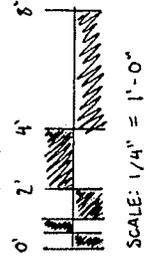
Cline Stucco Replacement

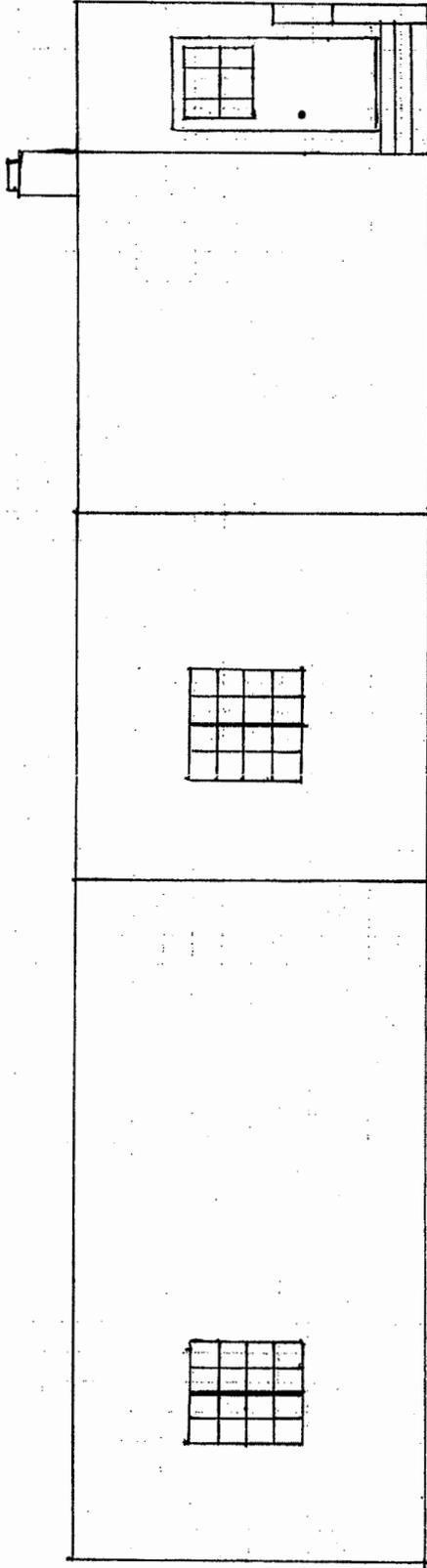


339 Bishops Lodge Road Existing South Elevation



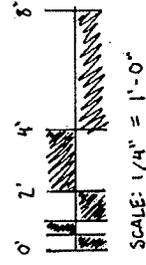
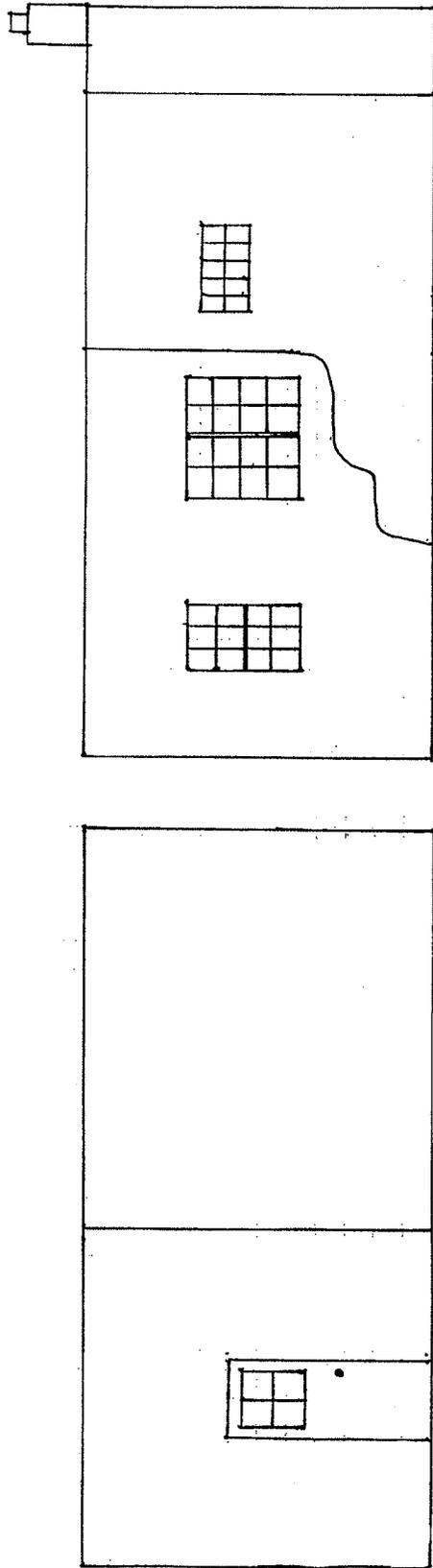
339 Bishops Lodge Road Proposed South Elevation





339 Bishops Lodge Road Existing and Proposed North Elevation

Cline Stucco Replacement



339 Bishops Lodge Road Existing and
Proposed East Elevation

339 Bishops Lodge Road Existing and
Proposed West Elevation



Agenda

CITY CLERK'S OFFICE

DATE 8/5/15 TIME 10:30am

SERVED BY M. Kelley

RECEIVED BY Lisa Roach

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, August 11, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

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

CITY COUNCIL CHAMBERS

AMENDED

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

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

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

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

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



7. Case #H-15-069. 530 South Guadalupe Street. City Landmark. Hogan Group Inc., agent for Gross Kelly Warehouse, LLC, owner, proposes to replace an existing portal and entry with an enlarged approximately 540 square foot portal and entry. An exception is requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)). (Lisa Roach).
8. Case #H-15-070. 325, 339, 341, and 343 Bishops Lodge Road. Downtown & Eastside Historic District. Brent and Jennifer Cline, agents/owners propose to stucco contributing and non-contributing structures using synthetic stucco and replace a door with a window on a primary elevation. An exception is requested to apply non-traditional finish to historic structures (Section 14-5.2(C)(1)(c) and (E)(2)). (David Rasch).

H. COMMUNICATIONS

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 for more information regarding cases on this agenda.

and approval. Member Roybal accepted the amendment as friendly and the motion passed by unanimous (4-0) voice vote.

8. **Case #H-15-070. 325, 339, 341, and 343 Bishops Lodge Road.** Downtown & Eastside Historic District. Brent and Member Biedscheid Cline, agents/owners propose to stucco contributing and non-contributing structures using synthetic stucco and replace a door with a window on a primary elevation. An exception is requested to apply non-traditional finish to historic structures (Section 14-5.2(C)(1)(c) and (E)(2). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

325 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style and it is listed as contributing to the Downtown & Eastside Historic District. 339 Bishops Lodge Road is a residential structure that was constructed before 1935 in the Spanish-Pueblo Revival style which may have been designed by T. Charles Gaastra (1879-1947) or A.C. Henderson (1874-1921) and it is listed as contributing to the District. 341/343 Bishops Lodge Road is a residential structure that was constructed at an unknown date in the 20th century and it is listed as non-contributing to the District.

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

1. A pedestrian door on the south elevation of 339 will be removed and replaced with a simulated divided-lite window in the existing opening height and width. The lower portion of the opening will be infilled with wall and stuccoed. An exception is not required for this work.
2. The yardwall at 325 and the buildings at 339 and 341/343 will be restuccoed with synthetic stucco in "Prairie Clay", "Spectrum Brown" and "Monastery Brown". An exception is requested to place a non-traditional finish on listed historic structures that require a traditional mud or cement stucco finish and the exception criteria responses are below.

RELEVANT CODE CITATIONS

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and

14-5.2(E)(2) Downtown & Eastside Historic District - Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of

materials, color, proportion, and general detail.

EXCEPTION TO USE NON-TRADITIONAL FINISH ON HISTORIC STRUCTURE

(i) Do not damage the character of the district

We have found that a number of properties in our immediate neighborhood appear to have elastomeric stucco. (Photos of some examples are provided below.) This does not detract from the character of the neighborhood, in general the stucco on these structures is in better shape than those with traditional applications.

Staff response: Staff agrees with this statement, although condition may not be relative to material rather due to age and maintenance.

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

These properties were stuccoed by the previous owner using elastomeric (Sto) stucco approximately 13 years ago. In order to apply cementitious stucco over this existing synthetic, it will be necessary to install new metal lath over all of the structures, apply a new base coat, and then stucco.

i. This process will take significantly longer than applying a new coat of elastomeric stucco. These are rental properties and we do not want to inconvenience our tenants any more than necessary. Many of our tenants stay with us for a number of years, adding to the stability of the neighborhood, and we try to go out of our way to encourage this.

ii. In addition, it will also cost 50% more than using elastomeric stucco; \$38,500 rather than \$25,975, an increase of \$12,525.

Staff response: Staff does not agree with this statement. The approval to restucco required cementitious material and the previous owner violated that requirement. We realize that preservation costs more for good reasons and restuccoing does not inconvenience residents who can continue to live in structures while they are restuccoed.

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

In surveying the neighborhood, we observed a number of instances of traditional stucco flaking off and significant cracking. We take great pride in our properties and want them to contribute positively to our historic neighborhood. Elastomeric stucco that is properly applied should provide a good finish for approximately 20 years. Furthermore, the colors we are proposing are more in keeping with the color pallet of our neighborhood.

Staff response: Staff does not agree with this statement. Color of stucco is not relevant to material choice.

STAFF RECOMMENDATION:

Staff recommends denial of the exception request to restucco historic structure with synthetic stucco because the exception criteria have not been met, but otherwise recommends approval of this application which complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District. He clarified that in exception criterion #2, the applicant clearly stated that the contributing buildings as inappropriately stuccoed with synthetic stucco by the previous owner and he neglected to state that in his response.

Questions to Staff

Mr. Boaz noted the staff report was read as Monterrey Brown but in the written report it said "Monastery Brown."

Mr. Rasch clarified that it is Monastery Brown.

Member Roybal asked if the stucco on existing buildings around the garage is synthetic now.

Mr. Rasch agreed yes.

Member Roybal asked if all of the houses are also synthetic.

Mr. Rasch said the applicant did a study of it and can probably address that but they found both synthetic and cementitious stucco within the streetscape.

Member Roybal asked if the rest of the buildings are also contributing.

Mr. Rasch said there are two contributing buildings on site and two non-contributing.

Member Roybal asked if the synthetic is to be lathed over to restucco with cementitious.

Mr. Rasch the Board actually has the authority to require removal of that synthetic stucco fabric but he didn't recommend that.

Member Roybal understood it is an issue of breathability.

Mr. Rasch said it is just the code that requires that finish on historic buildings.

Member Bayer asked which buildings require the exception.

Mr. Rasch said is on 339 in the middle of the property.

Member Bayer asked if the requirement for traditional stucco is for aesthetic reasons.

Mr. Rasch said it is in the code to maintain traditional finishes - in this case, mud or cementitious.

Vice Chair Katz was confused because he saw two historic structures.

Mr. Rasch said this is correct but they are not proposing to restucco 325.

Applicant's Presentation

Present and sworn was Ms. Jennifer Marie Cline and also Michael Brown Cline. Ms. Cline said, as Mr. Rasch clarified, the previous owner applied for a permit and agreed that he would stucco with cementitious stucco in buckskin but it is not. It is synthetic and actually a beige color and the City didn't follow through with the violation. Traditional over synthetic is problematic and it might have to be removed. The company quoted an increase of about 50% more to remove the synthetic.

As Mr. Rasch brought up 341/343 is not contributing and doesn't need an exception for that to have synthetic with a more appropriate color. There is a property line between 341/343 and 339 but the garage covers both properties. They want to use a different color for each house and a third color for the garage. Those are all non-contributing.

The other piece that doesn't need an exception and was approved in 2005 was the replacement of a door with a window. That door leads onto the Master Bedroom with a walkway right by it. It only has technically one primary façade. The project was approved by HDRB in 2005 but never constructed.

Ms. Cline said, as the Board may have seen on the site visit, that there is a low cinder block stuccoed wall - a fairly new wall and this is either the second or third time she has had to restucco it. It is a retaining wall and a significant façade that has stucco falling off. It has been tagged and painted over with different colors. It looks bad and is falling apart because it has water behind it. That is also true of the small wall and why they are asking for synthetic. The product they selected has some breathability. It gets expensive and is a challenge to renew it regularly.

As Mr. Rasch brought up earlier this property is not easily seen from Bishop's Lodge Road or Magdalena. There are synthetic stuccos in nearby properties. She wasn't sure why it has to be an

exception and quoted from the code. They are asking to do a similar restucco with a more modern material.

Mr. Cline said it is a synthetic stucco product that has some shading to it and not like a frosting of cake. They have larger pictures of the product if the Board would like to see them.

Questions to the Applicant

Member Roybal asked if they could just match that part that needs to be redone.

Ms. Cline said they need to restucco all of it.

Mr. Cline added that the back is shot.

Ms. Cline - explained the conditions further as well as the pictures they brought.

Member Boniface noted at 339 they propose to replace a door with a window. He asked about the existing windows.

Ms. Cline said they were replaced in 2007 with HDRB approval and are true divided light (Professional series).

Member Bayer asked if the surrounding buildings with synthetic stucco are contributing buildings.

Mr. Rasch said he had not done the research but for the last 12 years has recommended cementitious stucco. It is a real mixture.

Ms. Cline said she preferred to use materials that are long lasting and require little maintenance. At the corner of Paseo and Bishops Lodge Road, the wall is falling apart and it is embarrassing. The city owns a cinder block wall that is often tagged and doesn't fit with the community. The letter in the packet says they feel synthetic is a better choice.

Public Comment

Ms. Beninato (previously sworn) said she had no problem with converting the door to a window. With regard to cementitious stucco, the ordinance does refer to surface, and that is where that difference comes in and the synthetic is a flatter material. If it looks somewhat mottled, it will more closely resemble

cementitious and might be a suitable alternative. This house can't be seen anyway. And the retaining wall is required to have waterproof application and would be better to use the newer material.

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

Member Biedscheid pointed out that historic buildings are delicate and require maintenance and in this case the traditional finish should be retained.

Action of the Board

Member Roybal moved in Case #H-15-070 at 325, 339, 341, and 343 Bishops Lodge Road to approve the application and accept the exception responses due to the hardship to the residents and that most of it is already synthetic. Member Boniface seconded the motion with a comment.

Member Boniface said the Board doesn't make decisions based on what someone has to spend on a project but looks at design. He tended to agree with Member Biedscheid regarding the stucco and what has a common thread on stucco. Yet the Board shouldn't penalize these owners for what previous owner did in violation.

Member Boniface, noting that the window colors were not called out asked to amend the motion that those colors be submitted to staff for approval. Member Roybal accepted the amendment as friendly.

Member Biedscheid said this is not the only case where a previous owner has violated and subsequent owner has made it happen with lath.

Member Bayer said it is not a great precedent and she was reluctant to approve it for that reason.

The vote on the motion resulted in a 2-2 tie with Member Bayer and Member Biedscheid dissenting. Vice Chair Katz voted no to break the tie. He agreed to synthetic on all but the contributing building at 339.

Member Biedscheid moved in Case #H-15-070 at 325, 339, 341, and 343 Bishops Lodge Road to approve the application with the exception of the building at 339 which is to be restuccoed with cementitious stucco and not accepting the exception response at 339 with the condition that colors and finishes be presented to staff for approval. Member Bayer seconded the motion. The motion passed by majority (3-1) voice vote with Member Roybal dissenting.