



## Agenda

DATE 5/7/14 TIME 9:55 AM.

SERVED BY Camille Vega

RECEIVED BY P. O. J.

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 13, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>nd</sup> FLOOR CITY HALL

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 13, 2014 at 5:30 P.M.

CITY HALL COUNCIL CHAMBERS

## A M E N D E D

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: April 8, 2014
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-14-016	116 Calle la Pena	Case #H-14-022	723 & 725 Canyon Road
Case #H-05-179	270 Las Colinas Drive (Lot 7)	Case #H-14-023	623 W. Alameda Street
Case #H-13-010	303 East Alameda Street	Case #H-14-025	113 Washington Avenue
Case #H-11-035	505-A Cerrillos Road	Case #H-14-026	511 E. Palace Avenue
Case #H-13-086B	918-C Acequia Madre	Case #H-14-021	229 Galisteo Street
Case #H-14-020	125 W. Santa Fe Avenue		

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

1. Case #H-11-081. 460 Camino de las Animas and 449 Camino Monte Vista. Downtown & Eastside Historic District. Karl Sommer, agent for Theodora Portago, proposes to construct a 6' high coyote fence along the west lotline of a contributing residential property. (David Rasch).
2. Case #H-14-029. 860 East Palace Avenue. Downtown & Eastside Historic District. Deborah Fritz, agent/owner proposes to remodel a non-contributing residential structure by replacing windows, infilling a door with a fireplace, and creating a new door opening. (David Rasch).
3. Case #H-14-030. 1049 and 1051 Camino San Acacio. Downtown & Eastside Historic District. Gabriel Browne, agent/owner, requests an historic status review of a contributing residential structure. (David Rasch).
4. Case #H-14-031. 607 Webber Street. Don Gaspar Area Historic District. Stephen Machen, agent for Stephen and Meredith Machen, owners, proposes to construct a 925 sq. ft. residential structure to 17' high were the maximum allowable height is 17'10". An exception is requested to construct a pitched roof where a pitch is not allowed (Section 14-5.2(D)(5)(d)). (David Rasch).
5. Case #H-14-028. 627 Webber Street. Don Gaspar Area Historic District. Mack C. Hughes, agent/owner, proposes to remodel a non-contributing residential structure by replacing doors and windows and restuccoing. (David Rasch).

**H. COMMUNICATIONS**

**I. MATTERS FROM THE BOARD: Vote on Preservation Awards**

**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.



# Agenda

CITY CLERK'S OFFICE

DATE 4/29/14 TIME 8:33 am.

SERVED BY Camille Foye

RECEIVED BY P. Ortiz

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 13, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>nd</sup> FLOOR CITY HALL

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2. Case #H-14-027. 653 Don Gaspar Avenue. Don Gaspar Area Historic District. Mercedes Marchand, agent/owner, requests primary elevation(s) designation for two contributing residential structures. (David Rasch).
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6. **Case #H-14-028. 627 Webber Street. Don Gaspar Area Historic District. Mack C. Hughes, agent/owner, proposes to remodel a non-contributing residential structure by replacing doors and windows and restuccoing. (David Rasch).**

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# Agenda

CITY CLERK'S OFFICE

DATE 4/24/2014 TIME 11:30SERVED BY Carmelle FongRECEIVED BY Chad

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 13, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>nd</sup> FLOOR CITY HALL

## HISTORIC DISTRICTS REVIEW BOARD HEARING

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## F. ACTION ITEMS

1. Case #H-14-027. 653 Don Gaspar Avenue. Don Gaspar Area Historic District. Mercedes Marchand, agent/owner, requests primary elevation(s) designation for two contributing residential structures. (David Rasch).
2. Case #H-14-029. 860 East Palace Avenue. Downtown & Eastside Historic District. Deborah Fritz, agent/owner proposes to remodel a non-contributing residential structure by replacing windows, infilling a door with a fireplace, and creating a new door opening. (David Rasch).
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May 13, 2014

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**MINUTES OF THE**  
**CITY OF SANTA FÉ**  
**HISTORIC DISTRICTS REVIEW BOARD**

**May 13, 2014**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Sharon Woods, Chair  
Ms. Cecilia Rios, Vice Chair  
Mr. Bonifacio Armijo  
Mr. Edmund Boniface  
Mr. Frank Katz  
Ms. Christine Mather

**MEMBERS ABSENT:**

One vacancy

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Ms. Kelley Brennan, Interim City Attorney  
Mr. Carl Boaz, Stenographer

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

**C. APPROVAL OF AGENDA**



Mr. Rasch asked that the first case be moved to the end to comply with the Board's policy.

**Ms. Rios moved to approve the agenda as amended. Mr. Boniface seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES - April 8, 2014**

Ms. Rios requested the following changes to the minutes:

On page 8, third sentence: After the word complaint, add "were not compliant with the 3' rule."

On page 18, last paragraph: add "attorney" before "Joseph Karnes."

On page 21, 5<sup>th</sup> paragraph, should read, "Ms. Rios said this was a difficult decision for her to save the building or vote for its demolition. She believed the foundation of the building could be secured with helical piers and that new adobe could be used where it had crumbled, as was the case with the building on Garcia Street in the Alire Compound with similar conditions as this one. The building in the Alire Compound was beautifully refurbished and received an award from this Board."

Mr. Boniface requested the following changes to the minutes:

On page 14, 2<sup>nd</sup> paragraph from the bottom. The last sentence should say, "And asked if they were not changing the south elevation."

On page 40, third paragraph from the bottom up, "Mr. Boniface said he would be out May 27th."

Mr. Armijo moved to approve the minutes as amended. Ms. Mather seconded the motion and it passed by unanimous voice vote.

Mr. Boaz said those changes were made to the meeting minutes of April 22 but the agenda said April 8, 2014 and April 22, 2014 was not on this agenda. He added that the minutes of April 8 were approved at the last HDRB meeting.

Ms. Brennan believed it was the practice of the Board to approve the minutes of the immediately preceding meeting.

**Mr. Rios moved to make a typographical correction to the agenda to read April 22, 2014 and delete April 8, 2014. Mr. Boniface seconded the motion and it passed by unanimous voice vote.**

#### **E. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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Chair Woods said the finding in Case #H-14-025 should say the window shall be architectural series using the same muntin width.

**Mr. Boniface moved to approve the findings of fact and conclusions of law as amended. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

## **F. BUSINESS FROM THE FLOOR**

Mr. John Pen La Farge, 647 Old Santa Fé Trail and President of OSFA was present and sworn. He said he was concerned about staffing of the HP Division and its funding. He read the letter that, as President of the Old Santa Fé Association, he sent to the Planning and Land Use Transition Team for Mayor Gonzales earlier this year. In his letter, he identified the five divisions of the Planning and Land Use Department and pointed out that the Historic Preservation Division had not had a director for quite some time. In the organizational chart, it remained unfunded and unfilled. In addition, the Senior Planner position had been vacant since January, 2014. The Senior Planner Technician was downgraded to Planner Technician in 2013 and as yet is unfilled. There is no HPD Secretary, Financial Specialist or Office Manager positions. HPD has a secretary on loan from the Land Use Department. So that left HPD with only three positions: Supervising Planner, David Rasch, Historic Construction Inspector Gary Moquino, and on-loan secretarial assistant, Camille Vigil. That kind of staffing was unacceptable for this 400 year old historic city that depends so much on tourism as its economic base. In all recent surveys of why people

came to Santa Fé, the highest two reasons were historic architecture, culture and tradition as well as beautiful mountains and sky.

He said that since the economic downturn, building and remodeling in the historic districts has continued to thrive and recently been increasing with much less staff to oversee the work. Mayor Gonzales publicly stated his intention to create a Historic Preservation Department. So he asked that the Planning and Land Use Department Transition Team review carefully the much needed structural overhaul and revitalization of the Historic Preservation Division. [The letter was attached as Exhibit 1]

Ms. Marilyn Bane, 622½B Canyon Road, spoke on behalf of the Santa Fé Neighborhood Network who also sent a letter to the Transition Team at their request. It dealt primarily with the processes of Early Neighborhood Notification. Their other emphasis in the letter was to properly staff the Historic Preservation Division. The number of cases has remained high, even during times of diminished construction in the City. Staff has been reduced significantly and the burden on existing staff is great. Many traditional neighborhoods rely on the Historic Preservation Division to protect and maintain their quality of life and require professional staff to do so. As a board member of OSFA, President of the Neighborhood Network and a member of the public, she said it was outrageous that we put the public through so many hoops. We make people jump through hoops and rightly so. But to do that and cannot have a staff who can adequately help them on an ongoing basis is outrageous. The HDRB should also take part in being just as concerned and to do everything possible to bring attention to this problem.

Ms. Mather asked what the date of her letter was.

Ms. Bane said it was sent to the Transition Team on April 8, 2014.

Mr. La Farge didn't have the date but stated it was sent in April by email.

Chair Woods asked him to send it to her and she would pass it on.

Mr. Armijo said the Transition Team interviewed him and he said the same thing. He said Mr. Rasch should be made Director and have the HPD staffed properly. Mr. Rasch didn't have the proper help to be timely with the projects. The City did need to staff it properly.

## **G. ACTION ITEMS**

2. **Case #H-14-029. 860 East Palace Avenue.** Downtown & Eastside Historic District. Deborah Fritz, agent/owner proposes to remodel a non-contributing residential structure by replacing windows, infilling a door with a fireplace, and creating a new door opening. (David Rasch).

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

860 East Palace Avenue is a two-level single-family residence that shares a zero-lotline with the larger structure to the southeast. It was constructed in 1993-94 in a vernacular manner. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the property with the following seven items.

1. On the street-facing northeast elevation, one of the existing windows will be removed and an entry door will be installed. The elevation drawing does not show the remainder of the door below the yardwall.
2. Also on this elevation, the existing entry door will be removed and a stuccoed fireplace with chimney will be constructed in this location.
3. One window on the southwest elevation and two sets of paired windows on the northwest elevation will be removed and replaced with simulated divided-lite casement windows.
4. The existing French doors on the southwest lower-level elevation will be removed and replaced with a single French door not shown on elevation drawings.
5. The existing non-compliant egress/ingress window in the northeast lower-level will be removed and infilled with wall.
6. Two sets of paired 4-lite casement windows will be installed on the northwest lower-level that meet egress/ingress standards.
7. The building will be restuccoed with El Rey cementitious "Adobe".

#### **STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2(E) Downtown & Eastside Historic District.

#### **Questions to Staff**

Ms. Mather asked Mr. Rasch what he said about divided lites.

Mr. Rasch said they would be simulated architectural series windows.

#### **Applicant's Presentation**

Present and sworn was Mr. Arthur Sullivan, 1523 Taos Street, who had nothing to add.

#### **Questions to the Applicant**

Ms. Mather said item #4 in the staff report said he was replacing a single French door and it was not shown on the elevation drawings.

Mr. Sullivan said it was just the bottom that was not shown. What was behind the wall was not shown. It was a standard French door.

Chair Woods noted on page 12 of the proposed north elevation the drawing showed material across the window wells and asked what the material would be.

Mr. Sullivan said it would be rock or brick or flagstone. The well would be concrete below ground level and above ground would be rock with colored concrete.

Ms. Rios asked Chair Woods about her concern.

Chair Woods explained that the Board wouldn't want exposed concrete sticking up and also that the concrete being pour would be colored.

#### Public Comment

There were no speakers from the public regarding this case.

#### Action of the Board

**Ms. Mather moved to approve Case #H 14-029 at 860 east Palace with conditions:**

- 1. That the new casements be simulated divided lite casements of the architectural series,**
- 2. That the window wells be of colored concrete and that the coping detail be of a natural material and be submitted to staff for review and approval. Ms. Rios. Seconded the motion.**

**Mr. Armijo asked for a friendly amendment that the color be Adobe.**

**Mr. Boniface asked for a friendly amendment that any rooftop appurtenance not be publicly visible.**

**Ms. Mather accepted the amendments as friendly and it passed by unanimous voice vote.**

- 3. Case #H-14-030. 1049 and 1051 Camino San Acacio. Downtown & Eastside Historic District. Gabriel Browne, agent/owner, requests an historic status review of a contributing residential structure. (David Rasch).**

Mr. Rasch gave the staff report as follows:

## **BACKGROUND & SUMMARY:**

1049 and 1051 Camino San Acacio is a duplex that is listed as contributing to the Downtown & Eastside Historic District. The building was originally constructed as an approximately 950 square foot "L"-shaped three-room adobe in the early 20<sup>th</sup> century (labeled 1 on floorplan in packet). At approximately 1950, a one room addition was constructed on the north elevation (labeled 2 on floorplan, only slightly visible from street). In the mid to late 1960s, a two-story addition was constructed on the north elevation of the 1950 addition (labeled 3 on floorplan, only slightly visible). Finally, two portals were constructed on the front elevation of the original building at a non-historic date (labeled 4 on the floorplan).

On field trip noticed protruding viga ends were cut off and stuccoed over.

## **STAFF RECOMMENDATION:**

Staff defers to the Board to downgrade the status of the building and requests discussion of whether or not the non-historic two-story addition to the north and the two reversible portals on the front elevation overwhelm the historic character using the 50% footprint rule.

### Questions to Staff

Ms. Mather asked if he knew if the vigas existed on the interior. Mr. Rasch didn't know.

Ms. Rios said they appeared to be two buildings and asked if both were over 50 years old.

Mr. Rasch agreed except for the two-story addition on the rear and the two front portals. All the rest was over 50 years old.

Chair Woods asked if the Board would need to designate primary elevations if kept as contributing.

Mr. Rasch agreed. If the Board decided to retain the contributing status, he recommended street elevations for primary façade and maybe part of the L. But it might have been raised in height.

### Applicant's Presentation

Present and sworn was Mr. Gabriel Browne, 1012 Marquez Place, suite 210B, had nothing to add. The building has been modified many times over the course of history. One important thing to be clear about was that this was actually two separate properties on two separately deeded properties and had two legal addresses. It had been split since the 1970's.

### Questions to the Applicant

Chair Woods asked if it was two structures that were attached. She asked which one the two story was attached to and if the Board was doing status on two different buildings.

Mr. Rasch agreed and pointed out the lot line. The two-story addition was on 1049 Camino San Acacio. 1051 was only part of the L and one portal.

Chair Woods asked as they were looking at it, to explain that one more time.

Mr. Rasch pointed out the lot line with jogs.

Chair Woods concluded that 1051 was only about one structure that possible could have the roof raised.

Mr. Rasch agreed. It had lost its vigas and had a non-historic portal.

Chair Woods asked Ms. Brennan to help in how the Board needed to deal with this because that was not how it was noticed for the public. The Board was being shown two separate houses but they were not being shown two separate votes for status.

Ms. Brennan agreed. She was even trying to decide. She knew they had two separate addresses and separate lots but she was not sure if the status was given to one building or two.

Chair Woods asked how the Board should proceed.

Mr. Rasch said the entire footprint was contributing.

Ms. Brennan said it appeared it was given status as one building and not two.

Chair Woods said that if it was contributing as one building it would affect what the owners might want to do.

Ms. Brennan didn't know.

Mr. Armijo pointed out that there were lots of these on the east side. He thought it should have been advertised as two separate cases.

Ms. Brennan understood but didn't know how it received its status. She asked if there were two contributing buildings or one contributing building when the status was assigned. It was important to know the history of how it was designated.

Chair Woods noted it did give two different addresses.

Mr. Rasch assumed there was a fire-rated wall between the two residences. The applicant already stated that the split with a fire-rated wall was done in the 1970's. So it already existed.

Mr. Browne agreed. He said it was split in the 1970's which was before the 1970's status inventory.

Chair Woods asked Ms. Brennan if it would be best to postpone this case until the status was straightened out.

Ms. Brennan thought so. She would like to see if there was more information on it.

Chair Woods - thought there should be two different designations.

Mr. Browne said the titles went back at least 40-50 years.

Chair Woods thought it should be researched and properly advertised.

Mr. Katz said it was not clear to him. Mr. Rasch said the entire building was designated contributing. So if the Board agreed to downgrade it, it would not be so important to wait for more information.

Mr. Rasch understood but the Board could decide one property would be contributing and not the other and that would need to be talked out.

Mr. Armijo asked then if the Board should vote on two separate cases.

Ms. Brennan said the Board would have to postpone in that event.

Chair Woods suggested they could do a poll to determine that.

Mr. Browne agreed with that procedure. The building was originally a four-room adobe by one family. He pointed out the outline of it. The original portion straddled the property line. After the original structure was built, one sibling got one half and the other sibling got the other half, leaving each sibling with two rooms. One sibling sold his half and 20-30 years later, both portions came under one ownership again. Parts were double adobe in the original L shaped structure with small diameter vigas. It had a stippled stucco finish. A portion had a shed roof that made a very awkward proportion that was heavy over the windows. So the distance above the windows was greater than the distance from the floor to the top of the windows. He didn't know when that roof was put on but it was prior to the new stucco and the restucco seemed to be after the original split. He guessed it was probably in the 1950s or 1960s.

The vigas were left projecting and were cut subsequent to the restucco but he had every reason to believe the vigas remained behind the dropped ceilings. The other half had those dropped ceilings removed. The two-story portion had low ceilings and funky stairs that did not meet code.

The intention for the 1051 portion was determined because the two front doors were not original nor was the pitched roof but the two doors were so close to each other that they want to move one of them away from the other.

Chair Woods asked how many original windows were worthy of preservation



Mr. Browne said on 1051 there was one in front and one in back.

Ms. Rios asked if other than 1970s addition the footprint was basically the same.

Mr. Browne thought the answer was no if you include the portal. If you counted them as one building, then it would be yes, more than 50% was more than 50 years old.

Ms. Rios explained that portals could be removed.

Chair Woods asked him to outline what was older than fifty years.

Mr. Browne outlined the original L-shaped structure that he said was from the early 1900's.

Mr. Rasch said elevations 3 and 4 were non-historic.

Ms. Mather asked if the intent was to maintain them as two separate structures.

Mr. Browne said not only separate structures but as two separate properties.

Mr. Boniface noted 1051 had different stucco color and was the oldest structure there but he was concerned with the added pitched roof and overhang. He asked when that was added because that just didn't look like it fit in at all.

Mr. Browne said he discussed that with Mr. Rasch and because of the skip trowel stucco on that piece, he was guessing that part was very old. He believed the original structure had a dirt roof which was still there from sometime in the 1920s and then sometime in the 1940s to 1960's that modification was made. He believed that was before the split in the 1950s because the shed roof extended over that entire mass. Except for that mass, it had shed roofs and overhangs.

Ms. Mather was concerned if, e.g. 1051 was contributing then almost half of the original property was no longer a part of it and she questioned if it could be contributing when half of the original house was removed from it.

Chair Woods agreed that was important and asked how the Board could address that.

Ms. Brennan said if the Board felt it was noncontributing as one building the Board could proceed but if not, the Board would have to postpone the case.

The older building was on both properties and received its status after all additions except 3 and 4.

Ms. Mather understood it was either going to be yes or no and the Board could not divide its status.

Ms. Brennan said that could be done but only by postponing the case.

Ms. Mather said 1051 had the bulk of historic footprint but half was not part of that building.

Ms. Brennan thought perhaps that was why it was given status as one building.

Chair Woods said the Board would need to postpone it so Legal could give advice as two different properties.

Mr. Browne said it seemed improper for the City to have a status across a property line because they could do that all over the place downtown and it would make a huge mess.

Chair Woods agreed but they were stuck on the original building being one building they wanted to address the issue in a way that was legal.

#### Public Comment

Present and sworn was Mr. Ed Trujillo, 1067 Camino San Acacio, who said that when he was growing up, the property at 1049 was owned by Ms. Vigil and she gave the property to her nephew, Ike Vigil. The other property had considerable work done on it in the sixties by a German man who was an accountant and lived there until the 1970s when he sold it. In his knowledge it had always been two separate properties.

Chair Woods asked when the shed roof was added in the front. She clarified she was not asking about the portal but when they raised the shed roof.

Mr. Trujillo said that was done by Ike Vigil probably in the 1970s. He did a lot of changes after he inherited that house.

He added that if the owners were going to remodel those properties, he hoped they would leave enough space for parking on the property instead of on the street.

Ms. Rios asked Mr. Trujillo if he thought this roof on the right hand side was raised or always that height.

Mr. Trujillo said it was probably always that height but they did a substantial amount of work. You could see where the vigas were was probably raised a little. He thought the reason was because, as old as it was probably still had dirt on the ceiling.

Ms. Rios asked if Ike Vigil was still alive.

Mr. Trujillo said he was not alive. He said Abel Vigil had the other properties and his wife just lived

down the street. The lady he remembered who owned the house before was Anna Maria Vigil.

Present and sworn was Ms. Stefanie Beninato, P.O. Box 1601, who thought the Board should postpone this case and consider it as two separate properties. It had been so for a very long time. The 1984 survey designation was very inaccurate on the map. Her house was shown as one building with the part on Paseo. Whoever did the mapping went out and looked and made the designations. It would be more accurate to look at it as two separate properties so you should postpone to get more information.

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

Mr. Rasch referred to page 4 at the 1984 inventory that did show both addresses and the raised height. So this represented one status for both sides.

#### Action of the Board

Chair Woods asked for a poll of the Board.

Mr. Katz felt it they should have a noncontributing status.

Mr. Armijo agreed with downgrading but it was two separate properties and could set a precedent for condos down the line.

Ms. Rios thought they should postpone and then come back as two separate properties. She was reluctant to simply downgrade things on incomplete information. We lose a lot of contributing buildings from poor information. Just because it was in poor condition was not a good reason to downgrade. It should be brought back.

Mr. Boniface felt that neither them rose to the level of a contributing structure. He read the definition of contributing and didn't see anything here that was historic quality. It had been remodeled, added on to. It didn't meet the definition.

Ms. Mather agreed with Mr. Boniface. 1051 in particular might be most interesting property but was raised up and had lost the historic look. There were only two historic windows.

**Mr. Katz moved to downgrade the properties in Case #H-14-030. Mr. Boniface seconded the motion and it passed by majority (3-2) voice vote with Ms. Rios and Mr. Armijo voting against.**

Chair Woods also voted to downgrade the status.

Chair Woods recused herself on the next case, stating she could not be objective about it.

4. **Case #H-14-031. 607 Webber Street.** Don Gaspar Area Historic District. Stephen Machen, agent for Stephen and Meredith Machen, owners, proposes to construct a 925 sq. ft. residential structure to 17' high where the maximum allowable height is 17'10". An exception is requested to construct a pitched roof where a pitch is not allowed (Section 14-5.2(D)(5)(d)). (David Rasch).

Mr. Rasch gave the staff report as follows:

**BACKGROUND & SUMMARY:**

607 Webber Street is a 3,000 square foot vacant lot in the Don Gaspar Area Historic District. The applicant proposes to construct a 925 square foot single-family residence/studio to a height of 17' where the maximum allowable height is 17' 10".

The building is designed in the Arts and Crafts style with wood trim around windows and doors that includes sills and cornices and with a pitched gable roof. The trim color will be white and the cementitious stucco will be "Buckskin". It will be designed much like the one across the street which is owned by same owner. The roof will be finished with a green-colored simulated standing seam metal. The applicable streetscape has 38% pitched roofs with 16 pitched and 26 flat. Therefore, since 50% of the streetscape does not include pitched roofs, an exception is requested to construct a pitch where a pitch is not allowed and the required exception responses follow.

**EXCEPTION TO CONSTRUCT A PITCHED ROOF WHERE NOT ALLOWED**

- (I) Do not damage the character of the streetscape

Our lane is approximately 312' long. There are two homes that have entrances on the south side of the lane: our residence at 613 Webber, which includes several wings, and which runs for 100' along the lane has pitched roofs with four gables: the home in front of ours is a two-story pitched roof building. On the north side of the lane there are four residences (including a guest house) that use this access; two have pitched roofs and two have parapet roofs. The property in question at 607 Webber is bounded on three sides by pitched roof houses.

Since we now look out our window at a vacant lot, it is hard to imagine how a pitched roof structure that harmonizes with our residence at 613 could do anything but enhance the streetscape.

Staff response: Staff agrees with this statement.

- (ii) Prevent a hardship to the applicant or an injury to the public welfare

Because the structure is envisioned as both a residence and a wood studio, it will require considerable storage. The only viable way to provide for this need is overhead, within the vaulted ceiling planned for the

structure. This storage would be impossible in a flat-roofed structure that would need to have, because of restrictive covenants, exterior walls only 12' high. (The covenants allow for no building higher than 12' within 20' of the north wall. However, they do allow for a building to rise to 17' at the east-west center line of the lot.)

A vacant lot adjacent to three properties is in and of itself a hazard to public safety. It is an eyesore and a potential entryway for burglars to the adjacent residences. Building on this property-only possible with a pitched roof because of restrictions over which the owners have no control-will be a plus for the area because it will minimize this threat due to heightened use and security, and because it will beautify what is now an unattractive space.

Staff response: Staff agrees with this statement.

(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

Our lane represents, I believe, the best characteristics of Santa Fe's South Capitol District. The area presents a wonderful mix of young and old, Anglo and Hispanic, renters and owners, frame and adobe, pitched roof dwellings, territorial homes, and parapet-roofed pen tile construction. The proposed studio will perpetuate and enhance that wonderful diversity in which we live by providing another example of a tastefully done, bungalow-style arts and crafts structure.

Staff response: Staff does not believe that the applicant has met this criterion, since the "full range of design options" has not been described and addressed.

(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape

As mentioned above, this is a very small lot with many restrictions imposed upon it by covenants and required setbacks. Were we building on a larger lot, without the specific height restrictions imposed by the covenants, things might be different; if we were not building a residence that requires inside storage and ample working area, or building a structure to harmonize with our pitched-roof home across the way, the situation would be different. However, we are building on a small lot; we are building such a residence/studio; and we are trying to make the structure contribute positively to the streetscape and harmonize with our residence.

Staff response: Staff agrees with this statement.

(v) Are due to special conditions and circumstances which are not a result of the actions of the applicant

As I have mentioned several times in this letter, this property has covenants on it that prohibit building higher than 12 feet, within 20 feet from the back wall. This requirement makes a pitched-roof structure that only viable option for the lot. A peaked roof, however, requires that we increase the setbacks on both sides of the property. Taking both of these requirements in consideration, we can't even build the allowed 40% of the property, in itself a considerable hardship. None of this was the result of any action of the applicants.

Staff response: Staff agrees with this statement.

(vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1)

We strongly believe that not only does the exception "provide the least negative impact with respect to this section...", but that it provides the *most positive impact* possible for any building in this small space. By allowing this exception the Historic Preservation Division will be

- a. Enhancing the beauty of the streetscape;
- b. Ensuring a harmonious blending of architectural styles in an area of varied architecture;
- c. Eliminating a serious threat to life and property in the area by converting a potential entryway for burglars to an attractive, private, secure, and inhabited space;
- d. Providing a visual connection to our home at 613 Webber St., thus allowing the lane to reach its full potential as one of the hidden treasures of Santa Fe's historic South Capitol District. (It is worth noting that this structure, because it is surrounded by high walls, is practically only visible from our property across the lane.)

Staff response: Staff agrees with this statement.

### **STAFF RECOMMENDATION:**

Staff believes that the exception criteria have not been met to construct a pitched roof where a pitch is not allowed. Otherwise, this application complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (H) Don Gaspar Area Historic District.

### **Questions to Staff**

Ms. Rios asked which criterion was not met.

Mr. Rasch said there were six criteria. For #3, 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 applicant did not provide the design options available and why they chose the one they did. So he felt they did not meet criterion three. But as the Board read through them, they might find the answer to #3, for instance, in their response to #2.

Ms. Mather disagreed with interpretation of what that was asking for. It suggests that the applicant bring something that adds to unique heterogeneous character of the city by giving a design option that would fit into that characteristic. So she didn't think it was asking the applicant to give various design options but only to ask them to provide an option.

Mr. Rasch understood but the criterion said "full range" and one option was not a full range.

Ms. Mather said it was asking them to strengthen that character.

Ms. Rios said that was the way she interpreted that criterion also.

Mr. Katz agreed there was not a whole bunch of options. But they have shown how a flat roof wouldn't work well.

#### Applicant's Presentation

Present and sworn was Mr. Stephen Machen, 613 Webber, who said he thought he was answering the question in #3 in an appropriate way.

He said they did take a model of the proposed building around to all of their neighbors nearby and they all enthusiastically liked the proposal for this property.

#### Questions to the Applicant

Ms. Rios understood they would mimic a lot of features that were in their own house.

Mr. Machen agreed, including having the trim be wider at the bottom than at the top.

Ms. Rios asked about height comparison with his own home.

Mr. Machen said the height of both were the same height.

Ms. Mather asked if this was a separately deeded property. Mr. Machen agreed.

Mr. Boniface asked when his residence was built.

Mr. Machen said the original part was built approximately 100 years ago.

Mr. Boniface said the window details were very unique. He asked if the windows were part of that original hundred year old part or recently remodeled.

Mr. Machen said the window treatments throughout the main house and on the additions were all of the same original style.

Mr. Armijo asked what type of metal roof would be on it.

Mr. Machen said it was simulated standing seam made in Moriarty. The color was green. He showed the color chip and passed it around.

Mr. Boniface asked what the color of his asphalt shingle roof was.

Mr. Machen said it was gray-green.

Mr. Armijo asked what type of windows would be installed.

Mr. Machen said they would be metal clad casement windows with white wooden trim.

Mr. Armijo asked if they would be the same color. Mr. Machen agreed.

Ms. Rios asked if he would have anything on the roof. Mr. Machen said no.

Ms. Rios asked about any lighting on outside.

Mr. Machen said they would probably have a light beside the front door that was similar to his own. It would be a black metal with carriage type light.

#### Public Comment

Ms. Beninato (previously sworn) said the Don Gaspar Neighborhood was the most architecturally diverse district and had lots of sloped roof buildings. Nearby was a Dutch barn almost 100 years old. So a sloped roof was appropriate but not the metal roof material. She thought the variance for the pitched roof should be allowed.



Present and sworn was Ms. Sandy Snyder, 625 Webber, said the rest of the neighborhood that she knew there thought this project was appropriate for the street.

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

#### Action of the Board

**Mr. Boniface moved to approve Case #H-14-031 at 607 Webber Street as submitted and acknowledge the applicant had met the criteria for a pitched roof and that exterior lighting be brought to staff for review and approval and that there be no rooftop appurtenances on the metal roof. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

Chair Woods returned to the bench after the vote was taken.

5. **Case #H-14-028. 627 Webber Street.** Don Gaspar Area Historic District. Mack C. Hughes, agent/owner, proposes to remodel a non-contributing residential structure by replacing doors and windows and restuccoing. (David Rasch).

Mr. Rasch gave the staff report as follows:

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

627 Webber Street is a single-family residence in a multi-family compound. The structure was built in the Spanish-Pueblo Revival style by 1977. A second story was added to the attached residential unit in the late 20<sup>th</sup> century. The building is listed as non-contributing to the Don Gaspar Area Historic District. The applicant began remodeling without permission or a permit. Now, the applicant proposes to remodel the building with the following two items.

1. The snap-in muntin windows and interior hollow-core doors would be removed and replaced with single-lite 1-over-1 white-colored vinyl-clad windows and metal –clad exterior doors. Exposed headers would be stuccoed over.
2. The property would be restuccoed with two options available. Option one includes cementitious stucco in "Adobe" on the residence and "Pueblo" on the yardwalls. Option two proposes both structures in "Adobe".

### **STAFF RECOMMENDATION:**

Staff recommends approval of this application, with stucco option one, which complies with Section 14-5.2(H) Don Gaspar Area Historic District.

### **Questions to Staff**

There were no questions to staff.

### **Applicant's Presentation**

Present and sworn was Mr. John Currant, 113 Paseo Conejo, who said the owners who lived in Texas, called Lowes and purchased windows and didn't realize they were in the historic district. They asked him to do the stucco. Lowes came out and discovered it was in a historic district. Lowes would install the windows when they got a permit. The windows were not yet installed but stored in the garage.

### **Questions to the Applicant**

Ms. Rios asked him to describe the windows.

Mr. Currant said they were divided light fiberglass windows.

Chair Woods asked if they had pop in muntins.

Mr. Currant said he didn't know.

Mr. Rasch explained the windows were one over one. There were no muntins. What was taken out were snap in muntins.

Chair Woods asked him to describe the doors.

Mr. Currant said they were six light panel doors. They hired a handy man to install them.

Mr. Armijo asked why they wanted to cover up the headers.

Mr. Currant said they were just one by material and in terrible condition and not visible from street. They were inside a courtyard facing a neighbor's wall. It was strictly for maintenance.

Mr. Armijo asked if the Board could approve fiberglass or vinyl windows.

Mr. Rasch said in the Don Gaspar District there were no window standards. And the Board's jurisdiction was only if the window was publicly visible.

Mr. Armijo asked if the doors were already installed.

Mr. Rasch agreed and said the existing doors were interior doors installed on the exterior so they didn't last long. They were not publicly visible.

#### Public Comment

Ms. Beninato (previously sworn) said it was really distressing that people were moving here but didn't pay attention that it was in a historic district. It was also a problem with Land Use who come out and inspect and didn't know if it was in a historic area or not or if it was a primary elevation or not. It was good that these windows were not publicly visible because they were drab and ugly and it was a shame that the Board couldn't make them more compatible with the rest of area.

Ms. Snyder (previously sworn) said since it was non-contributing, what they were doing was okay and it wouldn't affect the neighborhood.

#### Action of the Board

**Ms. Mather moved to approve Case #H-14-028 at 527 Webber Street per staff recommendations and approving the stucco option 1. Mr. Katz seconded the motion and it passed by unanimous voice vote.**

Mr. Armijo asked if in the future the Board could at least get pictures of the windows since they already had them but had no drawings.

1. **Case #H-11-081. 460 Camino de las Animas and 449 Camino Monte Vista.** Downtown & Eastside Historic District, Karl Sommer, agent for Theodora Portago, proposes to construct a 6' high coyote fence along the west lotline of a contributing residential property. (David Rasch).

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

449 Camino Monte Vista was a single family residence was constructed between 1949 and 1953 in the Spanish-Pueblo Revival style. The structure is listed as contributing to the Downtown & Eastside Historic District.

The applicant proposes to construct a 6' high coyote fence along the west lotline beside a stuccoed retaining wall. The fence will have irregular latilla tops.

### **STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2(D)(9) General design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

### **Questions to Staff**

Ms. Rios asked if the neighbor's house was contributing. Mr. Rasch agreed that it was.

Ms. Rios asked if the wall was contributing.

Mr. Rasch was not sure but it was rather low.

Ms. Mather asked if he could describe the streetscape.

Mr. Rasch said the streetscape on Monte Vista was rather low walled. He hadn't studied the rear lot lines or the interiors for the side lot line. For streetscape walls within 20' and parallel to the street it was a maximum allowable height that would keep them harmonious but the side walls deferred to the underlying standards and on residential properties, the maximum was six feet high.

Ms. Rios reasoned the proposed fence could be seen from a public way so it seemed that a streetscape issue would come into play.

Mr. Rasch said the practice was that streetscape was only for walls or fences parallel to the street and this wall was perpendicular to the street.

Ms. Mather said it would block the view of the contributing property.

Mr. Rasch agreed. He noted that on the site visit, there was a very odd addition to the west that might cause a required status review if it ever came in for a remodel. This elevation had the most historic integrity of the contributing building.

Mr. Armijo asked if Zoning looked at this.

Mr. Rasch agreed.

Mr. Armijo asked if they had no problem with it being that close with possible fire issues or set back issues.

Mr. Rasch thought the neighboring house might be nonconforming for zoning setback. The zoning site inspection was done by Robert Montoya (the traffic engineer) who felt the six foot fence line coming right to the street didn't impact traffic visibility and the six foot fence would be allowed by Zoning.

Mr. Boniface asked about daylight rights and the sunlight casting a shadow that wasn't being addressed by historic but would be later on.

Mr. Rasch said the Zoning staff provided the reviews and those were preliminary instead of final. He was not a zoning specialist but believed that light and air were not standards within the zoning code. Even though it was nonconforming, Zoning allowed six feet at this lot line.

Mr. Katz pointed out that there was a state law for solar but they needed to register their solar rights. Mr. Rasch agreed.

#### Applicant's Presentation

Present and sworn was Mr. Karl Sommer, P. O. Box 2476, who stated that the poles in the picture were taller than the fence would be. The work was stopped because it appeared it was much taller than the fence would be. The six foot fence would be about 18" below those pipe tops. He pointed out that the Board approved a six foot coyote fence at Camino Atalaya which was the eastern boundary of this property and now they wanted it also on the southern and western boundaries.

The Solar Rights Act required that the property owner must file a declaration claiming the use of the sun; then to record the declaration and give notice to all neighbors and there were other strictures. That had not been done by the next door condo owners. The two people that registered objection lived in that

unit.

The property adjoining this property was lower in height. He hadn't measured but estimated it was about 18" lower than this ground level.

The neighbor wanted to keep their view to the mountain. They came from Scotland and were returning to Scotland and had put their property on the market. So, in effect, they were saying to the owner was, "Please don't do this because it will affect our ability to sell the property."

Chair Woods thought that was inappropriate for Mr. Sommer to tell the Board what they said to him.

Mr. Sommer said very well. The information they had was in the Board's packet on their representations.

He said he was on site with the traffic staff and went through every requirement they had related to this issue. They said it didn't impinge on traffic. He didn't think there was anything in the fire code to affect this plan but it did affect the distance of buildings from each other.

The underlying issue was whether it met the ordinance for style. A six foot fence in this area was not in violation of the code.

#### Questions to the Applicant

Mr. Katz said the Code said yardwalls and fences should be limited to a height that did not exceed the average height within the applicable streetscape. He asked if measurements were taken of the streetscape.

Mr. Rasch said he only did that for fences and walls that were parallel to the public way. The Board already approved the eastern boundary and the southern boundary for this property in a previous case. To be clear, the staff never measured any non-streetscape frontage walls.

Chair Woods said the Code didn't address that. The code just says "fences."

Mr. Rasch agreed and said the reason he for the past eleven years and his predecessors before that practiced - and if you think about it, all walls and fences in the streetscape to get an average, they would have to trespass on people's properties to measure their walls and fences and staff couldn't do that. So they applied what attorneys called "administrative glosses." So they deferred to underlying zoning and done it that way for a long time.

Ms. Brennan explained that “administrative gloss” was when the City had interpreted the in a certain way for an extended period of time and had become the effect of law. So this was how it had consistently been interpreted.

Ms. Mather asked Mr. Sommer if it was true that you could see through the driveway to the wall there so the lower wall there and façade would no longer be visible as part of the streetscape.

Mr. Sommer said where the picture was taken one would only see the top of the façade and part of the probably the little pitch overhang. But viewing right in front of the fence, one would see the entire façade because the front of that wall was about that height.

Mr. Armijo asked why they wouldn’t do the neighborly thing and not block the neighbor’s sunlight. He thought it would be possible to let them view more than just the fence.

Mr. Sommer said Ms. Portago did have privacy concerns and one of them was of people peering into her property.

Mr. Armijo asked then why she was not seeking a solid wall. Coyote could be see through close to the wall. Mr. Sommer understood.

Mr. Armijo said sometimes common courtesy was important.

Chair Woods reminded Mr. Sommer that the coyote fence stringers would have to be on the inside and that had been consistent for the Board.

Mr. Sommer understood.

Ms. Rios - asked Mr. Rasch to go down on the picture about 18".

Mr. Armijo noted that would be about 6 inches below the window heights.

Ms. Rios said they should have light coming in.

Mr. Katz noted in the April letter it talked about a fence along the west side but this was only the east side.

Mr. Sommer said he hadn’t looked at the original HDRB approval so he relied on that permit that came out along the eastern boundary and wanted to make sure their amendment covered the southern boundary

as well. The previous approval might have been only along the eastern side.

Mr. Katz thought the south side approval was at the average of the streetscape.

Mr. Sommer didn't know what the average was. He knew there was a six foot fence nearby and across the street another tall fence.

Mr. Rasch clarified that in the September 27, 2011 case file it showed that on August 9, 2011 the Board approved the height exception to remove a chain link fence and vehicle gate on both street frontages and replace it with a 72" inch coyote fence where the maximum was 60" along Camino Atalaya and 58" along Camino Monte Vista. At the same hearing, the Board requested that the applicant reconsider the pilaster and gate baroque design. That was what was not approved. But the Board did approve both chain link fences at 72" and the exception was made. So it was allowed six feet on the south side.

Mr. Sommer said since that was approved, they would amend the permit to cover the west side. That west side was the issue.

Ms. Mather said at that time an exception had to be made so she asked why that was not required here.

Mr. Rasch said it was because this application was for a side wall which meant it fell under the underlying zoning.

Mr. Boniface said they were not going back twenty feet from the streetscape. He estimated those poles were probably six feet on center. So it would be three and a half bays back.

Mr. Rasch said that was a good point. The side lot wall, even though it was perpendicular to the street frontage would come up to what the Board called the streetscape. The traffic engineer said it was not a hazard so she did not require any part of it to be three feet or lower. If the Board was practicing the twenty foot depth for streetscape the Board could look at that.

Ms. Mather thought an exception would be required in that event.

Mr. Sommer said that standard had never been applied to a side lot fence line before.

Chair Woods asked if that meant never in history.

Mr. Sommer said, to his knowledge, it never had.



### Public Comment

Present and sworn was Mr. Joshua Maes, 1621 Villa Estrada, who said the homeowner claimed she wanted privacy but was not the case. When his client talked to the owner she told his client it was because of dogs. There was a chain link fence for the south side and she was not asking for a solid wall there. The posts went in overnight and then were red tagged. There was never any sort of discussion about what she was proposing there. His client didn't said they should have no fence on the east but asked to bring it down lower so light would come in. His clients were saying they would not see out. All they would see out was just a post and in winter it would be very dark in that house. So his clients were asking for it to be four feet high.

Present and sworn was Mr. Randy Murray, -818 Old Santa Fé Trail, said that James and Ann Thompson were personal friends for the last five years. He had helped them move from San Francisco and they left last Thursday to go back to Scotland. The east facing side was where all the windows were and where light would come in. Obviously in the winter time it would make quite a difference in that property. There had been discussion about the six foot fence but also in consideration was that the Thompson property was a foot and a half lower than this property, making it a seven and a half foot fence and would block any views and would affect the sale of that property. It had been their primary residence and primary source of money to purchase a home in Scotland. The poles were put up without any permit. The Thompsons were willing to compromise at 4'.

Present and sworn was Ms. Melissa Kullberg, 1621 Villa Estrada, who said the property was not currently on the market. She was personal friends with the Thompson's. It was on the market in the past but they were told when a person saw the poles that they were no longer interested because they were concerned about the light. She had been inside the property and affirmed it would block the sunlight.

She said she didn't know about solar rights but it this would block what was important for them. They wanted to be neighborly and not totally opposed a fence there but the impact would be tremendous. A neighbor named Marshal down where the wall was lower. He was very much in opposition but was in California right now.

Mr. Rasch said his letter of opposition was in the packet.

Ms. Beninato (previously sworn) wondered why, if the Board couldn't control perpendicular fences, why and applicant would even have to come to the HDRB to apply for approval. In this case, there was fire danger. Fences of wood could cause a fire and it was not five feet away from the building. The streetscape

was the Board's purview and the Board should have some way to determine if there should even be a fence that first twenty feet. The Board already granted an exception on Camino Atalaya and this person didn't seem to be willing to compromise so perhaps the Board would have to help her come to a reasonable compromise and that was what she would urge here.

Mr. Katz asked if there was any element to qualify this building as contributing.

Mr. Rasch said the districts were set up for the public good so if the public could not see something, it could be questioned if there was any public good. The character-defined elements didn't have anything to do with public visibility. However, the Board could still make a non-publicly visible façade primary.

Chair Woods recalled at Loretto chapel, the owners wanted to put up an adobe wall that would block visibility of the Loretto Chapel. It went to court and the City prevailed on that. So there had been a precedent on blocking a public visibility.

Mr. Sommer corrected her that actually, the City lost that case and on that specific issue it was raised by the City and the City found that the placement of the building location was going to affect the historic status of the chapel. So the primary issue was the proximity of the building proposed by the Kirkpatrick's on the adjoining property. The District Court found if it did not touch the historic building so it did not affect its historic status. However, they didn't get to build the wall on other grounds because the existing wall in front of it was a historic structure. The court said they could not destroy the historic wall by demolition.

He added that it was not a binding precedent. But it was the only court interpretation in the State he knew of that dealt with this issue.

Ms. Mather said the overall meaning and reason for the Code was to make historic parts of Santa Fé a viable place for the citizenry to live and here that made the property next door less livable, less viable. When we impact the livability of the neighbor we were doing a disservice to the overall meaning and intent of the original ordinance.

Mr. Sommer understood the point. However, the district wasn't formed for those bases. If an adjoining property owner place a building that the code would allow here - a building here would not permit any sunlight. So the Code didn't protect a property owner as was suggested. State law did that if the property owner filed to protect their solar rights.

The HDRB code didn't protect them in the way Ms. Mather was saying.

Ms. Mather said she understood but if the basis of the code was livability. If we affect the viability of those structures we were violating the underlying reason for the code to exist.

Mr. Sommer agreed the code should help us live together in harmony philosophically but the code did not protect people in the manner she was suggesting. It left the people living in the historic district tenuously exposed to their neighbors. And in this instance, the Board was saying "We would like this to be more neighborly and I am not insensitive to that. But I don't own this property and I didn't set up the Code. And if there are changes that need to be changed in that regard, then they need to be made. But as it stands today, this is where we are and that is what our request is."

Ms. Mather said the code does allow the Board to protect the streetscape and the Board fight this on a continuous basis.

Chair Woods read the general purpose of the code which included "preserve property values." She acknowledged that Mr. Sommer could argue the Board under the table legally.

Mr. Sommer said he took to heart what the Board suggested. He proposed that the Board postpone this case. The folks who sent their letter would likely appeal and approval on this. Why not postpone this to next meeting and let me discuss this with my client?

#### Action of the Board

Ms. Rios asked Mr. Rasch what the height of the wall was.

Mr. Rasch said he would measure it but didn't know now.

Mr. Sommer said he would provide those specifics.

Mr. Rasch informed the Board that there were already 13 cases on the next agenda. He asked that it not come back until June 10<sup>th</sup>.

Mr. Sommer said that was agreeable with him.

**Mr. Katz moved to postpone Case #H-11-081 to June 10, 2014. Mr. Armijo seconded the motion and it passed by unanimous voice vote.**

Chair Woods thanked Mr. Sommer.

## **H. COMMUNICATIONS**

There were no communications.

## **I. MATTERS FROM THE BOARD:**

Mr. Rasch shared the nominations for historic preservation awards with the Board and showed pictures of the properties that had been nominated.

The Board members made their choices on written ballots.

Chair Woods said she got a request on behalf of the City Manager and presumed from the Mayor to provide a list of accomplishments from the last two years of the Board's work, provide a list of pending work and legislation, and summarize upcoming issues for the Board. She noted there was no thanks to everyone for serving but just to answer the questions.

She thought it was interesting that the number of cases handled by the Board in the last two years was 425 cases. Of those, the Board only denied four. Most approvals were with conditions. Nine cases went to appeal at the Governing Body and one was thrown out. Two of the Board's decisions were upheld and six were not. That was 2% to appeal in the last two years. So putting it in context was important. So the Board had done an incredible job. She asked if there was anything else to add. She said she would also report on the code rewrite and she got the whole history from Greg. Also she would mention the work with the State and asked if they could speak to SB 360 which now was 14-5.2M in the code for state capital outlay projects. Section 14-5.2N was for county and school board projects and came later.

Ms. Mather thought Drury was a major accomplishment of the Board.

Mr. Katz pointed out that section N had never been tested.

Ms. Mather thought they should address as a board that the code affected how we behave.

Chair Woods said Council meets tomorrow to approve the budget.

Mr. Rasch said it was with no HPD separation and no staff positions were in the organization chart.

Ms. Brennan pointed out that Council had no authority over personnel. That was the purview of the City Manager.

Mr. Boniface thought they should copy that report to the Councilors. He thought a lot of them didn't have the awareness of the struggles Mr. Rasch had gone through.

Chair Woods agreed. They need to at least express the Board's concern.

Ms. Mather added that it had a negative impact on the public. We asked them to come to us.

Ms. Brennan said this meeting of Council was not a public hearing. There were many crises in the works.

Chair Woods asked for help in writing the letter. It would be irresponsible to not fill the vacancies since they were budgeted.

Ms. Brennan cautioned against rolling quorums in the creation of the report.

Chair Woods thanked her for that.

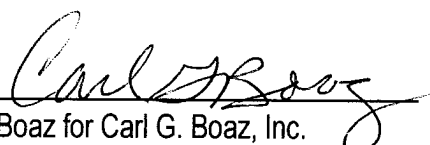
## **J. ADJOURNMENT**

The meeting was adjourned at 7:55. p.m.

Approved by:

  
Sharon Woods, Chair

Submitted by:

  
Carl Boaz for Carl G. Boaz, Inc.

To: **The Planning and Land Use Transition Team** - Monica Montoya, Chairman, Charlie Gonzales, Oralynn Guerrerortiz, Ernie Romero, John Wolf

From: **John Pen La Farge**, President, Old Santa Fe Association (OSFA)

The board of the Old Santa Fe Association would like to take this opportunity to voice our concern for the precarious situation of the Historic Preservation Division of the Planning and Land Use Department.

The Historic Preservation Division (HPD) is one of five divisions in the Land Use Department: HPD, Current Planning; Technical Review; Building Permits; and Inspections/Enforcement. However, HPD does not have a **Division Director**. Since 2005, that position has been a place-holder in the organizational chart, unfunded and unfilled. The **Senior Planner** position has been vacant since January, 2014. (This position performs tasks similar to those of the staff in Current Planning and Technical Review.) The **Senior Planner Technician** position was downgraded to **Planner Technician** in 2013 and that position is as yet unfilled. There is no HPD **Secretary/Financial Specialist/Office Manager** position. (HPD has a secretarial assistant on loan from the Land Use Department as the secretarial position for the Department Director.)

To be succinct, at present the division consists of only three positions: **Supervising Planner** (David Rasch), **Historic Construction Inspector** who performs all permit, inspections, and enforcement tasks (Gary Moquino) and the aforementioned on-loan Secretarial Assistant (Camile Vigil).

This insufficient staffing is not wise, nor is it acceptable, for a 400-year-old historic city that depends so much on tourism as its economic base. In every one of the several research studies conducted over the last 20 years, questioning why people come to Santa Fe, **historic architecture, culture and tradition** ranks as one of the top two reasons—only slightly following our beautiful mountains and sky. Yet the city apparently does not recognize the need to support and maintain adequately these unique historic attributes, attributes that are the foundation of some 15,000 jobs in Santa Fe.

Since the country's economic recession in recent years, new building construction in Santa Fe has undergone a severe and negative impact; yet residential building and remodeling in the Historic Districts has been the one area that has thrived. The HPD and the Historic Districts Review Board (HDRB) have seen an increasingly large number of projects requesting design approval, unfortunately combined with less staff to oversee them.

Mayor Javier Gonzales clearly recognized this when he stated publicly, first at the Santa Fe Neighborhood Network Mayoral Forum and then at the League of Women Voters of Santa Fe County Mayoral Forum, that he intends to create a Historic Preservation Department.

Now, we ask that the Planning and Land Use Department Transition Team review carefully the much-needed structural overhaul and revitalization of the Historic Preservation Division.

Respectfully,

John Pen La Farge