



Agenda

DATE 7/2/14 TIME 9:47

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 8, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 8, 2014 at 5:30 P.M.

CITY COUNCIL CHAMBERS

(AMENDED)

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: June 24, 2014

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-13-085

100 N. St. Francis Drive

Case #H-13-072

123 E. Buena Vista Street

Case #H-14-045

125 W. Water Street

Case #H-14-046

712 Gildersleeve Street

F. BUSINESS FROM THE FLOOR

G. ACTION ITEMS

1. Case #H-09-005. 211 Old Santa Fe Trail. Downtown & Eastside Historic District. Architectural Alliance, agent, Loretto Associates LLC, proposes to amend a previous approval to remodel a non-contributing commercial structure. (David Rasch).
2. Case #H-13-056. 797 Camino del Monte Sol. Downtown & Eastside Historic District. Christopher Purvis, agent for Ken and Yvonne Kallen, owners, proposes to amend a previous approval to install two vehicle gates by altering the design on a non-contributing residential property. (David Rasch).
3. Case #H-14-032. 929 Canyon Road. Downtown & Eastside Historic District. Anelino Moya, Caliente Properties, agent for Dwight & Louisa Gonzales, owners, proposes to construct a 3,306 sq. ft. single family residential structure to a height of 16'6" where the maximum allowable height is 17' on a vacant lot. (David Rasch).
4. Case #H-13-095. 321, 325, 329 W. San Francisco Street. Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Columbus Capital dba 1640 Hospital Dr., LLC., proposes to demolish non-contributing commercial structures and to construct approximately 11,000 sq. ft. to a height of 27' 4" on a sloping site where the maximum allowable height is 20' 4". (David Rasch).
5. Case #H-11-105. 237 & 239 East de Vargas Street. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residence, owner, proposes to paint or screen roof-mounted mechanical equipment and to screen a hot box with a coyote fence and gate on a contributing commercial structure. An exception is requested to have publicly-visible rooftop appurtenances (Section 14-5.2(D)(3)(b)) or to exceed the maximum allowable height to construct screening to block public view of rooftop appurtenances (Section 14-5.2(D)(9)). (David Rasch).

6. Case #H-14-027. 653 Don Gaspar Avenue. Don Gaspar Area Historic District. Mercedes Marchand, applicant/owner, requests primary elevation designation for two contributing residential structures. (David Rasch).
7. Case #H-14-047. 241 Rodriguez Street. Downtown & Eastside Historic District. Architectural Alliance, agent for Peter J. and Victoire T. Gardener, owners, requests an historic status review for a non-contributing residential structure. (David Rasch).
8. Case #H-14-048. 436 W. San Francisco Street. Westside-Guadalupe Historic District. Tim Curry/Design Solutions, agent for Rick Hardin, owner, proposes to remodel the courtyard of a significant commercial property including the construction of an 11' high pergola with a fireplace and a banco and altering and constructing yardwalls and fences. (David Rasch).
9. Case #H-14-051. 120 Quintana Street. Westside-Guadalupe Historic District. Lisa Andree Falls, agent/owner, proposes to remodel a non-contributing residential property including the replacement of a portal with a larger portal to a height of 9 feet and to install a coyote fence pedestrian gate in an existing coyote fence. (David Rasch).
10. Case #H-14-052. 125 W. Palace Ave. Downtown & Eastside Historic District. Montoya Land Use Consulting Inc., agent for Wells, owner, proposes to remodel a non-contributing commercial property by altering the architectural character with parapet and window cornices and other minor details. (David Rasch).
11. Case #H-14-053. 309 W. San Francisco Street. Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Heritage Hotels, owner, proposes a remodel a non-contributing commercial structure by enclosing the east courtyard. (David Rasch).
12. Case #H-14-050. 206 Anita Place. Don Gaspar Area Historic District. Harmony Design & Construction, Inc., agent for Alice Fleischer, owner, proposes to remodel a contributing residential structure and a non-statused accessory structure. (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.



Agenda

CITY CLERK'S OFFICE

DATE 6.19.14 TIME 3:27pmAPPROVED BY [Signature]APPROVED BY Carmelene Speer

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E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-13-085	100 N. St. Francis Drive	Case #H-13-072	123 E. Buena Vista St
Case #H-14-043	336, 338, or 340 Otero Street	Case #H-14-045	125 W. Water Street
Case #H-14-046	712 Gildersleeve Street		

F. BUSINESS FROM THE FLOOR

G. ACTION ITEMS

1. Case #H-09-005. 211 Old Santa Fe Trail. Downtown & Eastside Historic District. Architectural Alliance, agent, Loretto Associates LLC, proposes to amend a previous approval to remodel a non-contributing commercial structure. (David Rasch).
2. Case #H-11-081. 449 Camino Monte Vista. Downtown & Eastside Historic District. Sommer, Karns & Associates, agent for Theodora Portago, owner, proposes to construct a 6' high coyote fence along the west lotline of a contributing residential property. (David Rasch).
3. Case #H-13-056. 797 Camino del Monte Sol. Downtown & Eastside Historic District. Christopher Purvis, agent for Ken and Yvonne Kallen, owners, proposes to amend a previous approval to install two vehicle gates by altering the design on a non-contributing residential property. (David Rasch).
4. Case #H-14-032. 929 Canyon Road. Downtown & Eastside Historic District. Anelino Moya, Caliente Properties, agent for Dwight & Louisa Gonzales, owners, proposes to construct a 3,306 sq. ft. single family residential structure to a height of 16'6" where the maximum allowable height is 17' on a vacant lot. (David Rasch).
5. Case #H-13-095. 321, 325, 329 W. San Francisco Street. Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Columbus Capital dba 1640 Hospital Dr., LLC., proposes to demolish non-contributing commercial structures and to construct approximately 11,000 sq. ft. to a height of 27' 4" on a sloping site where the maximum allowable height is 20' 4". (David Rasch).

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13. Case #H-14-050. 206 Anita Place. Don Gaspar Area Historic District. Harmony Design & Construction, Inc., agent for Alice Fleischer, owner, proposes to remodel a contributing residential structure and a non-statused accessory structure. (David Rasch).

H. COMMUNICATIONS

I. MATTERS FROM THE BOARD

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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.

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HISTORIC DISTRICTS REVIEW BOARD
July 8, 2014

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

July 8, 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
Mr. Bonifacio Armijo
Mr. Edmund Boniface
Mr. Frank Katz
Ms. Christine Mather

MEMBERS ABSENT:

Ms. Cecilia Rios, Vice Chair [excused]
One vacancy

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Mr. Zach Shandler, Asst. City Attorney
Ms. Kelley Brennan, 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 said the Findings for Case #H-13-085 would be on the next agenda. Also, Cases 3 and 4 would be postponed to next meeting because the floor plan did not match the elevations.

Mr. Armijo said Case #H-14-051 had no matching floor plan and lacked details for the windows and doors. It was an incomplete packet.

Mr. Rasch agreed. That was #9.

Mr. Katz moved to approve the agenda as amended with cases #3, 4 and 9 postponed to the following meeting. Mr. Armijo seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: June 24, 2014

Mr. Katz requested the following changes to the minutes of June 24, 2014:

On page 5, 3rd to last paragraph, "Mr. Katz said Ms. Brennan the section you were citing says ..."

On the same page, in the last paragraph, "Mr. Katz asked what standards the board would use in making that determination would it ..."

On page 13, first paragraph, 5th line, should say "views," not "fuse." And later in that paragraph, it should say "human" factor, not "healing" factor.

On page 14 - >> comes under the purview of the Board...

On page 15, in the middle of the page, "Miss should be stricken and "she: should be "he."

On page 23 in middle paragraph - inspectors not to get out of their tracks - trucks.

On page 26 - beginning - 5th paragraph - 45 should be 40' tower and next sentence - and why should we approve it - strike question mark.

On page 29 - Mr. Dwyer - before higher, not hire.

On page 32, Action of the Board, in the findings under number 2 after "contrary" there is a comma that should be removed.

#3 needs to have added in the third requirement for a waiver "The third requirement for a waiver" strengthening the unique heterogeneous nature of the city." [Stenographer's note: These words were not

spoken in the findings on June 24.]

#4 is garbled It needs to have this phrase at the beginning: "As to the fourth requirement - the need for the waiver is very much due to special circumstances ~~or is due to special conditions~~ and circumstances are ~~were not~~ the result of the actions of the applicant." [Stenographer's note: What was in the minutes were the actual words spoken at the June 24th meeting.]

#6 should begin with "As to the last waiver requirement, [Stenographer's note: These words were not spoken in that motion on June 24th.]

On page 34, 4th line from the top, after the date, 2008, it should say I remember those discussions. [Stenographer's note: The word I was not spoken in that motion in the June 24th meeting.]

Ms. Mather asked for the following changes to the minutes:

On page 5 in the last paragraph, it should say "use" instead of "unit." Mr. Katz said he had asked for that change already.

On page 6 it should say, "Mr. Rasch asked to allow him to measure, not ~~major~~."

On page 8, second from last paragraph, beginning with "Mr. Dwyer, should say, "Some people asked about the Lodge ~~Large~~ of Santa Fe."

On page 10, middle of the page beginning with "in conclusion" - mid paragraph - from his perspective from such a perspective did not should be their (not there) competition."

On page 11, under public comment it should say, "Many raised ~~raise~~ their hands and at top of 11, it should say "Burger ~~Berger~~ King."

On page 13 in the last paragraph it should say, "up to a 40' width."

On page 15 at the top, she noted that AT&T is a member of the Chamber ~~Timber~~. And in the next paragraph it should say "working hard to excel, not XL." And at the bottom, Cindy Hall has an 8 year old boy.

The Last sentence should say "I know the lengths ~~links~~ to which they go."

On page 16, it should say "The tower could fall ~~file~~."

On page 17 in the large paragraph, it should say, "These towers should have withstood winds ~~wins~~."

After Landmark Mint it should say "Malibu Castle."

On page 18, first paragraph, third line should say, "This shirt sure ..."

On page 30, she thought Mr. Armijo meant "interrupt instead of "intercept." [Steno: which was exactly what he said.]

Mr. Boniface asked for changes to the minutes:

On page 6, paragraph 11, second sentence should say, "He asked whether the other additional antenna or equipment would be governed by this Board."

On page 28, paragraph 7, 3rd sentence, it should say, "I see that you have also looked an antenna location at Alto Baseball Park but the part that I don't really understand ..."

In the next sentence should say, "It's in the bottom of the Santa Fe River valley."

On page 41, 4th paragraph from the bottom should read, "... accepting the amendments as friendly and clarified that they were accepting the newly submitted drawings of the south façade."

Chair Woods requested the following changes to the minutes:

On page 3 in the action items on the first paragraph where it should say, "Each speaker will be recognized and speak from the podium." and the second to last sentence should say, "because the Board could not hear what was being said to them."

On page 4, first sentence should say, "At the time for public testimony she would ask everyone who wanted to speak, to stand ...". And under questions to staff, Chair Woods asked for clarification if the Board voting on the waiver only and not whether there would be a tower of not."

Mr. Boniface moved to approve the minutes of June 24, 2014 as amended. Mr. Armijo seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H-14-045 125 W. Water Street

Mr. Shandler said he didn't put the statement in the Findings about accepting the new drawings as submitted. He asked if the Board wanted him to redo that and resubmit it next time.

Mr. Boniface asked him to do that.

Chair Woods said for the downspout it should say it would be moved from the south elevation to the east elevation.

Case #H-13-072 123 E. Buena Vista Street

Case #H-14-046 712 Gildersleeve Street

Mr. Armijo moved to approve Case #H-13-072 and Case #H-14-046 as submitted and Case #H-14-045 as amended. Mr. Boniface seconded the motion and it passed by majority voice vote with all voting in favor except Ms. Mather who abstained.

F. BUSINESS FROM THE FLOOR

Mr. Karl Sommer asked where the discrepancies were identified in the motion to postpone.

Chair Woods said it was postponed because the floor plans did not match the elevations. They needed to match for the Board to consider the application. The applicant should review them. There were just too many discrepancies for the Board to consider it.

G. ACTION ITEMS

1. **Case #H-09-005, 211 Old Santa Fé Trail** Downtown & Eastside Historic District. Architectural Alliance, agent for Loretto Associates, LLC. proposes to amend a previous approval to remodel a non-contributing commercial structure. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

211 Old Santa Fe Trail, known as the Inn and Spa at Loretto, is a multi-storied hotel that was constructed in the late 1970s in the Spanish-Pueblo Revival style. The 60,394 square foot building is listed as non-contributing to the Downtown & Eastside Historic District. A low, free-standing building at the southeast corner of the property was constructed at approximately 1920 with non-historic later additions. This building is listed as contributing to the District.

In 2006, the HDRB approved plans to construct additions on the main structure at the north and east elevations that were four stories tall and to remodel the contributing structure at the southeast corner of the property and the perimeter walls on the east and north sides of the property.

In 2009, the HDRB approved plans to construct an addition with 40 rooms on the east elevation.

Now, the applicant proposes to amend the previous approval with nine minor changes as outlined in the applicant's proposal letter.

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. Mather said she was confused on this. There were two approvals and now wondered if they were amending both or just one approval.

Mr. Rasch said it would amend the 2009 approval.

Ms. Mather asked if in 2006 the structure was not built yet. Mr. Rasch agreed.

Mr. Armijo asked about expiration of applications.

Mr. Rasch explained that before March 2012 there was no citation in the code regarding expiration of applications but the Board practiced one year expirations. As of March 2012, all cases have a three-year expiration. So legally, cases prior to March 2012 never expired.

Chair Woods reasoned that they both would have expired then.

Mr. Armijo asked if staff grandfathered everything before 2012.

Mr. Rash agreed. That was Land Use Department opinion.

Chair Woods asked Mr. Shandler about it.

Mr. Shandler agreed to research it.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who had a few minor changes to be considered and they were documented in the staff report. They had to do with revisions to room count. There was going to be a private lobby but then they decided only to have the existing lobby and not a separate boutique entity. So on level one, the entry lobby was reduced in size and a window on the south elevation was removed and a new room added and the east portion of the lobby. The door to 121 was moved to the north.

On Level 2 he failed to add a balcony for room 255 and now shown and matched a balcony the Board approved directly above it at room 355. That was done because when they combined the addition, they lost the egress window so they moved that opening to the north façade.

On level 3, rooms 363 and 365 were combined into a single suite with a new door and a new portal on the south side and the east door was moved north slightly. The door just east of the elevator was removed with that new portal at room 363.

The other thing Mr. Rasch didn't mention about dates that with the "depression" there was an extension of all approvals at Planning Commission for historic styles by the City. They were coming in under this in July to extend their approval. His client hoped to do this next year.

Questions to the Applicant

Chair Woods asked if he didn't have building permit.

Mr. Enfield agreed but said he had an extension to 2015 from Planning Commission and HDRB. His client just wanted to get these changes approved before signing their contract with Mr. Enfield to proceed.

Ms. Mather, in looking at the proposed east elevation, noted two apparent changes: the removal of a door and bump out of a portal and the other was adding a gate and fenced area in front on the left. Mr. Enfield had bubbles on both of those. And there was another on the right.

Mr. Enfield asked if those plans were not in the Board packet.

Ms. Mather said they were but it was hard going back and forth with the elevation. She appreciated his plans and wished him great luck with it.

Mr. Katz thought these changes improved the look of the building. He asked if it was still the intent on the one story buildings on the south side of the property to remove the rooftop appurtenances.

Mr. Enfield agreed. It was part of his original approval and retained as part of his agreement with the Board to removal all of it. This client intended to remove all mechanical equipment from the roof of the contributing structure.

Chair Woods asked, on page 14 where he bubbled and added a portal in the middle floor on the far left if that was a portal he was adding and if the huge thing on top was a parapet.

Mr. Enfield agreed and said it matched the height of the adjacent parapet.

Chair Woods asked if he would consider either taking it off or lowering it.

Mr. Enfield said he would lower it by four feet. Chair Woods said that would be great.

Mr. Boniface asked what the room number was there.

Mr. Enfield said it was room 363. The room count was the same as in 2009.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Chair Woods asked if by approving this case, the Board was extending the other approval or if there was a way to phrase that for what was going to happen.

Mr. Shandler explained that the Board could have a condition that, based on the approval, that the prior approval was still valid.

Mr. Katz moved to approve in Case #H-09-005 at 211 Old Santa Fé Trail, to approve the application modification with a condition that the parapet on room 363 be two feet high instead of six feet high and, to the extent that the prior approval remains valid. Mr. Boniface seconded the motion and it passed by unanimous voice vote.

2. **Case #H-13-056. 797 Camino del Monte Sol.** Downtown & Eastside Historic District. Christopher Purvis, agent for Ken and Yvonne Kallen, owners, proposes to amend a previous approval to install two vehicle gates by altering the design on a non-contributing residential property. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

797 Camino del Monte Sol is a non-statused single-family residential building that is located at the northern edge of the Historic Review Historic District.

July 9, 2013, the HDRB approved remodeling on the property including the construction of two vehicle gates with wing walls. The north opening will have one-leaf out-swinging gate while the south opening will have two bileaf in-swinging gates, both at 20' from the west property line. The gates will be constructed with steel and were simply designed with panels in the bottom two-thirds and ventanas in the upper third for visual access. The Board's condition of approval was for the gates to be powder-coated in an off-white color.

Now, the applicant proposes a different design for the gates. The new design reflects a more Spanish Colonial vocabulary with rosettes and a scalloped crest. More areas of the gates present openings than the previously approved gates.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(D) General Design Standards, height Pitch Scale and Massing and (F) Historic Review Historic District.

Questions to Staff

Ms. Mather asked what materials would be used for the new gates. Previously the Board asked for powdered and off-white.

Mr. Rasch agreed and it would continue with the same materials. This was just a design change.

Ms. Mather surmised that would be wrought iron.

Mr. Rasch said it was made of steel.

Applicant's Presentation

Present and sworn was Mr. Karl Sommer, P.O. 2476, who explained that Mr. Purvis had to go out of town. The owners would like to have the changes made to the gate. He would be glad to answer any questions he was able to answer. They asked Mr. Purvis to make the redesign and the materials would be the same.

Questions to the Applicant

Mr. Boniface said the Board wants more visually open and accessible gate designs. He complimented the designer to make it more open and visible but questioned the scallops on the top. He wondered if the client would consider not adding those to the top.

Mr. Sommer said he didn't have the authority to agree to that. But he agreed that the scallops looked like an unneeded addition. He said if the design was otherwise approvable and if he accepted it, fine, but if not, his client would come back.

Chair Woods said her concern was that the other design was simple and she would encourage them to let it be natural iron which was what Mr. Purvis requested originally.

Mr. Katz asked if it was iron or steel.

Mr. Rasch said it was steel. He suggested rusted brown.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Mr. Boniface said if the Board approved it with two conditions, scallops removed and another color, then the applicant could always come back later if he wanted it otherwise.

Mr. Boniface moved in Case #H-13-056 at 797 Camino del Monte Sol, to approve the gates as presented with two conditions:

- 1. That the top scallops be removed from all three gates;**
- 2. That the color be changed either to flat black power coat or take a proposed color to staff for review and approval.**

Ms. Mather seconded the motion and it passed by unanimous voice vote.

- 3. Case #H-14-032. 929 Canyon Road. Downtown & Eastside Historic District. Anelino Moya, Caliente Properties, agent for Dwight & Louisa Gonzales, owners, proposes to construct a 3,306 sq. ft. single family residential structure to a height of 16'6" where the maximum allowable height is**

17' on a vacant lot. (David Rasch)

This case was postponed under Approval of the Agenda.

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

This case was postponed under Approval of the Agenda.

5. **Case #H-11-105. 237 & 239 East de Vargas Street.** Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residence, owner, proposes to paint or screen roof-mounted mechanical equipment and to screen a hot box with a coyote fence and gate on a contributing commercial structure. An exception is requested to have publicly-visible rooftop appurtenances (Section 14-5.2(D)(3)(b)) or to exceed the maximum allowable height to construct screening to block public view of rooftop appurtenances (Section 14-5.2(D)(9)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

237 and 239 East de Vargas Street are two historic structures that are separated by a common wall on one lot west of Brothers Lane. 237 was constructed in a vernacular manner before 1912 in an "L" shaped floorplan. 239 was constructed in approximately 1930 on the south end of the small leg of the "L" on 237 in a vernacular manner. The buildings are listed as contributing to the Downtown & Eastside Historic District and elevations 1-9 of 15 are designated as primary. Minutes of previous hearings to remodel the property from September 27, 2011, October 11, 2011, November 8, 2011, June 26, 2012, January 14, 2014, and March 11, 2014 are attached.

The applicant proposes to make the following final amendments regarding the roof-mounted mechanical equipment and the hot box.

1. A large hot box was installed in the front planter without HDRB or Land Use staff approval.

Two options are presented to screen the hot box.

- a. The hot box will be screened with coyote fencing at approximately 5' 6" high with irregular latilla tops.

- b. The hot box will be screened with coyote fencing at approximately 5' 6" high with irregular latilla tops with stucco-covered end panels.
- 2. At the end of the hearing on June 26, 2012, the applicant stated that there will be mechanical equipment placed on the roof of the newly constructed addition behind the contributing structure at 237 after a friendly amendment was made that there shall be no visible rooftop appurtenances. That Board action was the final action and the applicant did not appeal that decision. Three roof-mounted condensers are visible from the public right-of-way on the addition.

Two options are presented to minimize the impact of the publicly-visible equipment.

- a. The equipment will be painted to match the stucco color. An exception is requested to retain the public visibility of the mechanical units in violation of The Board's final action.
- b. In option b, the equipment will be screened from public view with stuccoed walls that will be 16' high. The maximum allowable height for this property is 13' 10". An exception is requested to exceed the maximum allowable height.

(I) Do not damage the character of the district

It does not damage the character of the district. The new equipment has a net result of being less obtrusive than the old unit due to the absence of ducting and painting it to match the stucco color of the building reduces its visual impact on the streetscape. In addition, when the trees are mature, the units will be naturally screened.

Staff response: Staff agrees with this statement.

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

It is required to prevent a hardship to the applicant as relocation would cost approximately \$50,000 in additional Owner funds and the units have been installed specifically to prevent injury to the residents and to the public welfare. In addition, the units have been installed as permitted by the City.

Staff response: Staff does not agree 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

It does strengthen the heterogeneous character of the City by reducing its visual impact (through painting) to the greatest extent feasible while providing a vital adaptive reuse of the building. This design specifically

allows continued residency in the historic area for persons with memory issues, providing a unique opportunity to avoid a more institutional facility and to remain close to other family members.

Staff response: Staff agrees with this statement.

b. The equipment will be screened from public view with stuccoed walls that will be 16' high. The maximum allowable height for this property is 13' 10". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)).

(I) Do not damage the character of the streetscape

The streetscape is not damaged by this screen. The project has already enhanced the streetscape by removing the mechanical equipment which existed on the contributing structure. (Refer to Photo #1) The screening is set back 19 feet from the courtyard façade and 92 feet from the street. In addition, the new trees, as they mature, will substantially mask the screening.

Staff response: Staff agrees with this statement.

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

The rooftop is the only location for the condensers which allows good HVAC design, allows the approved building to be built as designed and approved, and prevents injury to the public welfare by not allowing a ground mount application. The only location on the ground which would technically work would be in the courtyard which could be injurious to the residents.

Staff response: Staff does not agree 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

This is perhaps the strongest characteristic of the design. This is an adaptive reuse of a contributing building into a unique residential option for people who suffer from memory loss. The design provides a strongly needed adjunct to the total residential opportunity for all the residents of El Castillo. Prior to the occupancy of this facility, residents who needed this kind of care had to move to other institutional facilities out of the downtown and away from other family members. All aspects of this design, including the placement of the rooftop condensers, were carefully orchestrated to allow the maximum residential occupancy for memory care in the downtown. The screening removes the last vestige of mechanical equipment visible from the street.

Staff response: Staff does not agree with this statement.

(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

The conditions which are peculiar to this building and this design are that there is no place on the ground to mount the condensers safely. This site is fully utilized in achieving the design result. The only location possible for the condensers would have been in the courtyard where a hazard would exist for the residents, and which was therefore not included in the design as presented and approved. This site is surrounded by structures which are much taller than the memory center, including the El Castillo (3 stories), and PERA building (3 stories). Only on the west is there a building the same height (lower than the calculated height allowable), the design was uniquely unable to extend parapet heights which would have screened the equipment. This is a requirement imposed on the design by the height ordinance which has clearly not been imposed on other buildings within the streetscape. The screening at the height required provides concealment of the equipment without impacting the existing contributing building height.

Staff response: Staff does not agree with this statement.

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

The design is a result of the actions of the applicant. However, there are special conditions and circumstances which affect this property which are not the result of the actions of the applicant. One such circumstance is the extreme limited site area in which to achieve the program for assisted living, and another limitation is the aforementioned height restriction uniquely applicable to this building. In addition, and in order to respect the existing building, the entire area in front of the primary façade was required to be left un-built on in order to not obscure the view of the façade. This is a great deal of land to sacrifice in achieving the design goal. The historical ordinance and the wishes of the HDRB required the new construction to be totally in the rear of the building. While this is a proper idea, it caused the extremely tight design response to the site conditions. The location of the equipment on the new roof, as proposed, was dictated by the site restrictions.

Staff response: Staff does not agree 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)

This is an adaptive reuse of an historic building. It has long been residential (the home of former Mayor Valdez), and only in recent years utilized as a restaurant. The restaurant was without adequate parking, in disrepair, contained various violations of the historic ordinance (roof top equipment, non approved sloped roof, unapproved window modification, and unapproved roofing material). This project not only avoids a

negative impact with respect to the purpose of Section-5.2(A)(91), but, in fact, enhances the purpose as listed. The design does serve to continue the existence and beneficial use of this historic building through a thoughtful adaptive reuse. The project continues the construction of buildings in the historic style. Finally the general harmony of style, form, color, height, proportion, texture and material is rigorously retained. The provisions of Subsection 14-5.2(A)(1) are strongly met in this design.

Staff response: Staff does not agree with this statement.

STAFF RECOMMENDATION:

Staff recommends either option (a) or (b) for screening the hot box and staff defers to the Board regarding two exception options for minimizing the visual effect of the roof-mounted mechanical equipment finding that the exception criteria for both options (a) and (b) have not been met.

Questions to Staff

Chair Woods asked him to read the part of his staff report he didn't read aloud.

Mr. Rasch read it as follows:

In the applicant's present request there are some misstatements. One, the "Historical {sic} Preservation staff" did not grant a conditional CO; that conditional CO was granted by the Land Use Department with the City Building Official. Two, the permit construction documents did not show the roof-mounted mechanical equipment on the proposed elevations. If the equipment was shown on the elevations, then the Historic Preservation Division's permit reviewer would have denied the permit, since the Board Action letter attached to the permit clearly stated that there shall be no publicly-visible rooftop equipment. Three, Mr. Rasch has always maintained that the mechanical equipment could possibly be placed on the ground and that the rear of the building should be examined as the appropriate location. In fact, the HDRB required that the mechanical engineer appear at an HDRB hearing to discuss the possibilities and that has not occurred yet.

Chair Woods asked if when Mr. Moquino reviewed the work done, whether he also reviewed the mechanical drawings of that project.

Mr. Rasch clarified that staff only reviewed floor plans and elevations.

Ms. Mather remembered there was a concern about the brick parapet and asked if that was just dropped from the Board's consideration.

Mr. Rasch agreed it appeared that way. At a previous hearing it was a concern and it was Ms. Mather's motion that brought it to the fore. The Board's motion stated that if brick coping was found on the original building, it should be retained and/or reestablished.

Mr. Rasch related that he and Mr. Duty did a site visit and looked a little piece of brick coping that was present from that original building but that was where their understandings differed on what happened next. Mr. Rasch understood that Mr. Rasch was going to reestablish the coping but Mr. Duty was under the impression that it was not enough [coping] to be reestablished. In subsequent hearings, he brought it up to the Board and they had not gone down that road. This Board has not followed up with that issue at this point. It seemed to have become a non-issue at this point.

Chair Woods didn't believe it was a non-issue. The Board did follow up and Mr. Duty made a statement that there wasn't brick. The Board asked Mr. Rasch who said yes there was brick but there wasn't enough brick and the Board was profoundly disappointed. But at that point it was too late and that's what the Board recognized. So she didn't think it was a non-issue. It was a non-issue only because it was too late to be dealt with.

Mr. Katz asked about the term, "building" as it referred to Valdez House. They were making an addition on that house. They were also making an addition on building next door across the parking lot. He asked if the Valdez House and the addition to it considered as just one building.

Mr. Rasch agreed. He considered that an addition to a Contributing building and those standards were what the Board followed for that addition.

Applicant's Presentation

Present and sworn was Mr. Michael Duty, 404 Kiva Court, Suite E, who asked if his letter would be in the record officially or if he needed to read it into the record.

Mr. Rasch asked which letter he was referring to.

Mr. Duty said it was the letter he wrote to the Board on this submission.

Mr. Rasch said it was.

Mr. Duty said he wanted to summarize a few things. "I did state in the letter that the conditional C/O had been granted from the Historical Preservation Staff. If that was in error, I had no way of knowing. We had conditional C/O approval from the City and it had involved discussions with the historical staff. And, as a matter of fact, at the time we came back before, we had already been open for two months and we had people in the building under that conditional C/O."

"I want to be specific about a few things because, unfortunately, while I think the Board has worked really diligently with us on this project, there has been some miscommunication that I think we have all participated in, including myself. The approval of the project included a last minute amendment, as you know. And that last minute amendment prior to the vote included the statement that no publicly visible rooftop appurtenances will be placed on this building."

"Two things - publicly visible, by my understanding by the code, screened mechanical equipment is not publicly visible. So at that point, I had no reason to take exception to that addition - or not addition but to that amendment to the motion.

"Secondly, I knew that this rooftop equipment which was going to be, in my mind, not publicly visible through screening, was going to be on the new addition and not the contributing building.

I might digress here and ask a question. Is the addition now contributing?

Chair Woods said no.

Mr. Rasch confirmed, Madam Chair said it was not until it was 50 years old.

Chair Woods added, "And at that time it might or might not be.

Mr. Duty said, "May or may not be. So that this point we ..."

Mr. Katz said, "I'm puzzled by that. The building is contributing. The primary façade remains the south façade, I believe and maybe a little bit of the east façade of the older part of the building. But I think the entire building is contributing with an addition on a contributing building."

Mr. Rasch said, "Correct. It is a contributing building, but we have a nonhistoric addition on the rear."

Chair Woods said, "So the building is ... Since it is one building, the building is contributing."

Mr. Duty asked, "So the answer is that it is not or it is?"

Chair Woods said, "The building is contributing."

Mr. Duty said, "Okay. So the entire addition is now contributing. That is the finding of this Board?"

Mr. Katz said, "The building is contributing. It was contributing. It has not been ...

Mr. Duty said, "I mean the addition is contributing."

Mr. Katz said, "The addition is part of the building. Yes."

Mr. Duty said, "Okay. I just want to clarify that. I just... My point was, at the time this motion was made, it was my understanding that I was in conformance with the code because I was putting mechanical equipment on the addition and not the contributing building and in any event, it was going to be screened. So I had no reason to object. But nevertheless, I went and took a step of making it perfectly clear that there would be rooftop equipment on the building to the rear. There was no response from the Board so I didn't think of that. I assumed my assumption about it being on the addition and the fact that it was going to be screened and therefore not publicly visible was in order. And I proceeded accordingly."

Chair Woods asked, "Can we respond to that?"

Mr. Duty replied, "Are you asking me? I'd really rather make my presentation, if you don't mind."

Chair Woods said, "Go ahead."

Mr. Duty said, "Because that is the essence of this miscommunication. And I, of course, submitted the excerpts of the minutes and we all know what they said."

"I proceeded to do my construction documents. And it's true what David Rasch says that there was no elevations showing rooftop equipment. Typically, we don't on construction drawings. And I think it's probably time we did because of this issue. I made a suggestion to that fact in front of this Board and was told that it is a requirement. I reviewed it and it is not a requirement of the application. I think it should be made a requirement of the application that rooftop equipment be shown and screening, at the time we come in. It is difficult because sometimes it is preliminary, as you know. But if architects make an effort - are specifically required to make an effort to show that equipment, it would save a lot of time and energy."

"And I think - I reviewed this with David Rasch - There is some reference to having all aspects of the proposal shown but there is no specific that mentioned mechanical, and I made a further suggestion that I think it would that would be a good idea. It isn't just for this case. It is just something for the future."

I received a building permit and from my perspective, we built accordingly. I was always aware that we would have to screen the equipment. I was never trying to shirk that responsibility. In fact, I met with Mr. Rasch on the site and we talked about screening methods. We talked about brick screening. We talked about stucco screening and how to handle it. We also talked about painting them. That was the first time it occurred to me that these units - they are 90' back from the public street and it occurred to me that there could be an argument that painting these, much as you have approved in other cases, might be a reasonable approach, rather than screening them. It was not an intent to not screen them. It just something that myself and other people I've talked to felt like it would be a good idea so I proposed that to the Board. And, that is basically where we are tonight."

I will say on the rooftop equipment, it is not movable to the ground. A lot of misinterpretation has been placed on this. I am not testifying that it is technically impossible to put mechanical equipment on the ground. We all know that to be the case. We have it all over Santa Fé. There was no physical space on this site to put the mechanical equipment with the setbacks required for the air and all that existing, except in the courtyard. And the courtyard is an outdoor space for Alzheimer's patients. We do not and cannot allow the Alzheimer's people to be out there with mechanical equipment. All other spaces on this site are fully utilized and we do not plan on or believe we should be required to move them to the ground because there is no space, it is a danger to public welfare, and we believe we were permitted properly, based on our understanding.

Now, I've put together two exceptions - one is if you think it is a good idea to paint it. And I've answered those criteria. And the other is if you think it is a good idea to screen it, which we are happy to do. And I answered those criteria because technically, the screening violates the height by about a foot. So that's where we are with the screening of the mechanical equipment.

I found that this screening of mechanical equipment has been adopted in the City of Santa Fé by this Board on other projects with height exceptions to do that. I've also found there are other places approved by this Board with mechanical equipment that has been approved to be painted. In some cases even with a prior approval existing and it has still been granted by this Board. Insofar as I have, we went to this Board several times and I think we worked very closely together and I think you were very helpful overall on this project. In fact, I think your efforts to a large extent, allowed it to exist. It is a very significant adaptive reuse. It is no longer a restaurant. There is no longer a courtyard for people to drink tea under the trees. That's true. But it is now an adaptive reuse that requires what we have designed and you have approved as far as walls and the streetscape. And it goes without saying. And I appreciate the Board's effort to approve this project and help us do it.

It has been portrayed in the press and other places that I've come back to this Board many times to try to get out of something. It is not true. I've come back to the Board many times to share the details of this project as they have emerged as I understood the progress and as I understood what you required. So my trips to the Board, to my way of thinking are working relationship. There is no attempt to do incremental approvals or to get out of anything. There never has been.

So the two exceptions, either one, we are happy to live with on the screening of the rooftop equipment and we do not intend to relocate it to the ground because of the reasons I've stated.

The hot box, as you know, the hot box happened to us as well as to you, as well as to the public. We were instructed by the City of Santa Fé to put it there and that was the only place we could put it. And when I mentioned that we have the location of the hot box that we had planned originally was not nearly where they had suggested. They didn't care. They told us the H Board had no authority and that's where they were putting it if we wanted water. It was that simple. We installed it and we had to have water. We put it in. We put the box, however, we painted it. It is unfortunate. I don't think it's probably as objectionable as one

might think. We are happy to screen it. The coyote screening that was suggested by this Board, I think is a good idea. We are happy to do that. Coyote screening with stucco end panels is another thing we could consider and we can do. Personally, I believe that coyote screening all the way around makes the most sense to us. There is quite a bit of coyote screening in this area. And there will be coyote screening on the neighboring project. That requires no exceptions, I think just your approval. And we are happy to screen that as we have presented in the drawings.

I might say briefly, as evidence of our understanding of mechanical – and to a certain extent, maybe it doesn't matter. But this building had a lot of mechanical on it. The contributing, existing Valdez House was replete with mechanical on the roof. I assume it was done without your approval, although I was told that you had made approvals. I don't know. At any rate, as I said before, our understanding on the contributing building, we removed every bit of that equipment. And we didn't relocate anything on there. We went away from an air system to the absolute minimum impact in terms of mechanical equipment. And that was an all-electric system with condensers only on the outside – only three condensers. This was the minimum thing we could do and have an operational, effective HVAC system that was controllable by the individuals in this facility as is required by design for this type of facility.

So we did, from the beginning, we minimized mechanical and I thought we were following the wishes of this Board from the beginning and I had no reason to believe it was any different after visiting with Mr. Rasch in the field.

We showed you pictures. You have a long agenda. I won't waste much time on it. Some would say I've cheated a little bit by showing you pictures of trees because we are not supposed to show trees to disguise what we are doing and that is not my intent to do that. But it is my intent to represent reality and that is reality. The trees are already growing quite substantial and these are accurate depictions of what would happen. And it may play a role in your consideration. The trees will provide screening to the mechanical equipment whether it is screened or painted. So I suppose it is irrelevant as to which one you choose. Or which one may be chosen.

I've shown some other examples of other cases in your packet. These are matters of record and I would expect that this kind of consideration would be extended to all applicants. And I think I would stand for questions.

Questions to the Applicant

Chair Woods said in the March 11, 2014 hearing, the Board very specifically asked that you bring your mechanical engineer here. In fact, we asked twice so that we could ask questions to better understand the mechanical equipment. Did you bring him this evening?

Mr. Duty said, "No.

Chair Woods said, "You had said in those minutes that you would be happy to bring him in."

Mr. Duty said, "I submitted a letter from the mechanical in my earlier submittal, talking about the requirements but I have not brought a mechanical engineer here. My testimony is the architect of record and the one that is legally liable is binding in this project. Those units will not fit on the ground anywhere and operate except in the courtyard, as I have testified. The mechanical engineer will tell you that they can work on the ground but they need certain clearances."

Chair Woods said, "Mr. Duty, this Board has requested that you bring a mechanical engineer so we can ask him questions. So your testimony is that you refuse to bring your mechanical engineer."

Mr. Duty said, "No I don't refuse. I suppose if that's the fundamental requirement, I will. But I suggest to you, you put your questions to me and let me answer them. Because I am the overriding legal authority and the architect of record on this project and I can answer your questions. If that is unsatisfactory, I will produce a mechanical engineer that to answer your questions in the same fashion. There is no attempt to disguise anything here."

Chair Woods said, "So you will bring a mechanical engineer if the Board so wishes and that we requested twice before?"

Mr. Duty said, "Yes Ma'am."

Mr. Armijo said, "The Board has asked, Mike, as far as bringing this mechanical engineer. I'm a builder and yes, ultimately I am responsible for everything that goes on in the project. But there is a reason we have subcontractors, and that is to get their [??] - To get the best advice that they are giving and then we decide which route to go. We have asked you to bring a mechanical engineer to see what they are saying so we can get the best advice from them and see which way we go. And if we can't receive that, I'm not sure why we keep hearing this case over and over. If you refuse to bring a mechanical engineer, I, myself, refuse to listen to anything else. Because the way I see it, there is no reason you can't place those condensers on the ground. There is room for them. There is no safety factor involved that I know about. But there again, that's for us to question an engineer. So I'm not sure why we are listening to this if you are not showing up with what we're requesting so we can come up with the best decision based on the advice of your engineer."

Chair Woods asked if there were any other questions of Mr. Duty.

Public Comment

Present and sworn was Mr. Randall Bell, 314 Garcia Street, who said he agreed with Mr. Armijo. It was probably frustrating for the Board and the public to see this case cycling back and cycling back and all we see in the overall view is a significant erosion of this property which had been once a very historic property.

I was looking for a quote from the Chair which in one of the meetings - page 35 of the March 11, 2012 minutes and page 83 of this packet where the Chair indicates that looking at this project, said "cumulatively it is heartbreaking." And I share that. And frankly, there really is no excuse. Mr. Duty is not right out of architecture school. He has done endless numbers of projects. The pretense that the requirement that the plan show all the features of a project somehow doesn't include significant things on top of it that greatly increased the height and the notion that somehow, it doesn't count if it's screened or if it's not screened. It is a part of the structure. The rooftop appurtenances are constantly addressed by the Board. It's the reason Member Rios made it a very specific point of adding language indicating that there would be no rooftop appurtenances to the original motion. This Board passed that.

The fact that Mr. Duty, after the fact, said 'Oh well, I may do something else.' is of no legal consequence. If he had an issue with the decision of the Board, he had a right to appeal it. And he failed to do that.

Mr. Bell read from the Board action on page 55 of this present thing which said, 'There shall be no publicly visible rooftop equipment.' That is not ambiguous.

Above that, it says, 'If a brick coping is found, then it shall be retained. Or if it is beyond repair, then the staff shall approve replacement in kind where necessary and with the same pattern.' So that is not ambiguous. It is a well-considered action of the Board. There obviously was brick there. Mr. Duty would like to pretend it wasn't there because he didn't want to do what that action required. And yet he did not appeal that. My contention is, to cite Mr. Rasch's sort of implication that it was no longer an issue now, it actually is an issue and should be addressed by this Board tonight."

"And here we are tonight where, there was a motion that was pending at the last meeting and then somehow the matter got postponed with the idea that it would give Mr. Duty an opportunity to show what screening might look like. I think that Mr. Duty's impression is that that was his pass to then not be stuck with the original decisions but that he would get to just screen and everything would be fine. I strongly, both myself as a former Board member, if this Board doesn't draw the line with somebody who repeatedly disingenuously pretending like they are not incrementally changing the goal posts on these things but, in fact, they are. It is just going to keep acting. The Board has to stick by its decisions. That's my main point.

All of these issues were completely anticipatable by Mr. Duty and to pretend like it was just miscommunication is inaccurate and inappropriate. I think the communication of the Board has been very clear and very direct with him. So I would strongly urge this Board to stand by its decisions. And I would urge that the Board take action to require the addressing of the brick parapet. I would urge that the Board require that the hot box be removed from where it is. If that has to be worked out with the City Water Department, or whatever, so be it. Maybe it can be buried. Maybe it can be placed behind the wall. And as for the rooftop appurtenances, I think they need to come off. I mean there was not an appealed decision. He is stuck with that decision. They can be placed on the ground. If he was overdeveloping a very limited

lot, then maybe he should think about not overdeveloping a very limited lot that involves a significant historic property.”

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

Chair Woods had a couple of questions for staff. To Mr. Shandler, she said, “At the March 11 meeting, the motion - this is March ... Ms. Rios made the motion.

Mr. Rasch said that was on April 26th.

Chair Woods said there was no April 26th here. There is a June 26th.

Mr. Rasch said “June 26th.

Chair Woods said, “The motion stated there was to be no rooftop equipment on the building. So that being said, Zach, if an applicant in any way after the Board makes and passes a motion and says they are going to do something else or they need to do something else, does that in any way nullify the motion - the Board's motion that has been passed that there is to be no rooftop equipment?”

Mr. Shandler said, “After conferring with staff, I guess it is my understanding, when an applicant does something beyond what is authorized, the applicant must come back to the Board and seek an applicable exception to match up with that action. I haven't had a chance to talk with staff if that exception is denied, what the ramifications are. But I think that is ...”

Chair Woods said, “The motion stated that no publicly visible rooftop equipment will be placed on this building. No matter what happened afterwards that Mr. Duty stated, our motion stood.”

Mr. Shandler said, “Yes, Madam Chair. Your motion, that should have been memorialized in an order, is...

Chair Woods said, “That was approved in the Findings of Fact and then Mr. Duty, if he disagreed with the motion, he had the right to appeal this motion to the Governing Body.”

Mr. Shandler said that was correct.

Chair Woods said, “So ignorance of the law, basically meaning that a motion has passed and is not enough to say it is okay to do something other than what the Board stated clearly in the motion.

Mr. Shandler said, “Madam Chair, I think you are on good legal grounds in terms of what the protocol is that you just mentioned. I guess the counter argument would be that the minutes do have this, maybe extraordinary commentary after a motion, from an applicant. And perhaps the Governing Body would say,

let's provide some weight to that and they would have to weigh the two things. So...

Chair Woods said, "and the Governing Body would they provide is an attitude to appeal that decision if the applicant did not agree with our motion."

Mr. Shandler said, "Correct."

Chair Woods said, "David, in Mr. Duty's letter on page 96, he talked about during construction, you went and discussed methodology for screening this equipment that we never approved. Could you tell us what happened?"

Mr. Rasch said, "Madam Chair, I do not have an accurate memory of that site visit. But I know how I usually act at site visits so I'm sure I said, 'Okay, what are we going to do? You know, what are the options? And I'm quite certain that I did say ground mounting should be an option to look at.'"

Chair Woods said okay. She noted that Mr. Enfield was in the audience and Mr. Lloyd who in the sixteen years she had served on the Board had seen many cases with. "In virtually all cases with the exception of this if there is to be, whether it is solar panels or roof mounted equipment, that this is clearly shown on an elevation because it's part of the structure. And is that, because Mr. Duty is basically stating that all of a sudden this is news. We don't require that mechanical...

Mr. Duty interrupted and said, "Madam Chair that is not what I am stating."

Chair Woods said, "Excuse me."

Mr. Duty said, "I would like to speak from my words, please."

Chair Woods said, "You can speak when I'm done."

Mr. Duty said, "Good."

Chair Woods said, "Thank you. I have always come under the assumption that mechanical equipment - anything that is on an elevation, be shown by the applicant on the elevations. Is that not our practice?"

Mr. Rasch said, "Yes, Madam Chair. And when staff does the pre-hearing meetings with the applicants, we talk about that. We mention it because the code is very clear about rooftop appurtenances. So we tend to get into it. As you can imagine, as I have worked with applicants over the 11 years with hundreds of cases every year, every application is different, people are different. How we talk about cases is different. But yes, your statement is true. There are other applicants who always show that information.

Mr. Boniface said, "You have two options for screening the hot box. Option B is to screen with coyote fencing and with stucco colored end panels. I don't seem to have in my application a floor plan for that nor elevations that would show the side panels. Am I missing something or is that just not provided.

Mr. Duty said something away from the microphone.

Mr. Boniface said he did not see a site plan that showed stuccoed side walls.

Mr. Duty said, "The site plan showing the location of the hot box - and there it is [projected]. There are no detailed drawings. There is a photograph of the coyote fencing from the front, which is what we actually prefer to do. And it would surround the entire facility. If you need a drawing of the same coyote from the side, we can give it to you or if you want the stucco end panels, it would be a brown stucco end panel.

Mr. Boniface said, "Yes. We would like that. We can only rule what is presented to us and you've only shown a plan that shows coyote, very, very close to the hot box. So I would ask you to resubmit that and have it dimensioned in plan - show both of your options in plan as well as elevation. I'm just saying that because if anybody does make a motion to accept it, I will be voting against that because we just don't have all of your information.

Chair Woods asked, "Is this - in this application tonight, the first time the Board has seen the elevation of the rooftop equipment and the screening? Has it ever been shown to us before, perhaps the applicant can answer that - when the very first time you and this Board have seen this mechanical equipment?"

Mr. Duty said, "The last time we came, we submitted it."

Mr. Rasch asked if that was in January of this year."

Chair Woods said no.

Mr. Duty said, "I believe so."

Chair Woods said, "No. The last time you came was March 11, 2014 - was the last time.

Mr. Rasch said, "We saw it then."

Chair Woods said, so that was the very first time we saw an elevation of rooftop equipment for screening.

Mr. Rasch said correct.

Mr. Duty said that is correct.

Ms. Mather said, "I just have a comment. In reviewing this motion that, in fact, I made and Mr. Rios amended, I was very clear about the brick coping. If you look on page 76, I was being questioned by Mr. Acton was trying to make an amendment and I didn't allow his amendment. And I stated that if they discover brick coping and can't replace it in kind or repair it, then they will need to come back to the Board. So that was my response to that amendment by Mr. Acton."

Mr. Katz commented in response to a number of answers to the requirement for the waiver. It was that there was not enough room - just not enough room. "I just don't find that acceptable. The building did not have to be so big on this tight site to make there be no room. That was a choice that was made. And my other comment is, and it is a little bit like Ed was saying before about wanting to have drawings. If you don't put the stuff in the drawings, it doesn't exist as far as we are concerned. And I take exception to your sort of expectation that we would just approve it. Of course we were going to have rooftop equipment. And of course we were going to screen it. You've been here often enough and you know how often Ms. Rios makes an amendment to the motions that any of us make to say no rooftop that is publicly visible = no visible rooftop equipment. So this is not a surprise to you. And with that, I would move to...

Chair Woods said, "I think we have a little more discussion and questions before we make a motion."

Mr. Duty said "I hope I get a chance to respond."

Chair Woods said, "Yes. I am giving you that chance right now."

Mr. Duty said, "Good. Reading from the code: 'Rooftop mechanical, electrical and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means.' This is from the code.

Mr. Katz asked, "Was it shown on your drawings?"

Mr. Rasch asked, "Can you cite the code?"

Mr. Duty said, "It is 14- hold on. My point is..."

Chair Woods said, "State the code, please."

Mr. Duty said, "I am, Madam Chairman. Would you please allow me to?"

Chair Woods said, "Yes, I would love you to do that."

Mr. Duty said, "It is Section 14-5.2 district standards, item B.

Mr. Rasch asked "Which District?"

Mr. Duty said, "Okay. E - Downtown and Eastside District. My purpose in citing this is, it has been pointed out and made perfectly clear that I am an architect with a lot of experience, and I am. And I've had a lot of experience with this code. And I can read it. And my expectation for no publicly visible mechanical equipment includes screening. When that motion was made, it has been quoted tonight on a couple of occasions that the motion was 'no visible rooftop equipment.' No, excuse me, 'no rooftop equipment should be on there. That was not the motion. The motion was 'no publicly visible rooftop equipment.' I had no reason to appeal it to the City Council - or to anybody else, for that matter. Because I knew that the code allowed rooftop equipment to be screened. I went ahead and made the effort to make it clear that there would be rooftop equipment on the new building. I was distinguishing whether it was on the contributing building or the new addition. That's why my distinction was. I had no reason to appeal the decision because in my belief what you were proposing and what I was proposing to do was in response to the code and permitted by the code.

So I wasn't trying off escape; I wasn't trying to make it what the rules - I was reading them and I knew them.

The ... Debating this is in a way silly but it has become important to me that you understand that my viewpoint of what happened that night - how it was assessed, and the fact that we proceeded, in my view, according to that approval. I didn't try to get away from it. I knew there could be no publicly visible rooftop equipment. I knew there could be no rooftop equipment on a contributing building. We had no rooftop equipment on the contributing building and the rooftop equipment that we were putting on was on the new building and it was going to be screened and therefore, not publicly visible. So I don't think that my comments were to try to change your ordinance or to try to get out from underneath what you had approved. I felt we were in concert.

And when I met with Mr. Rasch on the site, he didn't approve anything. But he did come there and we discussed openly screening methodologies. Nothing surprised me at that moment that we were discussing screening methodologies because I had always planned to do that.

Mr. Katz asked, "Did you feel, though, that you could have put a rooftop appurtenance that far that was 20' high and then screened it without coming back to the Board to get approval for such screening?"

Mr. Duty said, "That's an unanswerable question. It's ... No I didn't think I could put a rooftop equipment that was 20' high. I felt like we had to screen our rooftop equipment. All of my experience with rooftop equipment for the last 35 years, it has been anywhere from 2½ to 4½' high or whatever. So I knew that it was of that height. We were taking a pitched roof down. I could have brought the parapet up in front to screen it. But in my view, that was not per code. Screening was what was per code. I was following the code in my view.

And I guess you don't believe there was no spot on this site to put this mechanical equipment. And if it comes down to having an engineer, I'll be here with that. I can tell you this. The owner has no intention of moving equipment and spending \$50,000 putting in a crane and upsetting the entire operation of the center and relocating this equipment into the courtyard where it will fit. It is a danger. And I don't know of another place on this site where it will fit. If you look at the site plan... [Do you have your pointer?]

I might say very quickly, the fact this site is heavily utilized is not disallowed by code. All of these spaces around the lot are insufficient in size for any mechanical equipment and having its adequate breathing room and that sort of thing. [He went through each one on the site with the pointer.] This is hardscape access area. These spaces are insufficient. This is PNM transformers. These are trash compactors. This is all parking. This is the courtyard. There is where the site space is. We don't want to put it in there. This space over here is under easement and is not allowed. There is actually a lawsuit on that because this neighbor has the rights to this space. There is where the hot box is. This is all fully landscaped and planted or hardscaped. These units require about six foot by eight foot clear around them for sufficient breathing, basically.

It is true that we could have redesigned the building or we could have designed the building and maybe given up a room and found a place to put the mechanical but I had no reason to do that because that the screening was as per code. I believed I was in concert with your approval. And I did everything I could to make it clear what we were doing. And these mechanical equipment are not 20' high. They are the same height as the 9 or 10 units that are lined up on 517 Garcia - not Garcia - I gave you pictures of that - Cerrillos. The nine or ten where you gave a height exception of 12 to 15 feet on a building that was historical and was in fact, had plenty of room to put them on the ground, I think. I'm not the architect.

But this Board approved that. And they are the same units and they are lined up for public view. And there is a picture of it in your packet. Now ours are not nearly that obtrusive. This is a full 90' from here to the public street. They're visible. They won't be when we screen them.

Chair Woods asked Mr. Katz if he had any further questions.

Mr. Katz said yes and added, "You are asking for an exception for height to do the screening."

Mr. Duty said, "Yes, sir. Because David Rasch suggested when we met on the site, and I think David remembered this. I don't want to misquote you. He said, if you screen them, you may require a height exception. And we did research and looked at all the information and we think it is about one foot and change that would be required for the screening, if it went to the full height. I might say that we had full solar collectors on this building, by the way. They weren't in the packet when we approved - when we came to this Board. I think the Board has to acknowledge and learn and we all have to learn how to work together. But when we come here with schematic drawings and we go out into the field, things happen. I can tell you something with respect to the bricks.

We found out when we went in there and did the demolition on that building that the Valdez House in this area was structurally unsound. This wall right here was listing in almost eight degrees. Our engineer came in and they said the only way to stabilize this building and to preserve it and to build – we had presented to you, was put a concrete bond beam around the top of it – a tension, compression ring, if you will. There was not much brick but there was brick and David saw it. But this thing went all the way around it. And you know, the words Mr. Acton on this Board, interestingly enough, came to be true. He stated that night, and he was ... he wanted to make an amendment but it was denied. He stated very clearly the problems of trying to preserve this brick that might be encountered. We did encounter those problems. His words were a little bit prophetic. At any rate, my approach was to go with David Rasch, showing the limited amount of brick, showing what we had to do for the bond beam. And I think we made the right decision. If I erred in not coming back to the Board at that point, I apologize. But at that point in the construction, we would be looking at a two-month delay.

And I would suggest to you that the staff of this City needs authority to deal with these things as they come up. Shutting this project down for two months would be an onerous on any owner in order to come back to the Board, submit the drawing, show the pictures, and do things. And I say two months - it might be a month and a half, but it was a horrible delay. And so we worked through the staff. And that's how we approached this very real problem. We could not preserve the brick. It was insufficient. It was in bad shape. And we had to put a bond beam underneath it.

So in the end, what we built was exactly what this board approved in drawings that you are very clear that you want. The drawings that we presented to you did not have brick. It was me that suggested it might be worth saving the brick. I caused his fiasco because I had some pictures of the brick that was, in fact, not historical. Or we had no evidence that the brick was historical. The building, historically, was not brick. We showed you pictures of that. But somewhere prior to 1984, some brick was added. And I suggested to this Board that we might be able to save it if it were worth saving. And you're right. You acted on that and you suggested that I do that and we looked at it and we tried and it didn't work because of all the reasons we ran into. And we didn't take the additional month and a half or two months to come back before this Board to go over this detail. These are real issues in this community.

Chair Woods asked if the Board could continue to ask him questions.

Mr. Duty said, "Yes, but I'd like to finish, if you don't mind. There is a couple of other things I want to address.

"On the hot box, I would be happy to bring you details of what an end panel would look like. I would suggest to you that, for the purposes of tonight, we would actually prefer to do coyote all the way around and if you are happy with that, I would like to see that approved. If you are not, I'll bring you details of an end panel. But I do think an end panel is not such a good idea. The only reason I mentioned it in passing was because at one point there was some talk about, from this board, about stucco walls on the side. And there's no room for footings or anything. I mean there is room but we have underground mechanical and

we have landscaping so I suggested, that if you really feel that way, we could put in panels. If it is impossible to visualize for the purpose of approval, fine. We'll give you some drawings of an end panel."

Mr. Boniface said, "Backing up to when you were speaking about how you could not put the compressors on the ground. That was a long time ago. What about the two – I'll call them notches on the rear part of the property? I think you would have room to put them there."

Mr. Duty said, "Not really. These notches you are talking about right there - each one of those notches is sufficient maybe to house one."

Mr. Boniface asked, "Why is that?"

Mr. Duty said "because of their size. And what it would require - also these go all the way down to the ground. Those are egress windows required by code. If we put them on the ground it would interfere with the egress window and it doesn't have enough room for all three of them to fit back there when we actually looked at that."

Mr. Boniface said, "when you say the size - I'm looking at your site plan. It looks like you could put a couple of them in each one of those notches."

Mr. Duty said, "Well, we looked at it and I'm telling you we can put one."

Mr. Boniface said, "I consider you could put three."

Mr. Duty said, "Well, if you look at the size of those three units, you could put all three of them in a lot of spots. But what you don't know and I suppose it's my fault for not bringing a mechanical engineer here and I apologize for that. And if that is what it boils down to, we can. But as a professional, I will tell you, those units each require on one side four foot of clearance and on two ends a couple of feet of clearance and on the other end about two feet of clearance. So when you put the clear space around each one of those units for breathing and for access, you come up with about a 5' x 8' rectangle."

Mr. Boniface said, "Previously, you said six by 8 but 5x8 is fine. That would lead me to believe that your proposal for screening these units is incorrect. Because you are showing that the screening is virtually a couple of inches to the sides both compressors. So in fact, your screening would be much larger than you are proposing to us. Because you need six to eight feet."

Well, it might be a little bit tight. This was a...

Mr. Boniface said, "It's not a little tight. It's..."

Mr. Duty said, "Let me respond please."

Mr. Boniface said "... it's a lot more than that."

Mr. Duty said, I think if we looked at...

Chair Woods said, "Michael, let him finish his question and you can respond."

Mr. Duty said, "Oh, I'm sorry. I thought you finished."

Mr. Boniface said, "You said you needed six to eight feet. You said you needed four feet on one side. These screens you are proposing are right up against there."

Mr. Duty said, "This drawing was requested that we submitted today and I wasn't in the office when it was submitted and there was a line drawn around here to diagrammatically show where it went. You are correct. The units, however, are one sided. So like for instance, this unit - there would have to be at least two feet on the ends. You are correct. There would have to be about two feet on the ends, longer than is shown. But I think it is shown accurately on the elevation."

Mr. Boniface said, "Well, I come back to an earlier statement which is - we can only rule on the drawings and if they are not accurately presented to us, we cannot rule on them."

Mr. Duty said, "Can we look at the elevations and see if they're accurate?"

Mr. Boniface said, "I'm done."

Ms. Mather said, "I have a comment, Madam Chair. We can go around and around about the details."

Mr. Duty said, "Yeah, but this is accurate, by the way."

Mr. Mather said, "My husband used to carry around a note that said 'In about 80% of the cases, men do not hear what women say.' I made the motion and Cecilia Rios made the amendment. And I feel tonight that you are not hearing what people are saying to you. And you are acting like a bully. That's my opinion. What I would like to say to my fellow members here is that we can go around and around about this case. But this building is gone, as far as I am concerned. It really should be coming to the Board for a downgrade of status. Because it is, no matter how many screens we put around it, the original contributing or significant structure that we were hoping to save or to reuse is gone. It doesn't seem to exist to me, visually or otherwise."

Mr. Duty talks about adaptive reuse. I think this is a case of renovation as the ultimate destruction of a building and I think we should just face up to it and move on."

Chair Woods said, "I have a couple of comments here. One is that this is the first time that we are seeing ... You are claiming that you knew after the motion was made on June 26, 2012, that you would be screening. This is June 26, 2012. We are now at July 8th 2014 and this is the first time that we are seeing a drawing of the screening, the first time.

Mr. Duty said, "It was March of this year.

Chair Woods said, "Mr. Duty, you have come before this board on this project on the following dates: Sept. 27, 2011, Oct. 11, 2011, Nov 8, 2011, June 26, 2012, March 11, 2014, and now July 8, 2014.

- The board granted you the following exceptions:
- Exceed the 50% footprint on a contributing building
- Exceed the maximum allowable wall height
- Build within 10' of a primary façade
- Widen and opening on a primary façade

These are the motions that were made and passed by the Board and ignored by you:

- 11/8/11 - You presented shutters on the wall paralleling DeVargas Street to mitigate how monolithic the wall appeared and you even stated in your testimony that the shutters would stay open most of the time. The wall was built without shutters. And you never came back to the Board asking permission to remove the shutters.
- 6/26/12 - The motion made and passed by the board stated that if any brick coping is found, the brick be restored or replaced in kind. Mr. Duty, you stated brick was not found and then corrected your statement after staff testified brick was found and shown to staff at a site meeting. You did not restore or replace the brick coping.
- 6/26/14 - The motion was made and passed stating no visible rooftop equipment on the building. You did not appeal this motion, but mounted visible rooftop equipment on the building without coming back to the Board. And it is two years later that we see a drawing.
- 3/11/14 - A hot box was installed on East DeVargas without first coming before the Board. The Board also requested twice that you bring your mechanical engineer so that the Board could clearly understand what happened with the mechanical on this building, which we've done many times before with different architects. And be able to ask the engineer questions directly about the roof mounted HVAC units. We were never shown the elevation of the hot box, although when the City Water gentleman came to us, he stated it could easily have been put inside the wall in the courtyard; there were other ways to do it; and that you knew from the beginning of the project that this was going to happen. This was not a surprise. And he stated that.

Mr. Duty said, "I'd like to know who stated that."

Chair Woods said, "This is what the City Water gentleman stated when he came to speak to us. So I think it is just a good idea of what... of just how much this was on this project and I thought it was important for the record that this be shown. So with that, is there anything you wish to add because we are ready to make a motion?

Mr. Duty said, "Yes, very briefly. You are correct. This Board has been very good to work with on this project. We did come back many times. We had a scheme where we had buildings in the courtyard - not buildings but additions in the courtyard. So we followed the directions of this Board throughout. And we've worked together. And it has resulted in this project - the approvals of this project. And I think our problems came down to these one or two issues. Three issues if you count the hot box. There is no one from the Water Company that ever made clear to me that it could be in the courtyard. In fact, the law - the bare written requirement is thirty feet. And I wouldn't put this in the courtyard. And when they relocated the hot box, the walls were already built. They, in fact, made us notch out this wall right here, which I did. And there was no provision by them to attend to the courtyard. And my owner would not have allowed that anyway because that is very important space for the people that reside in the memory center. It would be completely out of line. As I say, we would be happy to screen it.

I will point out one final thing. Just to underline on thing - not that I'm arguing with you or Ms. Mather, that I don't hear you. I do hear you Ms. Mather and I also want to be heard in like fashion. At the June 26th meeting, you suggested it was two years. And it was. But it was almost a year before we even started construction. We got this approval on June 26th but we really didn't start construction on this building until early in 2013. It was about seven or eight months. So that was part of the delay. You saw these rooftop equipment pretty quickly after they got installed and pretty quickly after we met with Mr. Rasch. So there was no delay of two years intentionally. That's what it takes to build some of these projects. So that was a fact there.

In the case of the rooftop equipment, I want to underline one other thing. And that is that Mr. Acton himself just before the motion, said if they do any mechanical work on that roof, it is going to need to be boxed in. So during this discussion that we were having and I was listening to, there was open acknowledgment of the need for screening. And when the motion came down to say no publicly visible, it didn't alarm me. I spoke up because I wanted to make it clear that it was on the new addition. So I felt I was being consistent all along. I do take the responsibility for the fact that we have had, and it is a communication issue, I believe. Because I'm the one who is in a possible to ferret these things out all along. But you have to recognize that the process of construction, sometimes we can't just all go home for two months while we wait for the board to look at something. Maybe a better process will come along. Sometimes we have to wait. But I will always show mechanical equipment.

Chair Woods said, "It was your responsibility to come back regarding the screening, not the Board's. I'd like to entertain a motion."

Mr. Katz said, "First, a comment, I find you not a believable person. You say there is no place to put it on the ground and then you showing these alcoves in the back and say you couldn't put all three in one of them; you could only put one in one of them. Well, two alcoves and that takes care of two of them. And there's the northernmost point that has plenty of room around it. So there's plenty of space to do it.

I do think we need to talk to your engineer.

Action of the Board

Mr. Katz moved to postpone in order that the Board could have the mechanical engineer here and can have schematic drawings the Board was asking for. Mr. Boniface seconded the motion.

Mr. Armijo said whenever these cases come, we've always asked for them to be last on the agenda, not the first. Isn't that the case?

Mr. Rasch asked if that was because of work done without approval.

Mr. Armijo agreed.

Mr. Rasch said okay.

Mr. Armijo said that is supposed to be that way so that the public doesn't have to endure what we have to endure.

Mr. Rasch said, "Sorry, you're right. What I had on this agenda, I put it on as last of the old business that needed exceptions."

Ms. Mather commented, "I really feel that in this particular case, unfortunately, that this is death by a thousand cuts on this particular building and I think at some point, this Board needs to address that situation.

Mr. Boniface asked to make a friendly amendment that when Mr. Duty returns with his drawings, that they be accurately dimensioned both in plan and elevation. If he, for some reason, came back with screening, he would like to see the dimensions both in plan and elevation.

"Just to clarify for yourself, you're showing one dimension over to the side of the building, which is 15' 6". I don't know how tall the screening is. So I would like you to put dimension on the screening. I would also like to see the side elevations of the screening as well any side elevations and dimensions for screening around the hot box. That's kind of a long winded friendly amendment."

Chair Woods asked, "So you would like that on the hot box and on the screening?"

Mr. Boniface agreed.

Mr. Katz agreed the amendment was friendly and the motion passed by unanimous voice vote.

6. **Case #H-14-027. 653 Don Gaspar Avenue.** Don Gaspar Area Historic District. Mercedes Marchand, applicant/owner, requests primary elevation designation for two contributing residential structures. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

653 Don Gaspar Avenue is a single-family residential structure that was constructed before 1928 in the Bungalow style. The building has a cross-gable roof to the west and south at the east end with original wood windows and doors. A free-standing one-car garage shares the north lotline with the neighboring garage at the rear of the residence with a single-gable roof. A shed and porch is attached to the east of the garage that continues the roof line with a shed roof to the east. Comparison of existing conditions with aerial photographs from 1958 and 1966 appear to show no changes to the buildings.

STAFF RECOMMENDATION:

Staff recommends designation of the west and south elevations of the residence and the west and south elevations of the garage/shed as primary elevations, in compliance with Section 14-5.2(C) Regulation of Contributing Structures.

Mr. Rasch showed several photographs of the building.

Questions to Staff

Mr. Boniface referred to the west elevation of garage and asked Mr. Rasch why he was recommending it be considered primary. He asked if the doors were of historic significance.

Mr. Rasch said in his opinion, if the garage was listed as contributing, it had to have primary elevations. Since the primary function was to house a garage, the opening for it should be a primary elevation. The opening was the defining feature.

Mr. Boniface asked if it would be possible for them to keep the opening and replace with windows and doors.

Mr. Rasch agreed but noted that if the door was historic material, they would need an exception to remove historic material.

Mr. Boniface said on that west face, it was actually one building although it straddles a property line so he guessed what the status was of the other part of it was the same.

Mr. Rasch agreed. It was on two lots and was contributing.

Mr. Boniface asked if that had been designated on the adjoining property.

Mr. Rasch said it had not yet been so designated.

Ms. Mather noted on the shed elevation the south elevation had no public visibility. Mr. Rasch agreed.

Ms. Mather thought it didn't contribute to the neighborhood. Mr. Rasch agreed.

Applicant's Presentation

Present and sworn was Ms. Mercedes Marchand, who said Mr. Rasch addressed her questions very clearly. West and south are primary and the garage and shed were to be designated. She asked if that was to happen at this meeting. She explained that this was all in early planning. She was trying to preserve and stabilize the structures.

Questions to the Applicant

Mr. Katz explained that today the Board would decide which sides were primary and the recommendation was on the house to designate the west and south elevations as primary.

Ms. Marchand agreed.

Mr. Katz asked if on the garage she thought it should just be primary on the west.

Ms. Marchand didn't think the south should be primary and the east could be seen. She said she might want to change the garage door at some time in the future.

Mr. Katz asked if she knew the age of the door.

Ms. Marchand said she didn't and it was just planks but appeared to have been covered at some time since it had a couple of layers of material.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Ms. Mather moved in Case #H-14-027 at 653 Don Gaspar Avenue, to designate according to staff recommendations and on the Garage to designate only the west elevation as primary. Mr. Katz seconded the motion and it passed by unanimous voice vote.

7. **Case #H-14-047. 241 Rodriguez Street.** Downtown & Eastside Historic District. Architectural Alliance, agent for Peter J. and Victoire T. Gardener, owners, requests an historic status review for a non-contributing residential structure. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

241 Rodriguez Street, also known as 542, is a single family residential building that was constructed at approximately 1946 in a vernacular manner. Post 1966 additions have increased the square footage at the rear of the building. There are no historic windows in the original part of the building. Also, a post 1966 yardwall was constructed on the south lotline.

STAFF RECOMMENDATION:

Staff recommends that the Board retain the non-contributing historic status of this residential property in compliance with Section 14-5.2(C) Regulation of Historic Status.

Questions to Staff

There were no questions to staff.

Applicant's Presentation

Present and previously sworn was Mr. Eric Enfield who had nothing to add to the staff report.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Mr. Boniface moved in Case #H-14-047 at 241 Rodriguez Street to approve retaining contributing status. Ms. Mather seconded the motion and it passed by unanimous voice vote.

8. **Case #H-14-048. 436 W. San Francisco Street.** Westside-Guadalupe Historic District. Tim Curry/Design Solutions, agent for Rick Hardin, owner, proposes to remodel the courtyard of a significant commercial property including the construction of an 11' high pergola with a fireplace and a banco and altering and constructing yardwalls and fences. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

436 West San Francisco Street is a commercial property that was constructed in a vernacular manner at approximately 1850. The building is listed as significant to the Westside-Guadalupe Historic District. Concrete block and stone walls were constructed at an unknown date.

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

1. A 1,350 square foot pergola will be constructed to 11' high in the southeast courtyard. The pergola will be constructed with an oiled wooden superstructure with bronze colored metal cladding carried on eleven stone bases.
2. A rock fireplace and banco will be constructed at the southeast corner of the pergola to a height of 15'.
3. The 5' high north lotline wall will be increased in height to 6' and stuccoed. An iron pedestrian gate

will be installed in the existing wall opening. The maximum allowable height along this section of San Francisco Street is 55' and a height exception has not been requested.

4. The 5' high stuccoed east lotline wall will be increased in height to 6' where the maximum allowable height is 8'.
5. The concrete block south lotline wall will be stuccoed. The existing east side pedestrian opening will be flanked by stone pilasters. A new pedestrian gate and steps will be installed to enter the pergola area from the south.
6. Other hardscaping alterations include removing the steps to the south end of the portal, removing the steps near the east end of the stone wall, and constructing a banco on the south elevation of the building.

STAFF RECOMMENDATION:

Staff defers to the Board regarding the alteration of the north lotline wall and otherwise recommends approval of this application which complies with Section 14-5.2(D) General Design Standards, Height Pitch Scale and Massing and (I) Westside-Guadalupe Historic District.

Questions to Staff

Chair Woods thought this was very heavy-handed for a significant building - for how big it was and the project could possibly impact the status.

Mr. Rasch said there was a code citation about influencing status of an adjacent property. So the pergola was not attached but very close and adjacent to the building.

Chair Woods said it imposed on the view. All façades are primary so it seems to have a significant impact upon two façades.

Mr. Rasch pointed out the street façade.

Ms. Mather said it seemed like the design might not be in harmony with the streetscape also - the pergola design itself.

Chair Woods said in looking at the code, it stated that additions to the property be of similar material and style and she didn't find it to be similar. The style was very different.

Applicant's Presentation

Present and sworn was Mr. Tim Curry, who handed out a sketch to the members. He said they did approach the building with sensitivity to what was there. Originally, they were going to attach it but assumed if pulled away, they would preserve the character. There were river rock walls on the south elevation and he felt they should bring that up and attach to the other walls. It was different but the corbels are not northern New Mexico style and would be open to a white stained structure without corbels to be more in keeping with the style.

The owner wanted to have a shade structure for tenants and that was not easy to incorporate. The fireplace was probably oversized but to have seating around it, required it be made large. It could be reduced in size but the intent was to create an outside shaded area. It would be very visible down San Francisco and the fireplace but would not overpower the building from the street. From Water Street, you would look across 125' of parking area. The building as it stands was not very visible from either side.

Questions to the Applicant

Chair Woods said the rendering looked different from the packet materials.

Mr. Curry said it was the same as in the packet.

Mr. Boniface said actually, it was different. In the perspective, the carrier beams are shown with square ends and scalloped. The corbels are shown on one and not the other. The pilasters are shorter in the perspective than on the elevations. And the fireplace as shown in perspective doesn't have the wings.

He said he liked the perspective more but couldn't rule on the drawings that the Board was voting on.

Mr. Curry explained that the perspective was an earlier conceptual drawing so the drawings in the packet were what was proposed and the perspective was conjectural.

Mr. Armijo asked where bronze cladding was going.

Mr. Curry said it was on the carrier beams and pergola top rafters - about 1.25" to prevent deterioration.

Mr. Armijo asked if all stonework was river rock. Mr. Curry agreed.

Mr. Katz said to him, the rock on the fireplace makes it stand out. A substantial amount of stucco would help with that.

Mr. Curry accepted that change.

Chair Woods said according to Section 14-5.2 C she didn't believe this project meets the code. It was overwhelming a significant structure and needs to be reduced in scale and simplified so it doesn't have such an impact on that significant structure.

Public Comment

There were no speakers from the public regarding this case.

Ms. Mather agreed with Chair Woods. Also this type of construction - L- shaped early farmhouse had courtyards that were quite barren. It just seems so overbuilt for the structure it was meant to enhance.

Action of the Board

Ms. Mather moved to postpone Case #H-14-048 at 436 W. San Francisco Street to give the applicant an opportunity to redesign in accord with code. Mr. Boniface seconded the motion.

Mr. Boniface said since it was northern New Mexico style, he found things like corbels and round columns in conflict with that style and the applicant's perspective showed those elements better.

The motion passed by unanimous voice vote.

9. **Case #H-14-051. 120 Quintana Street.** Westside-Guadalupe Historic District. Lisa Andree Falls, agent/owner, proposes to remodel a non-contributing residential property including the replacement of a portal with a larger portal to a height of 9 feet and to install a coyote fence pedestrian gate in an existing coyote fence. (David Rasch)

This case was postponed under Approval of the Agenda.

10. **Case #H-14-052. 125 W. Palace Ave.** Downtown & Eastside Historic District. Montoya Land Use Consulting Inc., agent for Wells, owner, proposes to remodel a non-contributing commercial property by altering the architectural character with parapet and window cornices and other minor details. (David Rasch)

Mr. Armijo recused himself from consideration of this case and left the bench.

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

125 East Palace Avenue is a commercial building that was constructed in the 1940s with significant alterations including additional stories in the late 20th century. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. Cornices will be applied to the first and second floor parapets and above the two doors on the second floor.
2. The recessed entry will have a darker brown stucco applied to the wall area.
3. Five goose-neck smoky or black-colored metal light fixtures will be installed on the front façade to illuminate new signage.

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

Chair Woods asked if the sign was part of the Board's approval or if that went somewhere else. It showed three signs.

Mr. Rasch said the sign was under the building permit division now and this Board would only see it if it required exceptions. Three signs were the maximum allowed. The signs here meet code.

Mr. Boniface referred to the darker brown stucco and was under impression that only one color was allowed except for a light color under portals.

Mr. Rasch said the Board had to consider the code and the Board's practice. It was in old Santa Fé style which he read. The exception was for the protected space under portals or in recesses. The applicant could clarify it. At the doorway the recess was 4' and the practice was at least four feet deep.

In "church derived designs" meant a nicho. With the applicant it was considered close to being a nicho.

Ms. Mather asked about the color.

Applicant's Presentation

Present and sworn was Ms. Monica Montoya, 726 Gregory Lane, who distributed colored copies of the proposal to give a better understanding of the proposal for the nicho or portal area. She referred to page 6 of her handout showing existing and went through several pictures. They were proposing a chocolate brown in the recess.

Regarding ideas on what the Board had considered in the past, she identified many and gave a few samples with similar characteristics. One was Haagen Dazs with a range of colors, the Santa Fé Convention Center and a company on Water Street.

Questions to the Applicant

Ms. Mather appreciated the colored handout she brought as it helped her understand the handsome changes.

Mr. Boniface noted that she proposed light fixtures but they were already there.

Ms. Montoya didn't have an answer for that.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Ms. Mather moved to approve Case #H-14-052 at 125 W. Palace Avenue per staff recommendations and as submitted by the applicant. Mr. Boniface seconded the motion and it passed by unanimous voice vote. [Mr. Armijo had recused himself and did not vote.]

Mr. Armijo returned to the bench after the vote was taken.

11. **Case #H-14-053. 309 W. San Francisco Street.** Downtown & Eastside Historic District. Lloyd & Associates Architects, agent for Heritage Hotels, owner, proposes a remodel a non-contributing commercial structure by enclosing the east courtyard. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

309 West San Francisco Street, known as the Eldorado Hotel, was constructed in 1984-85 in the Spanish-Pueblo Revival style. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remove the existing tent in the existing east courtyard and enclose the space with a roof placed below the existing wall. The existing iron gates will remain in the existing openings and the existing wooden doors and sidelites will be relocated to 4' back from the gates. Essentially, the building will look the same with the addition of canales in the east elevation.

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. Mather said she had the proposed floor plan but not the existing floor plan. She asked if the space labeled ballroom was the courtyard.

Applicant's Presentation

Present and sworn was Mr. Wayne Lloyd, 100 North Guadalupe, who explained that this was previously approved but the time frames expired.

Questions to the Applicant

There were no questions to the applicant.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Mr. Katz moved to approve Case #H-14-053 at 309 W. San Francisco Street per staff recommendations. Mr. Boniface seconded the motion and it passed by unanimous voice vote.

- 12. Case #H-14-050. 206 Anita Place.** Don Gaspar Area Historic District. Harmony Design & Construction, Inc., agent for Alice Fleischer, owner, proposes to remodel a contributing residential structure and a non-statused accessory structure. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

206 Anita Place is a single-family residential building that was constructed in the Spanish-Pueblo Revival style before 1936. In 2006, all historic windows in the residence, except for one on the east elevation, were removed and replaced with thermal-paned windows with the same opening dimensions and lite patterns (without approval). A free-standing one car garage was constructed at the rear of the property and has been converted to a studio, both at an unknown date. The residence is listed as contributing to the Don Gaspar Area Historic District and east elevation may be designated as primary. The garage has no assigned historic status.

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

1. All but one of the historic wood windows have been replaced with clad windows and the last remaining 3-over-1 wood window will be removed and replaced with a clad window in a location on the east elevation that is less than 1' north of the existing opening. These windows are not in-kind replacements. (He didn't recommend east as primary).
2. The east elevation non-historic window at the rear porch infill will be removed and replaced with wall infill.
3. Two non-historic steel doors on the rear of the residence will be removed and replaced with wood doors.
4. The roof on the residence will be replaced and perhaps the canales will be replaced.
5. A concrete landing and steps will be installed at the rear of the residence.
6. The infilled double doors on the north elevation of the garage will be removed and replaced with full

width double wooden doors.

14-5.2(C)(2)(f) Restoration of Status

If a property owner makes changes to a structure without the proper city approvals which result in the lowering of the structure's status, staff or the board may require the property owner to restore the structure such that its former status is restored.

14-5.2(D)(5) Windows, Doors, and Other Architectural Features

(a) For all façades of significant and *landmark structures* and for the primary façades of contributing structures:

(l) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used.

STAFF RECOMMENDATION:

Staff defers to the Board regarding the unpermitted window replacements (Section 14-5.2(C)(2)(f) and (D)(5)) and the request to remove the last remaining historic window and otherwise recommends approval of this application which complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (H) Don Gaspar Area Historic District.

Questions to Staff

Ms. Mather was confused about primary elevations.

Mr. Rasch said he meant to designate the north as primary.

Ms. Mather asked if the Board was to consider status of the garage.

Mr. Rasch said no. they were not altering the garage.

Mr. Armijo asked how the Board knew the windows were installed in 2006.

Mr. Rasch said it was a statement in the real estate company brochure. No other evidence was available.

Applicant's Presentation

Present and sworn was Mr. Christian Cook, who said the dates referenced were through their realtor. The property was sold four times and in the description in 2006 it said it was renovated with new windows and renovated floors.

Questions to the Applicant

Mr. Armijo said there was supposed to be a disclosure. The purchasers have to be told there was no permit for that renovation - just for the record.

Chair Woods said if the applicant could assure the Board that in moving that window they would not lose it, then the Board would be okay with that.

Mr. Cook said they intended to replace it. He didn't trust that they could move it intact.

Mr. Boniface said he looked at it today. It was old but it could be moved if a lot of care was taken. It could be moved 9" but maybe they didn't need to move it at all and just leave it alone.

Mr. Cook clarified that it was not centered on the kitchen wall and the counter comes into the window trim on the interior and the 9" would move it away from that counter top.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Mr. Boniface moved to approve Case #H-14-050 at 206 Anita Place with the condition that if the applicant chooses to move the window to maintain it - that the window be reused and not replaced. Ms. Mather seconded the motion and it passed by unanimous voice vote.

H. COMMUNICATIONS

Mr. Rasch announced that on July 21, he would have three new staff members.

Chair Woods said Mazel tov!

I. MATTERS FROM THE BOARD

Chair Woods said she wouldn't be at the next meeting.

Mr. Katz said he would not be at the first meeting in August.

Mr. Boniface asked when the Board likely would get a new member.

Chair Woods said she sent five emails to the Mayor and hoped to get a response soon.

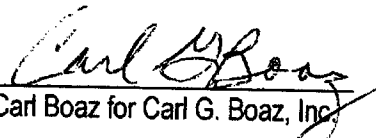
J. ADJOURNMENT

The meeting was adjourned at 8:16 p.m.

Approved by:


Sharon Woods, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.

Montoya Land Use Consulting, Inc.

June 2014

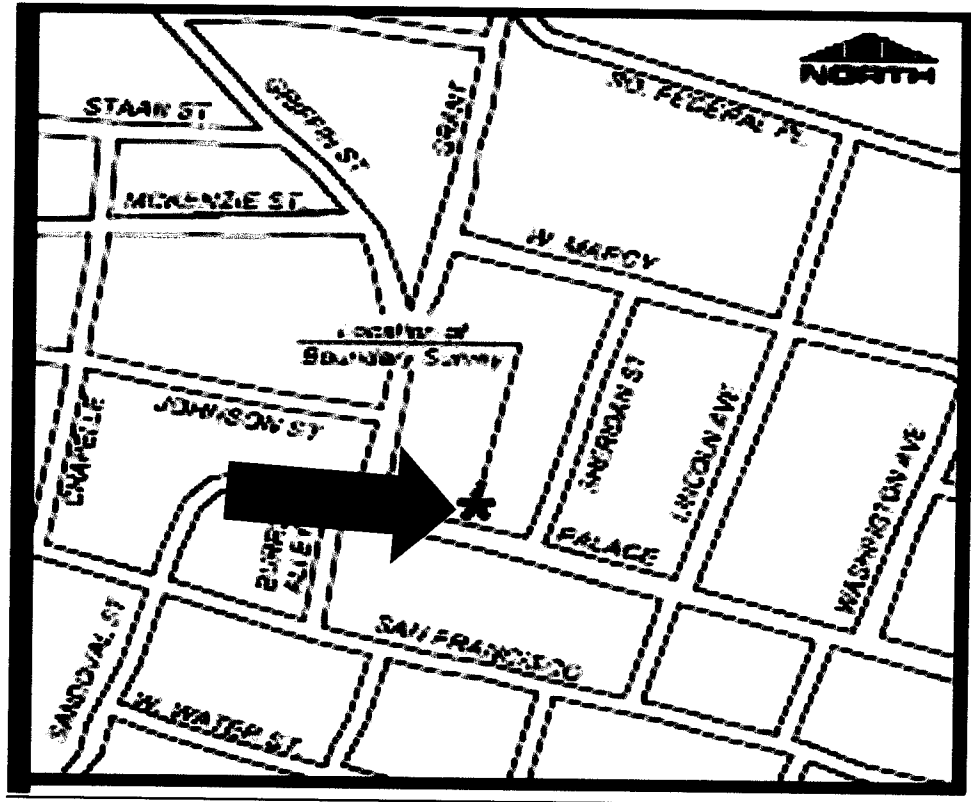
Historic Districts Review Board
C/O David Rasch
Planner Supervisor
200 Lincoln Avenue
Santa Fe, NM 87505

SUBJ: Proposed Architectural Features at 125 W. Palace Avenue

Dear David,

This letter is submitted on behalf of John and Shannon Wells for consideration of approval by the Historic Districts Review Board for a modification to the south and east façades of 125 W. Palace Avenue. The property is located west of the plaza at the intersection of W. Palace and Lincoln on the north side of the street and within the Downtown and Eastside Historic District.

VICINITY MAP

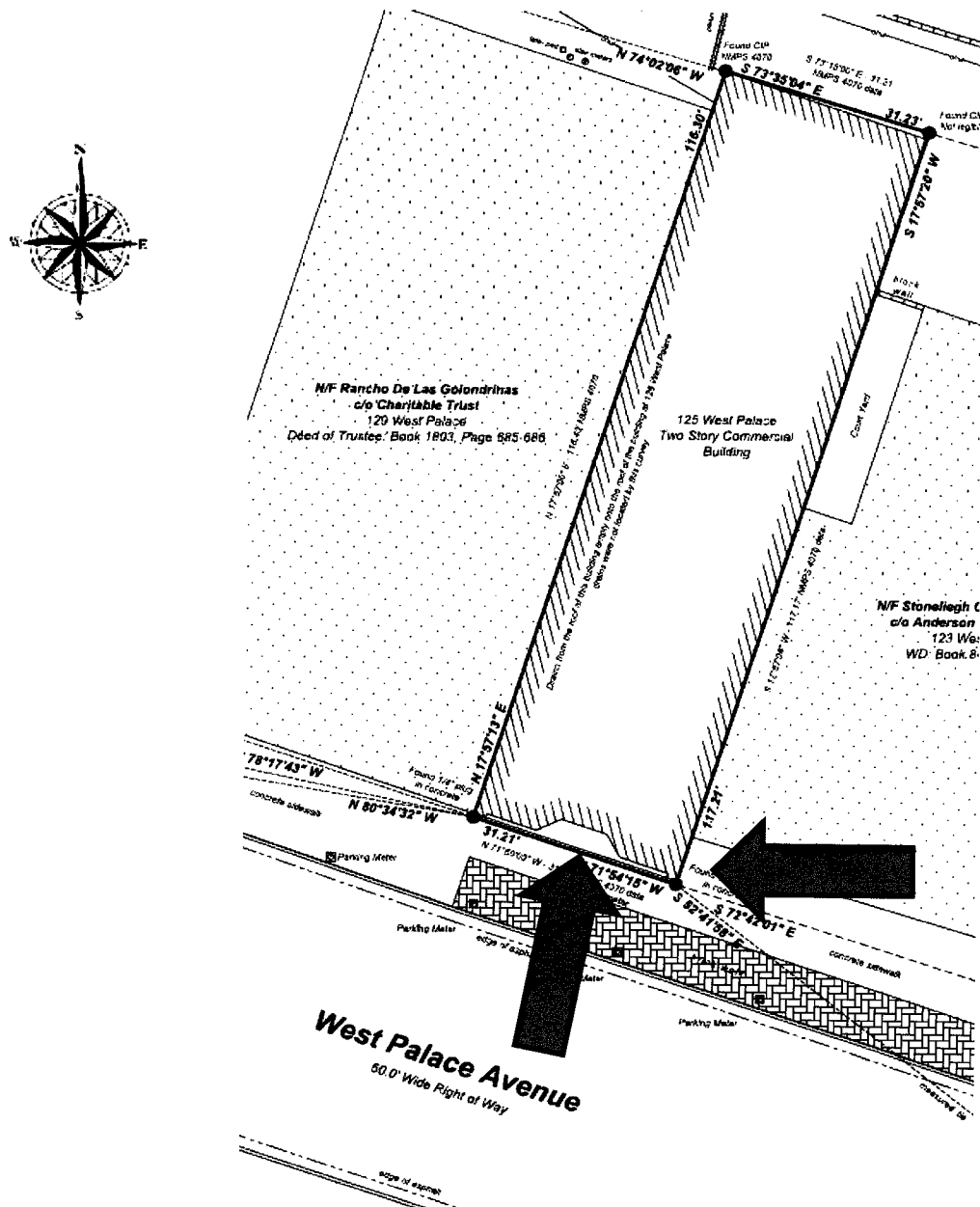


726 Gregory Lane, Santa Fe, NM 87505, Montoya@montoya.com, Ph (505) 412 1016

Montoya Land Use Consulting, Inc.

SITE PLAN

The location of the proposed modifications are depicted here; on the south and east facades which are visible from West Palace.



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PROPOSED MODIFICATIONS

The building has a Non-contributing status and is located in the Downtown and Eastside Historic District. The Plaza is to the east of the subject. When standing on the street and looking at the subject building, the adjacent buildings are attached and appear very similar in theme including shades of stucco, trim colors, dimension in the entrances but each have differing architectural elements which make them unique. The subject existing window and door trims are white with divided lights. Windows on the second floor are visible to Palace and also have a white trim. The adjacent building to the east has white trim around the windows and doors and additionally, a second floor balcony with white railings. The proposed modifications intend to continue a pattern of store front uniqueness which make this portion of West Palace the attractive street that it is.

The proposed modifications intend to bring the subject more toward the intended theme for the district and more compliant with the true historic style. We ask the Board to consider the modifications meet minimum code requirements and the intent of the historic district.

Several architectural features are proposed under this application as follows:

1. **White wooden cornices on both the 1st and 2nd floor parapets on south and east facades and over 2 doorways on the second floor:** The proposal is to add cornices similar to those on nearby buildings in the downtown area. These will enhance the building façade and add to the character of the building and downtown area.
2. **Light fixtures at store front entrance:** Light fixtures are proposed at the front entrance to the building. They are an angle shade model from Hi-Lite MFG. Co. Inc. They have a 12" arm which extends to the fixture. The color is similar to a smokey or antique black. Five of these will be placed above the entrance to the building.
3. **Store Front Accent:** The accent is proposed in the area of the front façade which is the protected space within the area which is set back from the front wall protected under the entrance roof. We propose a contrasting color or darker shade of brown for the step back area below the windows, to the sides of the windows and on the roof. Several buildings in the downtown area use contrasting colors in the step back areas including Haagan Dazs, the Santa Fe Convention Center, and Nathalie's to name a few. We propose a darker color which will be contrasting to existing building color such as a chocolate brown or similar. Several color samples will be presented for the Boards review and consideration.

We propose that the accent meets the provisions of the code. Specifically, *"All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations,"*

We ask the Board to consider that the theme may be accomplished by the code. Specifically, "No less than eighty percent of the surface area of any *publicly visible*

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façade shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;

ELEVATIONS/EXISTING AND PROPOSED (Exhibit A)

Exhibit A depicts existing and proposed elevations. We ask for consideration that the proposed alterations comply with the requirements of the historic ordinances and cause the style to become more compliant with the Historic architecture for the City. All proposed features continue themes which exist on other historic buildings in the Downtown and Eastside District; those which the codes intend to preserve.

PHOTOS/EXISTING FACADES (Exhibits B1, B2, and B3)

Exhibits B1 depicts the south façade when standing on West Palace Avenue and looking at the subject building. B2 depicts the east façade. The subject building is attached at the property line to the building on the right side of the photo. B3 depicts the entrance which steps back from the front façade; the area proposed for a contrasting color.

PHOTOS AND RENDERING/PROPOSED FACADES (Exhibit C1 and C2)

C1 depicts the proposed south façade with cornice attachments to the roof lines of the first and second floor and above the windows on the second floor. Also depicted are five light fixtures above the store entrance. Also depicted is the proposed contrasting color in the entrance which steps back from the front facade. Note: The Lion Art pieces are not attached to the building. Permitting has been granted by the Property Management Division. C2 depicts the proposed cornice on the roof line on the east façade.

PHOTOS/SAMPLES OF BUILDINGS IN THE HISTORIC DISTRICT WITH CONTRASTING COLORS (Exhibits D1, D2, D3, D4, D5)

Other buildings in the historic district use contrasting colors to accentuate the building under portals and at entrances which step back from the front facade including the City Convention Center, Haagan Dazs and Nathalie to name a few. Colors other than the predominant stucco color and other than white are used as the contrasting colors.

LIGHT FIXTURES (Exhibit E1)

Proposed light fixtures have a 12" arm which extends to the fixture which similar to a smokey or antique black color. Five fixtures will be placed above the entrance to the building.

ZONING

Minimum zoning requirements are met for the BCD Marcy Street Sub-district.

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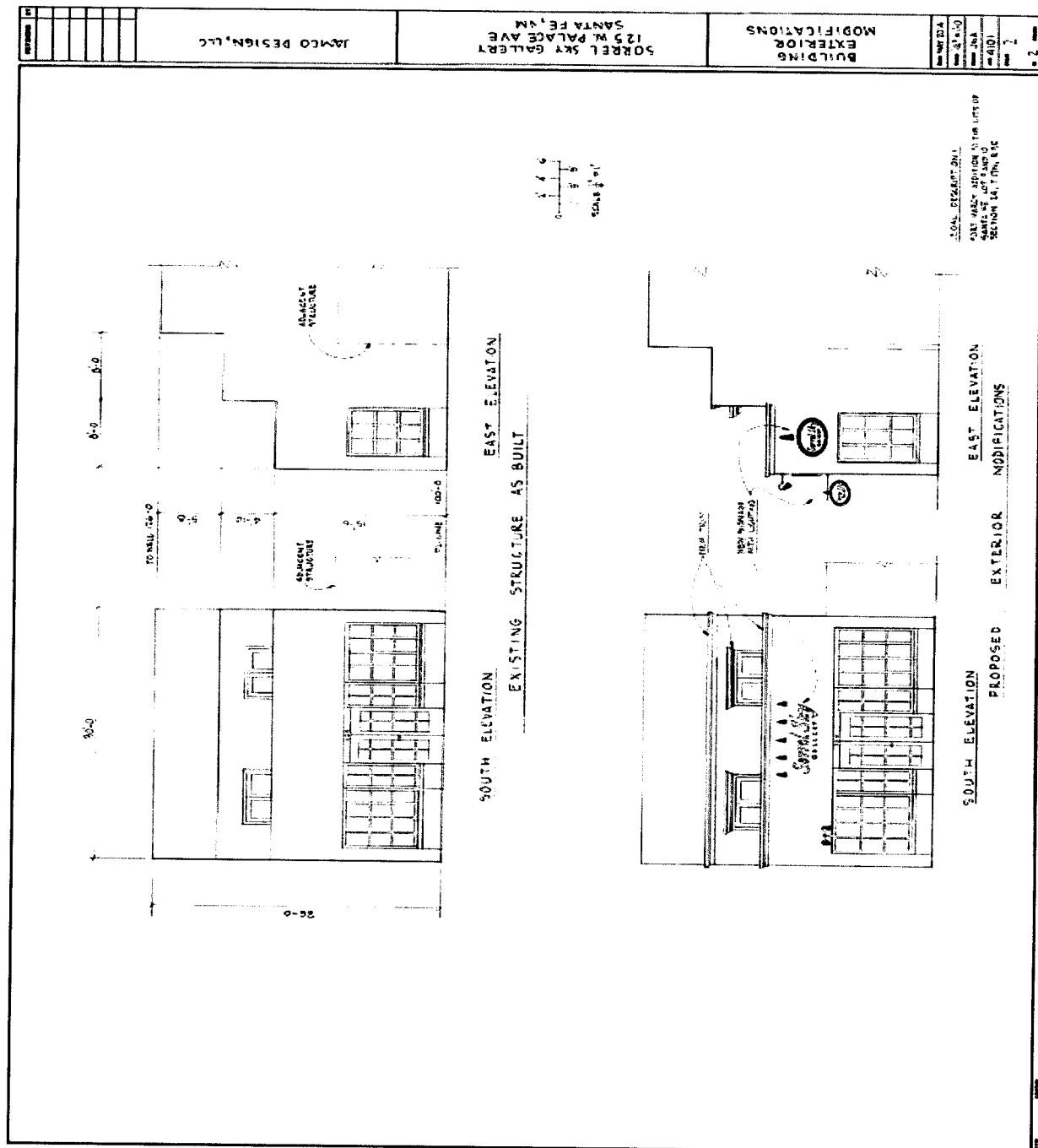


EXHIBIT A

726 Gregory Lane, Santa Fe, NM 87505, Monica.bernini@jag.com, Ph (505) 412 1016

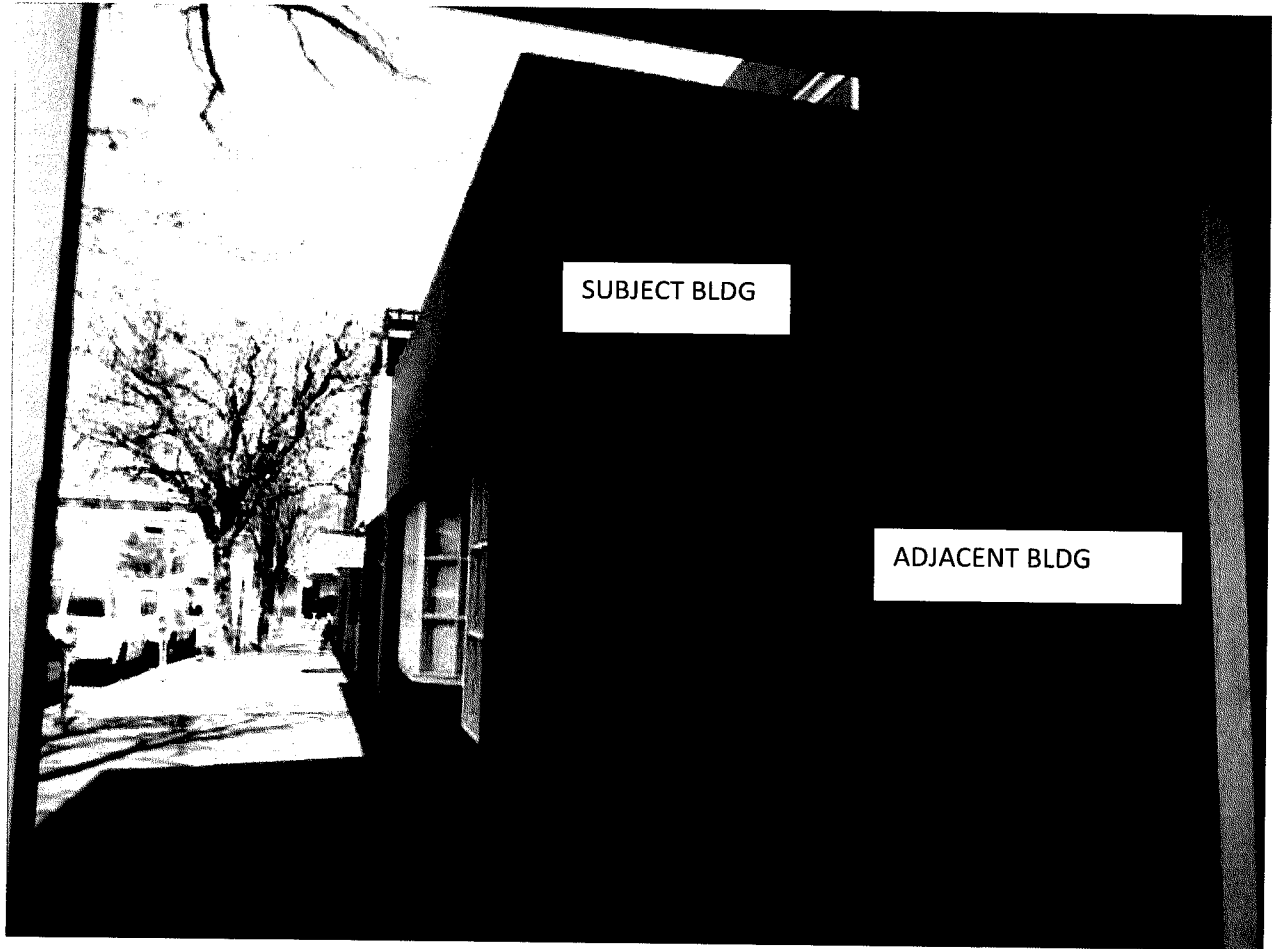
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EXISTING ELEVATION/SOUTH FACADE
EXHIBIT B1

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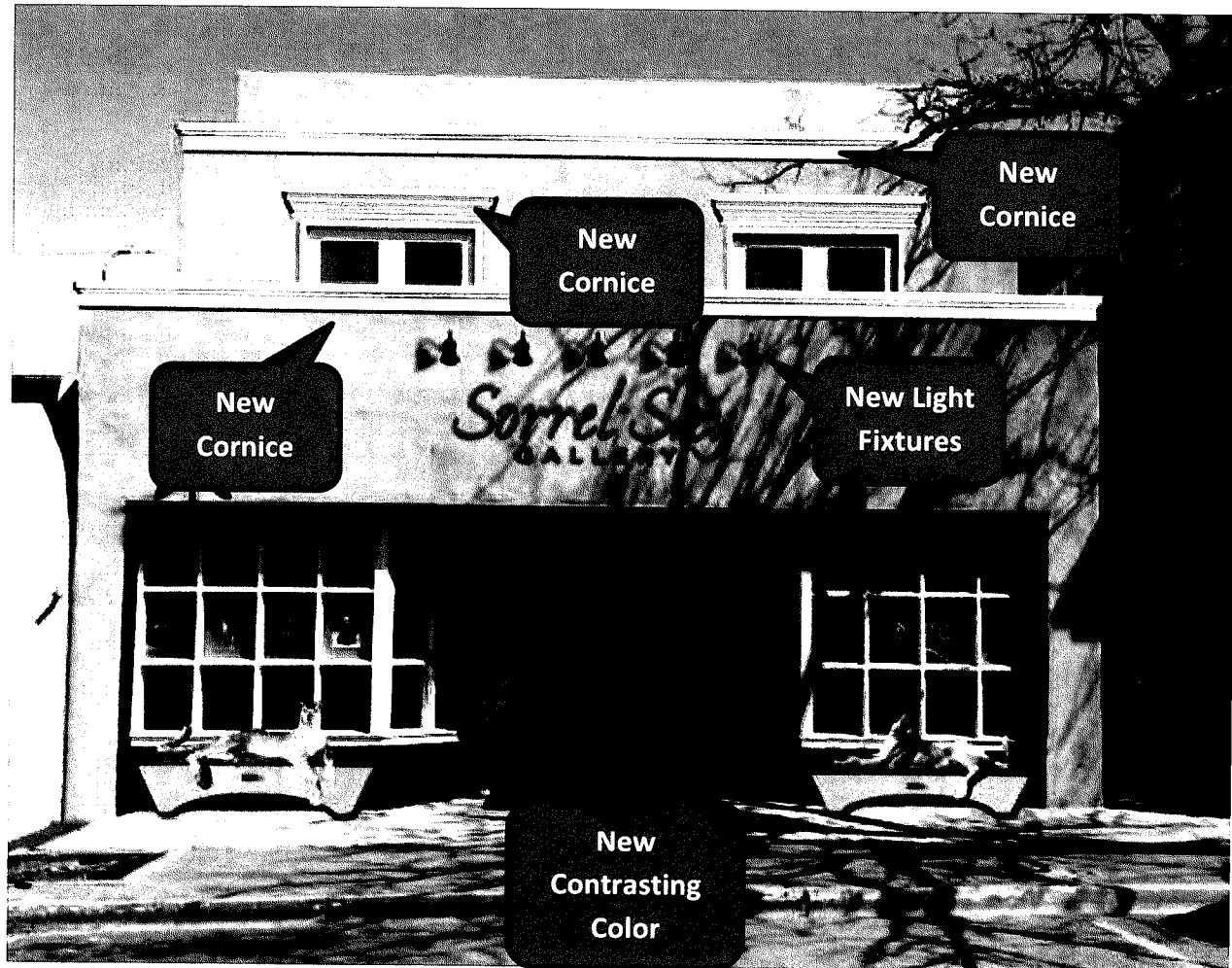
EXISTING EAST FAÇADE
EXHIBIT B2

Montoya Land Use Consulting, Inc.



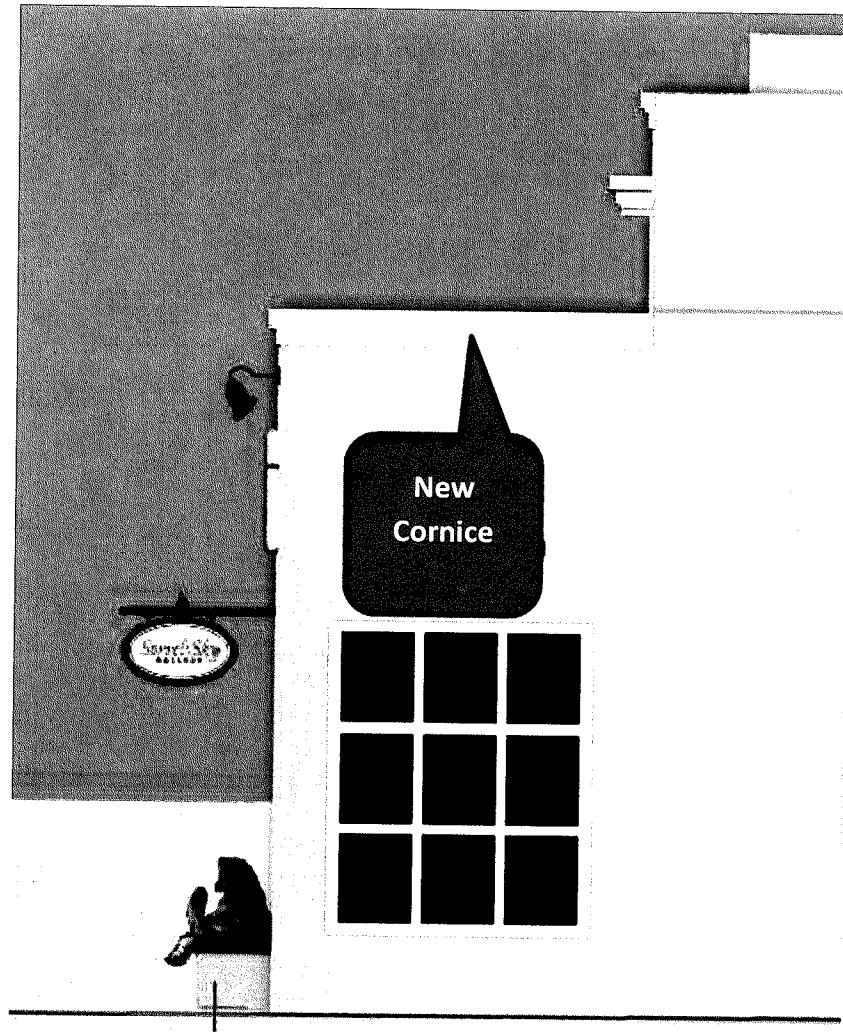
EXISTING BUILDING/LOOKING WEST/VIEW DEPICTING SUBJECT STEPPED BACK ENTRANCE
EXHIBIT B3

Montoya Land Use Consulting, Inc.



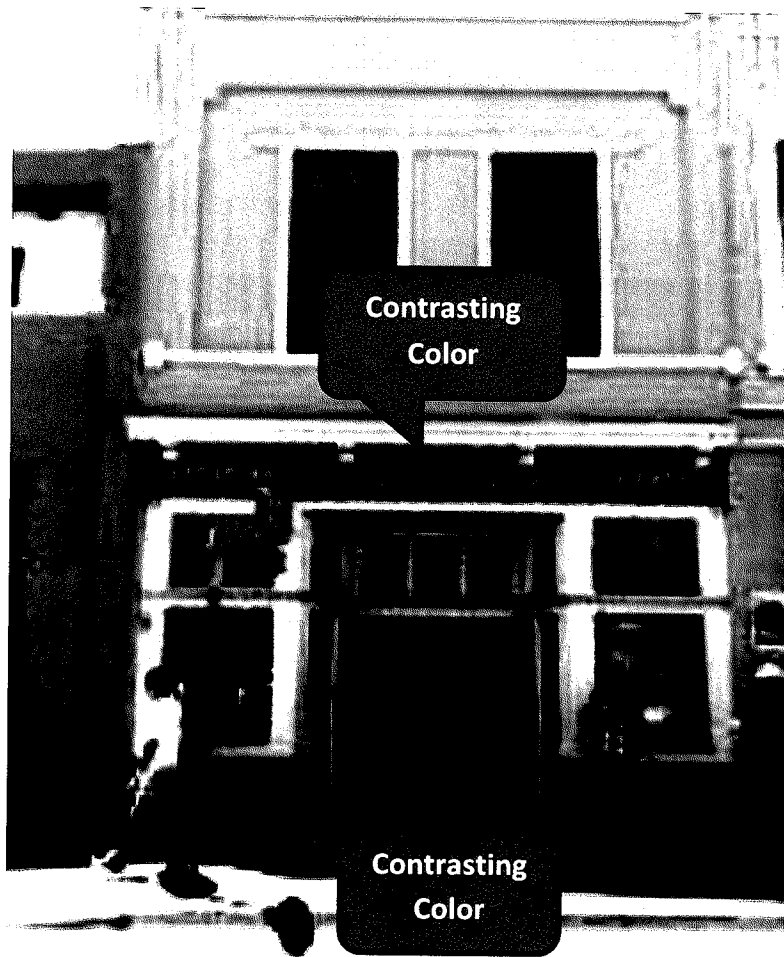
PROPOSED SOUTH FACADE (Not including signage or lion art pieces)
EXHIBIT C1

Montoya Land Use Consulting, Inc.



PROPOSED EAST FAÇADE(Not including signage or lion pieces)
EXHIBIT C2

Montoya Land Use Consulting, Inc.

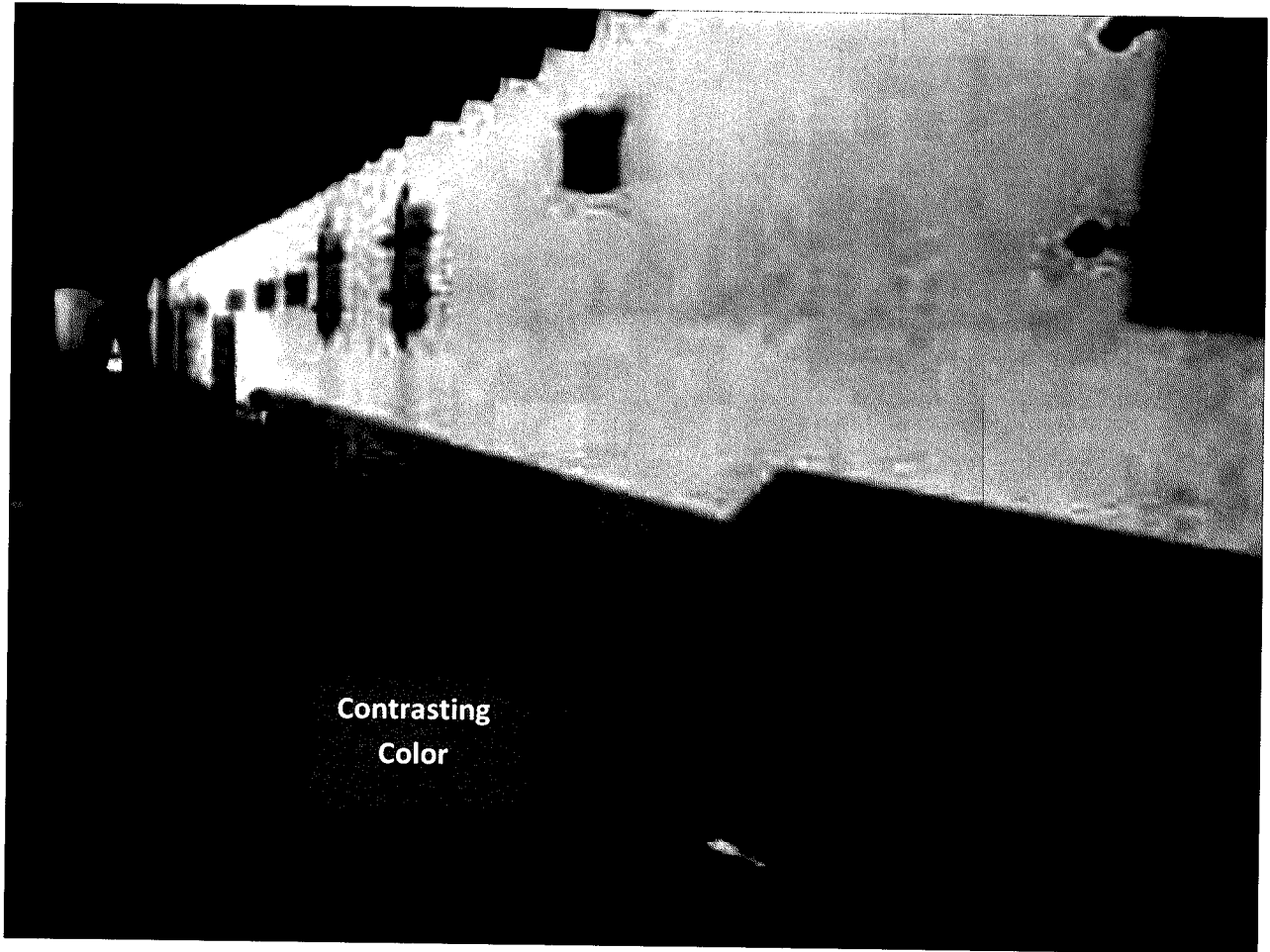


Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D1

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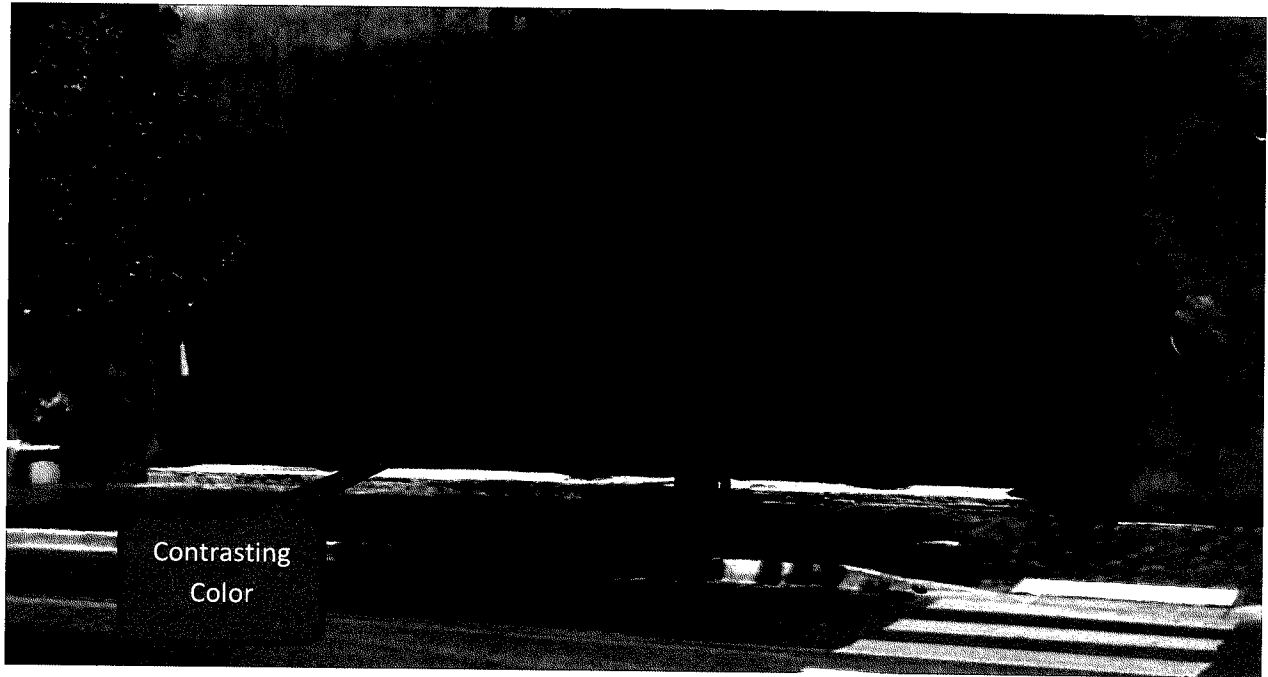
Montoya Land Use Consulting, Inc.



Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D2

Montoya Land Use Consulting, Inc.

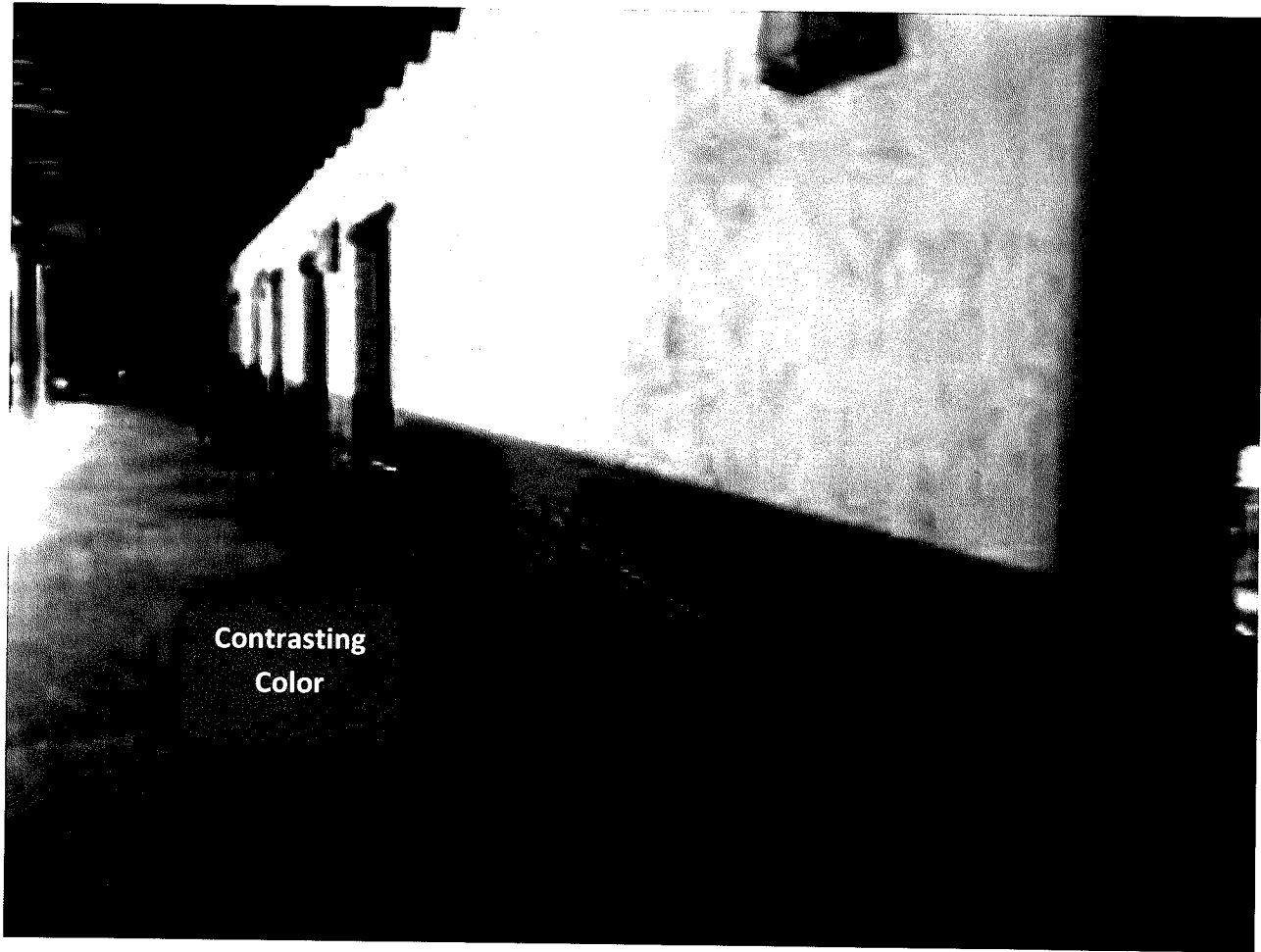


Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D3

726 Gregory Lane, Santa Fe, NM 87505, Mmontoya@mluc.com, Ph (505) 412 1016

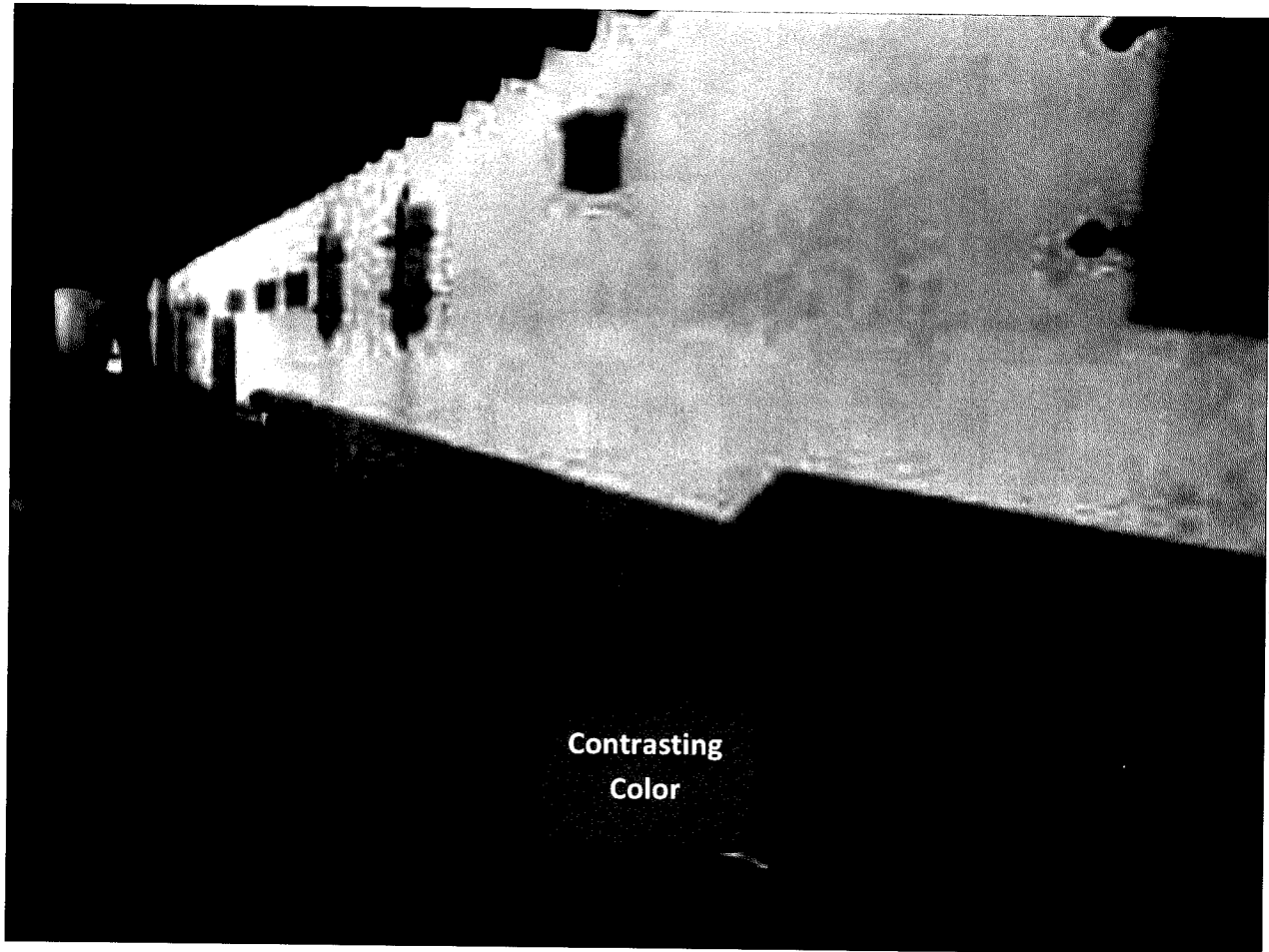
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Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D4

Montoya Land Use Consulting, Inc.



Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D5

Montoya Land Use Consulting, Inc.

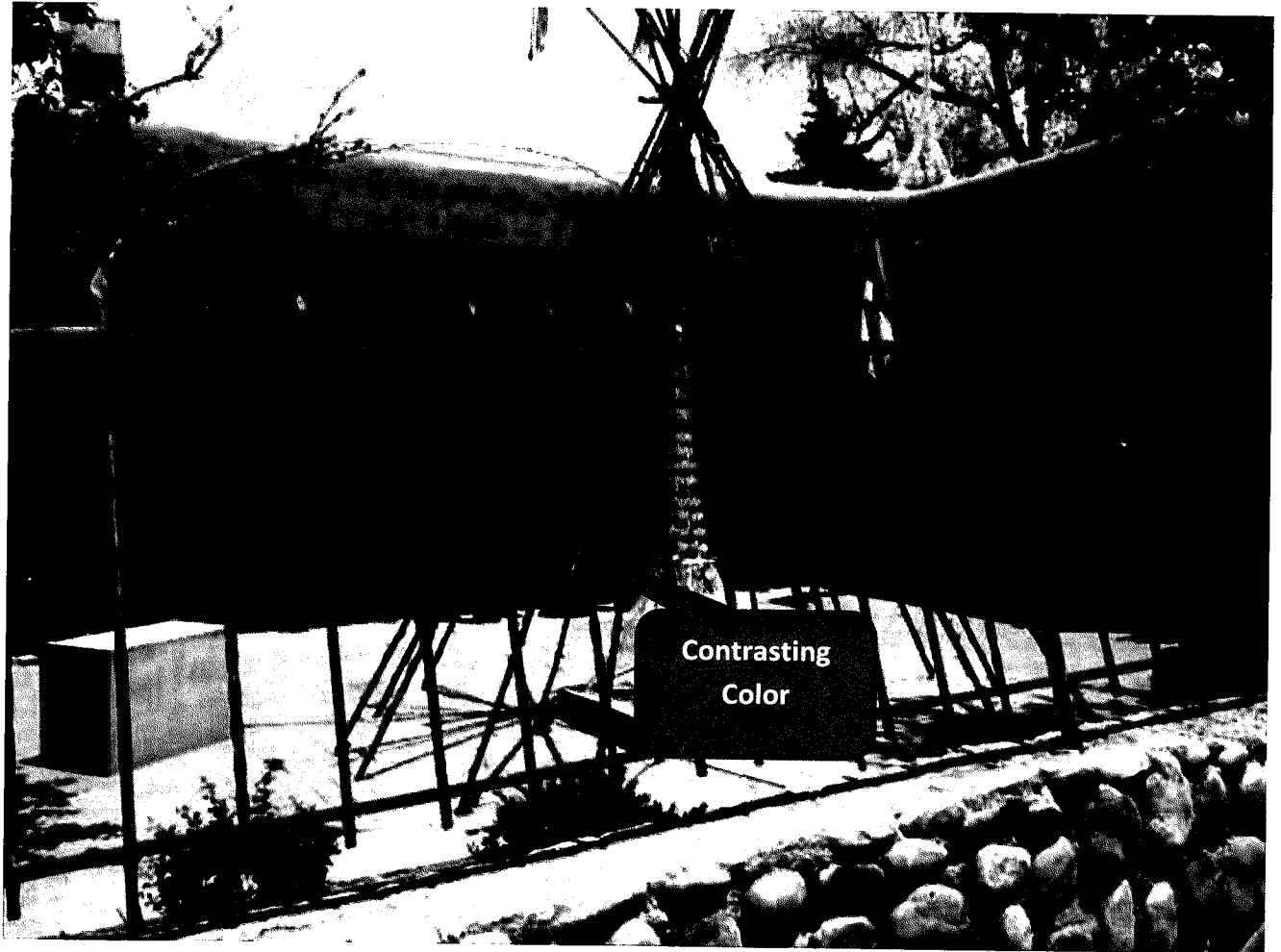


Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D6

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Montoya Land Use Consulting, Inc.



Sample of Other Buildings in the Historic District with Contrasting Colors

EXHIBIT D7

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Montoya Land Use Consulting, Inc.

Light Fixtures



EXHIBIT E1

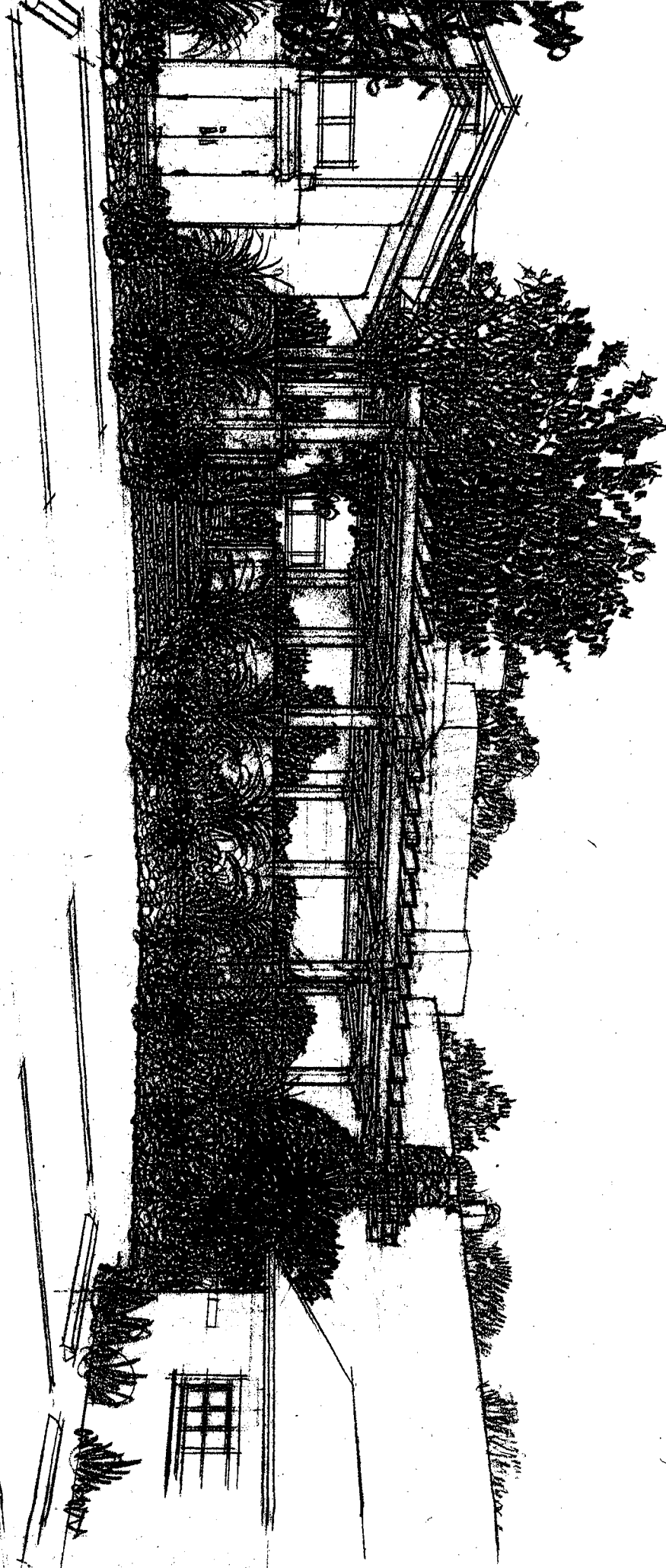
CONCLUSION

We sincerely appreciate your consideration of our request. Please feel free to contact me with any questions.

Thank You,

Monica Montoya

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436 WEST SAN FRANCISCO STREET

3/9
Sachs

