



# Agenda

## **\*AMENDED\***

### **HISTORIC DESIGN REVIEW BOARD FIELD TRIP**

**TUESDAY, APRIL 8, 2008 – 12:00 NOON**

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

### **HISTORIC DESIGN REVIEW BOARD MEETING**

**TUESDAY, APRIL 8, 2008 – 5:30 PM**

### **CITY COUNCIL CHAMBERS**

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES and FINDINGS/CONCLUSIONS**

MINUTES: March 25, 2008

FINDINGS/CONCLUSIONS: H-07-145. 406 Old Santa Fe Trail  
H-08-031. 740 Acequia Madre  
H-08-032. 127 Camino Escondido  
H-08-034. 1271 Canyon Road  
H-08-035. 722 Agua Fria  
H-08-033. 166 Lorenzo Road

- E. COMMUNICATIONS**
- F. BUSINESS FROM THE FLOOR**
- G. ADMINISTRATIVE MATTERS**

- 1. A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO PURSUE COMPLIANCE WITH AND/OR DECLARATORY JUDGMENT AGAINST SANTA FE COUNTY AND THE STATE OF NEW MEXICO REGARDING THE PRIMACY OF THE CITY ZONING AUTHORITY. (Councilor Ortiz) (Frank Katz) (Jack Hiatt).
- 2. AN ORDINANCE AMENDING SECTIONS 14-8.10(H)(28)(e) AND 14-8.10(H)(29) SFCC 1987 REGARDING PRICE REDUCTION SIGNS IN HISTORIC DISTRICTS. (Councilor Bushee) (David Rasch).
- 3. Santa Fe Plaza. Downtown & Eastside Historic District. Public Works Department proposes Plaza Improvements that includes 1,500 square feet of concrete replacement and installation of three removable dark steel bollards as well as discussion of traffic circulation for left hand turns from Palace Avenue onto Washington Street. (Chip Lilienthal and Public Works Staff).
- 4. Board discussion of delegation of signature on Finding of Facts and Conclusions of Law to the chair of the Historic Design Review Board.

## **H. OLD BUSINESS**

1. Case #H-06-040. 523 Canyon Road. Downtown & Eastside Historic District. Richard Horcasitas, agent for Mountain Investments Inc., proposes to construct a 190 sq. ft. addition to the north elevation of a non-contributing residence to match existing height. (David Rasch)
2. Case #H-07-050. 1260 Canyon Road. Downtown & Eastside Historic District. Elisabeth Wagner, agent for Roy Trice, proposes to amend a previous approval to construct a 1,489 sq. ft. guest house to a maximum height of 15' where the maximum allowable height is 15'6". (David Rasch)

## **I. NEW BUSINESS**

1. Case #H-08-036. 112 Camino Escondido #4. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Ester Ritz and Bob Taylor, proposes to remodel a non-contributing building by increasing the height of the building from 10'4" to 14'6" where the maximum allowable height is 15'5", infill an approximately 144 sq. ft. portal, and alter openings. (Marissa Barrett)
2. Case #H-08-037. 1301 Canyon Road. Downtown & Eastside Historic District. Michael Munson, owner/agent, proposes to construct an approximately 352 sq. ft. addition and an 234 sq. ft. portal to a non-contributing building to match the existing height of 14'. (Marissa Barrett)
3. Case #H-08-041. 729 E. Palace Avenue. Downtown & Eastside Historic District. Andy Lyons, agent for Phillip Coombs, proposes to construct two automated 5' high wooden vehicle gates between existing pilasters that frame a 21' opening at 23' in from the private access drive on a non-contributing property. (David Rasch)
4. Case #H-08-038. 753 Acequia Madre. Downtown & Eastside Historic District. Robin Gray Architect, LLC., agent for David Joseph, proposes to remodel a contributing building by removing the non-historic carport and portal, alter non-historic openings, reconfigure the steps, landing and overhang on the west elevation, lower yard wall ranging from 8'6"-7'6" to 6'8"-6'5", and replace vehicular gates with lower gates. (Marissa Barrett)
5. Case #H-08-039A. 868 ½ East Alameda. Downtown & Eastside Historic District. Staff proposes a status upgrade from non-contributing to contributing. (Marissa Barrett)
6. Case #H-08-039B. 868 ½ East Alameda. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Brook White, proposes to remodel a non-contributing building by replacing doors and windows, remodeling the non-historic carport, construct an addition of approximately 30 sq. ft. of heated space, remodeling a portal and constructing a 6' high yardwall where the maximum allowable height is 5'2". An exception is requested to 14-5.2(D,5,a). (Marissa Barrett)
7. Case #H-08-040. 1146 Canyon Road. Downtown & Eastside Historic District. Greg Allegretti, agent for Joe & Mercedes Thaggard, proposes to remodel a non-contributing property by removing a single-car carport and constructing a two-car carport and portal at less than the adjacent height, replace all windows, and install a door and low deck on the rear. (David Rasch)

## **J. MATTERS FROM THE BOARD**

## **K. ADJOURNMENT**

For more information regarding cases on this agenda, please call the Historic Preservation Division at 955-6605. Interpreter for the hearing impaired is available through the City Clerk's Office upon five (5) days notice. If you wish to attend the April 8, 2008 Historic Design Review Board Field Trip, please notify the Historic Preservation by 9:00 am on Tuesday, April 8, 2008.

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Historic Design Review Board  
April 8, 2008**

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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DESIGN REVIEW BOARD**

**April 8, 2008**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fe Historic Design 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 at City Hall, 200 Lincoln, Santa Fe, New Mexico.

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms Sharon Woods, Chair  
Mr. Jake Barrow  
Mr. Dan Featheringill  
Ms. Karen Walker  
Mr. Robert Frost  
Ms. Cecilia Rios

**MEMBERS ABSENT:**

Ms. Deborah Shapiro [excused]

**OTHERS PRESENT:**

Ms. Marissa Barrett, Senior Historic Planner  
Mr. David Rasch, Historic Planner Supervisor  
Ms. Kelley Brennan, Asst. 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 noted there were no minutes for the March 25<sup>th</sup> meeting in the packet, and said it would be postponed to the next agenda. He added that in the findings, the last case, case 08-033 was postponed to the next meeting.

**Ms. Rios Moved to approve the agenda as amended. Mr. Frost seconded the motion. The motion passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

##### **FINDINGS OF FACT & CONCLUSIONS OF LAW:**

**MINUTES: March 25, 2008 [Postponed]**

##### **FINDINGS/CONCLUSIONS:**

<b>H-07-145.</b>	406 Old Santa Fe Trail
<b>H-08-031.</b>	740 Acequia Madre
<b>H-08-032.</b>	127 Camino Escondido
<b>H-08-034.</b>	1271 Canyon Road
<b>H-08-035.</b>	722 Agua Fria

**Mr. Frost moved to approve the findings of fact. Mr. Featheringill seconded the motion. The motion passed by unanimous voice vote.**

**H- 08-033. 166 Lorenzo Road [Postponed]**

#### **E. COMMUNICATIONS**

Mr. Rasch noted that May 15<sup>th</sup> was the date for the awards ceremony at La Fonda. He extended the deadline for nominations. He said the Board would vote on April 22 for the nominations. He asked for more nominations. He noted the theme was cultural landscapes, he said he knew of a nomination for a family who owned a restaurant. He said the ARC was also nominating. He said it would be great if the OSFA would like to make nominations as well. He noted the nominations should be turned in no later than April 16<sup>th</sup>.

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

Ms. Stephanie Beninato, who resided on Galisteo Street, was sworn in. She said she was there to hopefully educate the Board a little. She said she had come before the Board in July with a petition that 610 Galisteo be taken back. She said Mr. Katz had

improperly advised the Board that they could not take it back. She assured them they could take it back, and quoted from section 14-2.7 (A)(2). She said the City staff moved the special exception closer to the street, and had allowed demolition of a historic wall. She said there were 100 feet of the wall that had been demolished and replaced. She said the Board was also required, for special exceptions, to have an Early Neighborhood Notification for any special exceptions. She said they did not routinely do that. She said she was objecting, that night, to any project that had special exception. She said it was under ENN, in paragraph two. She said she did not have the exact code section.

Ms. Beninato showed some photographs of the window that had been put in on the primary façade of 610 that was about half the original size. She showed the original photograph, which showed the window before the construction began. She showed the Board some additional photos, and explained what they were pictures of. She noted that 32 feet of one wall included in a picture had been torn down and rebuilt without the Board's approval. [Photo copies of Ms. Beninato's pictures are attached as Exhibit A].

Ms. Beninato said there were skylights that were visible, but the City had not red tagged them, and was allowing them to continue to build. She explained that a window had been moved, and noted it had a wooden window sill that was not on the photograph, and noted it was not a three-over-one window, but seemed to be a one-over-one window. She passed the photos around, but said she would like them back. She said the Board had approved something, and then the builders had changed the plans, and the City staff allowed the changes without coming back to the Board. She added that they had modified the door and window schedule after the Board had approved the plans.

## **G. ADMINISTRATIVE MATTERS**

Mr. Rasch noted there were four administrative matters. He added that there was also a one-page amendment to the first administrative matter. [Attached as Exhibit B]

### **1. A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO PURSUE COMPLIANCE WITH AND/OR DECLARATORY JUDGMENT AGAINST SANTA FE COUNTY AND THE STATE OF NEW MEXICO REGARDING THE PRIMACY OF THE CITY ZONING AUTHORITY. (Councilor Ortiz) (Frank Katz) (Jack Hiatt).**

Mr. Katz explained that the County was building a court house, and the State was building a parking lot, and wanted them to fit in with the rest of Santa Fe. He said he had sent a letter to the County a year prior which said their ordinance applied to the County and the State. He said the reason the ordinance applied to the State was

because there was a State statute which authorized municipalities to regulate and zone Historic districts. He quoted section 3-22-2 of the statute that gave municipalities the authority to regulate the Historic District Zoning Ordinance. He said there had been a case regarding a pump jack, and the State had said the City had not brought the ordinance under the State statute. He said they had a month later.

Mr. Katz said the County was building a courthouse, which was for the judges, and said if they brought a law suit, it would be decided by other judges. He said the State was proposing a parking lot for the legislature, and said if the City denied their plans, they would not like it, and said he thought they risked having their power over them in Historic Zoning removed.

Mr. Katz said it was his suggestion that they work with those entities to get a tolerable courthouse and a tolerable parking lot. He said the County had been very responsive. He said a group of people had participated and tried to help them. He said the City had to recognize the height was a problem they could not get by. He said he thought the final product was fairly nice, though he noted there were those who would disagree.

Mr. Katz noted they had a meeting the previous Thursday, and said there would be another meeting the following Thursday with the State regarding slight problems with the parking garage. He said they had changed it into something that might work. He said they were moving one step at a time.

Mr. Katz said Councilor Ortiz had introduced the resolution in the Board's packet. He said the resolution reflected what they were trying to do. He said it went a tad further than he would like. He said he didn't think either the County or the State would be happy to be the object of law suit. He said the Historic Styles Ordinance was really structured for residences and did not work well with public buildings. He said the height restrictions did not work well around the State capital. He said Mr. Rasch had done three different calculations on what the height limit of the State parking garage would be.

Mr. Katz went on to list the buildings that would be included. He noted that the official map was inaccurate. He said he would speak with Councilor Ortiz about conversations with the State. He said he thought that neither the State nor the County wanted to have buildings that don't fit in. He said there was a little bit of desire for the County to make a statement with the building to make it stand out, which was the exact opposite of what they were trying to do with the state ordinances.

Mr. Katz said they would receive more respect from the County and State if they had an ordinance that was conceivable to comply with. He said the resolution was put before the Board for this reason. He said Councilor Ortiz wanted to add the amendment to it. He said they could go to the Attorney General for an opinion as a last resort.

Chair Woods asked if they were supposed to take public comment regarding this matter.

Mr. Rasch said they were, and clarified that the Board was to make a recommendation to the Governing Body to accept the plans, deny them, or accept them with conditions.

Chair Woods said she was concerned that the resolution said the groups would talk, but it did not say that they had to come before the Board.

Mr. Katz said it did not say that. He said the State and the County were resistant to come before the Board. He noted that the difference was that State could exempt themselves if they chose. He said the objective was to set up a structure where they would come before the Board to take advantage of the Board's expertise and knowledge. He said he hoped the County and the State would submit themselves to that judgment.

Chair Woods said Mr. Rasch, Mr. Featheringill and she had sat in the group meeting with the County, but said it had never come back before the Board, which was unfortunate. She asked if they were setting a precedent that they really did not have to come back to the Board.

Mr. Katz said they could very likely go to court and stop the State from building the parking garage. He said they were hoping to break ground that month, but said if they filed a suit, the most likely thing that would happen the following Jan 16<sup>th</sup> was that they would change the statute.

Chair Woods asked if passing the amendment made the law retroactive to the County, who they had already tried to cooperate and work with to come up with a building.

Mr. Katz explained that it was not a law, but was rather a resolution. He said it was directing them to talk to the County to change the ordinance so that they would comply.

Chair Woods asked if it affected the county courthouse.

Mr. Katz said that was not likely because it took time to revise the ordinance.

Chair Woods asked if they agreed to the resolution, they were basically saying that it was not required for the plans to come back before the H Board.

Mr. Katz said it had nothing to do with that aspect. He said it was to go out and work with them to work out a way that the City could structure their ordinance so that the County and State would comply with it.

Chair Woods asked how it impacted the parking garage.

Mr. Katz said it depended on where the issue with the parking garage itself went. He said if they were to come back with a design that lowered it and made it look beautiful, it would not be wise to sue them just because they did not come to the Historic Design Review Board. He said he was sure that, on some level, the legislature saw the value in the statute they passed in 1962. He said he could not give Chair Woods an answer on the parking garage. He said they could insist, but did so at their peril.

Ms. Walker said Mr. Katz had referred twice to the Historic District Zoning Ordinance as it was at that time or as might be when amended. She asked if it was to be amended to include just Government buildings.

Mr. Katz said he was referring to an amendment that suggested public buildings.

Ms. Walker asked if a public building was the same thing as a government building.

Mr. Katz said they would probably like to stick just to government buildings.

Ms. Walker said she thought it needed to say just government buildings. She asked if the ordinance was amended to change the height, who would be involved in rewriting it and what difference would it make about the State or the County coming to the H Board.

Mr. Katz said the goal would be to set up design standards that were not impossible to comply with so they would be willing to comply with the approval process.

Ms. Walker asked if they were aware of the exceptions process.

Mr. Katz said he was sure they were.

Mr. Frost said they had worked with the County on the design, but asked if the County had decided to go back to the original plan as soon as the news broke that the resolution was being put forth. He said he thought that made him think that pushing too far would result in a change the statute.

Chair Woods said she had been there, and said that was not what had happened. She said the County had continued to work with them.

Mr. Katz said they usually got along in harmony with the County, but he said a resolution that said the Board would sue them if they didn't follow the Board's rule would not promote that harmony.

Chair Woods said at the hearing, the County Commissioners asked the Mayor if the City would sue if the County approved the design. She said the Mayor had told them he

did not know if the Council would do.

Mr. Katz said they were concerned about getting sued, but said he thought they appreciated his legal position on it. He said they appreciated the help that was provided from the community with the design. He said he thought they were in better shape at that time than they had been when the first design had been submitted.

Ms. Walker asked if any thought had been given to private/public. She explained that it could be built by private developer but on County or State land.

Mr. Katz said he didn't think there were limits there, but said he did not want to open up the whole historic ordinance.

Ms. Walker asked if they could just say it was government buildings for government use only, and avoid the public/private part of it altogether.

Mr. Katz said one of the issues on the parking lot was its use when the legislature was not in session.

Ms. Rios asked if he could elaborate on what weight a resolution might hold.

Mr. Katz said the current resolution directed the Mayor and the City Attorney to do something. He said they would go do it. He said they would bring back to the Council what could be done.

Chair Woods invited members of the public to address the Board at that time.

Ms. Lois Snyderman, of 912 Los Lovatos, was sworn in. She said she was happy to see the resolution and its amendments introduced because it addressed an extremely important problem, which was how the City, the County, and the State would work together under a preservation ordinance. She said the resolution was well-written, and the amendments improved it. She said the resolution basically stated that there should be discussions with the County and the State on the ordinance and how to implement it. She said she felt it was very important to have the discussions first. She said if there was not agreement on the ordinance and how to implement it, it was important for all three entities to understand that the next step could be to get a legal opinion regarding the ordinance. She said she didn't think it should be seen as threatening, because she felt it was a reasonable next step to take.

Ms. Snyderman said what worried her, in hearing the comments made by the City Attorney, was that there seemed to be a view that the outcome would be to make changes to the City Ordinance that would be more acceptable to the City and the County. She said that was not in the resolution or the amendments. She said she didn't think the City should go into the discussions with that in mind. She said it should be, as the amendment stated, to discuss the ordinance and how it could be put into effect for

mutual benefit of all the entities, not to discuss how to change it to make it more acceptable.

Ms. Snyderman said she thought there also seemed to be a tendency to mix up the issue with the Courthouse and the resolution. She said the proposals for that and the garage were very large issues. She said what happened with the courthouse was aggravating, and had to be dealt with. She felt that it was a bigger and much more important resolution. She noted that it would affect the ordinance and its future. She said it dealt with a much larger issue, which was what would happen to the historic ordinance. She said she hoped the Historic Design Review Board would pass the resolution with the amendments since it dealt with the future of the preservation ordinance, and how the City and County would work under it.

Ms. Marilyn Bane, of 622 ½ Canyon Road, was sworn in. She noted she was present as the president of the OSFA. She said she had only seen the amendment that evening, so her Board had not had a chance to look at it. She said she thought the amendment was an excellent addition. She said she shared Ms. Snyderman's concern regarding changes to the ordinance. She said she was particularly grateful to Councilor Ortiz, who was their sponsor.

Ms. Bane said she agreed with Chair Woods that it was a place where people went for approval. She said she thought it was very important that they come before the Historic Design Review Board, and added that it was a very important Board. She said they should not do business with a wink and a nod. She commended the City Attorney for trying to find a way to get around it. She said she would probably push the envelope and say they have to obey the ordinances, but said they wanted to come out with the best possible design for their historic districts.

Ms. Bane said she commended the resolution, but added that they needed to find a way to make it real and enforceable, and thought it should require that the State and County come before the Board.

Ms. Stefanie Beninato, who was previously sworn in, said she thought it was a good idea to have the resolution, and said she was in agreement with the two previous speakers. She said Mr. Katz had said the ordinance was just for residences but said the original Zone was Downtown eastside, which included Government, Public, and Commercial buildings.

Chair Woods clarified that Mr. Katz had said that the ordinance had been written more for residential properties, but she said he had never said that it did not apply to Commercial properties at that time.

Ms. Beninato said it applied at that time, but said Mr. Katz said it had been written for residential properties. She said when it had been written, it applied to the Downtown, which contained Commercial buildings in it. She said she thought the Board had a

strong case and that if they had amended the ordinance to put it under the State Law that said the State would comply then the Board had a basis for going forward. She said she thought the Board should also get an opinion from the Attorney General about it so that they would have a stronger in negotiating with the County and the State.

Ms. Beninato said she did not think they should talk about amending the ordinance, or if they did, then there needed to be a very large public discussion about that. She said it sounded like something was just going to slip through. She also urged them to look at that once the Board approved the plan, it was approved and the plan could not be changed.

Ms. Beninato said she looked at the Museum on Lincoln, and it was straight up, which was not the original plan of a Pueblo-style look. She wondered if the plan had been changed and nobody had realized because they did not have to get changes approved by the Board.

Ms. Beninato said, as far as being afraid of a suit against the State, she believed the law change in January would not affect the lawsuit, but said it might affect funding from the State. She said she thought that would be the more likely result of a lawsuit against the State, rather than a law that would apply retroactively, which would be unconstitutional. She added that she had passed some photos around, and wondered if she could get them back as soon as Mr. Frost and Ms. Rios had looked at them.

Mr. Barrow asked what would be the process of amending the ordinance and if the Board would be involved in that process.

Mr. Katz said the Board would be involved. He said there would be hearings before the Planning Commission, and before the Historic Design Review Board. He said he was not looking for a way around the historic ordinance, but rather for a way through it.

**Ms. Walker moved to recommend to the Governing Body, the approval of the resolution as amended, contained in Exhibit B, with one addition that, should there be an amended version of the City of Santa Fe Historic District Zoning Ordinance, it apply only to Government buildings fully in use by that Government. Mr. Barrow seconded the motion.**

Ms. Rios asked for comment on Ms. Walker's amendment.

Mr. Frost said he thought the amendment would create just one more hurdle. He said the basic resolution said that everyone must abide by the resolution. He said the rules were for everyone.

Ms. Rios said she agreed with Mr. Frost.

Mr. Rasch said the resolution was only discussing government buildings.

Ms. Rios asked if it was a general directive so the City, State, and County could come together to an understanding of what they should comply with.

Mr. Katz agreed that was correct. He said it was directed only to the State and County and the Government buildings they would build downtown.

Ms. Walker said they were not trying to say that any increase in height would be allowed by any user.

Mr. Barrow said the height relaxing was not in there. He said he agreed with Ms. Rios and Mr. Frost.

Ms. Walker said she could withdraw her addition.

Ms. Rios asked if they could we have comment from City Attorney in reference to Ms. Walker's addition.

Mr. Katz said he agreed that it was not necessary at that stage. He said he would like to suggest that they amend the title of the ordinance. He noted that it should read "Authorizing the Mayor and the City Attorney to pursue Compliance by Santa Fe County and the State of New Mexico with the City Historic District Ordinance," and should remove the declaratory judgment.

**Ms. Walker agreed to withdraw her condition to the motion, and to retitle the resolution per the City Attorney. The motion was seconded and passed by unanimous voice vote.**

**2. AN ORDINANCE AMENDING SECTIONS 14-8.10(H)(28)(e) AND 14-8.10(H)(29) SFCC 1987 REGARDING PRICE REDUCTION SIGNS IN HISTORIC DISTRICTS. (Councilor Bushee) (David Rasch).**

Mr. Rasch said it was a clean up of the original resolution. He said the Business Quality of Life Committee had told them that business owners were not happy with the ordinance because there were some glitches with the original ordinance. He said one of the problems was that any sign application had been costing \$49. He said each business was permitted one sign, which was not to exceed 8 ½ by 11 inches, without a permit. He said they did not have to pay the fee of \$49 for one sign.

Mr. Rasch said they were intending to increase the size limit on the reduced sale sign from 18 by 24 inches to six feet square. He said he had heard that there was some interest in not granting that part of the amendment. He said that was one of the changes they were asking the Board to vote on.

Mr. Rasch added that on page two, applications for distressed merchandise sale

signs could be submitted four times per year, but said they were increasing that to six times a year. He added that they needed language that cleared up public visibility. He said that was in the last paragraph.

Mr. Barrow said there was a large difference between 18 by 24 inches and six feet square. He asked if there was an alternative.

Mr. Rasch said two by three feet instead of 18 by 24.

Chair Woods said the maker of the motion could suggest a median if they so wished.

There were no members of the public who wished to speak regarding this issue.

**Ms. Walker moved to recommend approval of the resolution for the Ordinance amending sections 14-8.10(H)(28)(e) and 14-8.10(H)(29) regarding price reduction signs in Historic Districts, with the exception that the size listed in (e)(i)(b) shall remain 18 inches by 24 inches. Mr. Frost seconded the motion.**

Mr. Frost asked why the sign size was too large.

Mr. Rasch said he thought it was just a concern of some business owners.

Mr. Featheringill said six feet square could include a sign that was 1 by 6 feet.

**The motion passed by unanimous voice vote.**

- 3. Santa Fe Plaza.** Downtown & Eastside Historic District. Public Works Department proposes Plaza Improvements that includes 1,500 square feet of concrete replacement and installation of three removable dark steel bollards as well as discussion of traffic circulation for left hand turns from Palace Avenue onto Washington Street. (Chip Lilienthal and Public Works Staff).

Mr. Rasch introduced Mr. Jesus Vega, who was from Public Works, and would present the project.

Mr. Rasch showed the slides on the proposed improvements. He showed color swatches that had five colors, and explained that the Board could agree or disagree with those five, and could add or subtract. He said he would like the action to give Public Works, for the record, the Board's determination on what colors were available for concrete in the Historic Districts. He noted the bollard would be in the color scheme for the plaza. He then explained the traffic flow at the plaza.

Mr. Vega introduced himself, and noted he was asked to stand in for Mr. Chip Lilienthal.

Mr. Barrow said the color chips didn't really reflect what the actual colors were. He said he thought they could go with the colors seen on the field trip. He said they needed to see real samples.

Ms. Rios agreed with Mr. Barrow. She asked said she understood that Mr. Vega wished to widen the ADA openings.

Mr. Vega said he couldn't tell the Board any specifics in regards to that particular project, because he was not project manager, but he said it seemed like the diagonals were different and smaller than the ADA ramps.

Ms. Rios asked Mr. Rasch if they had been planning on widening the ADA accessible areas.

Mr. Rasch said they were going to make it a diagonal rather than two ninety degrees. He noted there were some dimensions on the first foldout.

Chair Woods asked if it was a 15-foot wide handicapped ramp. She said if Mr. Vega could not answer questions, perhaps they should postpone until the gentleman who was working on the project could answer the questions.

Mr. Barrow said they could vote on concrete colors.

There was no one from the public who wished to speak regarding this issue.

Ms. Rios asked if the color they had already put down was also going to be around the bandstand.

Mr. Vega said he believed so. He said it was all supposed to be the same color.

**Mr. Barrow moved that the case be divided and that the color that had already been used on the current concrete at the plaza, Southern Blush, be approved, and that the ramp and bollard sections of the case be postponed, and added that any submissions for colors for the future be brought back in sample form. Ms. Rios seconded the motion. The motion passed by unanimous voice vote.**

Chair Woods cautioned the Public Works Dept to not do any work until that work could be approved.

#### **4. Board discussion of delegation of signature on Finding of Facts and Conclusions of Law to the chair of the Historic Design Review Board.**

Mr. Rasch presented this issue delegating the signature authority to the Chair. He

said they could recommend approval or recommend denial. He said they could also recommend with conditions. He said a condition he might include was that when the Board heard a case, when they made their action, they could state in the action that they delegated the authority to the Chair, or that they wanted the findings brought back at a later date.

Chair Woods said she agreed with Mr. Rasch. She explained that the reason the issue had come up was that the Board made some people wait so long. She said it took two to three weeks to be heard by the Board, and then it was two more weeks to get the findings of fact. She said it was meant to ease the process. She said she was willing to go in the next day. She said she took notes on the conditions. She said the reason for it was to unclog it some.

Ms. Walker asked if they could make a motion that said the Board could review the more difficult cases, and otherwise they could be signed by the Chair.

Chair Woods said she thought that was too relative. She said she thought it should be for the Board to decide, not just the Chair and Staff.

Ms. Walker agreed.

Ms. Rios asked if Chair Woods was saying that by having the attorney prepare the Findings of Fact and Conclusions of Law, it added more time to approvals.

Chair Woods said how it was, when somebody applied, they had to wait for the Board to hear it, and because the Findings of Fact didn't come back until the next Board meeting, they had to wait another week. She said it took a lot of time to go through the process.

Mr. Frost asked if it would shorten the process by about a week.

Ms. Brennan said it would presumably shorten it by a couple of weeks or about ten days.

Chair Woods said the one on Cerrillos Road was obviously going to be appealed.

Ms. Brennan said those applicants knew that the big complicated projects would take longer. She said they could request verbatim minutes, and refer to the proposed findings.

Mr. Barrow said he understood that they were trying to speed up the process and would like to be able to sign the Findings of Fact the next day to shave two weeks off the process. He said the question he had was procedural. He said he was not opposed to the idea, but noted that the Board was entirely voluntary. He said he understood that the Mayor appointed the Chair. He said as long as they had a Mayor who supported

Historic Preservation and appointed a chair who was sensitive it was fine. He said if they had a Mayor who was not interested in Historic Preservation, it wouldn't be so good.

Chair Woods said that was an excellent point. She said she thought they could add a Condition that stated that the Board could resend the resolution at any time.

Mr. Featheringill added that if they had any concerns about the Board Chair, they could review what the Chair had signed and if it was not what was stated at the Board meeting, then there was an issue, and the Chair could be removed.

Mr. Frost said when it was very simple, it would be fine. He said that with something like Cerrillos Road, it would take two weeks just to review the conditions. He said he thought that if they used it, it took some of the negativity of the Board away.

Chair Woods said they could just do it on a case-by-case basis.

Ms. Brennan said the findings and conclusions should always represent the decision and the testimony heard and the law applied. She said they were drafted by staff.

Chair Woods said they had gotten much better.

Ms. Rios said she thought it was a pretty safe process because of what Ms. Brennan had just said. She said there were checks and balances.

Ms. Walker said they always retained the right to have it come back to Board.

Public Comment:

Mr. Eric Enfield was sworn in. He said he liked it.

Mr. Barrow said if there could be consideration that cases with exceptions not be included.

Mr. Rasch said that was totally acceptable.

**Mr. Featheringill moved to delegate the signing of Findings of Fact and Conclusions of Law to the Chair of the Historic Design Review board, or the Co-Chair in the event that the Chair is unable to do so, with the condition that, with each case, the maker of the motion could order that the case be returned to the Board for review and signed at that point, and the condition that all cases with exceptions must come back before the Board for a full review. Board includes in the motion that it be reviewed y the Board of the case has an exception. Mr. Barrow seconded the motion. The motion passed by unanimous voice vote.**

Mr. Rasch presented the staff report for this case as follows:

**Background and Summary:**

"523 Canyon Road is a 910 square foot adobe single-family residence that was built in 1961 with a blend of Territorial Revival and Spanish-Pueblo Revival styles. The three room building features wooden door and window surrounds with pedimented headers and battered unadorned parapets. The building is listed as non-contributing to the Downtown & Eastside Historic District.

"On June 27, 2006, the HDRB approved a 163 square foot addition to the rear, west elevation of the existing residence. That project was not begun and the Board approval had expired.

"Now, the applicant proposes to construct a 190 square foot addition to the north elevation of the building. The addition will be set back from both the north and west elevations by 1' and will match existing adjacent height.

"The adobe addition will feature true divided light windows and doors with style details and colors matching existing conditions and finishes.

**Staff Recommendation:**

"Staff recommends approval of the application which complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District."

Ms. Rios noted that the building was 3 years short of 50 years. She asked if Mr. Rasch thought it should be considered for historic status, and asked if it would be in the future, with the alterations as proposed.

Mr. Rasch said the ordinance did say approximately 50 years old. He said there were several issues to consider. He said a structure of 190 square feet is a sensitive addition, but he said if it became contributing, the addition was not set back ten feet from the north elevation, which could be the primary elevation. He said the size was more sensitive than the setback.

Present and sworn was Mr. Richard Horcasitas, of 421 St. Michael's Drive, who said he had reviewed the staff report and felt comfortable with the recommendation of

## **H. OLD BUSINESS**

1. **Case #H-06-040.** 523 Canyon Road. Downtown & Eastside Historic District. Richard Horcasitas, agent for Mountain Investments Inc., proposes to construct a 190 sq. ft. addition to the north elevation of a non-contributing residence to match existing height. (David Rasch)

approval. He said they felt that what they had proposed followed the guidelines of the Downtown and Eastside Historic Design standards. He said he stood to answer any questions the Board had.

Mr. Barrow asked what was wrong with the original approval, since they had changed it.

Mr. Horcasitas said nothing was wrong with it except in the floor plan he said they were adding on to the bottom of the "Tee" so there would be an opening on both sides of the fireplace. He pointed out the kitchen location and said the goal was to provide another bedroom. He said the owner was intent on adding those things.

Mr. Barrow said the new addition looked a little larger than the former proposal. He asked if Mr. Rasch thought the old proposed addition were to be applied, that it would have the same affect on the historic status as the other addition.

Mr. Rasch thought the old approval was more in keeping with the 50% rule and the Primary elevation rule. He said it would be more sensitive to the historic structure.

Mr. Frost said the ordinance said approximately 50 years of age, and the residence was 47 years of age. He asked if it could be brought before the board for a status review.

Ms. Brennan said 49 ½ was considered "approximately 50".

Chair Woods told Mr. Horcasitas that front facade was really pretty. She said that facade would be gone because that was where he was adding everything.

Mr. Horcasitas said the front door would be the same and the window would be smaller.

Chair Woods said it changed, especially with respect to the symmetry of the front facade. She urged them to reconsider.

Mr. Featheringill asked if the south was the primary elevation.

Mr. Rasch said he had not determined a primary elevation because there was no contributing structure, but said that by looking at the photographs, the south elevation had the same character-defining elements as the north, but the south elevation was not the entrance. He said he would classify the north elevation as the primary one.

Ms. Rios asked what the square footage that they were going to add was.

Mr. Horcasitas said it was 190 square feet, and noted it was all on the north elevation.

Ms. Rios asked why the door to the entry hall could not be centered on the facade.

Mr. Horcasitas said it was closer to the break.

Ms. Rios said it would look much better in the middle.

Mr. Frost asked if they were just moving the door forward.

Mr. Horcasitas agreed they were.

Mr. Barrow asked if they had considered putting the addition on the other side of the building.

Mr. Horcasitas said they had. He said they were sensitive to the Zaguan at Historic Santa Fe Foundation. He said either side would work.

Mr. Barrow said that setting it back one foot only gave them a certain amount of relief. He asked if they would consider allowing the entrance hall facade to be moved back into a recess.

Mr. Horcasitas said they would consider that.

Chair Woods said if they used the same door, and it was moved out, but the entrance hall was set back, and moved the kitchen to the other side, it wouldn't mess with the facade as much.

Mr. Horcasitas said the door went into the kitchen as it was at that time.

Mr. Barrow said he would venture to say the recess would be significant.

No members of the public wished to speak regarding this case.

**Mr. Barrow moved to approve case #H-06-040 per staff recommendations and with the following conditions:**

- 1. The entry hall be pushed back approximately half way along the line,**
- 2. That the entry door be centered, and**
- 3. That the original door be reused.**

**Ms. Walker seconded the motion.**

Mr. Frost asked if the window was to be shifted more to the center.

Mr. Horcasitas said it was very close.

**Mr. Frost asked if Mr. Barrow would add to his motion the condition that the front door and window be in line with the previous locations.**

**Mr. Barrow agreed.**

Mr. Horcasitas noted the window would be at the sink, so it would not be as large.

**The motion passed by unanimous voice vote.**

- 2. Case #H-07-050.** 1260 Canyon Road. Downtown & Eastside Historic District. Elisabeth Wagner, agent for Roy Trice, proposes to amend a previous approval to construct a 1,489 sq. ft. guest house to a maximum height of 15' where the maximum allowable height is 15'6". (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**Background and Summary:**

"1260 Canyon Road is a single-family, two-story residence that was constructed before 1951 in a vernacular style. Major remodeling occurred in 1968 with non-compliant elements. The building is listed as non-contributing to the Downtown and Eastside Historic District as supported by 1983 and 2007 historic cultural properties inventories.

"On April 24, 2007, the HDRB approved remodeling of the existing residence and construction of an approximately 1,500 square foot free-standing guest house and a free-standing garage.

"Now, the applicant proposes to amend the previous approval for the guest house. The 584 square feet of portals located on the east, north, and south elevations will be removed.

"The guest house will be 1,492 square feet to a maximum height of 15', where the maximum allowable height is 15' 6" as determined by a radial calculation.

"The design features wall dominated massing with divided light windows and doors. Finishes will match the main residence in "Driftwood" for the stucco color and "Atrium" white for the trim color.

"There is a 4' deep by 6' wide balcony proposed for the north elevation which is cantilevered 1' 6" off from grade. The cantilever supports are minimal beams under the balcony. Section 14-5.2(E)(2)(c) requires projecting vigas, beams, or wood corbels

supporting the cantilever. The Board practices that projecting depths of 4' or more need vertical supports, such as with portals or porches (see definitions).

**Staff Recommendation:**

“Staff recommends approval of this application with the condition that the north elevation balcony be supported by posts from grade or that the balcony be redesigned as a porch with a solid base. Otherwise, this application complies with Section 14-5.2(D) General design Standards and (E) Downtown and Eastside Historic District. “

Mr. Barrow said there were some cantilevers on the front. He asked about them.

Mr. Rasch said he had not been able to look at the plans, but said he would clarify that with the applicant.

Present and sworn was Ms. Elisabeth Wagner, of 1402 c Cerro Gordo Road. She said a lot of the reason for the redesign was that they had resided the house, rotated it and flipped it so that the kitchen and living room faced south. She said she tweaked the windows. She noted the master bedroom faced the north. She said it had been approved by zoning, but she said they had later said the portals had to be within the 1500 square foot footprint, so they decided to just get rid of the portals. She pointed out where the portal was to be. She said the grade dropped off at the bedroom, so she put in the cantilevered porch.

Mr. Barrow asked if the Board had approved a cantilevered balcony before.

Ms. Wagner said they had.

Mr. Rasch said there appeared to be posts on it.

Mr. Barrow noted that the applicant said it was cantilevered.

Ms. Wagner got out her plans to attempt to explain.

Chair Woods suggested that they recess for five minutes.

Chair Woods asked if the Board had approved a cantilever without a support.

Mr. Rasch said it showed a post on the east elevation.

Chair Woods said it looked like a conflict in the drawings.

Mr. Barrow asked if Ms. Wagner agreed with supporting posts on the porch being proposed.

Ms. Wagner agreed to the condition.

There were no members of the public present who wished to speak regarding this case.

Ms. Rios asked if Ms. Wagner thought that was the best solution, and asked what she thought about adding a corbel.

Ms. Wagner said the posts were not a problem. She said the cantilever was not visible.

Chair Woods said the maker of the motion could include both posts and cantilevers.

Ms. Wagner said she would use posts.

Chair Woods asked what they should do about the conflict in the main building.

Ms. Wagner said she didn't know. She said the owner was adamant that he wanted a balcony. She said she never knew it was a problem.

Mr. Rasch said that since the issue of the main residence was not posted on the agenda, the most the Board could do would be to direct staff to look into a resolution.

Chair Woods asked how a conflict in the drawings would be resolved.

Ms. Brennan said it would be fruitful to look at the minutes of that meeting. She said she didn't think the Board was required to compound an error by approving it.

Ms. Wagner said there had been no discussion on the main house. She said there had been lots of discussion on the garage. She said everything had been passed as presented.

Mr. Rasch said he thought she was correct. He said he thought they had overlooked the fact that there were no posts on the north elevation, but they had seen them on the east and west elevations.

**Mr. Barrow moved to approve case H-07-050 per staff recommendations and that the solution for the posts be brought back to staff for review, and recommended that staff look into the discrepancy of the drawings, and if posts were shown on one set of drawings but not on the approved set, the Board would review it. Ms. Walker seconded the motion. The motion passed by unanimous voice vote.**

## **I. NEW BUSINESS**

1. **Case #H-08-036.** 112 Camino Escondido #4. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Ester Ritz and Bob Taylor, proposes to remodel a non-contributing building by increasing the height of the building from 10'4" to 14'6" where the maximum allowable height is 15'5", infill an approximately 144 sq. ft. portal, and alter openings. (Marissa Barrett)  
Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"The multi-residential Compound in which 112 #4 is located was built around 1977 in the Spanish Pueblo Revival Style. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

"This application proposes to remodel the non-contributing building with the following alterations:

"Raise a portion of the parapet from 10' 4" to 14' 6" where the maximum allowable height is 15' 5" and the highest point of the existing building is 19'. The height increase will conceal the AC unit.

"Enclose an approximately 144 square foot inset portal on the non-publicly visible west elevation. The enclosure will include a divided light door flanked by divided light sidelights and a divided light fixed window flanked by divided light casement windows. Windows will be clad in the color linen.

"Replace all existing windows with divided light clad windows in the color linen. One window on the non-publicly visible west elevation will be relocated and reduced in size. Also one window on the east elevation will be removed and stuccoed over and an existing door will be replaced with a divided light door.

"The east and west elevations will be re-stuccoed to match the existing color and texture.

**Staff Recommendation:**

"Staff recommends approval of this application as it complies with Section 14-5.2 (D) General Design standards for all H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Present and previously sworn was Mr. Eric Enfield, of 612 Old Santa Fe Trail. He brought the homeowners' approval letter for the Board. He said the owners had contacted him about one other change on the west elevation. He said that in the proposed west elevation, there was a window under the balcony. He said the owners

wished to change it to a pair of French doors. He showed the board a drawing of the desired change. He noted it would also have a small, low wood deck. He noted it was the elevation that was not visible from Camino Escondido.

Chair Woods noted that, on that same west facade, the door with two fixed windows on either side had muntins on the door did not line up with muntins on the windows.

Mr. Enfield said he would make sure they matched. He noted that they were French Sidelights.

Ms. Rios clarified that only units 6, 7, and 8 were built in the 70's. She said the others units predated that occurrence by many years.

No members of the public wished to speak regarding this case.

**Mr. Frost moved to approve case # H-08-036 per staff recommendation, with the amended drawing which eliminated the window on the west elevation and replaced it with matching French doors. Ms. Rios seconded the motion.**

**Ms. Rios asked if Mr. Frost would add the condition that the muntins match on the west elevation.**

**Mr. Frost agreed.**

**The motion passed by unanimous voice vote.**

2. **Case #H-08-037.** 1301 Canyon Road. Downtown & Eastside Historic District. Michael Munson, owner/agent, proposes to construct an approximately 352 sq. ft. addition and an 234 sq. ft. portal to a non-contributing building to match the existing height of 14'. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"1301 Canyon Road is a 3,338 square foot (833 square foot is lower level, main level is 2,505 square feet) single family residence built in 1946 in the Spanish Pueblo Revival style. The building has had major alterations and is listed as non-contributing to the Downtown and Eastside Historic District.

"The HDRB approved a 1,499 square foot guest house on July 13, 2004. In 2006 the HDRB approved the construction of an approximately 450 square foot addition and a 112 square foot portal to the south elevation of the existing building, an approximately 625 square foot garage, and an approximately 2,058 square foot single family residence

(lower level 800 square feet with 183 square feet of portals, upper level is 1,258 square feet and 431 square feet of portals) and a 1,493 square foot attached guest house (1,310 square feet with 183 square feet of portals). The buildings approved under this application were not constructed. The previous 2004 and 2006 cases are in the packet for your review.

"This application proposes the construction of an approximately 352 square foot addition to the east elevation and an approximately 234 square foot portal addition to the south elevation of the 1,499 square foot guest house which is still under construction. The addition will match the existing height of 14'. Windows will be double hung simulated divided light and will match the existing in pattern and color (light brown). Doors will be wood French Doors. The stucco will be cementitious in the color Adobe to match the existing building.

"No skylights are indicated on the floor plan.

**Staff Recommendation:**

"Staff recommends approval of this application on the condition that exterior light fixtures are approved by staff and that there are no publicly visible rooftop appurtenances. Otherwise this application complies with Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Ms. Barrett noted that the 1,499 square foot structure was under construction and did have a building permit. She noted the structures from 2006 had not been constructed.

Present and sworn was Mr. Michael Munson, of 1301 Canyon Road. He said he had nothing to add. He said he had downscaled it each time he had worked on the property. He noted they were just adding one room to the guest house, and said they had changed it from the guesthouse to be the primary residence. He noted there was a small, roofed in portal that was being added as well.

Ms. Rios asked if there were any rooftop appurtenances or skylights.

Mr. Munson said there were none.

There were no members of the public who wished to speak regarding this case.

Ms. Walker asked how Zoning had allowed them to have two primary residences.

Mr. Munson noted that it was an R02 and was over an acre, and said he was apparently allowed two primary residences and one guest house on the property. He noted he had met with the Canyon Road Neighborhood Association, who had no

problem with the planned construction.

**Ms. Rios moved to approve case #H-08-037 per staff recommendations. Mr. Frost seconded the motion. The motion passed by unanimous voice vote.**

- 3. Case #H-08-041.** 729 E. Palace Avenue. Downtown & Eastside Historic District. Andy Lyons, agent for Phillip Coombs, proposes to construct two automated 5' high wooden vehicle gates between existing pilasters that frame a 21' opening at 23' in from the private access drive on a non-contributing property. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**Background and Summary:**

"729 East Palace Avenue is a five-unit residential development that was recently approved by the Board and is currently under construction. The residences are mostly not visible behind very tall street-facing walls that enclose the property. The existing building, remaining after demolition of the rest of the structures, is listed as non-contributing to the Downtown and Eastside Historic District.

"On March 13, 2007, the Board conditionally approved remodeling of the proposed wall along the east lotline. The approval required that the wall be altered to coyote fence with stuccoed pilasters and that the proposed vehicle gate be removed.

"Now, the applicant is requesting approval for the same gate design as one year ago. The gates will be automated, located approximately 14' from the east property line and at 23' in from the private entrance drive at La Vereda.

"The gates are designed with a clear-coat finish on natural wood in a panel and zig-zag pattern. There are no visual perforations through the gates, as designed. A photograph of similar gates on Alameda is provided.

**Staff Recommendation:**

"Staff recommends approval of this application which complies with Section 14-5.2 (D) General Design Standards and (E) Downtown and Eastside Historic District."

Mr. Rasch noted the applicant had provided additional photographs of other gates along the streetscape.

Present and sworn was Mr. Phillip Coombs, if 729 East Palace. He said there had been a gate there before, and it had been removed. He said the streetscape did not face Palace. He noted that La Vereda was a private street. He said he had a lot of pictures of gates in the neighborhood. He showed them to the Board, and noted the

location of each.

Chair Woods asked if La Vereda was a private road.

Mr. Coombs said it was.

Chair Woods asked if the Board had jurisdiction.

Ms. Brennan said they had no jurisdiction unless the gate was visible from Palace.

Ms. Walker said it could be seen from Palace, but it was not prominent.

Mr. Coombs said it was set in about 20'.

Ms. Walker thanked Mr. Coombs for the pictures. She thought the best type of gates were ones that people were able to see through. She said she would recommend one that could be seen through.

Mr. Barrow asked if any of the pictures shown were historic.

Mr. Rasch said without further research it would be hard to say. He said he felt that most were not historic.

Mr. Barrow asked what the purpose of the gate was.

Chair Woods said that is not within their jurisdiction. She noted the applicant was not required to state the purpose for the gate.

Mr. Barrow said when they had seen the case before, the Board had been concerned because the property had looked very dense and the wall was high. He said they had been concerned about the fortress look to it. He said the fence didn't look compliant, but probably predated the ordinance. He said the discussion was that having an open gate would give some relief. He said that had been a major concern. He said he couldn't be convinced that his stand would be different than opposing it, as he had the previous time.

Ms. Rios asked if Mr. Coombs would be open to lowering the gate and having an open design since they were moving it 23 feet back. She noted the Wrought Iron gate Mr. Coombs had shown from Alameda

Mr. Coombs asked if he could open the zig-zag design to give show into the property. He said there was is one like that on Arroyo Tenorio. He said he could open it up by not having the top panel solid, and keep the bottom solid for a compromise. He noted the design had come from the Morley House. He said he thought the style was in keeping with the neighborhood

Ms. Rios asked if they had coyote fence on either side.

Mr. Coombs said they did. He said the Board had required that he tear down the stuccoed wall and put in a coyote fence.

There were no members of the public who wished to speak regarding this case.

Mr. Frost asked what the spacing would be between the zig-zags. He said they would need to clarify that.

Mr. Coombs said he thought it be proportionate to the width of the zig-zag.

**Ms. Walker moved to approve case# H-08-041 per staff recommendation with the condition that the top of the gate proposed have roughly 2.5" between the zig-zags.**

**Mr. Frost seconded the motion. The motion passed by majority vote, with Mr. Barrow in opposition.**

- 4. Case #H-08-038.** 753 Acequia Madre. Downtown & Eastside Historic District. Robin Gray Architect, LLC., agent for David Joseph, proposes to remodel a contributing building by removing the non-historic carport and portal, alter non-historic openings, reconfigure the steps, landing and overhang on the west elevation, lower yard wall ranging from 8'6"-7'6" to 6'8"-6'5", and replace vehicular gates with lower gates. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"The Spanish Pueblo Revival single family residence located at 753 Acequia Madre was constructed before 1940 and has received major alterations which include additions in the 1950's and 1970's and window replacement. The 2003 Historic Cultural Properties Inventory recommends that the building is non-contributing although the Official map still lists the building as contributing to the Downtown and Eastside.

"This application proposes the following alterations:

"Remove the non-historic approximately 81 square foot carport/portal on the south elevation. The carport/portal is hidden behind existing 7' 6" high vehicular gates and is setback approximately 120' from the street.

"Remove the south elevation French doors and windows on the non-historic

guesthouse addition. The openings will be altered with the installation of three 6/6 double hung divided light windows to match the existing color.

"The non-historic approximately 16 square foot portal on the non-primary west elevation will be removed. The portal currently covers the stair area and side entry door. The stairs and landing will be reconfigured and a new overhang will be installed for weather protection. A new wood railing will be installed at the stairs and will be stained to match the existing wood trim on the building.

"Reduce the existing yard wall that ranges in height from 8' 6" - 7' 6" to 6' 8" - 6' 5" where the maximum allowable height is 6'. The existing 7' 6" high vehicular gates will be replaced with manual wood vehicular gates to the maximum allowable height of 6'. The gates will be similar to the gate on the yard wall facing Acequia Madre.

**Staff Recommendation:**

"Staff Recommends approval of this application on the condition that the overhang details are clarified and that the yard walls not exceed the maximum allowable height of 6'. Otherwise this application complies with Section 14-5.2 (C) Regulations for Contributing Structures, Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Ms. Rios asked if they were reviewing the application as non-contributing structure.

Ms. Barrett said they were not, but said all the work was taking place on non-historic portions.

Ms. Rios asked if the proposed gate is visible from Acequia Madre.

Ms. Barrett said it was set back 120' but, was somewhat visible.

Mr. Frost said the existing height of the yard wall was out of compliance. He asked if the ordinance required that if the wall was removed, the new wall had to be in compliance.

Ms. Barrett said that the practice had been that once something was altered, it needed to be in compliance, and that was why staff was recommending that it not exceed 6'.

Present and sworn was Ms. Robin Gray, of 1042 Sage Circle. She said she would respond to questions. She noted that on the existing elevation, someone had an RV and the post and fence was raised to be at the top of it. She said that would be removed.

Mr. Frost asked if the two trees that were in front of the house in the drawings would be removed.

Ms. Gray said they would not be removed.

Mr. Barrow asked if she understood the staff recommendations about making the wall compliant.

Ms. Gray said she did.

Mr. Barrow said the guidelines for gates that encouraged a fenestrated, open design. He asked if that was an option for them.

Ms. Gray said she would have to discuss it with her clients. She said she was sure they would be open to having a gate with an open design.

There were no members of the public who wished to speak regarding this case.

**Mr. Frost moved to approve Case #H-08-038 as per staff recommendations including that the yard wall was not to exceed the 6' maximum allowable height, and the condition that the vehicular gate be redesigned, and brought to staff for approval, to include more fenestrations that would allow visibility into the yard. Ms. Rios seconded the motion, and it passed by unanimous voice vote.**

- 5. Case #H-08-039A.** 868 ½ East Alameda. Downtown & Eastside Historic District. Staff proposes a status upgrade from non-contributing to contributing. (Marissa Barrett)

Ms. Barrett noted that there was a correction to the cover sheet. She noted the street name was East Alameda, not East Palace.

Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"The Spanish Pueblo Revival style single family residence located at 868 ½ E. Alameda was constructed in 1957 and includes architectural elements such as canales, multi-lite steel casement windows with exposed concrete sills and wood lintels, and a wood post and beam portal with carved corbels on the south elevation. The building received minor remodeling which includes a simplified carport addition in the late 1980's to early 1990's and in 2004 the addition of modern windows and added portal post lifts on the north elevation as well as the re-roof of the rear portal and overall re-roof. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

"Since the 1985 Historic Cultural Properties Inventory listed the building as

non-contributing due to age a new recent survey was required since the building is now over 50 years old and could qualify for historic status upgrade. The surveyor has documented the alterations and recommends that the building is upgraded since it retains its historic and architectural character of a 1950's Santa Fe owner built residence."

**Staff Recommendation:**

"Staff recommends that the building is upgraded from non-contributing to contributing historic status based on age, retention of historic material, minor alterations that do not impact the historic and architectural integrity, and that the building helps maintain the character of the Downtown and Eastside Historic District."

There were no members of the public who wished to speak regarding this case.

**Ms. Rios moved, with respect to case #H-08-039, to upgrade the house per staff's recommendations to contributing. Mr. Frost seconded the motion, and it passed by unanimous voice vote.**

6. **Case #H-08-039B.** 868 ½ East Alameda. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Brook White, proposes to remodel a non-contributing building by replacing doors and windows, remodeling the non-historic carport, construct an addition of approximately 30 sq. ft. of heated space, remodeling a portal and constructing a 6' high yardwall where the maximum allowable height is 5'2". An exception is requested to 14-5.2(D,5,a). (Marissa Barrett)

Ms. Barrett noted again that the application was for 868 ½ E. Alameda, not E. Palace.

Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"This application proposes the following alterations:

"Construct approximately 30 square feet of heated space by enclosing a small portion of the east (HCPI north) elevation, non-publicly visible, non historic portal. The enclosure will include a divided light door flanked by simulated divided light clad windows in the color sage brown. The simple style portal will be remodeled to match the wet (HCPI south) elevation portal. New woods posts, beams, and carved corbels will be installed and a parapet will be constructed to a height of 9' 4" where the existing height is 10' 4". The wood will be stained to match the existing brown color.

"Rebuild the non-historic carport on the west (HCPI south) Alameda facing elevation. The carport will retain the simple style but new stable posts and beams will be installed to meet building code requirements. A 15 square foot storage closet and workspace will be constructed at the back of the remodeled carport. The closet will include double wood doors and may be visible when a vehicle is not parked under the carport. The doors will be stained to match the existing wood trim.

"Replace all windows with simulated divided light clad windows in the color sage brown. All windows on the west, north, and east elevations will match the existing dimension and pattern. The wood door on the west elevation will be replaced with a 6 panel wood door and the door on the north elevation will be '...replaced with a 6 panel wood door with glass above as 2 of the panels to compliment the new entry door.' Although the drawing shows a 10 lite door. The building will be re-stuccoed using El Rey 'Buckskin.'

"Since the west elevation is primary and the windows are the original steel casements the applicant is requesting an exception to Section 14-5/2 (D,5,a) to replace historic windows if the building is upgraded to contributing status. As required by City code, the applicant had answered the questions in section 14-5.2 (C,2,c,i-iv).

"Construct a 6' high CMU stuccoed yard wall approximately 2' 6" from the existing stone retaining wall is 5' 2". The wall will turn east at the driveway and a wood pedestrian gate will be installed. The wall and fence guidelines state that "Wall heights should modulate a minimum of 8 inches, or one block course, at least every 25 feet." the 37' long wall jogs back approximately 1' for the remaining length of the wall. However, there is no 8" modulation in height.

"A coyote fence is proposed along the north property line to the maximum allowable height of 6'.

"Lastly proposed is flagstone paving in the front yard from the gate entry to the main door.

**Staff Recommendation:**

"Staff recommends denial of the exception unless the Board has a positive finding of fact to grant the replacement of historic windows on a primary elevation. If approved, staff recommends the following conditions: that the yard wall not exceed the maximum allowable height of 5' 2" and that it meets the wall and fence guidelines, that there are no publicly visible rooftop appurtenances, and that any new exterior light fixtures are approved by staff. Otherwise, the application complies with Section 14-5.2 (C) Regulations for Contributing Structures, Section 14-5.2 (D) General Design Standards for All H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Ms. Rios asked if the wall on the west elevation met the guidelines as shown.

Ms. Barrett said it did not, and would need 8" modulation in height at the 25' foot mark.

Mr. Enfield, who was previously sworn, said he wrote the exception letter for changing out the two windows on the west facade. He said that since it had been upgraded to contributing, they would like the exception. He noted there were 3 types of windows on the property. He said there were some aluminum windows on north side, which were new, and some new ones on the east elevation that were replaced by the Homewise program, which was a City program. He asked if the program had gone before the Board.

Ms. Rios said they had not. She asked when they had replaced the windows.

Mr. Enfield said it had not been too long since the windows had been replaced. He noted that the carport had also been added. He said it was made of 2x4s and was falling apart, so they were proposing to rebuild it. He said they wanted to replace the two windows on the front facade for consistency. He said they would make the wall a maximum of 5' high, and would step it down 8" on each side, to 4' 4".

Mr. Enfield said they had stepped it back far enough to be able to do the rock wall with plantings. He noted that it had a chain link fence at that time. He said the wall should be just high enough to screen cars passing by. He said they had also proposed to replace all the windows and replace the car port with a little addition to the bedroom and bath at the back.

Mr. Enfield said they had also look at possibly revising their colors. He said they wanted Adobe instead of Buckskin and wanted Sage to be changed to a chocolate brown. He showed the color samples to the Board. He said his client had asked for the wall to be high at center and step down on both sides.

Ms. Walker asked if the gate was fenestrated.

Mr. Enfield said it was just a vertical slats gate. He said it was not completely designed, and would only be 4' 4" so people could look over it.

Mr. Barrow asked about the matching of windows. He asked if they could get windows that matched the size and muntins.

Mr. Enfield said they were proposing to match the number of lights, and the number of divisions, the width and the height.

Mr. Rasch said windows generally had a wider muntin.

Mr. Barrow asked if the large window was going to be fixed.

Mr. Enfield said it would be a dual casement with the same dimension. He said they would keep the picture window in living room and have the casements on both sides. He said the problem was that the mullions would be slightly different.

Mr. Barrow asked if the applicants typically provided the spec sheet for those windows. He said if Mr. Enfield was going to use custom made windows, there would be no problem. He said otherwise, the specs were usually in their packet.

Mr. Enfield gave the specs.

Mr. Brooks White, of 319 Don Fernando Road, was sworn in. He said, regarding the kitchen window, the existing window had fixed panel, and the same size operable casement. He said the proposed window was a single sash, operable casement.

Ms. Barrett said the "requirement" for specs was not currently in the application, but was not required.

Mr. White said that if the Board allowed the replacement window, they could do a French casement instead of one large sash.

There were no members of the public who wished to speak regarding this case.

Chair Woods said that if the maker of the motion approved the exception, they could refer to page 10.

The answers to the exception criteria were as follows:

1. The new windows and doors do not damage the character of the streetscape, there are a lot of other houses within the neighborhood that have updated windows. The new windows will still have the character of the existing historic windows, and presently there are different types of windows on the house.
2. The contributing façade limitation would prevent the structure from being updated, if they were replaced it would help in heat loss thru old windows, and use less energy trying to heat the house.
3. The new windows and doors will not make a big impact on the heterogeneous character of the city historic district. When the new windows/ doors are in you will never know they were replaced, and they're barely visible within the new wall.
4. Special conditions and circumstances are that no windows can be replaced on the contributing façade. The new windows are going to look similar to the existing windows; they will have the same amount of divisions and will match other windows in the

surrounding neighborhood.

5. The existing windows are old and really need to be replaced, not due to the applicant but due to weather and other natural causes.

6. The new windows and doors would not have a negative impact, and would be in harmony with the existing buildings within the neighborhood.

**Ms. Rios moved to approve case #H-08-039 B. per staff recommendations with the following conditions:**

**1. That the applicant had met the criteria for exception as stated in the applicant's letter,**

**2. That, regarding the windows, the applicant match the number of lights, the width and the height and function of the windows,**

**3. And that the be 5' at the highest, in the middle section, and steps down to 4' 4" on either side, with stucco would be cementitious in the color Adobe and the trim in chocolate brown.**

**Mr. Frost seconded the motion. The motion passed by unanimous voice vote.**

Mr. Enfield announced that there would be a memorial for Merritt Brown's son at Santa Maria de la Paz Church the following day at 10 a.m.

**7. Case #H-08-040.** 1146 Canyon Road. Downtown & Eastside Historic District. Greg Allegretti, agent for Joe & Mercedes Thaggard, proposes to remodel a non-contributing property by removing a single-car carport and constructing a two-car carport and portal at less than the adjacent height, replace all windows, and install a door and low deck on the rear. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**Background and Summary:**

"1146 Canyon Road is a single-family residence that was constructed between 1920 and 1959 in the Spanish-Pueblo Revival style. The building is listed as non-contributing to the Downtown and Eastside Historic District due to alterations.

"The applicant proposes to remodel the property with the following items:

"1. The post 1958 221 square foot carport on the south elevation will be removed.

"2. A 532 square foot carport/portal will be constructed on the south elevation. It will feature wooden viga posts, carved corbels, and header beams below a stuccoed

parapet that will match existing adjacent height.

"3. All windows will be removed and replaced with thermal pane windows in the same opening dimensions and locations. The historic 3-over-1 wooden double-hung windows were not in excellent condition, and he didn't know if they were in good condition, and the replacements will duplicate the muntin patterns. Steel casement windows will be replaced with double-hung windows to unify the window design on the building. New openings will be created for triple double-hung windows under the carport on the west elevation, paired bifold doors under the portal on the south elevation, and a 6-light door with header on the east elevation.

"4. A 3.5' high stuccoed yardwall will enclose the portal on the south elevation.

"5. A 288 square foot 1' tall deck will be installed on the rear, east elevation. Surface treatment was not identified.

"6. Restucco is proposed, but type and color were not specified along with the trim color.

**Staff Recommendation:**

"Staff recommends approval of this application with the condition that the Board approve the stucco type, all colors, and the deck finish. Otherwise, this application complies with Section 14-5.2 (D) General Design Standards and (E) Downtown and Eastside Historic District."

Present and sworn was Mr. Greg Allegretti, of 1925 aspen Drive 802B. He noted the project was not visible from Canyon Road or any adjacent roadway. He noted the project was only visible from the back of the adjacent church.

Ms. Walker asked if he was staying purple.

Mr. Allegretti said he was not. He noted that he had brought a color sheet with him. He shared the colors with the Board. He said they proposed a cementitious stucco and a natural wood finish on the deck.

There were no members of the public who wished to speak regarding this case.

Ms. Rios asked if there were any rooftop appurtenances.

Mr. Allegretti said there were none, and said any skylights would be low profile.

**Ms. Rios moved for approval of case #H-08-040 per staff recommendation with the clarification that the applicant said that the stain on the deck would be natural wood, and the trim color would be as submitted. Mr. Frost seconded the motion.**

**The motion passed by unanimous voice vote.**

#### **J. MATTERS FROM THE BOARD**

Mr. Barrow said this meeting was a perfect example of what they were seeing, which was a proliferation of gates and walls. He noted they had an ordinance which gave great definition and detail to all the details of architecture, but the proliferation of gates and walls were defined by only the broadest of concepts. He said it was transforming the City before their eyes. He said he had proposed that staff look into it the previous week, and solicited comments from other members.

Mr. Rasch said it would be on the next agenda for action.

Ms. Rios asked if gates were addressed in the current ordinance.

Mr. Rasch said they were not. He said the Historic Design Review Board had made an external policy in 1999, and said that was the only external policy the Board had at that time.

Ms. Brennan said, regarding the demolition of a non-conforming wall, she said it was required that it be replaced in conformance with the code.

#### **K. ADJOURNMENT**

Ms. Walker moved to adjourn the meeting. Ms. Rios seconded the motion, and the meeting was adjourned at 8:18 p.m.

Approved by:

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Sharon Woods, Chair

Submitted by:

  
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Carl Boaz, Stenographer