



Agenda

CITY CLERK'S OFFICE

DATE 7/22/15 TIME 8:35am

SERVED BY M. Quinn

RECEIVED BY Liaia Hartley

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 28, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 28, 2015 at 5:30 P.M.

CITY COUNCIL CHAMBERS

AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 14, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-056B. 461 Camino de Las Animas.

Case #H-15-063. 852 Old Santa Fe Trail.

Case #H-05-172. 535 East Alameda Street Unit B (3&4)

Case#H-07-102. 535 East Alameda Street Unit E (7)

Case#15-035. 535 East Alameda Street Yardwalls

Case #H-15-062. 616 East Alameda Street Unit F.

Case #H-15-066. 575 West San Francisco Street.

Case #H-15-064. 237½ Casados Street.

Case #H-15-065B. 1477 Canyon Road.

Case #H-15-065A. 1477 Canyon Road.

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

1. Case #H-04-076. 201 Old Santa Fe Trail. Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 38,858 sq. ft. structure with a footprint of 12,087 sq. ft. to a height of 63' where the maximum allowable height is 65'. (David Rasch).
2. Case #H-15-024C. 558 San Antonio Street. Downtown & Eastside Historic District. Dale Zinn, agent for Cyrus Samii and Zahra Faramen, owners, proposes to construct a 1,162 sq. ft. guest house to a height of 14' where the maximum allowable height is 15'8". (Section 14-5.2(D)(2)(d)). (Lisa Roach).
3. Case #H-15-067A. 721 Camino Cabra. Historic Review Historic District. Lisa Randall, agent for Santa Fe Public Schools, owners, proposes to install a ground mounted solar array at a maximum height of 12'7" at a non-stated property. (David Rasch).
4. Case #H-15-067B. 700 Acequia Madre. Downtown & Eastside Historic District. Lisa Randall, agent for Santa Fe Public Schools, owners, proposes to install a ground mounted solar array at a maximum height of 11.75' at a significant structure. An exception is requested for a structure that does not harmonize with Santa Fe style (Section 14-5.2(E)). (David Rasch).
5. Case #H-15-068. 138 Park Avenue. Westside-Guadalupe Historic District. G.M Emulsion LLC, agent for Jim Nichols, owner, proposes to construct a coyote fence on a 48" high yardwall to a height of 72" where the maximum allowable height is 55". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (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 7/9/15 TIME 2:00pm

SERVED BY McCalley

RECEIVED BY Stacia Hartig

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 28, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 28, 2015 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
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2. Case #H-15-024C. 558 San Antonio Street. Downtown & Eastside Historic District. Dale Zinn, agent for Cyrus Samii and Zahra Faramen, owners, proposes to construct a 1,162 sq. ft. guest house 14' high and an 862 sq. ft. addition to a contributing casita 14' high where the maximum allowable height is 15'8". Exceptions are requested to exceed the 50% footprint standard and place an addition at less than 10' back from a primary façade. (Section 14-5.2(D)(2)(d)). (Lisa Roach).
3. Case #H-15-067A. 721 Camino Cabra. Historic Review Historic District. Lisa Randall, agent for Santa Fe Public Schools, owners, proposes to install a ground mounted solar array at a maximum height of 12'7" at a non-stated structure. (David Rasch).
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SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD

July 28, 2015

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

July 28, 2015

A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Vice-Chair Cecilia Rios on the above date at approximately 5:30 p.m. in the Nambé Room, Convention Center, Santa Fé, New Mexico.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

OTHERS PRESENT:

Mr. Zach Shandler, Assistant City Attorney
Mr. David Rasch, Historic Planner Supervisor
Ms. Lisa Roach, Historic Planner Senior
Ms. Lisa Martínez, Land Use Department Director
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

Chair Rios suggested rearranging the agenda.

Member Katz moved to approve the agenda as amended with cases #H-15-067A and #H-15-067B moved to the front of the cases. Member Roybal seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: July 14, 2015

Member Katz requested the following changes to the minutes:

On page 27, third paragraph should say, "the east window," not the whole window.

[Stenographer's Note: From the recording, Member. Katz said, "On page 26, yes, there, right. That window that you see the whole window of - that looks as though it's the side of the building, but it's not, is it?"]

Member Katz said, "And Carl, maybe you can follow along with me here. Member Katz ... the second paragraph there. Member Katz said he had a real problem. Page 18 shows this was a classic contributing building on a large lot in Santa Fe, visible from the street. Then on page 19, it shows, rather than sows its first iteration. They proposed additional houses on the lot and I would add this: 'The three on the east side make sense.' Then in the next paragraph, after the first sentence, I would add, 'Public visibility is highly desirable but cannot block an owner's right to develop his property. It is a balance. If significant development can occur without blocking public visibility of primary façades, that strikes a reasonable balance completely. Completely blocking from another façade here is unreasonable.' Thank you."

Chair Rios requested the following changes to the minutes:

On page 6, first paragraph, it should read, "Member Roybal asked if among the other existing compound units in the area, this unit would fit right in with the architecture and everything around it because it is a very close-knit area there."

In the 3rd paragraph, it should read "Chair Rios asked Mr. Tryk to describe the exact location of the project and the direction the front of the structure faces."

On page 10, in the first sentence, change "nothing to "anything."

The second paragraph should be combined with the fourth paragraph and the third paragraph deleted. So it would read, Mr. Rasch said the east elevation, which has no public visibility is probably the only remainder of that original building, as it was quite small.

~~Chair Rios asked if he was saying the east elevation if he was referring to a façade of the east elevation or if this is a massing.~~

Mr. Rasch said the original building was just a rectangle. So that east façade is still somewhat exposed. He thought that was the original façade that was then engulfed on all other sides."

On page 12, second paragraph, it should say, "Chair Rios stated that anybody wishing to put solar panels should make sure they are not publicly visible."

In the fourth paragraph, it should say, "Chair Rios commented that she does believe in energy saving measures. She also thinks that we need to work together to preserve the beauty of our buildings and solar panels should not be publicly visible because they detract from structures."

[Stenographer's note: The recording does not include those additional words.]

On page 17, fifth paragraph, should say, "Chair Rios said they would basically see the same thing. She asked how much more would be added to bottom of the window."

On page 25, the first sentence should read, "The applicant should be present when their cases are to be heard or should be postponed to another meeting."

[Stenographer's note: the recording indicates Chair Rios actually said, "I don't know. I just feel like if the applicant is not here when they should be..."]

On the same page, 3rd paragraph, insert the word "postpone" (to a date certain.)

On page 26, second paragraph, under questions to Staff, it should say, "Chair Rios said this has an address."

Then in the fourth paragraph, the word on the first sentence "that wall" should be changed to "the wall."

[Stenographer's note: The recording indicates she said "that wall."]

Mr. Shandler noted that on pages 33 through 35, there are a lot of one-sentence paragraphs. He asked Mr. Boaz to listen to the recording to make sure the statements there are complete.

Mr. Boaz agreed [and did review the recording for completeness.]

Member Boniface moved to approve the minutes of July 14, 2015 as amended. Member Powell seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-056B. 461 Camino de Las Animas.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit A.

Case #H-15-063. 852 Old Santa Fe Trail.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit B.

Case #H-05-172. 535 East Alameda Street Unit B (3&4)

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Case #H-15-066. 575 West San Francisco Street.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit G.

Case #H-15-064. 237½ Casados Street.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit H.

Case #H-15-065B. 1477 Canyon Road.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit I.

Case #H-15-065A. 1477 Canyon Road.

The Findings of Fact and Conclusions of Law for this case are attached to these minutes as Exhibit J.

Member Katz moved to approve the Findings of Fact and Conclusions of Law as presented. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

Chair Rios thanked Member Katz for his careful review of the Findings of Fact.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. ACTION ITEMS

3. **Case #H-15-067A. 721 Camino Cabra.** Historic Review Historic District. Lisa Randall, agent for Santa Fe Public Schools, owners, proposes to install a ground mounted solar array at a maximum height of 12'7" at a non-statused property. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

721 Camino Cabra, known as Atalaya Elementary School, is an educational structure that was constructed in the Territorial Revival style in 2014. It is non-statused in the Historic Transition Historic District.

The applicant proposes to use Capital Outlay funds to construct a free-standing ground-mounted solar array to a maximum height of 12' 7". The allowable height includes only the two school buildings within the streetscape which are much taller than the proposed height. The array will be located at the southeast rear corner of the property with limited visibility from Camino Cabra. The substructure of this accessory structure will be constructed with steel and concrete in a simplified design.

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 (F) Historic Review Historic District.

Questions to Staff

Chair Rios asked for the length of the solar panel structure.

Mr. Rasch said it was listed at 1,689" which is 105' 5".

Chair Rios asked about public visibility of this project.

Mr. Rasch said it is to be located at the southeast corner of the property behind the new gymnasium. So it will have limited visibility from Cabra.

Applicant's Presentation

Present and sworn was Ms. Lisa Randall, 6388 Entrada de Milagro, who submitted and read her statement including the addresses where they sent notice by postal mail advertising the public meeting. [A copy of her written statement is attached to these minutes as Exhibit K.]

Questions to the Applicant

Member Katz said this is a great job and a wonderful thing SFPS is doing. He asked if there would be any screening with a coyote fence or something similar for blocking the view from Camino Cabra. He understood that would not block it all but the part on the north side to block what is under the structure.

Ms. Randall said that was not currently in the design or intent but that change can be made.

Member Roybal asked about colors on the pilasters and asked if they would be made of stucco.

Present and sworn was Mr. Hugh Driscoll, 3209 Richards Lane, Project Manager with Positive Energy and asked if the question was about the construction of the array.

Member Roybal asked if the colors would blend in with the rest of the school. And these pilasters are concrete and asked if it would be gray concrete or tinted.

Mr. Driscoll said the pilasters would be concrete and no color was presently proposed. The lower portion is concrete uncolored as proposed and the structure is metal. The solar modules above are a dark metallic color.

Member Roybal asked how the design would fit in with the beautiful design of the remodeled school. He didn't think the concrete and metal would blend in well with the rest of the structures.

Mr. Driscoll said they could add earth tone paint to the concrete portion and could consider painting the steel.

Chair Rios thought both of those were good ideas.

Member Boniface asked if they did any computer modeling of where the reflection off of these panels would be hitting any of the neighbors.

Ms. Randall said she could actually present a demonstration to the Board of sun power panel modules. She asked them to remember that solar panels are meant to absorb the sunlight and not reflect it. Lesser quality modules do often reflect but these do not. These are the best panels on the market for durability, longevity, production as well as generation guarantees. She shared a picture of residence with modules of the rooftop circled. The one with just a darkened area is the Sun Power modules.

Member Boniface asked what the angle of slope on the solar panels would be.

Ms. Randall said she believed they would be set at 10°.

Mr. Driscoll said these would be at 22°.

Ms. Randall said they would be at 22° because this is a ground mounted shade structure.

Member Boniface said the reason he asked was that a lot of applicants want to install them on the roof and there is always that question of how much they could lower it. So at 22° slope, because it is not roof mounted, perhaps Mr. Driscoll could clarify what the angle would be if the panels were roof mounted. He asked Mr. Driscoll what the minimum slope he could put on a panel and if the angle could be lowered from 22° to 10°.

Mr. Driscoll said any adjustment from the ideal would have some measurable effect. But sometimes it is manageable. The perfect slope angle for energy production would correspond by latitude. But in practice at about 30° you would see no difference between a module at 35° and 30°. As it is lowered below 30 degrees, you would see a reduction in that production both instantaneously and annually. There isn't a specific slope he could give but as the angle gets closer to zero the reduction gets greater. It is not linear.

Member Boniface said he understood all that and basically what he was hearing was that it is not an exact science.

Mr. Driscoll said the angle choice would be a subjective one.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz moved in Case #H-15-067A to approve the application which complies with the applicable sections of law with the conditions that the concrete be colored earth tone but not the steel and that there be a coyote fence at the applicable height of 8' on the west end of the array to block the most of the public visibility. Member Roybal seconded the motion and it passed by unanimous voice vote.

- 4. Case #H-15-067B. 700 Acequia Madre.** Downtown & Eastside Historic District. Lisa Randall, agent for Santa Fe Public Schools, owners, proposes to install a ground mounted solar array at a maximum height of 11.75' at a significant structure. An exception is requested for a structure that does not harmonize with Santa Fe style (Section 14-5.2(E)). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

700 Acequia Madre, known as Acequia Madre Elementary School, was designed by John Gaw Meem and constructed in 1953 in the Territorial Revival style. The building is listed as significant to the Downtown & Eastside Historic District.

The applicant proposes to use Capital Outlay funds to construct a free-standing ground-mounted solar array to a maximum height of 11' 9". The allowable height includes only the school building within the streetscape which is approximately 23' high. The array will be located at the northeast rear corner of the property with limited visibility from Acequia Madre as well as Calle Corvo. The substructure of this accessory structure will be constructed with steel and concrete in a simplified design, including angled supports. An exception is requested to construct a structure not in Santa Fe Style and the required exception criteria responses are in this report.

EXCEPTION TO SANTA FE STYLE

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

Response: Built in 1954, and undergoing remodels in 1965 and 2004, Acequia Madre has existing metal chain link fence around the majority of its perimeter, as well as a metal swing structure directly in front of the proposed array area. The proposed metal array structure would be painted brown to blend in with the ground and wall behind it, and sits at the back, north side of the property, against existing coyote fence and stucco wall, in the least visible area from the street. A metal support structure with a concrete base affords the safest building material in consideration that this is an electricity generating structure, while at the same time offering a long lasting and durable construction for decades to come. It is designed in a portal fashion, and will function as both a portal shade structure for students,

and electricity generating solar array, grid tied to the facility, already approved by PNM.

Staff response: Staff agrees with this statement, but the portal could be designed more in harmony with Santa Fe Style.

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

Response: Having submitted the current design and received Administrative Approval from the Historic Review Board, a local contractor, Positive Energy Solar, is under contract and has ordered the custom materials for the array. We were able to stop order some materials, but others have already shipped. A requirement for redesign would not only cost SFPS added redesign fees, but require a resubmittal to PNM, plus added review fees, and delay the expected daily monetary energy savings from the installation. Also, the 3.5¢ per kWh REC incentive reserved for the project would drop to 2.5¢ with a new review and approval by PNM, as that is what's currently available from the utility company. Positive Energy Solar has also incurred hardship in rescheduling the installation and associated workers and equipment. The project was timed to avoid disruption and construction on the school property while school was in session. Approval of the project as designed would still allow some work to be completed before children are on the grounds.

Staff response: Staff agrees with this statement. The hardship arose when the School Board received Capital Outlay funds long after the proposal was underway. Staff provided administrative approval as a courtesy when the City did not have jurisdiction.

(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

Response: The current design of the proposed solar array shade structure was created to economically provide clean energy to the school and community. A wooden post and beam system is neither the most long lasting or economically feasible, and would require much more maintenance in the short and long term. The structure provided in the design is the safest, most economical option, custom made for the solar panels and installation. While the District appreciates greatly the Santa Fe Style aesthetic, we do not believe the proposed solar array in question would detract from the character of the historic neighborhood, considering the installation's color, location, and portal-like look. We believe it fits in with the variety currently in this neighborhood, and allows us to make clean energy structures affordable and feasible for this small community school. This project was brought forward by the students of Acequia Madre's Global Warming Express Club, and is very important to them as a contribution both to the school, future students, and the neighborhood, and as an active response to mitigate the effects of climate change.

Staff response: Staff does not agree with this statement. The portal or ramada structure could be designed in Santa Fe Style.

RELEVANT CODE CITATIONS

(N) County and Santa Fe Public Schools Capital Outlay Projects (Ord. No. 2010-24 §2)

(1) Purpose

(a) Recognizing the fragility of the city's historic heritage, the purpose of Subsection 14-5.2(N) is to establish a procedure under which the city, the county and Santa Fe Public Schools will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

Preserving and protecting the historic districts as well as contributing, significant and land mark structures promotes economic welfare, preserves property values and attracts businesses and tourists thus benefitting the entire Santa Fe community including the city, the county and Santa Fe public schools. By establishing up front procedures to ensure cooperation between the city and the county and the public schools, unnecessary costs and delays for capital outlay projects will be avoided. Specific design requirements that acknowledge necessary building functions and budgets will result in harmonious yet responsive public projects.

(b) County and Santa Fe public schools capital outlay projects in historic districts or involving landmarks located outside historic districts shall be carried out pursuant to the procedures set forth Subsection (2) below and in a manner that is harmonious and generally compatible with the design standards set forth in Subsection (3) below. These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

(2) Procedures

(a) Before commencing with the design phase of a capital outlay project, the county or the Santa Fe public schools shall consult with the historic districts review board as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The historic districts review board shall work collaboratively with the county or the Santa Fe public schools to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The county or the Santa Fe public schools shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

(b) After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital outlay project, the county or the Santa Fe public schools shall submit the plans to the historic districts review board for review. The historic districts review board shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

(c) Within sixty days after the public meeting the historic districts review board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the county or the Santa Fe public schools. The county or the Santa Fe public

schools shall resolve any issues raised and submit the project to the historic districts review board for final approval.

(3) Design Standards

(a) General Standards

A county or Santa Fe public schools capital outlay project shall be designed appropriate for the public use and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows:

(i) Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of thirty (30) inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the parapet from any public way.

(ii) Walls and Windows

The combined door and window area in any publicly visible façade generally shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade except in circumstances where the unique purpose of the space may warrant special design considerations.

Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

(iii) Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight (8) inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than eighty percent of the non-fenestration surface area of any publicly visible façade shall be adobe finish, stucco or other material simulating adobe finish. The balance

of the publicly visible façade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

(iv) Colors

The publicly visible façade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. However, façade surfaces under portales or inset panels in a wall under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

(v) Other Features

Façades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curb line.

(vi) Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the streetscape. The land use department staff shall determine the applicable streetscape as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. Height shall be measured as set forth in Subsection 14-5.2(D)(9)(c)(iii). Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the county or Santa Fe public schools shall submit a statement from a New Mexico licensed surveyor of the actual height. No building façade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements.

(E) Downtown and Eastside Design Standards

The governing body recognizes that a style of architecture has evolved within the city from the year 1600 to the present characterized by construction with adobe, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a development from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

(a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;

(b) 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;

(c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;

(d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

(e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(f) It is characteristic of old Santa Fe style commercial buildings to place a portal so that it covers the entire sidewalk, the columns being set at the curb line.

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

(a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

(b) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;

(c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;

(d) No less than eighty percent of the surface area of any publicly visible 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;

(e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and

(f) Flat roofs shall have not more than thirty (30) inches overhang.

STAFF RECOMMENDATION:

Staff defers to the Board whether or not the exception to Santa Fe Style shall be granted with additional testimony at the hearing. Otherwise, this application complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing.

Questions to Staff

Chair Rios asked Mr. Rasch to describe the public visibility.

Mr. Rasch said that from Acequia Madre it would be visible through the playground equipment and from Calle Corvo it would only be visible very far away down that rear sight visibility of the property.

Applicant's Presentation

Ms. Lisa Randall (previously sworn) read her written testimony. [A copy of her written statement is attached to these minutes as Exhibit L.] She said an alternate design might not be supported by the school authority.

Questions to the Applicant

Chair Rios asked Mr. Rasch regarding the exception responses, how many there are and how many he agreed with and how many he disagreed with and why he disagreed.

Mr. Rasch explained that this is a design exception so there are three criteria responses they must meet. He read each of the three exception criteria responses and his agreement or disagreement with them. [They are each listed above.] He explained that he didn't agree with the Santa Fé style exception response because the portal or ramada structure could be designed in Santa Fe style and he didn't get any design options from the applicant. So two of the three were met and by testimony, the Board might find the third is met also.

Chair Rios noted this array is a much smaller scale compared with the one at Atalaya.

Ms. Randall agreed. It is about 26 KW versus 39 KW so it is about 2/3 the size at Atalaya. It is 80 panels compared with 120 panels at Atalaya.

Member Katz asked if it is anticipated that this will function as a shade structure for students.

Ms. Randall agreed. It was part of the request from the staff and students at Acequia Madre.

Member Katz asked if this differs from the open outside classroom they had thought about doing at Atalaya. That was going to be a wooden structure that would just have it on the roof.

Ms. Randall said actually, to her recollection, the proposal for Atalaya that they decided not to pursue would have been a metal frame and upright members that would have functioned as an outdoor classroom, a shaded area out of the weather for bus pickup.

Member Katz asked about their schedule and what the time constraints are for this project.

Ms. Randall said they put everything in motion in early spring that they were trenching and erecting structures during the summer when most students were present on the campus. They are quite well versed in construction on an occupied campus setting. So it isn't a difficult transition although it would slow the progress some and require additional logistical constraints from the school. The installation of the projects are 2-3 weeks. So they were not talking about months and months. It is very doable.

Member Katz understood they have already ordered all the support struts and they are already here.

Ms. Randall said it was ordered. They were able to stop the order for some of the materials and some of the materials have arrived.

Member Katz asked which materials they stopped.

Ms. Randall said she would have to defer to Positive Energy Solar on that.

Present and sworn was Mr. John Brown, 2 Escondido Mountain, who said to speak to the materials that are on site, there is a dark area shown in the drawing which is the connection between the concrete foundation and the aluminum support structure above it. Those have basically been made per the job and have arrived on site. They have 16 of them in their shop. That is all.

Member Roybal said this design was approved because the school wanted to create shading for the students. So he asked how that would be used. He understood the height but it doesn't seem to provide enough width across to really provide any kind of useable space. He asked if there is another design or something in the works that the Board could see how it would work for students under it.

Ms. Randall said that in presenting the design to the school community, they were very pleased with it. It will offer protection in inclement weather as well as afford shade in the early morning; certainly in the later afternoon there will be some direct sun inside of the shade structure. But the students will speak to this. Their primary directive to her and SFPS was to solarize their school. The shade structure was an added benefit but primary intention was to offset fossil fuel electrical production with solar energy.

Member Boniface said in looking at the drawings, it looks like the size is 10' by 132'. He asked if that was correct.

Ms. Randall agreed.

Member Boniface said it is then half the width of the one just approved yet it has extra steel. He personally liked the simplified design of the previous application and would like to see that done here. He didn't see the need to wrap this aluminum or steel or wood to make it look like something that it is not. He would rather just be honest about what it is – a solar panel array with steel holding up on a concrete foundation. He thought it is important to deal with colors and add dye to the concrete. He asked if the verticals were aluminum. And if so, if they are planning to just leave it raw since it is hard to paint aluminum.

Ms. Randall said they would not leave it raw but anodizing it earthen brown.

Ms. Randall apologized for not submitting an alternative design. She thought that would be requested tonight and they would still work on that and would submit it if requested.

Public Comment

Present and sworn was Ms. Joy Bush, 820 Acequia Madre. She said she is speaking about owned property at 606B Canyon Road in the Bulford Compound.

She said she is a big supporter of the Acequia Madre School and returns basketballs and sweaters and other things that come over her fence. The Acequia Madre School is a good neighbor. The one meeting that they had was only in the paper and fortunately, her neighbor saw it. It was not posted. No one in the neighborhood got a notice.

Chair Rios asked if the City had this properly posted.

Mr. Rasch believed she was talking about what the school did. The City had posters on the property and did the publication according to the legal requirements.

Ms. Bush said that posting on the school was just recently. She said she understood that neighbors were supposed to get a mailed notice about this meeting.

She went to the neighborhood meeting and it was her and one older couple - just three people. She spent a lot of time with this woman representing the solar company and they all thought it was a good idea.

They went out to the playground and as she remembered, they were told that the highest it would be was 7' high, not 11.75'. That would have worked. She went yesterday and measured all around. And the whole compound there will be affected.

Most of the walls and chain link fences are six feet or some at 6½' and to the far east it is 7' at the highest point. A major person who will be affected is an out of state owner. She will be the least affected because the solar section will start just east of her property. But the major person has by far the biggest property.

Chair Rios asked how close it will be to that property.

Ms. Bush understood it would be next to the property line. At 7' it wasn't optimal but people could plant shrubbery. Down to the east are fabulous trees that would be a good buffer. Everyone knows where picnic tables are and the basketball court. So she is not really affected. But she was here for their compound and speaking for her out-of-state neighbors. So if that section is over 7' it would really be intrusive.

Down where the trees are really large they wouldn't see it at all. But the central section will be almost as tall as one part of their house. That is her concern. She thought the school is great and the two young girls involved in solar are to be cheered and commended.

Chair Rios asked speakers to be concise and state if they are for or against the project.

Present and sworn was Ms. Lisa Huckabee, 231½ Delgado said her grandkids and great grandkids were here with her. Arlie is a first grader at Acequia Madre and Evie Preston will be going there too. She mentioned their lineage. She is a long term resident of the neighborhood and in support of the solar

installation and asked that approval be expedient to reduce the time. They are comfortable with the design even if metal is used and is more contemporary than traditional structures. She wants each new generation's lives to be better than the last and their children learn to think globally.

Present and sworn was Ms. Marisol Fernandez-Zamora, 7 Delgado Road and is for the project. She said she is a college student and an activist but most importantly a New Mexican. The significance of our history is not lost on her. Our history and our stories and traditions have been a centerpiece of New Mexican life for generations. It is understandable then, that they are cautious as they embark on new journeys. The work of the children of Acequia Madre has been called into question for precisely this reason. We hope to preserve our energy future. Does the effort to preserve lie in the names or does it lie behind those names; behind those buildings.

The name Acequia Madre calls us to remember the role water and growth in New Mexico's history. It serves as a constant reminder of the victories we wanted in harsh land and bright sun and oftentimes little water. The role of the environment has always been essential to New Mexico's history. It makes the efforts of the children of Acequia Madre particularly admirable and the wisdom they have shown why it is important and it merits an immediate positive and affirmative response to their efforts.

When the children of Acequia Madre asked to put solar panels on their historic building, they did so to reduce our reliance on energy from coal. Energy that has been responsible for the degradation of our environment, draining precious water resources and willful remains of our most powerful resource - the sun. Solar technology has the potential to help save water and costs. The school has saved thousands of gallons already.

As you consider this proposal, please consider not only the physical manifestation but also the spirit that made these buildings significant. Solar represents the same kind of commitment to environmental stewardship New Mexico has held since the creation of Acequia Madre and allow us to continue to live our history through our actions and say yes to solar.

Present and sworn was Ms. Marilyn Bardo, 212 Sierra Drive, a 7th grader at Santa Fe School for Arts and Science, graduate of Acequia Madre last year. She had a little information for what solar can do - not only reduce greenhouse gases but also an inspiration for children aged 5-13 who would come to school every day and see the solar shade structure, play under the structure and might want solar on their own homes. New Mexico has the second best potential for solar in the United States and solar could power all of New Mexico. It reduces CO₂ and doesn't increase global warming.

The School Board voted last year for the Acequia Madre solar project and she believed it is a great present from her graduating class. She would be very disappointed if it stops. "Please consider you will be helping."

Present and sworn was Ms. Marina Weber, 2300 West Alameda, in the 7th grade at Desert Academy. Her goal is to raise awareness about what we are doing to our planet. At school they made a big

goal in sixth grade that before graduating her class wanted to get the school solarized. We had two meetings to make sure neighbors were okay with the solar installation.

The School Board voted unanimously for solarizing. "We should use the sun for this. If we use solar, it won't pollute and will help slow down global warming. I really hope the project works out and our dream comes true."

Present and sworn was Mr. Warren Jansens, 770 West Manhattan avenue, and he is for the solar installation. He is going into 7th grade at the Nelson Mandela School International Baccalaureate and it was partially his idea to start the solar project. She read quotations from Representative Ben Ray Luján and Senator Martin Heinrich.

Member Roybal interjected that he thought this is all really nice but this Board is in support of solar and are here for consideration of the design.

Present and sworn was a young man who lives at 2300 West Alameda, who said this solar project may be expensive but it will eventually repay for itself.

Present and sworn was Ms. Stefanie Beninato, P. O. Box 1601, who said she also supports solar projects. She has lived in passive solar homes since 1977. But she agreed with Member Roybal that this is about design and this is a landmark building designed by John Gaw Meem. Or rather a Significant building. So her question was whether this solar array would interfere with the significant status and should it have screening so it is not visible from Acequia Madre. It is a great idea and very happy the SFPS is willing to redesigning it to make it more compatible with the area. I'm for that but think fencing would be an easier solution, even one from the side where it is set back.

Present and sworn was Mr. Ahlum Scarola, the Principal at Acequia Madre School, who said the students have done a fantastic job. Their work brought real learning to the classroom which is important. The people at Acequia Madre love the neighbors and want to support them and support the solar panels.

Present and sworn was Dr. Leslie LaKind, 204 West San Mateo Road. As a Board member of the Global Warming Express, he was asked to read a statement from Senator Udall and read it to the Board.

Regarding the design he appreciated the way Santa Fe looks and he smiles every day as he drives around town. He respects what the design board does because it contributes in ways we can't articulate or understand. He said, "When these kids reach my age, design is going to be the least thing they will be concerned about. In the face of global warming when the seas rise and drought occurs and we have no more food and displaced people all over the world, design is not going to be much of a concern."

Present and sworn was Mr. Dale Lerez, 1209 Calle Luna, who said he is- father to 2 Acequia Madre children. I voiced his strong support for this project. He felt this solar project is compatible with Santa Fé style which is dynamic and evolving. It is not static.

Present and sworn was Mr. Ralph Scheuer, 729 East Palace, representing Mal Anderson, who resides at 604 Canyon Road and could not be present. She has a nice home on a small lot with a six foot fence between her home and Acequia Madre School. This 13' feet structure peers essentially over her fence and essentially creates a 13' barrier intruding into her privacy on a small historic lot off of a side alley off of Canyon Road.

He said, "While I assure you that I and Ms. Anderson are in favor of avoiding global warming, reducing our footprint, saving public schools money, and all of those things, this is a question of design. If there is a way to do a solar array, it should be done. But this is the wrong design. And design is important. Design is an art and the end product of art. And if we forsake good art and good design, then maybe some the energy savings and footprint isn't so worthwhile after all."

Chair Rios asked Mr. Scheuer how close his client's property is to the array.

Mr. Scheuer said from the high end of the array, it is probably about two feet.

Present and sworn was Ms. Suzanne Ortiz, 517 Hall Street, also- on behalf of Mal Anderson. She said she never received a mailing so they weren't even informed about what was going on. The only reason they knew was because Linda Bush went around and started asking around. She referred to the graph that shows the panels with the fence, the picture shows their fence line. So you can see it is right up on our property. It runs along their property line which really affects them. She is for the panels but thought they need to look at the design. She asked that she be informed of anything else she might need to know.

Mr. Rasch explained that, by law, what the City must do is publish an agenda in the Sunday newspaper and provide a posting at the property site.

Ms. Ortiz said she did talk with Ms. Randall who was very helpful.

Present and sworn was Ms. Tracine Toy, 1384 Santa Rosa Drive, who said she is for this project. She introduced her son, Joseph, who resides with her.

Also with her, present and sworn, was Ms. Jessica Sutton, 863 East Palace with her son Charlie. They are President and the Past President of the Parent-Teacher Committee at Acequia Madre. She said this is great educational opportunity for everyone at Acequia Madre School. Having the solar panels is a great educational opportunity for the kids and asked the Board to not forget about that part of it. She understood this is the design committee and very committed to the historic nature of Santa Fe. But having solar panels is beyond just having solar energy. It is about education and understanding their future with alternative energy. It is about the kids going out and seeing the panels. The PTC is very committed to do whatever needs to be done with the solar panels.

She said Lisa and Jeannie did everything right and the PTC is here to support them with whatever they need.

Present and sworn was Ms. Teresa Seamster, 104 Vaquero Road, chair of the Northern New Mexico Group of the Rio Grande Chapter Sierra Club.

She referred to a letter she sent to the Board [attached to these minutes as Exhibit M.] The Sierra Club is very impressed with Santa Fe Public Schools' effort to solarize and specifically endorse the efforts in energy and water conservation by the coordinator, Lisa Randall.

Her group is very context sensitive. There are many projects coming to Santa Fe that they probably would not support because they are completely out of character with what makes our city so special. But in this case, they have flexible, cooperative people to work with including the design issues of the near neighbors. Those will probably be successfully resolved. And like the parents and school members, Sierra Club will definitely contribute time or money to help make that happen.

Present and sworn was Ms. Katy Yonder, 847 East Palace Avenue, who was here to support the current plans for Acequia Madre. She is the parent of two Acequia Madre students and third generation of her family to attend Acequia Madre. She was at both meetings and all of the data was correct as presented to the community about the height and wanted to make sure that was on the record.

The east side of Santa Fe is a unique place. It is vibrant, creative and beautiful but it is not a museum. It is filled with communities, neighborhoods and still the home of many working families who live within walking distance of her children's school. Acequia Madre and Atalaya are assets to the City and to their neighborhoods. They are strong, diverse learning environments and community centers. Allowing the photovoltaic project to move forward in Acequia Madre - especially thank you for your vote for Atalaya - adds to the resources of these valued schools and helps to ensure that the east side of Santa Fe remains a vital part of our City.

Present and affirming was Mr. Jan-Willem Jensens, 770 West Manhattan Avenue, who said as a Quaker, he doesn't take oaths or swear but will speak the truth. He is in favor of the project and would like to ask for consideration regarding visibility. The visibility of the structure from the street is very minimal. From the street, the materials will be barely distinguishable. The visibility from back yards is another matter and he suggested that the neighbors that have concerns speak with us and with Lisa Randall so see if we can come to a mutual understanding, that we inform them about those things so that we are all good neighbors to each other. Also as a member of the Parent Teacher Committee, on behalf of many of us in this school, we want to maintain the status of relationship of a good neighbor and a community related school. So I think that fits within that.

"Secondly, I must tell you that actually, like was previously stated, I think the historic aspect of design issues in Santa Fe is growing and evolving and in a school, whether it is historical or not, whether it is built by Meem, we have very modern playground equipment made of metal in all kinds of colors and that in a way, within this playground, where this structure is going to be built, it would actually be awkward to have an old fashioned type structure there supporting it - almost an anachronism. And I would bring for your consideration, having a more modern structure as these play structures are with metal and all that. It isn't a corny thing in the back because we have to comply and it fits better within the growing awareness of

what we like to see in contemporary school yards. Therefore, I think the current design may fit just very well."

Present and sworn was John Otter, 2300 West Alameda, who was an original member of Sustainable Santa Fé Committee. He said these solar projects on schools definitely contributes to the sustainability of Santa Fe. It will also contribute to the survivability of humanity. Although this is a small project, the top scientists say we need to do everything we possibly can to ensure that we have a future for several generations hence. He thought that is the overriding consideration here. Certain reasonable adaptations for historic concerns are acceptable. But he didn't think they needed to go overboard in the reality of the situation as Jan just mentioned. He favored the project.

Present and sworn was Mr. Will McDonald, 488 Arroyo Tenorio, who said his son went to Acequia Madre for six years; graduated from there. And he spent a lot of time on that playground and helped build a school garden with a lot of these people here. He knew that place and the impact of something other than steel multi-colored play structures that it does have an impact on the kids.

He said when he calls up the Historic office that he hears "Historic Preservation" is the name of the office. He agreed that we should preserve historic properties. In this case, we should also expand. He knew there has been conflict, particularly around solar and other environmental issues in historic areas. Sometimes we have to build our buildings higher in order to get the insulation we need or solar panels even staying under the maximum allowable height. The former chair of the Board asked me why this building is so high when he brought a plan to the Board - even though it was under the maximum allowable height. He told her it is super-insulated in the ceiling and has solar panels and it has parapets to hide those panels. And she said, "Will, you are asking for too much." He thought that is an antiquated way of thinking. Some parts of history need to be revised. That preservation of what is important in this City can happen alongside with movement towards an understanding of the world we are in. And solar panels can live in the historic district and he thought they should be on the Acequia Madre playground. "Let's make sure the neighbors are accommodated in the design; make sure that issues that are affecting the neighbors get dealt with. But I strongly encourage you to approve this project."

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

Further questions to the Applicant.

Chair Rios thanked all the speakers and was happy that many young people wrote their speeches. She added that she went to Acequia Madre and was part of the very first class.

Member Boniface had a question for Hugh Driscoll but he was no longer present. So he asked Mr. Brown. The current configuration of these panels appears to be 10 feet wide and 132 feet long. In an effort to address neighbor concerns, he asked if Positive Energy could split it so it would have two arrays, one in front of the other.

Mr. Brown agreed but one larger structure would be easier because the support structures could be basically similar to what is going on at Atalaya - one larger structure. The simplest change in terms of obstruction to the neighbors would be to reduce the angle of the panels. Obviously that would reduce the efficiency slightly and they could recalculate that. But that would reduce the back edge, which seems to be the offending component.

Member Boniface asked then, if it isn't split it in half and make two shorter runs of 60 some odd feet, it seems that in addition to lowering the angle, maybe they could lower the whole structure. The low end is still 9' high. Reducing it by two feet would make the low end 7' and the high end 9' 9". That might address the concern in the earlier photo and not have to lower the angle. 7' is also the lowest ceiling height for a habitable room.

Ms. Randall reminded the Board that this is on a playground for 5-12 year olds on school days and after school and they will also play there on the weekends. So a 7' front access point she felt would be too accessible for children to climb on and do things that should not happen on a solar generation installation. We have built in safety features where if any cord is broken or disconnected, the whole installation toes off line. They could possibly look at some lowering of height but 7' would be a safety issue for them.

Member Powell said the panels are for the school and obviously put in this location for good reason but obviously, the neighbors have an issue because it is right against their properties. He had been staring at the site plan, trying to think of a better way, and maybe it is not possible, but wanted to ask a couple of questions.

Ms. Randall clarified that the structure is not on the property line - there is a five foot setback.

Member Powell said the kids would be playing there and this is not something that will be set aside where people would not be interacting with it.

Ms. Randall agreed.

Ms. Roach showed the site plan.

Member Powell commented that in a lot of cities the solar panels would be put in a parking lot and this assembly does shade cars quite well.

Mr. Brown agreed the design is often used to shade cars in parking lots.

Member Powell said that wouldn't be done here because they are trying to screen it from the neighborhood. That would be a win-win with cars but we can't do it here.

The Board did visit the site. So he asked if the structure could be placed closer to the school - further into the playground where the small sheds are located.

Ms. Randall said anything is possible with sufficient funding. One issue is that the closer it is to the building and a west facing scenario, which is the greatest generation, the more shading would occur whether from structures on the playground, whether sheds or the building. And from the south would have that same effect. But the other issue is that these 175 kids have a very constrained playground as it is. It is 2 acres or less and why SFPS has looked at relocating this school. It is situated here so the kids would still have room for playing.

Member Powell said it sounds like we cannot lower it but this is the optimum location.

Ms. Randall agreed.

Member Powell asked if they could think of anything else to address the concerns of neighbors.

Ms. Randall pointed out that there is only one (neighbor's) window facing the array. That was part of the choice because it wasn't viewable living space except for that one. That open space is also where garbage cans are located so we felt it was a good location for the neighbors. It meets the code. It has a five foot setback and they could lower the 10.75' height.

Member Powell noted to the north are two trees.

Ms. Randall agreed.

Member Biedscheid asked about restrictions of height.

Mr. Rasch said that within 20' of the property line, 8' is the maximum wall height.

Member Biedscheid asked how tall the school is.

Ms. Randall didn't know. It is taller than 11'. If we decrease the angle and use the same structure or even with vertical posts, we could lower it to 8'.

Mr. Rasch said the school is 23' high.

Member Boniface asked if she said they could lower it to 7 or 8'.

Ms. Randall said they could lower the high side and the result would be almost flat.

Member Boniface said the drawing shows a 10 degree angle already so it would be flat or almost flat.

Ms. Randall agreed and it would decrease the energy generation.

Action of the Board

Member Katz congratulated the children for all their work on this. Solar is supported by the whole Board and this is not a question of voting for solar. His concern is that this would be a win-win and not an offensive view for the neighbors. He thought they might be able to maintain the solar array at the greater angle and have it more efficient for the students.

Member Katz moved in Case #H15-067B to provisionally approve the whole array but postponing to the next hearing for design options. Member Boniface seconded the motion.

Mr. Rasch said the next hearing is August 11.

Ms. Randall asked when documents would be required and said she could not have them ready by Monday.

Member Katz amended his motion to postpone to August 25. The motion passed by majority voice vote with all voting in favor except Member Biedscheid who dissented.

The Board took a brief recess to allow the public to exit at 7:00 p.m.

1. **Case #H-04-076. 201 Old Santa Fe Trail.** Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 38,858 sq. ft. structure with a footprint of 12,087 sq. ft. to a height of 63' where the maximum allowable height is 65'. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

201 Old Santa Fe Trail is a vacant 0.4352 acre parcel in the Downtown & Eastside Historic District.

The applicant proposes to construct a 38,858 square foot (12,087 square foot footprint) 5 story structure to a maximum height of approximately 63' 6" high where the maximum allowable height is 65'. The maximum allowable height was determined by a District Court case in 2000.

The building is designed in the Spanish-Pueblo Revival style with room block massing, floor stepbacks, rounded edges, exposed wooden headers and carved corbels at portals. Finishes will be cementitious stucco in "Buckskin", trim color "Mist Blue", and a "Medium Walnut" wood stain. The applicant state a stone base material, but that is not shown on elevation drawings.

RELEVANT CODE CITATION

14-5.2(D)(9)(f) General Design Standards, Massing and Floor Stepbacks

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

STAFF RECOMMENDATION:

Staff 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 Rios noted in the staff report that the District Court issued an order that said the allowable height was 65' and asked if Mr. Rasch saw the District Court court order.

Mr. Rasch said he believed he did.

Chair Rios recalled that the Council approved a resolution for 65' in 1971 and that was in the packet on page 6 that it was from the Sommer law firm. She asked if Mr. Shandler agreed.

Mr. Shandler said they could talk about that.

Chair Rios asked if that final order issued in 2000 still stands today, 15 years later. This is a different project than the one that went before the District Court.

Mr. Shandler said that is a point of some discussion and he expected that the applicant's attorney who was involved in that case might be able to answer those questions.

Member Katz was puzzled about where this stands. Because there are a bunch of statements in the materials that the Board originally got about what the rules were and what the decision was. And the Findings that were just passed out seem to contradict those completely. [A copy of the District Court order is attached to these minutes as Exhibit N.] He was really uncomfortable with all of that confusion.

Member Katz said the Board looks to Mr. Shandler, to guide us on the legal stuff, not the Applicant's lawyer. He wondered if this is ready for "prime time" given all of those disparities. The Conclusions of Law say this City was not estopped to deny the building; that the petitioner has no vested right to construct a building, and this seems very different from what was told to the Board.

Member Powell agreed. And said he didn't have any time to read it before the meeting.

Mr. Shandler said the document that was handed out is consistent with the Staff's representation that something can be up to 6' 5". The City is not estopped from that. If the Board finds that it is not harmonious at that height, then the Board can make a finding about what it needs to be to make it harmonious.

There are people in this room who were part of that procedural history that know better than he did. That was why he wanted to hear what the parties have to say. The Board can hear the case and the parties can provide information that might shed light on what the Board wants to do, moving forward.

Member Katz asked if the City is treating this as a new application with nothing from the past being relevant. Of course, they still have to meet current rules. But if nothing is left hanging over the Board from the past, that is the crucial question. If it is a new application, it doesn't matter what the old case was, then of course we can go ahead with it. But if there is some aspect of the old case that somehow makes this different and it is just coming forward today, that changes the matter.

Mr. Shandler thought there were two key points out of the court decision. One of them is that it can be up to 65' and the court decided that, based on the 1992 Code. There was a subsequent amendment to the Code that said they would have a fixed height limit; instead, a height calculation was required so he would be interested in knowing from the Applicant whether the 1992 or 2000 Code should be followed. He really wanted them to explain their position.

Mr. Rasch explained that Staff was giving this the old case number from 2004 because their standard office practice is that if it is with same owner and the same property, they may consider it as old business. But everything - all the design that the Board saw in 2004 has expired. The postponement for redesign has expired. So Mr. Rasch saw it as a new submittal on an old board action.

Chair Rios asked if he did a height calculation.

Mr. Rasch said he did not, although in thinking about it, if he did a height calculation, if the Loretto Chapel was considered as an institution, it would be exempt from the average; clearly La Fonda, and Inn at Loretto. In that case, if he did a height calculation, he assumed it would be 14' to 16'.

Member Roybal asked if any comparison was done of the older design with this one. He asked if Mr. Rasch was familiar with both designs.

Mr. Rasch said he was familiar with both and had the former design in the power point. It is now a Pueblo Revival building; originally it was Territorial from more than ten years ago.

Member Powell noted from the previous design that the Loretto Chapel appeared to be lower.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who asked if the legal part should be considered first. Chair Rios agreed.

Present and sworn was Mr. Karl Sommer, who said this case was remanded down from the Court of Appeals, as Member Katz stated. Whether or not there was a vested right was appealed to the Court of Appeals and was remanded back down, as not being an issue that was ripe for determination. So this case is back in front of the Board on remand from the District Court pursuant to an order that is in front of the Board. It is their position that this is not a new case and the new rules don't apply. That is still subject to review. That is basically their position. On the question of vested right, they have preserved their position and it is in the record. They don't want to go through that now because it has a long history but won't make a difference on the Board's decision. The Board will have to make its decision based on what it believes applies. It is his position that they have a right to build up to 65', based on the arguments that have been made previously. It is before the Board on remand, which while the submittal time has expired, just as they had in 2004. It had been years since the remand had been heard. This is back in front of the Board with a submittal under the rules of that remand. That basically is their position on the case. They would prefer that the Board hear the case from a design standpoint.

He said, "We preserve all of our legal arguments as well as does the City and everybody else involved. We want the Board to hear the case on its merits related to the design. Your Counsel will advise you as to what he thinks are the rules that apply to you - height restrictions, those sorts of things. But we believe we have the vested right to build up to 65', based on the history that is in the record in this case. I don't think that is much comfort to you or very definitive, but that is our position."

Questions to the Applicant

Member Katz heard Mr. Sommer mention the Court of Appeals and asked if this went beyond the district court.

Mr. Sommer said they filed the notice of appeal in the Court of Appeals and the court dismissed the appeal on the grounds that the question was not ripe because the case had been remanded by the District Court.

Member Katz guessed then that the operative document was the Findings of Fact from the District Court. He asked if that would be correct.

Mr. Sommer said it is operative, subject to our right to have that reviewed when it gets back up to District Court.

Member Katz read from it that "they say that did not create a vested right and the City is not estopped from enforcing the Historic District ordinances or any other ordinance with regard to the property. I didn't

see any vested right to 65'. And it seems to me if Mr. Shandler can't tell us what the rules are, we can always ask Mr. Rasch to tell us the maximum allowable height. We have no idea and we are just spinning our wheels and wasting our time looking at a building that is 63' high if the height limit is at 18'. I'm not really happy about wasting our time on that.

Mr. Enfield said he actually presented a similar building in 2004 and was heard by the Board and there was no height limitation imposed at that time and didn't think it was right to impose that limitation now. He presented the Territorial style 4-story design in 2004 and it was heard twice by the Board, once in August and in December of that year.

Member Katz said he didn't know what the height limitation was. He wasn't stating that it should be 18' or should be anything. But he didn't see how the Board could intelligently decide on a design if they don't know and the Staff can't tell the Board what the parameters of the design are, whether the H-Board current rules apply or not and what the height should be. That was his concern and he thought Staff needed to deal with it.

Mr. Sommer didn't think the issue he was alluding to would be definitely resolved by an opinion of the City Staff or an opinion from him. What the Board is looking for is someone to say what the rule here is that applies. He believed the rule that applies here is the rule they have a vested right and that right was remanded. That question is not finally determined. He understood that was not any comfort to the Board and that it might be inappropriate. From their standpoint, though, these cases go back to 1994, came back to the City in 2000 and has been back in front of this Board on at least two occasions with other designs under the rules of that particular order. As Mr. Enfield said, we proceed with the assumption that the height is allowed at 65'.

Member Katz asked Mr. Shandler whether in "noodling through all of this and talking with the Applicant and their attorneys," would allow him to give a better judgment on what he believed the rules the Board is operating under are.

Mr. Shandler said if the Board wanted to give Staff more time to research this issue and provide submittals in advance at some future meeting, he would be happy to do that for the Board.

Chair Rios said that from the standpoint of this Board, "no matter what project comes before us, we have to make sure that the project is in harmony with the streetscape. And if we felt that 65' was way too high for this particular project, then we would have to work with the applicant and have them bring it down." The Board also has to take into consideration the Loretto Chapel which is a significant building and they would not want to have that building remain seen. It might not be a bad idea to postpone.

Member Powell said the Board needs a starting point.

Action of the Board

Member Katz moved in Case #H-04-076 at 201 Old Santa Fe Trail to postpone the case to work out what part of the history applies to it today. Member Powell seconded the motion.

Chair Rios would also indicate to the applicant that they bring a model of the project next time.

Member Katz accepted that as a friendly amendment and the motion passed by majority voice vote with all voting in favor except Member Roybal who dissented.

Mr. Sommer said the District Court addressed the Loretto Chapel and determined that nothing was being proposed that would affect its historic status. That issue has been determined. He understood the Board wanted them to work with Mr. Shandler on which rule applies. He added that his client is not prepared to produce a model for the next meeting.

Chair Rios said it doesn't have to do an extravagant model -

Member Powell agreed. A massing model would be sufficient.

2. **Case #H-15-024C. 558 San Antonio Street.** Downtown & Eastside Historic District. Dale Zinn, agent for Cyrus Samii and Zahra Faramen, owners, proposes to construct a 1,162 sq. ft. guest house to a height of 14' where the maximum allowable height is 15'8". (Section 14-5.2(D)(2)(d)). (Lisa Roach).

Ms. Roach gave the staff report as follows:

BACKGROUND & SUMMARY:

558 San Antonio is a 1,475 square foot single family residence that was constructed in the 1930s in a vernacular Spanish-Pueblo Revival style. Known as the Pillsbury House, the residence is listed as significant to the Downtown and Eastside Historic District. The property also includes a 252 square foot studio, for which contributing historic status was assigned in March 2015. The property also includes a 660 square foot non-contributing carport, of which the HDRB approved demolition in March 2015.

Now, the applicant proposes to construct an approximately 1,162 square foot guest house with garage and portals near the front of the property, where the non-contributing carport presently sits. The proposed guest house will feature the following:

1. Modified Spanish Pueblo Revival style with stepped, rounded massing featuring cementitious El Rey stucco in sand finish and custom color to match the existing main residence;
2. Maximum height of 14 feet where the maximum allowable height is 15'8";
3. 173 square feet of portals on the north and south elevations featuring natural (transparent) stained wooden posts, beams and corbels;
4. Simulated divided lite windows clad in "Waterford Blue" by Kolb and Kolbe;
5. Front entry door in stained wood with small window;

6. 447 square foot attached garage, featuring an exposed wooden header beam and overhead doors in a solid wood, diagonal tongue and groove cedar slat design;
7. Stone and stuccoed yard wall to a height of 4 feet at the south property line;
8. Wrought iron fence to a height of 4 feet between the proposed guest house and the existing courtyard wall of the main residence;
9. Exterior sconce lighting at front portal and at doors to west courtyard, and ceiling mounted fixtures at the south portal (designs to be submitted to staff for approval at a later date); and
10. Ground mounted air conditioning condenser measuring 16" wide x 40" long x 32" high to be placed on the south side of the new garage and screened with cedar post fencing and vines.

STAFF RECOMMENDATION:

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

Questions to Staff

Member Biedscheid asked Staff to point out the wrought iron fence. Ms. Roach did so.

Applicant's Presentation

Present and affirming was Mr. Dale Zinn, P. O. Box 756, who said the shaping forces here had to do with an unusual lot shape and efforts to stay away completely from the significant structure - about 30' away and to lower the profile as it moves toward the other building.

Questions to the Applicant

Chair Rios asked if the guest house would have anything on the roof.

Mr. Zinn said nothing would be on the roof. The condenser would be on the ground.

Chair Rios asked for a description of the garage door.

Mr. Zinn said it has a herringbone pattern design and if that changed, he would submit revised drawings to Staff.

Member Powell thanked Mr. Zinn for a very complete application.

Member Biedscheid asked if the existing courtyard wall is part of the significant designation.

Ms. Roach didn't believe so. She thought it was added at a later date.

Mr. Zinn said it was changed at a later date.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Powell moved in Case #H-15-024C at 558 San Antonio Street to approve the application as submitted. Member Boniface seconded the motion and it passed by unanimous voice vote.

- 5. Case #H-15-068. 138 Park Avenue.** Westside-Guadalupe Historic District. G.M Emulsion LLC, agent for Jim Nichols, owner, proposes to construct a coyote fence on a 48" high yardwall to a height of 72" where the maximum allowable height is 55". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

138 Park Avenue is a commercial structure that was constructed by 1928 in the Spanish-Pueblo Revival style. The building is listed as significant to the Westside-Guadalupe Historic District.

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

1. A coyote fence extension was constructed on top of the existing front stuccoed yardwall without approval or a permit. The existing wall is 48" high and the extension is 24" high for a total height of 72" where the maximum allowable height is 55". A height exception is requested and the criteria responses are at the end of this report.
2. ADA compliant parking pads will be installed in three locations in the parking area.

EXCEPTION TO EXCEED MAXIMUM ALLOWABLE HEIGHT

(I) Do not damage the character of the streetscape

No. This type of construction is seen throughout the historic districts and Park Ave.

Staff response: Staff agrees with this statement.

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

Yes, it will prevent present hardships to the applicant and provide security and safety for all visiting the area.

Staff response: Staff is unsure if a structure that is raised from 4' high to 6' high adds any security or safety.

(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

Yes the extension would deny access to unwanted pan handlers and others asking for money as well as eliminate the health and welfare issues digging through ash trays and garbage cans creates.

Staff response: The applicant did not supply any other options that may be available to remedy the situation as this criterion requests. However, the visual barrier that this extension proposes may help to reduce the problem.

(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

Unlike the other buildings on Park Ave. the courtyard sitting area is located right off Park Ave sidewalk where the pre-existing 4 foot wall offers no privacy or security.

Staff response: Staff agrees with this statement.

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

The property is currently experiencing encounters with homeless people, pan handlers loitering in the area that is beyond the applicant's control.

Staff response: Staff agrees with this statement.

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

Its new height won't be the only fence at this elevation on this street. If the exception is granted it will add great character to the streetscape, and safety for all visiting security the area.

Staff response: Staff agrees with this statement; the other property with similar use on this street has street fronting walls at 100", 77", and 72" high.

STAFF RECOMMENDATION:

Staff defers to the Board as to whether or not all six exception criteria have been met by allowing the applicant to provide additional testimony at the hearing. If the Board finds that the height exception has been met, then staff cites that the application complies with Section 14-5.2(l) Westside-Guadalupe Historic District.

Questions to Staff

Chair Rios asked Mr. Rasch if he agreed with all the exception criteria responses.

Mr. Rasch said there were six criteria. He agreed with #1, unsure of #2, for #3, no options were supplied but the visual barrier might reduce the problem. #4 he agreed with. #5 he agreed with. #6 he agreed with the statement made. The other property is a hotel at the far end of Park Avenue that has similar high fences.

Chair Rios noted that 55" is allowed and they want six feet.

Mr. Rasch agreed.

Chair Rios said they went over the maximum by one foot, five inches.

Mr. Rasch agreed.

Applicant's Presentation

Present and sworn was Mr. Jeremy Martinez, P. O. Box 6074, who said the reason for this extension was for safety of guests at this establishment. This courtyard is right off the street and has lots of traffic and people can peer over the wall and this was for their safety and security. People go in here and violate the guests' privacy. And they go into the building, thinking it is open to the public.

He agreed that the owners should have brought it here for permitting and approval before construction. They went to six feet.

Member Roybal said he wanted to go ahead and move for approval.

Member Biedscheid said she had a comment to make first.

Questions to the Applicant

Member Biedscheid said it was a nicely done extension but it is in front of a significant property in front of a publicly visible façade. She didn't think the Board's responsibility encompassed safety and security issues. She sympathized with the security and safety problems but the Board cannot forget the design issue.

Public Comment

Ms. Beninato, (previously sworn) said Park Avenue had a very bad reputation but it has been gentrified and improved. There are short term rentals there, vacation rentals and yes, there is one fence that is as high as this. However, she was a bit concerned about what Member Biedscheid said. Because if it is a Significant building and it was visible from the street, she believed that part of it should be removed and a different way to generate security in that particular courtyard.

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

Member Powell said generally six feet is allowed but here it is a 55" maximum.

Mr. Rasch explained that the underlying zoning for non-residential properties allows 8'. In 1996 the Governing Body adopted the height ordinance for historic districts and included a restriction that within 20' of the street, the maximum is the average of all the nearby walls and fences. In this case, it is 55" as determined by Staff measurement of all the walls and fences surrounding this property.

Chair Rios asked Mr. Rasch if this fence negatively impacts the significant house.

Mr. Rasch said he was a little concerned that this property is actually listed as Significant. He didn't know anything about the background of the house. It might be contributing but he was not sure it is worthy of significant status. There is probably limited visibility directly in front but obliquely, it is visible. He didn't think it affects the historic status.

Chair Rios agreed with him. If she was a guest there, she would be concerned with the public wandering in there.

Member Katz pointed out that if the Board didn't approve it, there are lots of vines growing on it. He wondered if they could string a wire and grow the vines on it.

Mr. Rasch said technically, having a wire, it would still be at that height. There are other options that could be looked at for security.

Member Roybal asked if this had an existing wall that they just added to with the upper part.

Mr. Rasch said that is correct.

Member Roybal asked if the existing step up was allowed.

Mr. Rasch agreed.

Member Powell wondered, if the Board approved it, they would effectively be allowing the rest the walls on that street to be at that height.

Mr. Rasch said it is very hard for City staff to follow the ordinance. It says that averaging is not allowed if heights are approved by exception but we don't have the database to show that.

Action of the Board

Member Roybal moved in Case #H-15-068 at 138 Park Avenue to approve this case as built with no other changes. Member Boniface seconded the motion and it passed by majority (4-2) voice vote with Member Biedscheid and Member Powell dissenting.

H. COMMUNICATIONS

Mr. Rasch was not sure how many members are aware of the monument at Buena Vista and Old Santa Fé Trail. It is a concrete monument that was erected in the first decade of the Twentieth Century for the Old Santa Fé Trail. There is to be a three trails conference coming to Santa Fe in September. The monument will be a focus of that conference. It is on Old Santa Fe Trail across from Baumann House. It is maintained by City when graffiti happens by painting it. We are considering moving it to the State Land

Office or the State River Park.

He asked if the Board would want to see it come forward for an historic designation. The Board agreed.

Mr. Shandler announced that tomorrow, the City Council will entertain a request from an applicant to remand back the case of the Hinojos House. They felt that their presentation the first time wasn't as best they would like and had additional information they would like to provide. If the Council grants the request, Board members cannot comment on it if anyone approaches them because of ex parte communication.

I. MATTERS FROM THE BOARD

Member Powell said when the Board gets cases like this one with the Loretto structure it is a significant structure and it seems like there should be whole other level of issues on significant status. He knew the Code is being revised now and wondered if there is room for Landmark status. There should be some buildings that have certain criteria that go above and beyond what we talk about with significant structures.

Mr. Rasch said Significant status is the highest level in historic districts and equals landmark status for buildings outside the historic districts. Several years ago this issue did come up. There is a significant number of people in the community who would like to see a view shed ordinance. We talked about what the standards might be. It could be rather controversial. With a view shed ordinance we would have to identify what those structures are and could not get in the way of those view sheds.

Right now the only view shed ordinance is of the escarpment. This would be a very difficult standard to get through.

Member Powell said there are just a handful of buildings that are really important.

Member Katz supported Member Powell in that. There are certain buildings in town that should have additional protection.

Member Boniface said when looking at the earlier street elevations, the Loretto and La Fonda both appeared to be lower than the chapel and the proposed buildings were the same height. He once heard that no buildings could be higher than the cathedral and the photos tonight brought that back. Height limitations where the top of the chapel sticks up above with the gabled roof is so unique to Santa Fé architecture. He would be very sorry if something at 65' came in. That would be higher than La Fonda.

Mr. Rasch said that when the town hall meeting is scheduled, height will be an important issue.

Member Roybal said this applicant owns Loretto and the chapel and this vacant property also.

Mr. Shandler cautioned that the Board can't talk about the case now.

Chair Rios asked members to read the ordinance well before considering that case.

Ms. Roach asked that they really study the packet beforehand. That would be really helpful.

J. ADJOURNMENT


Member Roybal moved to adjourn the meeting. Member Boniface seconded the motion and it passed by unanimous voice vote.

The meeting was adjourned at 7:50 p.m.

Approved by:


Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.

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

Case #H-15-056B

Address-461 Camino de Las Animas

Owner/Applicant's Name- Newt White

Agent's Name- Marc Naktin

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Marc Naktin**, agent for **Newt White** ("Applicant").

461 Camino de Las Animas consists of an approximately 3,979 square foot residence and an adjacent, freestanding approximately 1,720 square foot garage with living quarters. On June 23, 2015, the HDRB acted to retain the contributing status of the residence and designated façades 1 through 4 on the east and southeast façades as primary. The HDRB also approved adding an 18" balustrade across the second story of the south façade and removal of a non-historic metal portal structure on façade 1 (east).

The Applicant proposes the following:

- 1) Add a fireplace between the two windows on primary façade 4 (the east façade of the music room), to be stuccoed to match the existing residence (El Rey "Hacienda");
- 2) Add a bracketed metal awning above the door on façade 1; and
- 3) Replace a steel sash window on primary façade 4 (east façade of "music room") with a steel sash door, increasing the opening dimension by lowering the sill 18" downward but maintaining the width.

An Exception is requested to place two additions on a primary facades.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff defers to the Board as to whether the Exception criteria have been met, and if the Board finds that they have been met, recommends approval of this application, which otherwise complies with Section 14-5.2 (D) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C), Regulation of Significant and Contributing Structures

- b. Section 14-5.2(C)(5)(b), Design Standards and Signage Exception
 - a. Section 14-5.2(D)(9), General Design Standards
 - b. Section 14-5.2(E), Downtown and Eastside Historic District
- 5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
- 6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
- 7. Under Section 14-5.2(D)(2)(c), the general rule is that "Additions are not permitted to primary facades."
- 8. The Exception meets the Section 14-5.2(C)(5)(b)(i) criterion for the awning and the fireplace because the awning will not damage the character of the district because it is a design element already found in the same District as approved by the Board at 1413 Paseo de Peralta and it is not visible from Camino de Las Animas. The fireplace will not damage the character of the district because it is a design element already found throughout the residence. The design of the fireplace was carefully modeled after existing fireplaces in mass, height and proportion.
- 9. The Exception does not meet the Section 14-5.2(C)(5)(b)(i) criterion for the window removal because the window is part of the historic fabric of the residence and its removal would damage the character of the district.
- 10. The Exception meets the Section 14-5.2(C)(5)(b)(ii) criterion for the awning and the fireplace because the removal of the non-historic aluminum porch necessitates the protection of the original historic door. The historic mantle will be carefully saved and relocated to the proposed fireplace on the east wall of the music room between two windows.
- 11. The Exception meets the Section 14-14-5.2(C)(5)(b)(iii) criterion for the awning and the fireplace because the project strengthens the unique heterogeneous character of the City because the proposed awning has the least visual impact on the newly designated primary façade. The new kitchen with the proposed fireplace will allow the owners to enjoy the amenities of a modern kitchen while maintaining some of the original historic material inside the home.
- 12. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements, except for the request for the window removal, have been met.

CONCLUSIONS OF LAW

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

- 1. The Board has the authority to review and approve the Application.
- 2. The Board approved the Application and Exception as recommended by Staff with the conditions:
 - a. The window shall remain.

**IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS
REVIEW BOARD OF THE CITY OF SANTA FE.**

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-063

Address-852 Old Santa Fe Trail

Owner/Applicant's Name- Faye Schilkey

Agent's Name-Fabu-Wall-ous Solutions

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Fabu-Wall-ous Solutions** agent for **Faye Schilkey** ("Applicant").

852 Old Santa Fe Trail is a single family residence and free-standing garage that was constructed in the Territorial Revival style in the 1930s. The buildings are listed as contributing to the Downtown and Eastside Historic District. In 2009, the HDRB designated façades 1 through 7 on the north and east elevations of the residence as primary. In 2010, the HDRB approved remodeling the property with a small addition, a new portal, brick coping repair, and changes to the yardwalls.

The Applicant proposes replacing a window on the east elevation (primary façade 7) with a pair of white divided lite French doors with side lites and patching the surrounding stucco with El Rey cementitious stucco to match the existing residence.

An Exception is requested to alter the dimensions of a window opening on a primary façade.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends that the criteria for an exception to increase the size of an opening on a primary façade have been met and recommends approval of this application, which otherwise complies with Section 14-5.2 (D) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C), Regulation of Significant and Contributing Structures
 - b. Section 14-5.2(D)(5), General Design Standards
 - c. Section 14-5.2(C)(5)(b)(i-iii), Design Standards Exceptions
 - d. Section 14-5.2(E), Downtown and Eastside Historic District.

5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
7. Under Section 14-15.2(D)(5)(a)(i), the general rule is: "Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed."
8. The Exception meets the Section 14-5.2(C)(5)(b)(i) criterion because the proposed location for the French door unit with sidelites has minimal impact to the streetscape. It is set back from the street (East Coronado Road) behind an existing yard wall; thus the lower portion of the proposed doors will not be visible from the street unless one were to peer over the privacy wall. The proposed replacement of the existing 8'-0" window unit with an 8'-0" French door unit with sidelites and divided lites similar to the existing windows on the house will only be visible for a few seconds when a vehicle is approaching the property from either direction on East Coronado Road.
9. The Exception meets the Section 14-5.2(C)(5)(b)(ii) criterion because it would prevent a hardship on the Applicant or injury to the public because the addition of the proposed French door unit with sidelites will bring this non-compliant bedroom into compliance with the existing code requiring two means of egress at a bedroom.
10. The Exception meets the Section 14-5.2(C)(5)(b)(iii) criterion regarding heterogeneous character because the proposed replacement of an existing window with a French door unit is similar in character to other existing openings and will enhance the diverse character of the City as well as providing a more habitable and safer historic structure for future generations.
11. The Applicant at the hearing stated each French door could be reduced to 2 ½ feet, which will better replicate the existing light pattern.
12. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board granted the Application and Exception with the condition: (a) the French door leaves shall be reduced to 2 ½ feet.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

[Signatures to Follow on Next Page]

Cecilia Rios
Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-172

Case #H-07-102

Case #H-15-035

Address-535 East Alameda Street Yardwalls

Owner/Applicant's Name- Richard Yates

Agent's Name- Aaron Bohrer

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Aaron Bohrer**, agent for **Richard Yates** ("Applicant").

535 East Alameda Street, formerly known as 540 East Palace Avenue, is a compound of five residences and a guest house. The main historic building, known as the Mrs. Ashley Pond House, was designed by John Gaw Meem and constructed in the Territorial Revival style by 1930. That residence and the attached guest house is listed as a contributing structure in the Downtown & Eastside Historic District. The four recently constructed Santa Fe Style residences will be remodeled and/or finished for habitation.

The Applicant proposes the final remodel of the property with the following eleven items.

Units 3 & 4

1. A 1,043 square foot studio addition will be located at approximately 17' 9" back from the Palace Avenue frontage. The proposed height is 4' above the existing two-story structure and there is more than 2' of slope on this part of the site. The façade features Territorial detailing including pedimented arched windows and doors and brick coping at the parapet.

2. A 1,138 square foot addition will be constructed at the west elevation of the existing residence. The addition will match existing height and character.

3. A 453 square foot second story addition will be constructed at the southeast corner of the existing residence. The addition will match existing height and character.

4. A 324 square foot 2-car garage will be constructed on the west side of the residence with wooden garage doors.

5. Two wooden trellises will be constructed at the street frontage to a height of 8' 9" high.

6. 4' 8" stuccoed yardwalls with accent pilasters and brick caps will be constructed along the east end of the Palace Avenue street frontage.

7. The east side retaining walls will be changed from Vera-Loc to natural stone.

Unit 7

8. A 533 square foot 2-car carport will be constructed to a height of 12' 9" on the west side of the residence. The carport, changed from a garage to provide more visibility of the primary façade of the contributing historic structure beyond, is designed in a Territorial Revival style with square posts, exposed headers, and brick coping on parapets.

9. A 574 square foot addition will be constructed on the northwest corner of the residence at a height lower than existing adjacent parapet height. The addition is designed to match existing conditions.

10. Two portals, totaling 370 square feet at 11' 9" high, will be constructed on the north and southwest side of the residence. The portals are designed in the Territorial Revival style with brick coping on the parapets and square posts with detailed bases and capitals.

11. A 4' 4" coyote fence will be constructed between stuccoed pilasters flanking the pedestrian entrance on Alameda Street between Unit 7 and the west lotline where the maximum allowable height is 4' 4". Paired wooden pedestrian gates will be installed.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends 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.
4. The property is located in the Downtown & Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C) Regulation of Contributing Structures
 - b. Section 14-5.2(D)(9) General Design Standards
 - c. Section 14-5.2(E), Downtown & Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.

7. Under Section 14-5.2(D)(1)(b), if a “proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing, or landmark status, the application may be denied.”
8. The main historic building, known as the Mrs. Ashley Pond House, was designed by John Gaw Meem and constructed in the Territorial Revival style by 1930.
9. That residence and the attached guest house is listed as a contributing structure in the Downtown & Eastside Historic District.
10. The construction of bedroom addition, southwest portal and coyote fencing for Unit 7 will mask the Pond House from view from East Alameda Street.
11. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements, except for the bedroom addition, southwest portal and coyote fencing for Unit 7, have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff for Units 3 and 4 with the conditions:
 - a. All pediments above windows on the north elevation shall be wood painted a light color white;
 - b. The back side of the glass in the window on the far east of the north elevation shall not be translucent, but shall have black backing or via another means that would not allow sight through it;
 - c. All trim colors, including any stone, brick, metal or stucco shall be submitted to staff for review and approval;
 - d. Any exterior lighting shall be submitted to staff for review and approval
 - e. There shall be no publicly visible rooftop appurtenances.
3. The Board approved the Application as recommended by Staff for Unit 7 for the items:
 - a. Carport
 - b. North portal
4. The Board did not approve the Application as recommended by Staff for Unit 7 for the items:
 - a. bedroom addition;
 - b. southwest portal;
 - c. coyote fencing

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

[Signatures to Follow on Next Page]

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-172

Case #H-07-102

Case #H-15-035

Address-535 East Alameda Street Yardwalls

Owner/Applicant's Name- Richard Yates

Agent's Name- Aaron Bohrer

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Aaron Bohrer**, agent for **Richard Yates** ("Applicant").

535 East Alameda Street, formerly known as 540 East Palace Avenue, is a compound of five residences and a guest house. The main historic building, known as the Mrs. Ashley Pond House, was designed by John Gaw Meem and constructed in the Territorial Revival style by 1930. That residence and the attached guest house is listed as a contributing structure in the Downtown & Eastside Historic District. The four recently constructed Santa Fe Style residences will be remodeled and/or finished for habitation.

The Applicant proposes the final remodel of the property with the following eleven items.

Units 3 & 4

1. A 1,043 square foot studio addition will be located at approximately 17' 9" back from the Palace Avenue frontage. The proposed height is 4' above the existing two-story structure and there is more than 2' of slope on this part of the site. The façade features Territorial detailing including pedimented arched windows and doors and brick coping at the parapet.
2. A 1,138 square foot addition will be constructed at the west elevation of the existing residence. The addition will match existing height and character.
3. A 453 square foot second story addition will be constructed at the southeast corner of the existing residence. The addition will match existing height and character.
4. A 324 square foot 2-car garage will be constructed on the west side of the residence with wooden garage doors.
5. Two wooden trellises will be constructed at the street frontage to a height of 8' 9" high.
6. 4' 8" stuccoed yardwalls with accent pilasters and brick caps will be constructed along the east end of the Palace Avenue street frontage.
7. The east side retaining walls will be changed from Vera-Loc to natural stone.

Unit 7

8. A 533 square foot 2-car carport will be constructed to a height of 12' 9" on the west side of the residence. The carport, changed from a garage to provide more visibility of the primary façade of the contributing historic structure beyond, is designed in a Territorial Revival style with square posts, exposed headers, and brick coping on parapets.

9. A 574 square foot addition will be constructed on the northwest corner of the residence at a height lower than existing adjacent parapet height. The addition is designed to match existing conditions.

10. Two portals, totaling 370 square feet at 11' 9" high, will be constructed on the north and southwest side of the residence. The portals are designed in the Territorial Revival style with brick coping on the parapets and square posts with detailed bases and capitals.

11. A 4' 4" coyote fence will be constructed between stuccoed pilasters flanking the pedestrian entrance on Alameda Street between Unit 7 and the west lotline where the maximum allowable height is 4' 4". Paired wooden pedestrian gates will be installed.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends 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.
4. The property is located in the Downtown & Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C) Regulation of Contributing Structures
 - b. Section 14-5.2(D)(9) General Design Standards
 - c. Section 14-5.2(E), Downtown & Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.

7. Under Section 14-5.2(D)(1)(b), if a “proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing, or landmark status, the application may be denied.”
8. The main historic building, known as the Mrs. Ashley Pond House, was designed by John Gaw Meem and constructed in the Territorial Revival style by 1930.
9. That residence and the attached guest house is listed as a contributing structure in the Downtown & Eastside Historic District.
10. The construction of bedroom addition, southwest portal and coyote fencing for Unit 7 will mask the Pond House from view from East Alameda Street.
11. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements, except for the bedroom addition, southwest portal and coyote fencing for Unit 7, have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff for Units 3 and 4 with the conditions:
 - a. All pediments above windows on the north elevation shall be wood painted a light color white;
 - b. The back side of the glass in the window on the far east of the north elevation shall not be translucent, but shall have black backing or via another means that would not allow sight through it;
 - c. All trim colors, including any stone, brick, metal or stucco shall be submitted to staff for review and approval;
 - d. Any exterior lighting shall be submitted to staff for review and approval
 - e. There shall be no publicly visible rooftop appurtenances.
3. The Board approved the Application as recommended by Staff for Unit 7 for the items:
 - a. Carport
 - b. North portal
4. The Board did not approve the Application as recommended by Staff for Unit 7 for the items:
 - a. bedroom addition;
 - b. southwest portal;
 - c. coyote fencing

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

[Signatures to Follow on Next Page]

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-062

Address-616 East Alameda Street Unit F

Owner/Applicant's Name- Paul Helfrich

Agent's Name- Lorn Tryk

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Lorn Tryk**, agent for **Paul Helfrich** ("Applicant").

616 East Alameda Street Unit F is a 4,024 square foot vacant lot in the Downtown & Eastside Historic District.

The Applicant proposes to construct a 1,912 square foot single-family residence in a simplified Santa Fe style to the maximum allowable height of 14' 2". The building will feature room block massing, an entry portal with viga posts and exposed wooden elements, simulated divided-lite windows and doors on publicly-visible elevations, and roof-mounted mechanical equipment and skylights which will be screened by parapet walls. Finishes will be Synthetic stucco in "Pecos", aluminum clad windows and doors in "Cajun Spice", and wooden elements stained in "Wangler Brown". Brick paving and simple coper sconces are proposed. In addition, wooden fencing along the side and rear lotlines will be 5' tall and a stuccoed yardwall at 4' 6" tall, creating a front courtyard with a pedestrian gate at the parking area, will be constructed.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends 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.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(D)(9), General Design Standards
 - b. Section 14-5.2(E), Downtown and Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.

6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
7. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff with the condition that there shall be no publicly visible rooftop appurtenances.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-066

Address-575 West San Francisco Street

Owner/Applicant's Name- Gary Mazziotti

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Gary Mazziotti** ("Applicant").

575 West San Francisco is an approximately 2,025 square foot adobe residence and approximately 562 square foot adobe garage, located in the Westside-Guadalupe Historic District. The structures were built at an unknown date prior to 1928 in a vernacular manner and have undergone only minor alterations since that time, including a change in roof pitch from shed to a very low gable with extended eaves and exposed roof joists. In September 2014 (Case H-14-075) the HDRB reviewed the status of both structures. The contributing status of the residence was retained, and the east, west and south façades made primary, while the garage structure was downgraded to non-contributing.

The Applicant proposes to replace the chainlink fence located at the south lot line and returning to meet the residence with coyote fence to the maximum allowable height of 58". The proposal places the posts and rails on the exterior of the fence.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends approval of the application, with the recommended condition that the posts and rails be placed on the interior of the fence, in compliance with Section 14-5.2(D)(9) General Design Guidelines, Height Pitch Scale and Massing, and (I) Westside-Guadalupe Historic District.
4. The property is located in the Westside-Guadalupe Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-5.2(C), Regulation of Significant and Contributing Structures
 - b. Section 14-5.2(D)(9), General Design Standards
 - c. Section 14-5.2(I), Westside-Guadalupe Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.

6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
7. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-064A

Address-237 ½ Casados Street

Owner/Applicant's Name- Mark Holland

Agent's Name- Will McDonald

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Christopher Purvis**, agent for **Melanie Lux** ("Applicant").

237½ Casados Street is a single-family residence, formerly a garage/workshop, which was constructed in the Spanish-Pueblo Revival style before 1958. In the early 1990s, the street-facing façade was altered and the structure was converted to residential use. There is one historic window and one historic door existing, while the rest have been replaced during non-historic times. The structure has no designated historic status in the Westside-Guadalupe Historic District.

The Applicant requests a historic status review of this structure.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Staff recommends that the Board designate the structure as non-contributing to the Westside-Guadalupe Historic District due to non-historic changes to the street-facing elevation and loss of historic material.
3. The property is located in the Westside-Guadalupe Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-12.1, Definitions
 - b. Section 14-5.2(C), Regulation of Significant and Contributing Structures
4. Under Section 14-5.2(C)(2)(a-d), the Board may conduct a status review.
5. Under Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."

6. The Board, in response to the application, finds the residence does not meet the Section 14-12.1 criterion for “contributing” due to non-historic changes to the structure and lack of historic detail.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board granted the Applicant’s request to review historic status and voted to:
 - a. Designate non-contributing status to the structure.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-065B

Address-1477 Canyon Road

Owner/Applicant's Name- Joanna Hurley

Agent's Name- Antoine Khoury

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Antoine Khoury**, agent for **Joanna Hurley** ("Applicant").

1477 Canyon Road is a 3,768 square foot single-family residence whose historic status was downgraded to non-contributing status in Case H-15-065A.

The Applicant proposes to remodel the property with the following three items.

1. A 900 square foot addition will be constructed on the east elevation with a breezeway connection to set the original mass off from the addition. The addition will feature room block massing, rounded edges and corners, divided-lite windows and doors with exposed wooden headers. High-angle solar panels will be mounted on the highest mass and a secondary mass on this addition. They will be visible above the parapets. The entire structure will be restuccoed with El Rey cementitious "Buckskin".

2. Most of the non-historic windows and doors will be replaced with clad divided-lite units in "Champagne".

3. Other minor alterations include the construction of a fireplace on the original east elevation, stone planters in the west, front courtyard, installation of skylights, and replacement of light fixtures with two metal designs as sconce and pendant.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends approval of this application to remodel a non-contributing residential structure which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown and Eastside Historic District.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:

- a. Section 14-5.2(D)(9), General Design Standards
 - b. Section 14-5.2(E), Downtown and Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
 6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
 7. The Applicant, at the hearing, stated the parapet could be raised twelve inches.
 8. The Applicant, at the hearing, stated the solar panel could go to 45 degrees and that would have them almost totally hidden behind the parapet.
 9. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff with the conditions:
(a) the angle of the solar panels shall be lowered and (b) parapets shall be raised twelve inches.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

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

Case #H-15-065A

Address-1477 Canyon Road

Owner/Applicant's Name- Joanna Hurley

Agent's Name- Antoine Khoury

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 14, 2015 upon the application ("Application") of **Antoine Khoury**, agent for **Joanna Hurley** ("Applicant").

1477 Canyon Road is a single-family residence that was constructed in the Spanish-Pueblo Revival style in the 1930s. Between 1988 and 1998 significant modifications were made, including an addition and portal enclosures. No historic windows or doors are extant. The building is listed as contributing to the Downtown & Eastside Historic District.

The Applicant request a historic status review of this structure.

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

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Staff recommends that the Board downgrade the historic status from contributing to non-contributing due to the non-sensitive non-historic addition, loss of historic materials, and loss of historic character at portals.
3. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - a. Section 14-12.1, Definitions
 - b. Section 14-5.2(C), Regulation of Significant and Contributing Structures
4. Under Section 14-5.2(C)(2)(a-d), the Board may conduct a status review.
5. Under Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."
6. The Board, in response to the application, finds the residence does not meet the Section 14-12.1 criterion for "contributing" due to the non-sensitive, non-historic additions, loss of historic material, and loss of historic character at portals

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board granted the Applicant's request to review historic status and voted to:
 - a. Downgrade the residence to non-contributing status.

IT IS SO ORDERED ON THIS ____ DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Zachary Shandler
Assistant City Attorney

Date:

Comments re: Case #H-15-067A – Atalaya Elementary Solar Array – Lisa Randall 7/28/2015

Thank you for the opportunity to address you this evening, and thanks to everyone who came out to testify. Santa Fe Public Schools is currently 5% solar powered. I hope we can all agree that is not nearly enough. We have a half megawatt of solar on 8 of our 33 campuses, and are currently assessing every property for solar compatibility. The District is committed to reducing our carbon footprint and is aligned with the City's resolution for carbon neutrality. We believe this position to be both a moral imperative as well as a responsible use of fiscal and natural resources. The idea for solar at the 54,800 sq ft Atalaya Elementary School, home to 220 students, was actually a neighbor's suggestion at one of the many SFPS/neighborhood meetings after the gym redesign request a few years back, during the school remodel. Construction was underway and we laid the groundwork for solar at that time. We actually planned a front array as well, in the form of a covered outdoor classroom, requested by the parents and staff, but dropped that idea after substantial resistance from several neighbors around the school. SFPS has every intention of being a good neighbor, though that decision left existing bad feelings amongst some staff and parents that the neighbors seemed to have more say about their school grounds than they did.

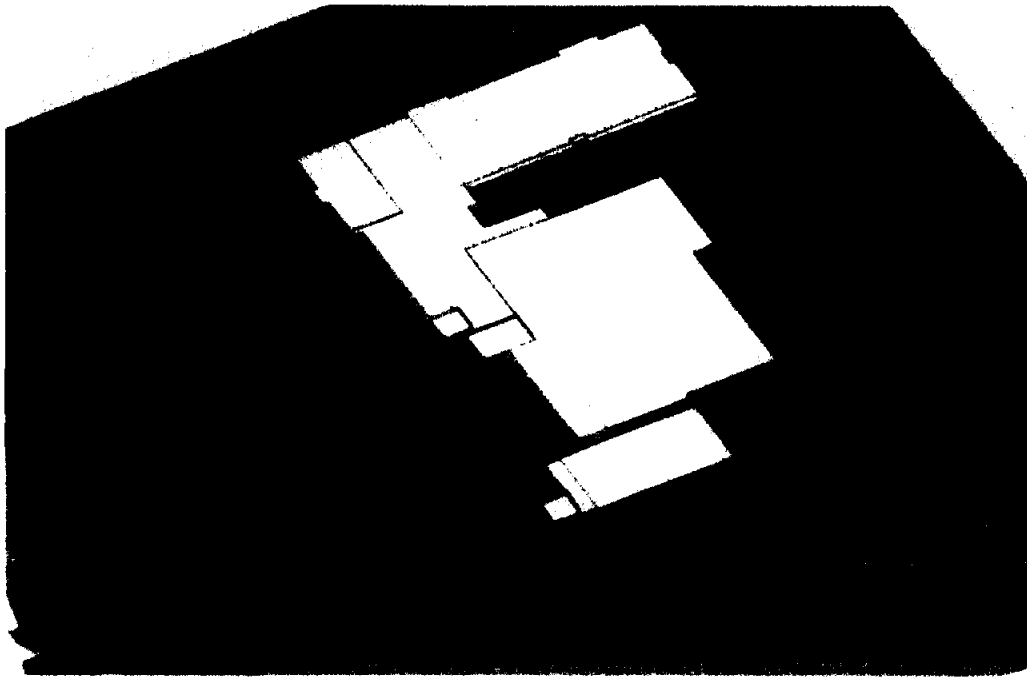
Our compromise was to add panels and generation capacity to the proposed array before you tonight. The design for this array, producing approximately 20% of the school's electricity, eliminating 122,400 pounds of CO₂ from the atmosphere every year, and saving 31,150 gallons of water annually, was shared at a public meeting at Atalaya Elementary School on May 14th. The meeting notice went out to the neighborhood association list serve, flyers were sent to all 47 postal addresses within 300' of the property lines (2 of them were returned to sender), the meeting was advertised in 2 separate places in the New Mexican, we sent flyers home with students, and we posted public meeting signs on the school grounds and along 721 Camino Cabra more than 2 weeks before the meeting date. One neighbor attended the public meeting, along with parents and staff, and no opposition to this array was voiced.

For SFPS to generate all of its electricity via solar photovoltaics, we would need an estimated 40 million dollars. We are very focused on conservation, and in the last 5 years have reduced our electricity use by 11%, our natural gas use by 23%, and our water use by 43%. Conservation alone cannot eliminate our dependence on fossil fuels however, or satisfy the community and global call for increasingly sustainable schools. We need to utilize all means of procurement when it comes to installing solar PV, and

we are incredibly thankful to our Santa Fe legislators, Senator Wirth and Representative Egolf, for their \$100,000 legislative capital outlay award for both Atalaya and the following case you will hear, Acequia Madre. We believe the array design for Atalaya meets all of the requirements put forth in article 14-5.2(N), and we ask for your support of the project. We respectfully remind you that before Capital Outlay monies were awarded, when we proposed funding the project with General Obligation Bond monies, this project received Historic Board Administrative authorization, and no design issues were brought forward. We put local contractor Positive Energy Solar under contract with that authorization, and although we have caused disruption in their company scheduling, they have been an excellent partner in accommodating the delay caused by the funding change and subsequent application of 14-5.2(N) We hope you agree with Staff that the project is in compliance with the noted city code, and that we can move forward with this important installation. Thank you for your consideration tonight, and I would be happy to stand for any questions you might have, as would our contractor, Positive Energy Solar.

Lisa Randall

*for H Board
Mtg. Records
7/28/15 LR



Atalaya Community Meeting

**SANTA FE PUBLIC SCHOOLS AND THE ATALAYA SCHOOL
COMMUNITY INVITE YOU TO AN EARLY NEIGHBORHOOD
NOTIFICATION MEETING TO DISCUSS A PROPOSED SOLAR PV ARRAY
ON THE SCHOOL GROUNDS.**

**SFPS AND POSITIVE ENERGY SOLAR WILL PRESENT A PRELIMINARY
PLAN FOR THE SOLAR STRUCTURE ON THE CAMPUS.**

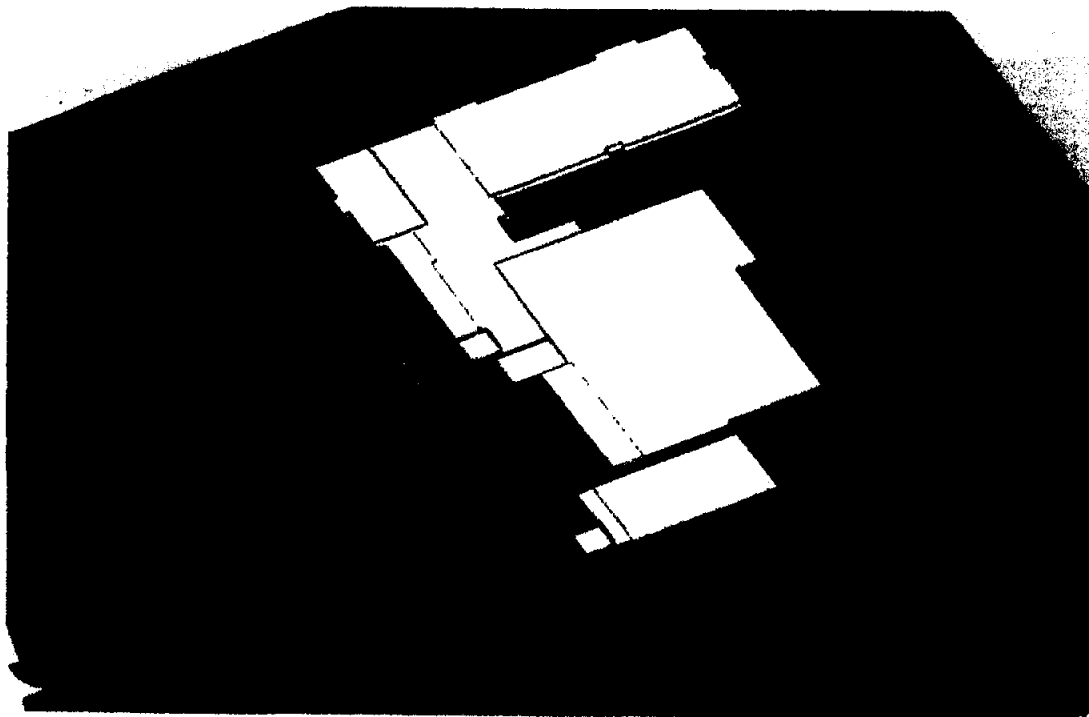
Learn more and offer your feedback
at a neighborhood meeting!

Thursday, May 14th, at 6:00pm

Atalaya Elementary School Library
721 Camino Cabra, Santa Fe, NM



For more information,
contact: Lisa Randall
Santa Fe Public Schools
lranda1l@sfps.info
505-467-3445



Reunión Comunitaria en Atalaya

LAS ESCUELAS PUBLICAS DE SANTA FE Y LA ESCUELA COMUNITARIA ATALAYA INVITA A UNA REUNION DE NOTIFICACION TEMPRANA A VECINOS PARA DISCUTIR UNA PROPUESTA DE COLECCION SOLAR EN EL TERRENO ESCOLAR.

SFPS Y ENERGIA SOLAR POSITIVA PRESENTARAN UN PLAN PRELIMINAR PARA LA ESTRUCTURA SOLAR EN EL CAMPUS.

¡Aprenda más y de su opinión en la reunión de vecinos!

Jueves 14 de Mayo, a las 6:00pm

**Atalaya Elementary School Library
721 Camino Cabra, Santa Fe, NM**



Para más información
contacte a: Lisa Randall
Santa Fe Public Schools
lrandall@sfps.info
505-467-3445

Flyers w/ Students
Signs on Ext in 2 Places
New Mexican Community Cal

Robert Nott's Ed Page
May 4th
Mailed Flyers

Mailed 4/11/15

(47)

Hand Addressed Letters
HDB - July 28, 2015

EXHIBIT K

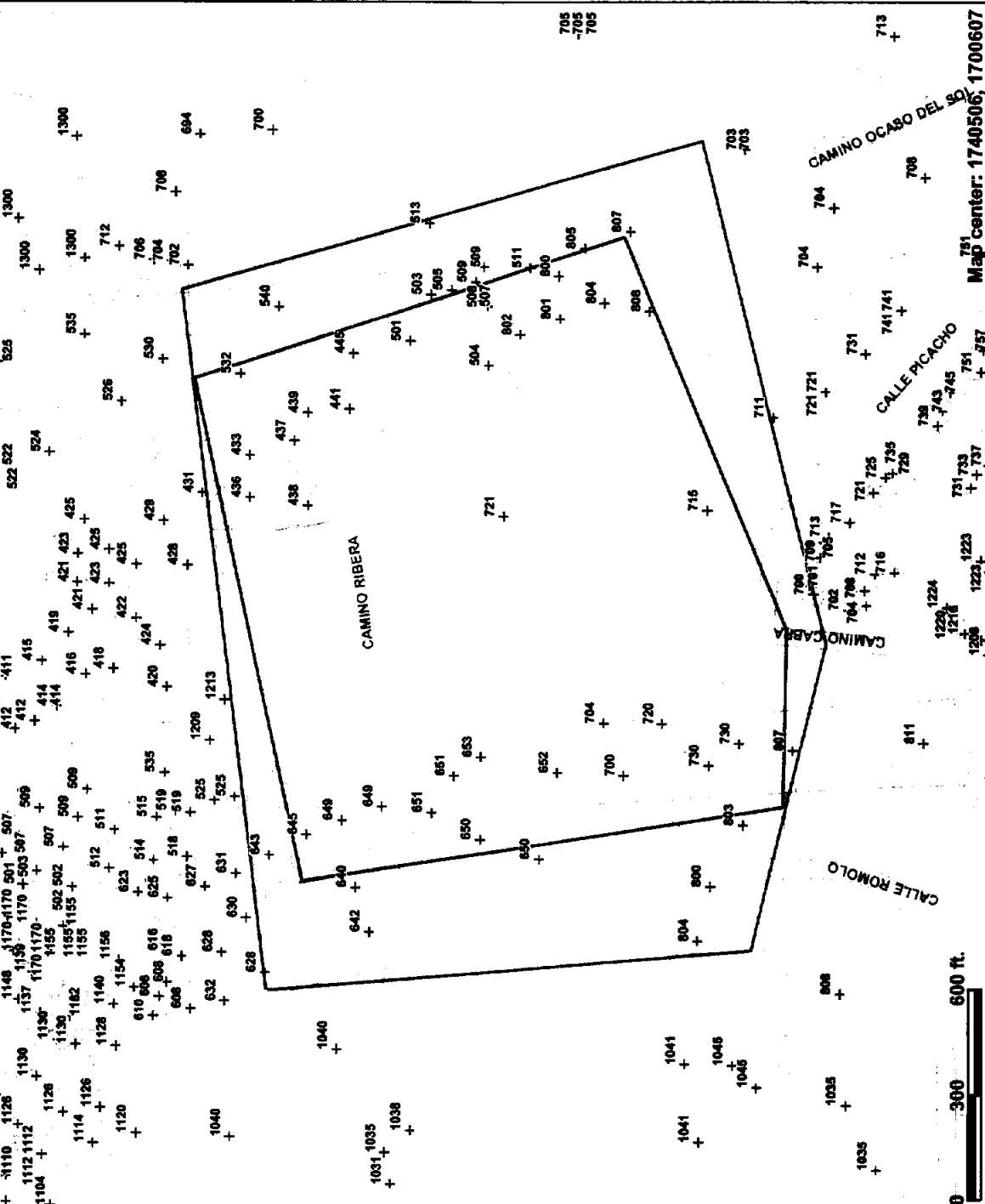
Atalaya

Legend
N City Limits
+ Address Points
Parcels
Other Roads and Streets

Scale: 1:5,298



300' in Red



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

- ✓ 645 Camino De La Luz
- ✓ 640 Camino De La Luz
- ✓ 649 Camino De La Luz
- ✓ 642 Camino De La Luz
- ✓ 651 Camino De La Luz
- ✓ 653 Camino De La Luz
- ✓ 650 Camino De La Luz
- ✓ 652 Camino De La Luz
- ✓ 704 Camino Cabra
- ✓ 720 Camino Cabra
- ✓ 700 Camino Cabra
- ✓ 730 Camino Cabra
- ✓ 730-A Camino Cabra
- ✓ 715 Camino Cabra
- ✓ 711 Calle Picacho
- ✓ 808 Apodaca Hill
- ✓ 804 Apodaca Hill
- ✓ 807 Apodaca Hill
- ✓ 805 Apodaca Hill
- ✓ 802 Apodaca Hill
- ✓ 801 Apodaca Hill
- ✓ 800 Apodaca Hill
- ✓ 511 Apodaca Hill
- ✓ 507 Apodaca Hill
- ✓ 509 ½ Apodaca Hill

✓ 505 Apodaca Hill

✓ 503 Apodaca Hill

✓ 501 Apodaca Hill

✓ 504 Apodaca Hill

✓ 445 Apodaca Hill

✓ 441 Apodaca Hill

✓ 439 Apodaca Hill

✓ 437 Apodaca Hill

✓ 433 Apodaca Hill

✓ 438 Apodaca Hill

✓ 436 Apodaca Hill

✓ 424 Apodaca Hill

✓ 422 Apodaca Hill

✓ 420 Apodaca Hill

✓ 428 Apodaca Hill

✓ 430 Apodaca Hill

✓ 431 Apodaca Hill

✓ 513 Apodaca Hill

✓ 1213 Camino Ribera

✓ 1209 Camino Ribera

✓ 535 Camino Cabra

525 ½ Camino Cabra

Comments re: Case #H-15-067B – Acequia Madre Elementary Solar Array - Lisa Randall 7/28/2015

Thank you. To reiterate previous comments made during the hearing of Case #H-15-067A, Santa Fe Public Schools is committed to building renewable energy projects in support of our carbon neutrality goals, as well as modeling responsible environmental behavior in the public service sector. We are a very large consumer of natural resources, and therefore have a great responsibility to reduce our consumption, and use less resources more efficiently. To this end, we are proposing a solar PV exterior shade structure at the 23,300 sq ft Acequia Madre Elementary School, home to 175 students, which will generate approximately half of the school's annual electrical demand, reduce their carbon emissions by 77,800 pounds annually, and save 19,800 gallons of water each year by not purchasing that power from PNM. We believe our local contractors, Positive Energy Solar, have designed a structure that creates an economically feasible solar option, considering the small size of the installation. Solar realizes, as do many things, an economy of scale – generally speaking, the larger the array, the cheaper the cost per kilowatt. At present this project cost is higher compared to our watt average from other projects, but it was extremely important to the District to answer the call of our students, those who will suffer the most from climate disruption, when they asked us to solarize their school. If only all of our students were as committed and willing to act, and had the parental and community support these students do. We will get there!

We underwent the same public notification process as described in the previous case this evening. We had no opposition present at the meeting on May 7th at the school on 700 Acequia Madre, several neighbors were in attendance, and have received no oppositional comments to date. We do believe the current design is fitting to the existing property, considering its proximity to swing sets and chain link fence, as well as more traditional materials of stucco and coyote fencing. We understand there is some concern regarding the current structure, from both City staff and at least one neighbor; specifically the diagonal members, and metal poles. While we believe the metal structure is essential to the longevity, strength, and durability of a structure designed to safely hold 3,200 pounds of solar panels, we are not opposed to a redesign to create vertical metal members, painted brown, or encased in a wooden façade. We are opposed to an entirely wooden structure, as this is much more than a ramada, but we believe creating a wooden façade over the vertical metal members would address both concerns. We want this to be a successful project we can all be proud of, we want to be good neighbors, and we want to demonstrate our commitment to renewable energy at

all of our schools, not just those outside of the Historic Districts. Not all structures can support rooftop solar; that is an unrealistic commercial and residential expectation, especially on many Historic buildings. But that should in no way eliminate the possibility of solar array installations in these districts. We are very interested in designing a project that will demonstrate the possibility of ground mounted solar array installations in the downtown and east side areas, while maintaining good relationships with neighbors, and addressing the very real challenges of detrimental climate change. Our current design is the most economical use of taxpayer dollars, but we readily concede that is not the only priority here, though it is a priority we take very seriously. Although a redesign will cost added dollars, as will the change in materials, and because of the jurisdictional change with funding and initial administrative authorization of the project, some materials have already arrived, we are willing to undertake these changes to create a successful project. Both Atalaya and Acequia Madre solar arrays are now experiencing construction delays because of the funding and jurisdictional changes, and we are very willing to immediately undertake required design changes to keep this vital project moving forward for Acequia Madre Elementary School. Myself and Positive Energy Solar will gladly stand for questions from the Board. Thank you.

Lisa Randall



*for
H Board
Meeting
Records
7/28/15 L

Acequia Madre Community Meeting

SANTA FE PUBLIC SCHOOLS AND THE ACEQUIA MADRE SCHOOL COMMUNITY INVITE YOU TO AN EARLY NEIGHBORHOOD NOTIFICATION MEETING TO DISCUSS A PROPOSED SOLAR PV ARRAY ON THEIR SCHOOL PLAYGROUND.

SFPS AND POSITIVE ENERGY SOLAR WILL PRESENT A PRELIMINARY PLAN FOR THE SOLAR SHADE STRUCTURE ON THE CAMPUS

Learn more and offer your feedback
at a neighborhood meeting!

Thursday, May 7th, at 5:30pm

Acequia Madre Elementary School
700 Acequia Madre, Santa Fe, NM



For more information,
contact: Lisa Randall
Santa Fe Public Schools
lranda11@sfps.info
505-467-3445





Reunión Comunitaria en Acequia

LA ESCUELA ACEQUIA MADRE Y LAS ESCUELAS PUBLICAS DE SANTA FE
INVITA A UNA REUNION DE NOTIFICACION TEMPRANA PARA DISCUTIR
UNA PROPUESTA DE COLECCION SOLAR PV EN EL PATIO DE LA ESCUELA.
SFPS Y ENERGIA SOLAR POSITIVA PRESENTARAN UN PLAN PRELIMINAR
PARA LA ESTRUCTURA SOLAR EN EL CAMPUS

¡Aprenda más y de su opinión en la reunión de vecinos!

Jueves 7 de Mayo, a las 5:30pm

Acequia Madre Elementary School
700 Acequia Madre, Santa Fe, NM

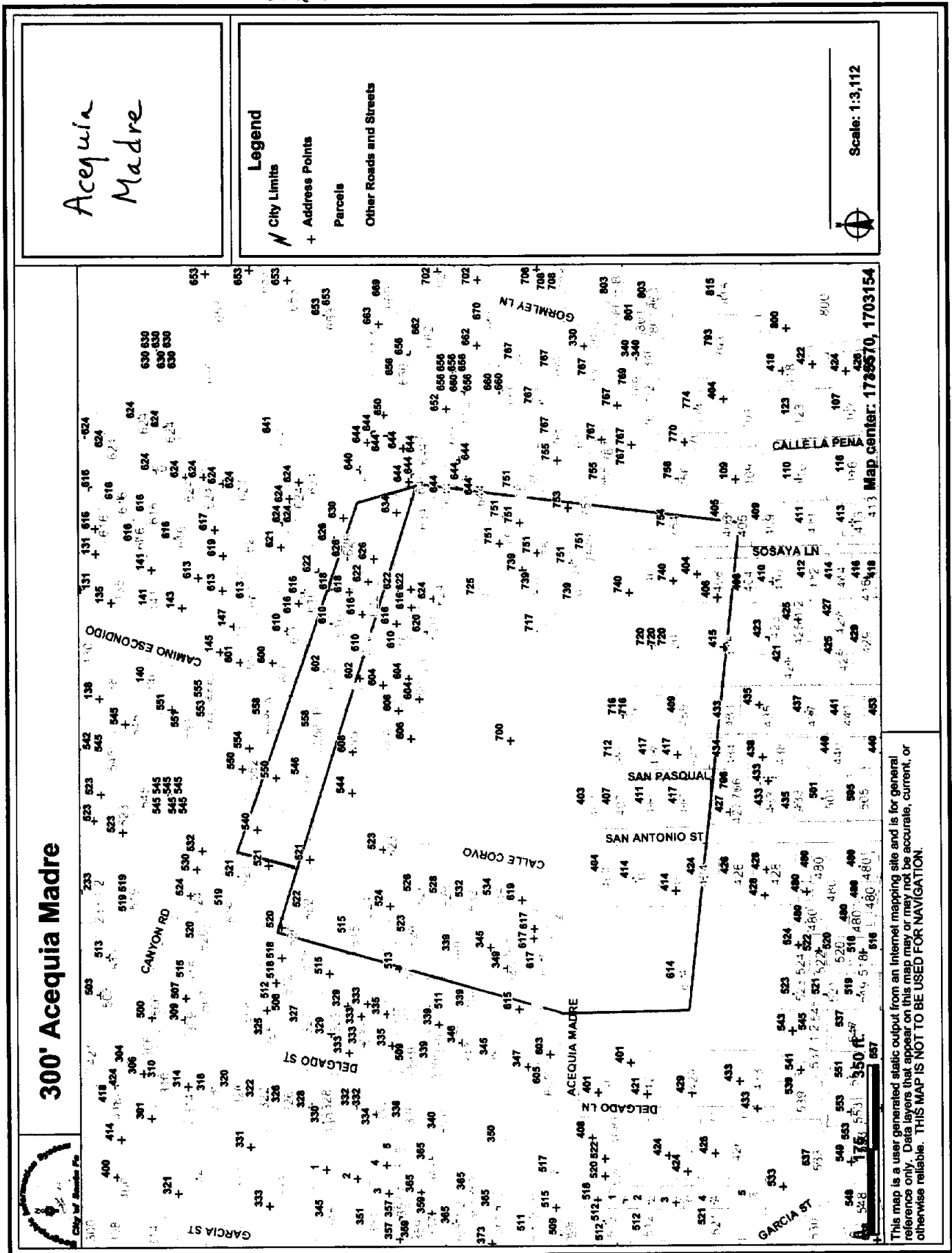


Para más información
contacte a: Lisa Randall
Santa Fe Public Schools
lrandall@sfps.info
505-467-3445

Plays w/ Stadiums
Signs on Ext in 2 Places
New Mexican Comm Calendar

Robert Notis EX Page
May 4th

Mailed 4/8/15
EXHIBIT L
Hand Addressed Letters
HDRB: July 28, 2015



Acequia Madre Neighbor list 300'+ 87505

- ✓ 614 Acequia Madre
- ✓ 404 San Antonio St
- ✓ 414 San Antonio St
- ✓ 414 San Antonio St
- ✓ 424 San Antonio St
- ✓ 417 San Antonio St
- ✓ 411 San Antonio St
- ✓ 407 San Antonio St
- ✓ 403 San Antonio St
- ✓ 712 Acequia Madre
- ✓ 417 San Pasqual
- ✓ 425 San Pasqual
- ✓ 434 San Pasqual
- ✓ 433 Calle La Paz
- ✓ 409 Calle La Paz
- ✓ 720 Acequia Madre
- ✓ 716 Acequia Madre
- ✓ 415 Camino Manzano
- ✓ 740 Acequia Madre
- ✓ 404 Sosaya Ln
- ✓ 404 Sosaya Ln
- ✓ 405 Sosaya Ln
- ✓ 754 Acequia Madre

- ✓ 753 Acequia Madre
- ✓ 751 Acequia Madre #1
- ✓ 751 Acequia Madre #2
- ✓ 751 Acequia Madre #3
- ✓ 751 Acequia Madre #4
- ✓ 751 Acequia Madre #5
- ✓ 751 Acequia Madre #6
- ✓ 739 Acequia Madre
- ✓ 717 Acequia Madre
- ✓ 739 Acequia Madre
- ✓ 624 Canyon Rd
- ✓ 620 Canyon Rd
- ✓ 610 Canyon Rd
- ✓ 604-B Canyon Rd
- ✓ 604-A Canyon Rd
- ✓ 606-B Canyon Rd
- ✓ 606-A Canyon Rd
- ✓ 608 Canyon Rd
- ✓ 544 Canyon Rd
- ✓ 622 ½ Canyon Rd
- ✓ 616 ½ Canyon Rd
- ✓ 634 Canyon Rd Unit 8
- ✓ 634 Canyon Rd
- ✓ 626 Canyon Rd
- ✓ 618-B Canyon Rd

- ✓ 610 Canyon Rd
- ✓ 602-A Canyon Rd
- ✓ 558 Canyon Rd
- ✓ 546 Canyon Rd
- ✓ 550 ½ Canyon Rd
- ✓ 521-A Calle Corvo
- ✓ 521 ½ Calle Corvo
- ✓ 540 Canyon Road
- ✓ 522 Calle Corvo
- ✓ 516 Plaza Balentine
- ✓ 524 Calle Corvo
- ✓ 523 Calle Corvo
- ✓ 526 Calle Corvo
- ✓ 528 Calle Corvo
- ✓ 534 Calle Corvo
- ✓ 619 Acequia Madre
- ✓ 617 ½ Acequia Madre
- ✓ 617-A Acequia Madre
- ✓ 615 Acequia Madre
- ✓ 515 Plaza Ballentine *Balentine*
- ✓ 513 Plaza Banentine "
- ✓ 339 Plaza Balentine "



Northern New Mexico Group
Rio Grande Chapter
1807 Second Street, Suite 45
Santa Fe, NM 87505

Historic Design Review Board
City of Santa Fe

July 28, 2015

RE: Case Number H-15-067B – Acequia Madre Elementary School Solar Array

The Northern New Mexico Group of Sierra Club has approximately 2,500 members, many who live in or near the city of Santa Fe and who enjoy and appreciate both the city's historic character and the City Council's support for solar energy generation.

We strongly support the efforts of Santa Fe Public Schools to install solar facilities on all school properties and we specifically endorse the efforts in energy and water conservation by the program's Coordinator, Lisa Randall.

The architecture of Acequia Madre Elementary School is Territorial-Revival and the proposed solar array design may benefit the neighborhood if minor architectural context-sensitive changes can be accommodated within the school district's budgetary constraints.

- Use of upright supports with 90 degree cross pieces rather than more modern looking diagonal supports
- Use of wooden fronts to make structure more resemble a ramada
- Use of Territorial style trim on the roof to match the school design

None of these suggestions should affect any decision by the Land Use Department, and are made only to suggest possible solutions if concerns arise.

Our group is overwhelmingly supportive of clean energy generation, reducing energy costs for our public sector, and especially meeting the needs of the children in our communities who themselves have voiced such strong backing for this project. We strongly urge approval.

Best Regards,

Teresa Seamster
Co-chair, Northern New Mexico Group

ST
ENDORSEDFIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

MAR 18 2000

FIRST JUDICIAL DISTRICT COURT
SANTA FE, RIO ARriba & LOS ALAMOS COUNTIES
P. O. Box 2268
Santa Fe, New Mexico 87504-2268
J. Lynn Vlach, Clerk
Court Administrator/District Court ClerkNo. SF 94-2322 (C) consolidated with
SF 96-370 (C)
SF 96-793 (C)
SF 96-1006 (C)TEME, LTD., a limited partnership,
d/b/a The Inn at Loretto,

Petitioner,

vs.

CITY OF SANTA FE, et al.,

Respondents.

COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAWFindings of Fact

1. The Court has jurisdiction over the parties and the subject matter of this action.
 2. Petitioner, Teme, Ltd., owns the real property located at 211 Old Santa Fe Trail, Santa Fe, New Mexico, on which is located the Loretto Chapel and the Inn at Loretto (the "Property").
 3. The Property is located within the City of Santa Fe's Historic District, which is registered as such on the State Register of Cultural Properties (since 1972) and the National Register of Historic Places (since 1973).
 4. The City of Santa Fe is a municipal corporation.
- A. SF 94-2322 (C)
5. On January 27, 1971, the Santa Fe City Council adopted Resolution No. 1971-3, which states that "the Council does not object to the concept of a building with a maximum

height of 65 feet to be located on the property now occupied by Loretto Academy, provided that such building conforms to applicable provisions of the H Zone and C-3 Zone Ordinances, and provided further that exterior details of such building receive approval of the Historical Style Committee."

6. Petitioner purchased the Property from the previous owners, the Sisters of Loretto, in 1971.

7. Pursuant to a demolition permit issued by the City on February 2, 1971, Petitioner demolished all of the buildings that comprised the Loretto Academy, with the exception of the historic Loretto Chapel and the Opportunity School and its associated structures (hereafter "Opportunity School structures").

8. Since the removal of the Loretto Academy building, no building permit had been issued for the northwest corner of the Property.

9. On June 8, 1994, the Petitioner, through its agent, James Kirkpatrick, filed an application to construct a three (3) story, 43-foot retail/office building at the northwest corner of the Property, and that application included the removal of a rock wall on the Property.

10. A public hearing on Petitioner's application was held before the City's Historic Design Review Board on July 12, 1994.

11. The Historic Design Review Board unanimously denied Petitioner's application after a public hearing in which the Petitioner's representative, James Kirkpatrick, was present and had the opportunity to present evidence and to cross-examine witnesses.

12. The minutes of the Historic Design Review Board reflect that the Board voted to deny the application to construct a building on the northwest corner of the Property for the

following reasons: (1) the potential impact of the proposed building on the Loretto Chapel and the contribution to the Chapel makes to the historic streetscape and the district, (2) the intrusive character of the proposed building on the historic district because of its height, (3) the proposed building would impair the view of the St. Francis Cathedral from Old Santa Fe Trail, and (4) the removal of the rock wall would further diminish the integrity of the site and district.

13. The Board's, and later the Council's, reasons for denying the application were necessarily based upon and inextricably connected to the following:

- a. the Board's erroneous understanding that it has the power and authority to preserve historic "view corridors";
- b. the Board's erroneous understanding that the "view corridor" to the St. Francis Cathedral was historic; and
- c. the Board's erroneous understanding of its authority to regulate proposed modifications or removal of the wall.

14. At no time did Teme propose to physically alter the Loretto Chapel or in any other way physically modify the structure, and at no time was the status of the Chapel as a contributing or significant structure proposed to be altered or removed.

15. The "view corridor" first came into existence in 1972, when Teme demolished the old Academy Building situated on the northwest corner of the Property. Prior to 1972, the Academy Building had blocked the view from the Chapel to the Cathedral.

16. At no time has any part of the rock wall been designated as "significant" or "contributing" pursuant to applicable City ordinances. More specifically, the City has not

employed the procedure prescribed in the Santa Fe City Code §§ 14-70.71, 14-70.72 for the designation of a structure as "contributing" or "significant" (as those terms are defined) with respect to the rock wall.

17. Neither the City Staff nor the Historic Design Review Board has the authority under the Santa Fe City Code §§ 14-70.71, 14-70.72 to designate structures as "contributing" or "significant." The City Council is the sole body which has the authority to make such designations in accordance with the procedures set forth in Santa Fe City Code §§ 14-70.71, 14-70.72. The City Council still has such authority to designate the rock wall as of the date of this decision, provided the required procedures are followed.

18. The City Code does not allow the Historic Design Review Board to regulate "view corridors," and the view created by Teme's demolition of the Academy Building on its property was not "historic" at the time of the decision because it was not fifty years old or older.

19. On July 19, 1994, Petitioner filed an appeal of the Historic Design Review Board's denial of this application to the Santa Fe City Council.

20. After a public hearing on September 13, 1994, at which the Petitioner was present and had an opportunity to present evidence, the Santa Fe City Council denied Petitioner's appeal and upheld the decision of the Historic Design Review Board, based upon the same reasons as the Historic Design Review Board's denial of Teme's application.

21. The Petitioner never received a permit to build on the northwest corner of the property or to demolish the rock wall.

B. SF 96-370 (C)

22. The Opportunity School served as a school for handicapped children, and had served other functions associated with the history of the Loretto Academy.

23. Petitioner did not demolish the Opportunity School structures pursuant to the demolition permit issued by the City on February 2, 1971.

24. Instead, Petitioner used the Opportunity School structures for office space and storage for approximately twenty-five (25) years after the demolition permit was issued.

25. In 1983, the Opportunity School structures were surveyed for their historic character.

26. On February 26, 1992, the City adopted Ordinance No. 1992-8 (§§14-70.71, et seq.), which authorized the City to designate certain buildings and structures as "landmark," "significant" and "contributing," and to regulate the alteration, demolition and additions to such buildings and structures. The Ordinance also provides for the adoption of an official map of landmark, significant and contributing structures.

27. On November 14, 1995, Petitioner's agent, Mr. Kirkpatrick, attended a public meeting of the Historic Design Review Board at which the Board voted to recommend inclusion of the Opportunity School structures on the City's official map of "landmark," "significant" and "contributing" structures. Mr. Kirkpatrick informed the Board of his opposition to the proposed action.

28. After a public hearing on January 10, 1996, the City Council adopted Ordinance No. 1996-1 designating the Opportunity School structures and a small section of a wall on the northwest boundary of the property as "contributing" structures.

C. SF 96-793 (C)

29. In December 1992, the City Council enacted Ordinance No. 1992-51 authorizing the Historic Design Review Board to restrict building heights in the historic district to less than that allowed by the underlying zoning.

30. Subsequent to the adoption of Ordinance No. 1992-51, an ad hoc committee was formed to develop a height ordinance with specific standards. The ad hoc committee included two members of the City Council, two members of the Historic Design Review Board, two members of the Development Review Committee, and two representatives of the Planning Department.

31. Petitioner's agent, James Kirkpatrick, was present at meetings of the Planning Commission, Historic Design Review Board, and Santa Fe City Council and at those meetings he spoke in opposition to the proposed Ordinance and its application to the Property.

32. After a public hearing on February 28, 1996, the Santa Fe City Council enacted Ordinance No. 1996-8, which includes standards and a formula for determining allowable building heights in the historic district.

33. Ordinance No. 1996-8 was not used in the City's consideration of Petitioner's application to build on the northwest corner of the property, and the application was not denied on that basis.

D. SF 96-1006 (C)

34. On February 2, 1971, Petitioner received a permit to demolish all of the structures on the Property, with the exception of the Loretto Chapel.

35. Petitioner did not demolish the Opportunity School structures pursuant to the permit issued on February 2, 1971, and, instead, used the structures for storage and office space for the next twenty-five (25) years.

36. The Opportunity School structures were designated as "contributing" structures under Ordinance No. 1996-1 of the City's historic district ordinances after public hearing on January 10, 1996, and those structures were included on the City's Historic District Status Map as of that date.

37. On January 19, 1996, Petitioner filed another application for a permit to demolish the Opportunity School structures.

38. The Opportunity School structures are historically significant.

39. The Opportunity School structures are an essential part of a unique street section.

40. The demolition of the Opportunity School structures would result in a loss or deterioration of the historic character of the historic district.

42. After a public hearing on February 27, 1996, the Historic Design Review Board denied Petitioner's application to demolish the Opportunity School structures.

43. Petitioner filed an appeal of the Historic Design Review Board's denial of its application for a demolition permit and, after a public hearing on April 10, 1996, the Santa Fe City Council denied Petitioner's appeal and upheld the Historic Design Review Board's decision.

Conclusions of Law

1. To the extent that any of the foregoing findings of fact are in whole or in part conclusions of Law, they are hereby incorporated as conclusions of law.

A. SF 94-2322 (C)

2. The public hearing conducted by the Historic Design Review Board on July 12, 1994 on Petitioner's application to construct a building on the northwest corner of the Property was properly noticed, and did not deny Petitioner's right to due process and equal protection.

3. The Historic Design Review Board's and the Council's denial of Petitioner's application to construct a building on the northwest corner of the Property and to demolish a rock wall was unsupported by substantial evidence, was arbitrary and capricious and not otherwise in accordance with law for the following reasons:

- a. Neither the Board nor the Council has the power or authority under the Santa Fe City Code as adopted to preserve historic "view corridors" and the "view corridor" in question was not "historic";
- b. The Board's and the Council's ability to regulate or establish "open space" requirements is limited to the provisions of the Loretto Subdistrict of the Business Capital District as found in Santa Fe City Code § 14-26.66 et seq., and additionally limited to the concept of open space set forth in the definition of "streetscape" contained in Santa Fe City Code § 14-70, and the Board and

the Council were required to make findings with respect to both of those ordinances.

c. the rock wall has not been designated as a "contributing" or "significant" structure under the Santa Fe City Code, and to the extent the Board and Council denied the application on that basis, its decision was unlawful, arbitrary and capricious, although the Council still has the authority to make such designation in the future under the Santa Fe City Code;

d. There was no evidence that the historic status of the Loretto Chapel itself would be altered or changed under Teme's application, and the Board's and the Council's denial of the application on the basis that the Chapel's status or the Chapel itself would be altered or changed was arbitrary, capricious and unlawful.

4. The public hearing conducted by the Santa Fe City Council on September 13, 1994 on Petitioner's appeal of the Historic Design Review Board's denial of his application for a building permit was properly noticed.

5. The City Council technically and substantially complied with the requirements of the Open Meetings Act in its consideration of the Petitioner's application to build on the northwest corner of the Property and to demolish the rock wall, and Petitioner was not denied due process and equal protection.

6. Resolution No. 1971-3 is not binding on the City, it did not create vested rights, and the City is not estopped from enforcing the Historic District Ordinances, or any other ordinances, with regard to the subject Property.

7. Petitioner had no vested right to construct a building on the northwest corner of the Property and to demolish the rock wall.

8. The City was not estopped from denying Petitioner's application to build on the northwest corner of the Property and to demolish the rock wall.

9. The City Council's denial of Petitioner's appeal of the Historic Design Review Board's denial of Petitioner's application to construct a building on the northwest corner of the property was arbitrary and capricious, and was unsupported by substantial evidence.

10. The City has the right to preserve the rock wall on the northwest corner of the property in accordance with the procedures set forth for doing so under the Santa Fe City Code and Historic District Ordinances.

B. SF 96-370 (C)

11. The Petitioner had no vested right to demolish the Opportunity School structures.

12. The City was not estopped from denying Petitioner's application to demolish the Opportunity School structures (for the purpose of this conclusion, the Opportunity School structures do not include the 1984 additions to those structures).

13. The Opportunity School structures, with the exception of the 1984 additions, are "contributing" under the City's historic district ordinance, and the City properly denied the Petitioner's application with regard to the "contributing" structures.

14. The Property was properly included in Ordinance No. 1996-1, and the Historic Districts Status Map, governing the designation of "significant" and "contributing" structures under the City's historic district ordinance.

C.SF 96-793 (C)

15. Ordinance No. 1996-8 (the Height Ordinance) is not unreasonable or arbitrary, and it is reasonably related to the City's interest in preserving the historic character and integrity of the historic district.

16. Ordinance No. 1996-8 is not unconstitutional.

17. The ad hoc committee was not a decision-making or policy making body under the Open Meetings Act.

18. Even if the Open Meetings Act applied to the ad hoc committee, any procedural defect under the Open Meetings Act was cured by the subsequent discussion of Ordinance No. 1996-8 at public hearings of the City's Planning Commission, the Historic Design Review Board, a Planning commission subcommittee, and the City Council.

19. Ordinance No. 1996-8 was properly adopted after several public hearings of the City's Planning Commission, a Planning Commission subcommittee, the Historic Design Review Board and the Santa Fe City Council.

20. Petitioner had adequate notice and a meaningful opportunity to present evidence and to cross-examine witnesses in its protests of the adoption of Ordinance No. 1996-8.

21. Ordinance No. 1996-8 was not used as the basis for the City's denial of Petitioner's application to construct a building on the northwest corner of the Property.

22. The Petitioner had no vested right to construct buildings on the Property up to a height of 65 feet.

23. The Historic Design Review Board and the Santa Fe City Council were not estopped from denying Petitioner's application for a permit to build structures on the Property up to 65 feet in height.

D. SF 96-1006 (C)

24. The demolition permit issued on February 2, 1971 expired in accordance with Section 303(d) of the Uniform Building Code, which had been adopted by the City of Santa Fe, and which provides that permits shall expire if the work authorized by the permit is not commenced within 60 days, or if the work is suspended or abandoned for a period of 120 days.

25. Petitioner did not demolish the Opportunity School structures in 1971, and instead, used the structures as office and storage space for approximately 25 years prior to applying for a new demolition permit in 1996. Petitioner, therefore, did not substantially rely on the demolition permit issued for February 2, 1971.

26. Petitioner had no vested right to demolish the Opportunity School structures.

27. The City was not estopped from denying Petitioner's application for a permit to demolish the Opportunity School structures.

28. The demolition of the Opportunity School structures would cause the loss of historic fabric and historic character in the City's historic district.

29. The City's decision denying the Petitioner's application for a permit to demolish the Opportunity School structures designated as "contributing" under the ordinance was supported by substantial evidence, and was not arbitrary and capricious.

Stephen Pfeffer

STEPHEN PFEFFER
DISTRICT JUDGE