



Agenda

CITY CLERK'S OFFICE

DATE 10/21/15 TIME 9:53am

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, October 27, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, October 27, 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: October 13, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-11-081. 449 Camino Monte Vista.

Case #H-15-073B. 800 Gildersleeve Street.

Case #H-15-093. 125 West Coronado Street.

Case #H-15-096. 1005 East Alameda Street Unit B.

Case #H-15-097. 302 Sena Street.

Case #H-09-022. 1301 Canyon Road Unit B.

Case #H-15-092. 540 East Alameda Street Unit 7.

Case #H-15-094. 458 Camino de las Animas.

Case #H-15-095. 805 Apodaca Hill.

Case #H-15-091. 1133 East Alameda Street.

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

1. Case #H-15-085. 538 East Palace. Downtown & Eastside Historic District. Eric Enfield, agent for 843 EPA LLC, owner, proposes to construct a 3,748 sq. ft. residential structure to a height of 18' where the maximum allowable height is 22'8". (David Rasch).
2. Case #H-12-101. 401 Old Taos Highway. Downtown & Eastside Historic District. Duty and Germanas Architects, agent for Ghost Ranch Presbyterian Church, owner, proposes to demolish a non-contributing structure. (David Rasch).
3. Case #H-15-025. 345 Plaza Balentine. Downtown & Eastside Historic District. Jennifer Berkley and Alan Jones, agents/owners propose to remodel two contributing residential structures. An exception is requested to alter a primary façade (Section (14-5.2(D)(5)). (David Rasch).
4. Case #H-15-099. 559 Camino del Monte Sol. Downtown & Eastside Historic District. Dominick LaCapra and Jane Pedersen, agents/owners, propose to construct a 324 sq. ft. carport to 10'6" high on a non-contributing residential property. (David Rasch).
5. Case #H-15-100. 1379 Canyon Road. Downtown & Eastside Historic District. Architectural Alliance, agent for Dean and Allyson Rogers, owners, proposes to replace a 15' wide vehicle gate at a height of 7'6" on a contributing residential property. (David Rasch).
6. Case #H-15-101. 433½ West San Francisco Street. Westside-Guadalupe Historic District. Peter Buehner, agent/owner, requests a historic status review of a contributing and non-statused residential structures. (David Rasch).

- 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 or check http://www.santafenm.gov/historic_districts_review_board_hearing_packets for more information regarding cases on this agenda.



Agenda

DATE 10/8/15 TIME 4:20pm
 SERVED BY JM Culler
 RECEIVED BY Alicia Martinez

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, October 27, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, October 27, 2015 at 5:30 P.M.

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2. Case #H-12-101. 401 Old Taos Highway. Downtown & Eastside Historic District. Duty and Germanas Architects, agent for Ghost Ranch Presbyterian Church, owner, proposes to demolish a non-contributing structure. (David Rasch).
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4. Case #H-15-098. 802 Don Cubero Avenue. Don Gaspar Area Historic District. Sarah and Fletcher Sievers agents/owners request a historic status review of a contributing residential structure. (David Rasch).
5. Case #H-15-099. 559 Camino del Monte Sol. Downtown & Eastside Historic District. Dominick LaCapra and Jane Pedersen, agents/owners, propose to construct a 324 sq. ft. carport to 10'6" high on a non-contributing residential property. (David Rasch).
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HISTORIC DISTRICTS REVIEW BOARD
October 27, 2015

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD
October 27, 2015

A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Chair Cecilia Rios on the above date at approximately 5:30 p.m. in the Council Chambers at City Hall, 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. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

Mr. Edmund Boniface

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Theresa Gheen, Assistant City Attorney
Mr. Zach Shandler, Assistant City Attorney
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

Member Roybal moved to approve the agenda as presented. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: October 13, 2015

Chair Rios requested these corrections to the minutes:

On page 2, sixth paragraph, second sentence, it should say, "On the one hand she was sorry that he she didn't get a permit."

On page 4, Ms. Beninato' public comment, it should have "a" inserted before "typical."

On page 6, 3rd paragraph, it should say, "Chair Rios asked if this application has any visible rooftop appurtenances. Mr. Sommer stated there are none."

[Stenographer's note: Chair Rios actually said, "This application doesn't have any rooftop appurtenances – nothing? Thank you." Mr. Sommer did not speak but shook his head.]

On page 7, under Questions to Staff, it should read, "Chair Rios believed the proposed addition could not be seen from a public way."

On page 39, under Questions to Staff, 6th paragraph, should say, "She personally no longer supports keeping casement windows."

On page 41, 5th paragraph, should say, "Chair Rios announced that she would not be present for second meeting in November."

Member Katz requested a change on page 40 at the very top should say, "Member Katz asked about the gate in front of the garage, whether it allowed passersby to see through it. Ms. Woods explained that it was roving bands of metal and did so allow."

Member Biedscheid requested a change on page 18, 7th paragraph, where the last word should be "occluded" and not "included."

And on page 39, under Questions to the Applicant, first paragraph, it should say, "Member Biedscheid asked for a clarification on item 3 – for why an exception is not required. And that was a to question to the staff rather than the applicant."

Member Katz moved to approve the minutes from October 13, 2015 as amended. Member Roybal seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-11-081. 449 Camino Monte Vista.

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

F. COMMUNICATIONS

Mr. Rasch announced that the November 10, 2015 meeting would be in the Convention Center. Because there were few cases on the agenda, he would provide a training session. He has been getting topics for training and would provide "little bits" on each agenda.

Mr. Shandler announced that at the last Council meeting, Staff presented the appeal for 535 East Alameda and the HDRB decision was overturned by Council. Ms. Gheen will present the appeal on Camino Pequeño to the Council tomorrow night.

Chair Rios welcomed Ms. Gheen again.

G. BUSINESS FROM THE FLOOR

Present and sworn was Ms. Stefanie Beninato, PO Box 1601, who shared observations from the appeal to the Council. There were two points of legal argument. One had to do with the view corridor and one with part of the ordinance that gives the Board the power to not allow another building to obscure the view of a primary façade. Mr. Shandler said viewed that you (Board) could not regulate the view corridor based on the lawsuit. But he really didn't address or support the Board in its decision concerning the second line of argument about the actual ordinance, which her understanding, and she hadn't read the case, is that it was not part of the lawsuit. So it was not so much a representation of the Board in her opinion. Then the other things she mentioned was that the City Council relied a lot David Rasch and on what Mr. Rasch recommends. And also on the advice he gives to applicants in terms of when they are told to come back to the Board in this case.

Mr. Rasch is not a hearing officer. He does not take input from all sides at a public hearing and then render an opinion, based on the facts that are available. In the ordinance, in fact, he is supposed to be doing technical review. That is, he is supposed to see if this application is complete; it has all of the elements there; and stop there, because this isn't the first time she had seen it where the Board's opinion gets turned down because staff's recommendation is different than the Board's opinion. The law does say that it is your (Board's) opinion that matters; you are the Board; You are supposed to be the people with the expertise to make these kinds of decisions. There is nothing in the ordinance that requires you to get staff recommendations. Every time you get staff recommendation, you are shooting yourself in the foot.

It was very clear that even though Council doesn't discuss everything vigorously that was one of the reasons that they also vote the program because the whole idea of protecting that primary façade was, in their opinion, sort of a last minute idea that was just sort of tacked on to the motion without vigorous discussion. So she said she was just trying to let the Board know what he knows so that the parameters of what really happened at that meeting. So she strongly recommended, as happened in the past, to stop asking Staff for recommendations and just simply ask if the application is complete and use the Board's own expertise to make decisions so that at least that can't be used as a wedge against the Board's decisions.

Member Katz thanked Ms. Beninato for her eloquent support of the Board's decision in front of the City Council.

Chair Rios said it has been the practice of the Board to hear the Staff recommendation and didn't know if that would change in the future. She has been on the Board for 25 years and that has been the practice and she thought that Mr. Rasch reviews the cases and gives his recommendation but that does not mean that the Board --- the Board also reviews the cases and that is why we have a public hearing. The final decision rests with the Board unless it is appealed to the City Council.

1. **Case #H-15-085. 538 East Palace.** Downtown & Eastside Historic District. Eric Enfield, agent for 843 EPA LLC, owner, proposes to construct a 3,748 sq. ft. residential structure to a height of 18' where the maximum allowable height is 22'8". (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

538 East Palace Avenue is a 0.648-acre vacant lot in the Downtown & Eastside Historic District with a steep slope to the south. Previous approvals include yardwalls at both the north and south lotlines.

The applicant proposes to construct a 3,748 square foot single-family residence with studio and garage to a height of 18' where the maximum allowable height is 22' 8". The building is designed in a simplified Spanish-Pueblo Revival style including room block massing with rounded edges and massive corners, exposed wooden headers and posts at the portal, and divided-lite windows. An auto court and south courtyard will separate the primary residence from the garage and studio with a hallway/portal connection featuring window grilles on the north and a bileaf pedestrian gate on the south. A portion of the residence has taller ceilings with clerestory windows that are compliant to the 30" divided lite and 3' corner standards. Finishes include El Rey cementitious "Sahara", window and door trim in "Gingersnap" brown, and "Walnut" stained wood. Exterior light fixture designs were not submitted.

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, with the condition that the gray-colored concrete sidewalk is not in compliance with Section 14-9.2(E) Sidewalks and (G) Curbs and Gutters in Historic Districts and shall be corrected or an exception request shall be approved.

Questions to Staff

Chair Rios asked if the garage is at the highest point of this application at 18'.

Mr. Rasch said the main residence has a higher elevation than the garage.

Chair Rios asked Mr. Rasch to describe... She wondered if this particular building is in harmony with the neighborhood streetscape.

Mr. Rasch said yes.

Chair Rios asked him to describe that streetscape.

Mr. Rasch said the streetscape has much taller buildings of historic integrity. That is why the maximum allowable height is much higher than they proposed. The streetscape is varied in how far the buildings are set back as shown on page 5 which gives a sense of the varied streetscape. This property is next to the Pond House. There are four other structures. Directly across the street are smaller lots but larger going to the east.

Chair Rios asked if this is the exception to the rule for being close to the street or are most homes this close to the street.

Mr. Rasch said at least 50% of the homes are close like this one.

Chair Rios asked about the lot coverage.

Mr. Rasch said on page 4 it is stated at 35%.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fe Trail, who said this is an infill project in an unusual lot in that it is part of the condominiums that are well below it. He stated they have gotten approval from the condo association. He agreed with Mr. Rasch that lot coverage is at 35% which is less than allowed. The height is more than four feet below what is allowed. There are taller buildings on this street and also houses that are close to the street. Further down on Marcy Street they have different setback requirement for front yards because those small houses are set back from the front. But this area doesn't have that same setback constraints related to the house. It is deceptive to say it is 3,700 square feet. It is 2,200 heated. It has a 269 square foot studio space and 654 square foot garage and 548 square feet of portals. So it is not a big house for heated area.

Mr. Enfield didn't understand the sidewalk condition Mr. Rasch stated. He asked if it is existing.

Mr. Rasch explained that the owner put it in previously but he is aware that before final approval, the sidewalk be of earth-toned concrete.

Mr. Enfield said he got a letter from Greg Allegretti about four concerns from neighbors on October 22nd. One of the concerns requested the bars facing the auto court be of wood and he agreed to that and it should be a condition of approval.

Mr. Rasch said it was on page 6.

Mr. Enfield said they requested landscaping which is not under the Board's purview but he agreed to do some street trees along the façade to break up the hardness of the lot near Palace Avenue. They also had a general concern about grading and drainage which also is not under the Board's purview but by the City Code, they are required not to allow water to drain onto adjacent properties and they don't intend to. He suggested maybe the drainage issue was more towards their west neighbor, Beth, who was present, and he discussed her concern with her wall along the west property line and to satisfy that concern, they are going to raise the stem walls on the west side so the existing grade can be maintained on both sides so she doesn't have to worry about that.

So three of the four issues they have already taken care of. They didn't agree with the neighbors on the fourth issue but would welcome thoughts from the Board. They are adding a little natural light into garage with three little square windows. The neighbors said they didn't think the square windows were appropriate. There are square windows all over the historic district and he thought they were appropriate. They would like to keep the three small windows. They don't want bigger windows in the garage so that people can't look in.

They wanted to try to weigh an open area on the north side with the auto court and balance it with a south courtyard that was usable and wouldn't look like it was towering over the condominiums below. So they sat the house back and reduced the square footage to make the studio much smaller area and increase the size of the south courtyard, carrying the portal around as almost a Zaguán but just a breezeway portal.

Questions to the Applicant

Member Roybal asked how much larger the windows could be and still maintain privacy. He asked if they are glass block.

Mr. Enfield said they are not glass block. They are about 18 x 18 fixed windows. Greg Allegretti came in and took photos of the drawings to show the neighbors.

Member Roybal said the whole design is excellent but the windows do seem too small for everything else there.

Mr. Enfield said the client is here and could ask him if he would be willing to look at altering the size of those square windows.

Chair Rios noted presently there is an existing wall and asked what the height of the wall is.

Mr. Enfield said it is 4' tall.

Chair Rios asked how far back from the wall the house is set.

Mr. Enfield said the house starts approximately five feet from the wall. Sheet C-2 shows what he did to break the façade down along Palace Avenue. They stepped the wall continuously along that. They stepped the wall on both the garage façade and on the main house façade.

Mr. Rasch pointed it out.

Chair Rios said what the height of house is at that elevation on the Palace side.

Mr. Enfield said basically that is the bedrooms and garage side. At the bedroom, the parapet is 12' high. The high parapet is the living room at 17' high. So it is only 12' at the street. At the bedroom side and the garage side it is 12' also.

Member Biedscheid referred to the auto court and asked if it is wood on north and south. Mr. Enfield agreed.

Member Biedscheid noted a small window on the north elevation and asked what its size is.

Mr. Enfield said it is 2'x2'.

Chair Rios asked if there would be any rooftop appurtenances.

Mr. Enfield said there would be only skylights that are behind parapets.

Chair Rios asked if exterior lighting is part of this application.

Mr. Enfield said not the exterior lighting because they haven't chosen it yet and he would like to take that to staff.

Chair Rios asked what the window inset will be.

Mr. Enfield said the walls are 10" except for the garage which is six so the garage windows will be inset 2" there and 3" inset for the rest.

Public Comment

Ms. Beninato (previously sworn) said the design really fits well on that streetscape. Spanish Colonial is not that common on East Palace where most is Territorial but is still harmonious. As such, small windows were typical for Spanish Colonial because of the lack of glass and sheets of mica being used. So 18"x18" is in keeping. She also applauded the applicant for trying to address the neighbors' concerns and it seems most have been addressed.

Present and sworn was Mr. Greg Allegretti, 1925 Aspen Drive, who said he wrote a letter and respectfully request that the four issues be attached as conditions.

There were no other speakers from the public.

Member Powell asked about the windows and what the client agreed to do.

Mr. Enfield said he did ask his client and he said he would go with 2x2 windows and maybe lower the heads a little.

Member Powell asked if four skylights would let enough light into the garage. He asked if Mr. Enfield thought more skylights would solve the light issue.

Mr. Enfield said 2x2 windows will be enough.

Action of the Board

Member Katz moved in Case #H-15-085 at 538 East Palace, to approve the application per staff recommendation with the conditions that the three small garage windows grow to 2' x 2', that the bars in the auto court be made of wood, that the concrete be earth tone colored, that the outside lights be

taken to staff for review, that there be no publicly visible rooftop appurtenances and that the stem walls on the west be raised. Member Roybal seconded the motion and it passed by unanimous voice vote.

2. **Case #H-12-101. 401 Old Taos Highway.** Downtown & Eastside Historic District. Duty and Germanas Architects, agent for Ghost Ranch Presbyterian Church, owner, proposes to demolish a non-contributing structure. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

401 Old Taos Highway, formerly known as Plaza del Monte and as the Ghost Ranch in Santa Fe Conference Center, was designed in the mid-century Spanish-Pueblo Revival style by Phillip Register (d. 2006) and constructed between 1960 and 1964 on the corner of Old Taos Highway and Paseo de Peralta. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to demolish the structure. The structure is not historically or architecturally important and the City building official finds that that the structure does not comply with current building codes, although it appears to be structurally sound.

RELEVANT CODE CITATION

14-3.14(G) Demolition Standards

- (1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:
 - (a) Whether the structure is of historical importance;
 - (b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
 - (c) The state of repair and structural stability of the structure under consideration.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-3.14 Demolition of Historic Structures; as long as the Board finds that the structure is not an essential part of a unique street section.

Mr. Rasch added that the Board previous made this property contributing but the owner appealed that and won the appeal. Those minutes were emailed to Board members. It is a very large building. It has numerous wings. He included the demolition standards in the staff report.

He explained that as long as the Board find is not an essential part of a unique street station.

Questions to Staff

Chair Rios asked if it was in 2012 that the Board recommended contributing status

Mr. Rasch thought so.

And the applicant appealed and the City Council overturned the Board's decision.

Mr. Rasch said he was of the opinion that it should be a contributing building and actually pointed out to the Governing Body that if they had kept this building as a contributing building, it would have expanded the design standards into mid-century into long narrow windows but they didn't buy his argument.

Member Powell said if Mr. Rasch recommended it for contributing he asked why he recommended demolition in this case.

Mr. Rasch said it is because it is non-contributing and once it is non-contributing, that is allowable without an exception and the Governing Body said it is not what we thought it was.

Member Powell asked for him to address the three criteria.

Mr. Rasch said this Board has to use the three criteria to determine if demolition shall be approved: a) Whether the structure is of historic importance. – He basically say it is a historic structure but it is deemed non-contributing; b) whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether the street section or block front will be re-established by a proposed structure; and c) the state of repair and structural stability of the building under consideration.

He said we have a letter from the Building Official which says it doesn't comply with current Code.

Criteria B – when Mr. Rasch started, this Board always used to require new design for proposed replacement buildings to be brought forward with the demolition request. Within the last few years, the Board has realized that this criterion is not necessarily put into action every time a demolition is requested. So this Board has determined on two other occasions in his experience that a non-contributing (and the other was a burned contributing) building are essential street sections. The Board denied demolition, based on the fact they thought it was unique and needed to see the replacement structure.

In this case, he hadn't made an opinion on whether this is an essential street section, although he didn't really see that. The street has a varied amount of setbacks or structures. On this property, the building is set rather far back with some significant trees, including a large giant Sequoia which is not common in Santa Fe. Those trees would probably need to be preserved under the Significant Tree Ordinance. But right next door at the Montezuma Lodge, it is set even further back with a parking lot in front of it. The Federal Courthouse, the

Post Office, Scottish Rite Temple not set as far back; much taller and closer to the street. So he didn't really see it as essential street section.

Chair Rios asked if in his inspection of the building did he feel there were any redeeming characteristics that this building might have that were worthy of preservation.

Mr. Rasch thought the west façade had a lot of character. There was a tile mural there and some plaques the owners had placed there about their celebration of this building back in time. The front doors had a very mid-century look to them. Those were thought to be important elements.

Member Powell said Mr. Rasch had commented that the building did not meet current code compliance which is very common with many buildings including the one the Board is in right now and saw lots of code issues. But structurally, which is part of the demolition criteria - it is sound isn't it.

Mr. Rasch agreed. The Building Official did say it appears to pose no threat of collapse or hazard to the public.

Member Powell asked if the Board has ever granted a demolition that is only a partial demolition. His history with the Board is only about a year.

Mr. Rasch said a partial demolition is called a remodel. Demolition is removing the entire building. The Board has approved removing parts as remodels but wouldn't call them demolition.

Applicant's Presentation

Present and sworn was Mr. Michael Duty, 404 Kiva Court, who said this property, 2.5 acres, is now under contract to El Castillo. The purpose of the purchase of the site is because it is ideally located in the City of Santa Fe for a location of what they are referring to at this time as El Castillo North. They will build about 70 units – up to 65 – 70 units on this site. They met with City Staff. Everything they plan on doing is within current allowability of the zoning ordinance and will not be asking for any exceptions. This board has full authority on the design they will be presenting. It is a requirement to demolish the building in order to develop it properly, they will put in underground parking. So its structural condition is irrelevant. They cannot put a parking garage underneath a building. So it does require its removal. From their perspective, it is a condition of their purchase. It is about a \$20-25 million project. El Castillo is a significant part of downtown Santa Fe, providing housing and it will continue to do so.

The building story is pretty much known. He was here to get a demolition approval but they are not going to demolish it right now. They need this Board's approval to go forward and develop plans, based on the fact that they can demolish the building. And with that approval, they can close on the property and proceed with design.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Present and sworn was Ms. Mary McCormick, 126 Camino Santiago, #2 which is part of the four-plex north of Ghost Ranch. She said her primary concern is for the trees on the property. She said she makes her living as a landscaper. There are 30-40 years of trees there. And her other concern is about the easement because she can drive through that parking lot for access from Old Taos Highway into Plaza del Monte. If we lose that easement, a road would have to be made across the Plaza del Monte property and it might disrupt the life of those trees. They include humongous Cottonwood trees.

Chair Rios said she is addressing two issues over which this Board has no authority: trees and easements. However, because she was here this evening, perhaps Mr. Duty has answers to those.

Mr. Duty guessed he should have addressed that. He explained that they are not asking this Board for approval to remove any trees. There is a giant Sequoia. And may be the only one in New Mexico.

Mr. Rasch said there are about a dozen Sequoia trees in Santa Fe, including one in his yard.

Mr. Duty said they could achieve their program with an underground parking garage and avoid removing those important trees which general tended to be on the periphery with the exception of the Sequoia. There is an easement that will remain intact and there might be an adjustment to improve traffic but it won't require removal of those Cottonwoods which are not even on this property.

Ms. Beninato (previously sworn) agreed with Member Powell that there is a difference between structural soundness and not meeting the building codes. However, it seems this property is destined for demolition because of the provision of downtown housing. It is a huge change for this property and will impact downtown dramatically. She hoped the design would come to this Board and asked the Board to review it carefully to make sure it truly is sensitive to the surrounding area and is harmonious with that streetscape.

Present and sworn was Ms. June Julian, 121 Camino Santiago, in Plaza del Monte, who said there are about 30 people living there. The concern is that they want to know if there is asbestos in this property or other hazards because they live so close to this proposed demolition. If there are environmental hazards, they want to have some guarantees of protection for their health. So if there are hazards there, she wanted to know how that would be handled.

Mr. Duty said he didn't know what the percentage is but probably 30-40% of their projects in downtown Santa Fe do have asbestos. It is a common practice and obviously required. He assured the public that they will dispose of it properly and there would be no hazard to any of the neighbors. An EA will be undertaken and completed and all of the conditions would have to be met. There will be no hazard to the neighbors.

Member Powell wanted to give a nod to the building. There are very few of these left in Santa Fe today. The dorms, the rhythm of the windows don't make it a great building but the west elevation with the double fireplaces and the proportions and massing make it a great building and it is historic to the City.

That section on the west – in the demolition plan – he asked if that west area could potentially be remain to meet the programmatic requirements they are seeking.

Mr. Duty said he played squash with Philippe Register long ago. Most of the building is dismal architecturally. He is very open to studying possible retention of some of the significant elements and/or replication of some of the elements in their design. Once we decide to close, it will require months and a couple hundred thousand dollars of work so he didn't want to have conditions that would tie his hands. He pledged to the Board that he would study that and address it when he makes a presentation to this Board. And he hoped the design he will bring will be sensitive. But that west elevation does have some problems. It is basically structural. He pointed out that the roof over the skinny windows is Tectum, which is basically recycled New York times newspapers. And the area to the north on the west is somewhat deteriorated. It is generally structurally sound.

After they put a parking garage under it, that would undermine the foundation and would have to be rebuilt. He summarized that he was sensitive to what the Board is saying and would consider that in the design and will bring a proposal that he thinks respects the building to the best of their ability. He didn't want to play the game with the Board. But he needed approval, on buying the land, to tear the building down.

Member Biedscheid said she appreciated the difficulty he faces to accommodate the residents living there. She noted that this property was originally built as a retirement center and is for the purpose he is now returning it to. She agreed the south façade is not a stunning façade. She found it hard to say that the west side is not an essential part of a unique streetscape. Those narrow, tall mid-century modern for 1960 interpretation of Santa Fe style is not seen in many places in Santa Fe. She would be comfortable with a remodel but complete demolition of this property might be a mistake that the City would regret.

Member Powell asked if when it was used as a retirement home, if this area was used as the entry into the main foyer.

Mr. Duty said to the left of the tall windows was a kind of community room and that is the only place for the tall windows. To the left is an entry all along the portal which is a fairly normal Santa Fe portal. Along that portal, first is the entry and windows into what was the dining room and then to the north it goes into the kitchen and service area. What is significant about that west façade is the tall windows and that is about it.

Member Powell asked if there was any possibility of using some of those rooms.

Mr. Duty said there might be a possibility. The building location probably will not come out further to the street on that side because of the easement to Plaza del Monte and parking there. So that façade will be in the same location. But it is a big undertaking on the design and won't even start on it until they can buy the land and be comfortable they can make it work.

Action of the Board

Member Roybal moved in Case #H12-101 at 401 Old Taos Highway, to approve the request for demolition per staff recommendations. Member Katz seconded the motion.

Chair Rios asked for a friendly amendment that the applicant will study the west elevation for possible preservation. Member Roybal accepted it as friendly and the motion failed on a 2-3 voice vote with members Powell, Bayer and Biedscheid dissenting.

Member Powell moved in Case #H12-101 at 401 Old Taos Highway, to grant the demolition request with the exception of southwest elevation with the fireplace and the west elevation and all the rest of the building including the elevations behind this can be altered and removed and also the street frontage to Old Taos Highway also be preserved. Member Bayer seconded the motion.

Member Biedscheid requested a clarification. She moved that it as a partial demolition it would be a remodel and that the application would come back to the Board as a demolition.

Member Powell asked if that is the right terminology or should the Board use the term "remodel" and not "demolition."

Mr. Rasch said the Board would either grant or deny a demolition. If the Board asked if it is it an essential section, he needed advice on how to move forward with that. He asked if the Board could require certain portions to be retained or if they see an essential street section or, more commonly, "shall that street section be re-established with a new building."

So, from legal advice, the Board should either approve or deny the demolition if "you want to look at some other preservation standard for this property, we should probably postpone and study it further since we don't have a good idea about how to move forward with that issue."

Member Powell understood it is either yes or no and be visited another time. He withdrew his motion.

Chair Rios said, "So you are indicating that the Board has to either decide on the entire demolition or we cannot do a preservation or a partial demolition."

Mr. Rasch said the way the Board has practiced the demolition code because it has separate standards, is that it is not used for remodeling a property. If they are remodeling a property, we don't look at 14-3.14 at all. So the applicant has asked for a demolition. So the Board can approve or deny or, if the Board finds that it is an essential street section, then define what that essential street section is and that it shall be re-established. He mentioned another case like that on San Francisco Street where the Board defined what that essential street section was that was essential and the replacement building had to have those elements but not preserving that part of the building. So he was kind of at a loss on that point.

Member Katz reasoned that it comes down to whether the Board wants to preserve perhaps the façades - the west façade and a portion of the south facade, and that would not be demolition. But if the Board is content to have those facades re-established in the building to be built there, it could approve demolition. But he asked if demotion could be approved ... It is pretty clear that Mr. Duty is not going to do \$200,000 worth of design work only to have the Board say no to it. He asked if the Board would need to specify what aspects of those façades should be re-established.

Mr. Rasch agreed. The Board would have to define what that unique street section character is.

Member Powell understood it is really yes or no. There is nothing in between. He asked if that is correct.

Member Katz asked Mr. Duty whether some further thought on this would help the Board if they put it over to the next meeting or the meeting after that – whether the Board could gain some wisdom.

Mr. Duty said they have a very short time frame to make a decision to spend over \$4 million. At that point, they will make a commitment to the City of Santa Fe to spend over \$20 million for a project that is completely within the guidelines of all the ordinance in the City of Santa Fe, including the guidelines for historical design review and the Board will have full authority that approval. This is a non-contributing building. It has been adjudicated to City Council. The discussion over preservation of portions of this building has already taken place. It took place in front of this body and the Board expressed their concerns which he appreciated and understood. He was not a part of it. The past owner took it to the City Council. The City Council overrode that and no, this is a non-contributing building with no requirement for preservation. So he is before the Board now with a very simple question, "If we go forward with this project, we would like the approval to demolish it. I would be happy to work out the design and go through it with the Board. And I certainly appreciate the elements you are concerned about. But in order for a project of this magnitude to continue, we need this kind of approval. So we would request that you vote it up or down. And then we would consider your motion as to whether we would appeal it if we have time. Because we won't buy this property with conditions on demolition of this building. We need to demolish it. We can be sensitive but we need to go ahead on this project and demolish this non-contributing building. And that's where we are."

Member Powell said the easiest thing would be to say this past Board in 2013 recommended that this building be contributing. And many of the current members feel the same tonight.

Member Powell moved in Case #H-12-101 that the Board deny the application for demolition at this time. The motion died for lack of a second.

Member Bayer asked Mr. Rasch, in reviewing the demolition standards, whether the structure is of historical importance (the first one), what definition of historical importance the Board should use. She asked if the Board should use the historic status.

Mr. Rasch agreed that was typically applied by the Board – what the status of the building is. It is now legally noncontributing.

Member Bayer reasoned that it is not a discussion point or option for the Board then.

Mr. Rasch said if the Board finds there is an important aspect of this building, the Board has the authority to deny the application and maybe the owners could find another buyer. Or the Board could define the essential street section. But his opinion was that it is to re-establish and not to preserve.

Member Biedscheid asked if in making a motion to approve the demolition it is possible to include a condition that the essential streetscape be included in the design of the new building.

Mr. Rasch agreed. The Board can define what those are and require them.

Member Biedscheid moved in Case #H-12-101 at 401 Old Taos Highway to approve the demolition per staff recommendation with the condition that the elements of the essential street section of the Pueblo Revival style shown on the west façade of the building be considered in the building to be designed as a replacement for this property because it is an essential part of the unique streetscape section.

Member Roybal asked Mr. Rasch if that is a proper motion.

Member Roybal started to ask Mr. Duty if he would be happy with that.

Chair Rios said the applicant could not respond in the middle of a motion. She needed a second to the motion.

Member Roybal seconded the motion.

Chair Rios asked if there was any discussion.

Member Roybal asked Mr. Duty if that would work for him.

Mr. Duty said he was sympathetic to her motion that it was a condition to consider and he had no problem with that. The way she worded the motion he would accept.

The motion passed by a voice vote of 4-1 with Member Powell dissenting.

3. **Case #H-15-025. 345 Plaza Balentine.** Downtown & Eastside Historic District. Jennifer Berkley and Alan Jones, agents/owners propose to remodel two contributing residential structures. An exception is requested to alter a primary façade (Section (14-5.2(D)(5)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

345 Plaza Balentine is a single-family residence that was designed and constructed by Kate Chapman in a blended Spanish-Pueblo Revival – Territorial Revival style in 1931. A garage and carport on the north side of the residence were constructed before 1958. Shed additions to the east side of the garage and the southeast corner of the residence were constructed after 1966. Many historic windows and historic character-defining features are intact. The building is listed as contributing to the Downtown & Eastside Historic District and elevations 1-5 of 13 are designated as primary.

345½ Plaza Balentine is a free-stranding casita located behind the residence to the south east. It was also designed and constructed by Kate Chapman in the Territorial Revival style in 1931. The north side addition was constructed before 1949. Some windows were replaced in the 1960s. The building is listed as contributing to the Downtown & Eastside Historic District and elevations 1 and 2 of 5 are designated as primary.

A historic adobe yardwall connecting the southwest corner of the residence to 349 Plaza Balentine was constructed in 1931. Brick coping and an arch over the entry door were added at an unknown date in the 1960s. The yardwall is listed as contributing, except for the non-historic arched top.

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

1. The non-historic greenhouse shed on the primary south elevation will be removed and the portal will be restored.

2. The non-historic carport on the north elevation will be removed and replaced with a 50 square foot portal and a 186 square foot addition.

3. The height of the north wing will be increased to lower than the adjacent parapet. Also, a 19 square foot bathroom addition and 133 square foot portal will be constructed on the south elevation of the north wing.

4. The arched top on the contributing yardwall will be removed and the historic undulation will be restored. The wooden pedestrian gates will be removed and replaced with a wider door and exceptions have not been requested to remove historic material and to widen a primary elevation opening.

5. The entry door and historic window on the west primary elevation of the casita will be switched in location and opening dimension will be changed. An exception is requested to alter this primary elevation (14-5.2(D)(5)) and the required exception criteria are at the end of this report.

6. The portal on the east elevation of the casita will be removed and replaced with a larger portal. Also, a low stuccoed yardwall with a flagstone cap will be constructed at the edge of the portal.

7. The non-historic northwest yardwall will be removed and replaced with a 3' high picket fence.

8. Other minor alterations will be performed and the finishes will be: El Rey cementitious "Buckskin" stucco; "Decatur White" window trim; "Lake Tahoe" blue front door; and "Golden Honey" wood stain.

EXCEPTION TO ALTER OPENING ON A PRIMARY ELEVATION 14-5.2(D)(5)

(i) Do not damage the character of the district

Response:

Our proposal retains the original materials of the window while replacing the door with a historically appropriate style. We are respectfully aware that while designated a primary elevation, Plaza Balentine is a private drive and this elevation cannot be seen from the public street, Acequia Madre. (Photos attached.)

Staff response: Although staff disagrees with parts of this statement because Plaza Balentine is a public way as defined in Chapter 14 and a primary elevation does not need to be publicly-visible in order to be designated for preservation, staff agrees that the window and door change does not damage the character of the district.

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

Response:

Our proposal anticipates this possibility, creating a wheelchair friendly living environment.

Staff response: Staff agrees with this statement.

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

Response:

Our proposal will be open and accommodating to individuals in wheelchairs. By transposing the front door and window we offer individuals wider outdoor space at the entrance to the building (no longer constrained by the southern concrete/stucco wall) and direct access from the entrance to the kitchen and bath; as well, prominently locating the door near the common gathering area between the casita and the main residence visually signals that accessibility is of primary and not secondary concern on this property.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff recommends approval of the exception request to alter a primary elevation on the casita and otherwise recommends approval of this application which complies with Section 14-5.2(C) Regulation of Historic Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District with the condition that exceptions shall be requested for the alteration of the pedestrian gate at the contributing yardwall.

Questions to Staff

Chair Rios asked regarding the yardwall with narrow gate, when that was built, because it seemed to her the applicant wants to return to the original status and it appears the gate was once wider.

Mr. Rasch said it apparently was built in 1931. It was still historic as narrow. Both could be preserved but it is a good point. You could restore it to that original condition without an exception.

Applicant's Presentation

Present and sworn was Mr. Alan Jones who said he was not an architect but this is the home they hope to live in and have done their best to maintain it and want to restore the original elements of the house. There were a couple of aspects in the design that are necessary and they pointed those out in the plan.

Questions to the Applicant

Chair Rios asked him to tell the Board the historic aspects they want to take back in the remodel.

Present and sworn was Ms. Jennifer Berkley who said they proposed to widen the gate but in further discussion, wanted to try to restore that gate. That wall has sunk and the opening narrowed so much that they can't pull trash bins through any longer. So in the proposal they want to widen it to 3' and still make the gate fit. They want to go back to the historic part.

Mr. Jones said another element was the removal of the shed on the south side and restoring the original portal on that side.

Chair Rios asked if they were proposing a picket fence which was there originally.

Ms. Berkley said they don't know if it was there originally but Kate Chapman's own home had a picket fence.

Chair Rios asked what color they were proposing.

Ms. Berkley said it would be white because it looked white in the photo.

Public Comment

There were no comments from the public regarding this case.

Action of the Board

Member Katz moved in Case #H-15-025 at 345 Plaza Balentine, to approve the application and find the criteria for exception on primary elevation of casita have been met. Member Biedscheid seconded the motion.

Chair Rios asked for a friendly amendment to accept the width of the new door. Member Katz accepted the amendment as friendly and the motion passed by unanimous voice vote.

4. **Case #H-15-099. 559 Camino del Monte Sol.** Downtown & Eastside Historic District. Dominick LaCapra and Jane Pedersen, agents/owners, propose to construct a 324 sq. ft. carport to 10'6" high on a non-contributing residential property. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

559 Camino del Monte Sol is a single-family residential structure that was constructed in 1977 in the Spanish-Pueblo Revival style. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to construct a 324 square foot carport to a height of 10' 6" in the parking area on the south side of the residence. A pitched roof is not allowed at this location without an exception request. Therefore, a stuccoed parapet will screen a blue metal roof that matches portal shed roofs on the residence.

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 asked Mr. Rasch to show the shed roof on the drawing.

Mr. Rasch said it is behind the parapet and pointed to its location

Chair Rios asked what the public visibility is.

Mr. Rasch said it is behind a large piñon tree. There is a fence and lot of vegetation in front.

Applicant's Presentation

Present and sworn was Ms. Jane Pedersen, 559 Camino del Monte, who said it is three sided carport and freestanding for protection from snow and sun. It is not very visible at all. It is alongside of the house by the entry into the kitchen and pantry. The roof comes down over the entry and this would obscure that unattractive part of the roof.

She added that there were two typos on the proposal. It was purchased in 2013, not 2012, and the str is on the west, not the east.

Questions to the Applicant

Member Biedscheid asked if there is any change in the gate to accommodate the carport.

Ms. Pedersen said no.

Member Powell said this shows 18 x 18 and asked if they park two cars under this carport.

Ms. Pedersen said they don't but they might have a smaller car in the future; an electric car.

Member Powell suggested maybe making it a little wider to accommodate two cars. The spacing from the house is good but there is room to the wall to make it wider.

Ms. Pedersen said the wall is curved and close at the front post. They could expand it a little but they are reasonably comfortable with it at this size.

Member Powell asked where they will shed the water.

Ms. Pedersen said it will go into a garden on the southwest corner where they have ponderosa trees.

Member Powell said making the carport wider would help make it look lower too. It is something to think about.

Ms. Pedersen said she was interested in going back to look at it and asked if they could still have that discretion.

Chair Rios said it depends on the motion.

Public Comment

Present and sworn was Ms. Carmen Birch, 557 B Camino del Monte Sol who said she lives next door. One issue is the impact on the street and the other is the impact on them. Camino del Monte Sol is a very narrow street and here is one of the few places with setbacks where homes are not right up against the street. Right there, they are suffering a problem with a tunnel effect. Workmen park on the street, making it essentially a one-way street. This proposal pushes the profile of the house as close as it can get to the street. Much of it is not visible but it is somewhat visible. You can see the blue metal roof on top. She doesn't welcome the addition to the street.

The other problem is a personal one, when the household has to share the driveway. The only way she can get into her property is by the easement at the corner of that property.

The house is a simple, plain house. And there has been a concern when getting ready to sell it. The previous owners right before them sold it after putting in a major coyote fence that makes it harder to get into the carport. By putting it in along the easement, it has made it difficult for electricians or plumbers to find a place to park. That easement blocks access to the well.

Two owners back, they put in a big metal house right in the middle of the easement that blocks access to the well. So if the well were to go out, the well people would have to park in the only place she could park which is the entrance to their house. So they had no other way to get in to their house and she shudders to think about the materials and workmen because the extra parking is taken away. It is almost impossible to get into driveway. The property has been subtly changed over the years and the carport will make the space even narrower.

Ms. Pedersen said this carport is all within their property. It doesn't intrude closer to the street or the driveway or the easement in any way. It is totally within the part that is fenced in. It is higher than the street and one reason she would want the parapet around it. Generally, she thought those things do work well. She knew Carmen and David have problems with parking because they have two cars and a truck.

Present and sworn was Mr. Dominick LaCapra, Ms. Pedersen's husband, who said they sent emails to explain to their two most immediate neighbors what they were doing. This structure would not be visible from either house. Also, with the setback, at least two or possibly three cars could also park. They could also use some of the property outside of the coyote fence for parking. The easement is 30 feet wide, which is twice the width of Camino del Monte Sol. What exists now has no steel building in the middle of the easement. There is a wooden shed inside the coyote fence. That is all that is there. He understood how over time, when things are done to change what people remember as an ideal situation in the past, it can be very grating. He said they never received any communication and certainly no complaint from their two neighbors. Andy said it was fine. So in any case, there is a lot of room there, actually more room on the easement than on Camino del Monte Sol. He would welcome traffic calming humps on the street. But the structure won't modify the streetscape. It would be hardly visible and he didn't see how it would interfere with any kind of traffic.

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

Action of the Board

Member Roybal moved in Case #H15-099 at 599 Camino del Monte Sol, to approve the application per staff recommendation. Member Katz seconded the motion.

Member Powell wanted to allow the width to be increased by up to two feet at their discretion.

Member Roybal accepted it as a friendly amendment and the motion passed by unanimous voice vote.

- 5. Case #H-15-100. 1379 Canyon Road.** Downtown & Eastside Historic District. Architectural Alliance, agent for Dean and Allyson Rogers, owners, proposes to replace a 15' wide vehicle gate at a height of 7'6" on a contributing residential property. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

1379 Upper Canyon Road, known as the Belloli House, was constructed in the Spanish Colonial Revival style in 1936. Major remodeling, including the construction of a garage in 1988, is present. The building is listed as contributing to the Downtown & Eastside Historic District and the south elevation is designated as primary.

The applicant proposes to replace a vehicle gate with another vehicle gate in the same location and opening dimensions in the street frontage yardwall. The existing bileaf gate has vertical wooden boards in a reverse arch design that creates an area of public visibility into the parking court. The 15' wide x 7' 6" high replacement gate will feature wooden boards in a basket-weave design in a dark walnut stain. The gate will roll behind the yardwall. In addition, the wooden header will be removed and light fixtures that match existing conditions will be installed.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(C) Regulation of Contributing Structures, (D)(9) General Design Standards, and (E) Downtown & Eastside Historic District.

Mr. Rasch said the garage was built in 1988 so it is non-historic and the gate will open into the court in front of it.

Questions to Staff

Chair Rios asked if Mr. Rasch knew the age of the gate there now.

Mr. Rasch didn't know.

Chair Rios said apparently it was in harmony with the other gates and asked him to tell the Board more about that.

Mr. Rasch showed the existing gate with the reverse arch and clavos. He showed the other gates on the property with clavos.

Member Katz asked how old the yard wall is.

Mr. Rasch said it was historic and this was built later to match the historic part.

Applicant's Presentation

Mr. Eric Enfield (previously sworn) said the wall was built in 1988, including the gate, and there is a cap over the gate that he proposed to remove which would reduce the height of the gate. The Board previously approved this design. You can see that the garage doors were built on the property with the recent addition.

Mr. Rasch said it is shown on page 17.

Mr. Enfield said his client is trying to match the garage doors with the gate. The enclosure over the gate is 9' high with wood shingles. They are tearing that off and simplifying it. The pedestrian gate there was also built in 1988. The gate that wasn't built in 1988 is at the entrance and was actually the carriage entrance into the courtyard and opens all the way. That is the only original gate. And then the guest house on the other side to the east was also an addition in 1988. And that has a gate with clavos on it. So the only original gate for this house is the central gate in middle of the wall. And the wall for the garage that steps down was built in 1988.

The letter from the neighbors [attached as Exhibit 1] was confusing to him. They thought was part of the historic wall but it isn't. It was actually added in 1988. They talk about the appearance not matching the historic Santa Fe wall. But the portion where they were putting the gate on is not historic. When he came to the Board with this addition, it required some negotiation with those same neighbors that sent the letter to make sure he had no visibility and didn't impact their view of the river canopy and that his addition was lower than anything in front. And they also wanted him to site the solar panels so they were not visible from their front porch. What is surprising is that they never communicated with him about the letter. This was the first time he saw the letter. In addition to talking about the historic wall which isn't, they also talked about the wooden boards for the gate way being different because he didn't have the vertical strips but this gate matches the garage doors that were previously approved by the Board. That design matches the original front door of the Gloey Mansion design. So there is historical integrity with the design. That is what the front doors look like when walking into the courtyard. He used that for the garage gates, for the front doors to the new addition in the back. They talked about eliminating the metal nails that are part of the design of the current gate and match some of the pedestrian entrances and the large shuttered window. But the two entrances of the three pedestrian gates are from 1988. He wouldn't mind putting clavos on them but the original door didn't have them.

The light sconce is actually based on the historic design inside the courtyard. The neighbors are also concerned about light bleed but by code he is required to shield the light source which he planned on doing because the sconces actually have mica in them so they will have a soft glow. There are few occupied houses without lights showing on that street.

He was not sure why they didn't show up at the meeting and they didn't contact him.

He guessed they wanted to write the letter but not discuss it with him. That was unfortunate because his clients have been good neighbors. It isn't a major thing to replace this gate. He hoped the Board drove by and saw the quality of those doors. He believed the gate does meet the ordinance.

Questions to the Applicant

Chair Rios asked what the height of new gate was.

Mr. Enfield said it is 7' 6".

Chair Rios asked how high the inverted arch was on the old gate.

Mr. Enfield said it is about 5' 6".

Member Katz said, "You don't see the garage doors. You see all the other doors. The current gate matches everything you see as you drive by. But what you are proposing doesn't match the rest of the doors. Why is that a good idea? If you drive by, you wouldn't see the doors."

Mr. Enfield didn't know what the reason to see in is.

Member Katz said he was trying to point out that driving by you wouldn't see those gates at the garage and you would see the pedestrian gate to the left, you would see the main pedestrian entrance, you would see the other pedestrian entrance that is to the right and they all match the current gate.

Mr. Enfield said the inverted arch with metal grill on top doesn't match anything except the clavos.

Member Katz thought the pattern of the wood will match better.

Member Biedscheid asked if the end of the primary stops at the wall

Mr. Enfield said that is the 1988 addition.

Public Comment

Ms. Beninato (previously sworn) said she appreciated that the proposed entry gate near the gate is not in a historic wall but questioned whether it is harmonious with the streetscape. She thought it is very distracting and a vertical design would be more in keeping. Even though slightly lower, it doesn't feel as open as the other one. She would urge a more vertical design that is more in keeping. Even though the doors meet the design on the interior, a more simple exterior but opening into complexity and it didn't necessarily replicate the architect's intention and they couldn't tell what that really was but a simpler design would be more in keeping.

Chair Rios agreed with Member Katz that the existing gate is more compatible with the existing gate there now.

Member Bayer asked Mr. Rasch to show what the main pedestrian gate looked like that was on page 12.

Mr. Rasch showed the picture and that of the other gates.

Mr. Enfield commented on the design. The client really likes the entry door design so he designed the gate to match the front door. If the Board approved the design with the condition that he removed the subject confusing center horizontal and vertical pieces and turned it simply into a 15 panel gate with vertical wood instead of including the more complex design, that is part of the original house but isn't visible, then that would be more compatible with the verticality the Board is looking for and he would try to convince his client to accept the change.

Action of the Board

Member Katz moved in Case #H-15-100 at 1379 Canyon Road, finding that the proposed design is not compatible with the streetscape and with the other doors and gates on this property and therefore would move to deny the application. The motion died for lack of a second.

Member Roybal moved in Case #H-15-100 at 1379 Canyon Road, to approve the application with the condition that as proposed by the architect, the center part would be changed to be more vertical. The motion died for lack of a second.

Member Katz moved to postpone Case #H-15-100 to the next available meeting pending a redesign. Member Roybal seconded the motion and it passed by a 3-2 majority vote with Member Powell and Member Biedscheid dissenting.

Mr. Katz excused himself from the meeting and left.

6. **Case #H-15-101. 433½ West San Francisco Street.** Westside-Guadalupe Historic District. Peter Buehner, agent/owner, requests a historic status review of a contributing and non-statused residential structures. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

633 ½ West San Francisco Street is a lot that is located down a private driveway from the public way and it contains three free-standing residential structures (A, B, and C respectively traveling north, see aerial map). Unit A is listed as contributing to the Westside-Guadalupe Historic District. Units B and C do not have historic statuses assigned.

The Historic Cultural Property Inventories (HCPI) included with this report are: 1985 for all 3 structures; 1996 Unit A; 2015 Unit A; 1996 Unit B; 2015 Unit B; 1996 Unit C; and 2015 Unit C.

The 1984 HCPI form estimates the date of construction for the three structures as A-1933-39; B-1939-43; and C-post 1945. Unit A is recommended for contributing historic status and Units B and C for non-contributing status due to non-historic age at that time.

UNIT A

Resurvey of Unit A in 1996 recommends significant historic status; although, it also states that the porch has been removed from the north elevation and a carport was constructed on the west elevation.

The current 2015 HCPI recommends non-contributing historic status due to many non-historic alterations. It is unknown if the present owner received approval and permits to perform the extensive remodeling in the 1970s and 1980s.

UNIT B

Resurvey of Unit B in 1996 recommends non-contributing historic status due to a non-historic construction date of after 1968.

Additional information provided for Unit B in 2015 states that the construction date is between 1948 and 1958 from aerial photography and recommends non-contributing historic status due to significant changes after 1977 which have not been verified as to the legal approval of these alterations.

UNIT C

Resurvey of Unit C in 1996 recommends non-contributing historic status due to a historic construction date of before 1948 with significant additions on the west elevation after 1968 that "more than doubled" the footprint.

Additional information provided for Unit C in 2015 states that changes were made after 1977, but again, these have not been verified as to the legal approval of these alterations.

RELEVANT CODE CITATIONS

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

14-12.1 Definitions

CONTRIBUTING STRUCTURE

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.

NONCONTRIBUTING STRUCTURE

A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

STAFF RECOMMENDATION:

Staff defers to the Board whether or not Unit A shall be downgraded from contributing to non-contributing and whether or not Units B and C shall be listed as non-contributing due to the lack of information regarding the approvals/permits required for legal alterations to these structures.

Mr. Rasch showed several photos including down the driveway and north and west façades and each unit.

Questions to Staff

Chair Rios asked if on all of these units any footprints have changed.

Mr. Rasch said with Unit C there were significant changes. Unit B hasn't changed and Mr. Murphey could comment on Unit A.

Chair Rios asked if there were openings that changed.

Mr. Rasch was not sure. In 1970, the owner used historic single pane windows with puttied muntins but they were not original to the structure.

Chair Rios understood this case tonight is just to determine historic status.

Mr. Rasch said there was a change in Unit A that had been designated contributing and establishing a status for B and C. The owner said he didn't know that permits were required for the work done on them.

Applicant's Presentation

Present and sworn was Mr. John Murphy, 111 Stanford Street, Santa Rosa, California, who said he had asked Mike Purdy about window permits when they started requiring inspection. Mr. Purdy said that didn't happen until the late 1980's when the International Code required egress from bedroom windows. And maybe permits were not even required then.

He said his client bought this property in 1977. Using a slide show, Mr. Murphy said it was a rough and tumble collection of buildings. Unit A - he showed the original porch which was evident in the 1948 photo and in a Polaroid photo from 1979 showed it was already partially enclosed. Also throughout, Unit B and Unit C had prototype picture windows with large undivided glass flanked by operable units. So it was already changed when this owner bought it.

Guadalupe was made a historic district in 1984 and you can see the work on the front unit was already done. The owner had a demolition permit for the interior and you can see the portal was already infilled. He retained and turned the ranch window into a hopper. He also pointed out a bathroom built in 1958 on the exterior and later torn down. One window is retained today. He put a recycled window in. By 1966, everything was in place including the ranch windows. In the instance shown, he reduced the opening and put in replacement windows because of traffic along Guadalupe.

Questions to the Applicant

Chair Rios asked how much of footprint on Unit A was changed.

Mr. Murphey said the porch at the back was infilled and the little divot to make a closet was added. He didn't know when the enclosures happened but it was before his client's ownership of the property. The notch he filled in was late 1970s or early 1980 and also completed the front porch.

Chair Rios asked about the windows.

Mr. Murphy said there were a number of ranch house windows on each elevation and he reduced them or deleted them or put in a matching sash and all were done before he purchased the property.

Chair Rios asked about Unit B.

Mr. Murphey said at the south end the two sashes were widened to three-sash units and are not historic.

Chair Rios asked why Unit A was recommended for significant status.

Mr. Murphy didn't know.

Chair Rios asked if Unit A should be downgraded.

Mr. Murphy agreed. There were too many changes. Obviously the surveyor thought it was Territorial but it isn't.

Chair Rios said it doesn't look anything like the original and asked if that is the case on Unit B and C.

Mr. Murphy said on Unit B, other than the bathroom being added and taken off, it does retain the footprint but all the fenestration is totally changed. The pitched roof is now a flat roof. So in his opinion, it has lost its integrity from all the changes. On Unit C, the footprint was in place by 1966 but the changes of windows from ranch house windows to his windows and what was there before does affect its status.

Public Comment

Present and sworn was Mr. Karl Sommer, PO Box 2476, Santa Fe, who said he was here on behalf of Mr. and Ms. Dougherty, neighbors who watched what went on on this property without permits. The question is whether people can make changes to a building that required permits - framing, stucco and roof changes, without getting a permit. The roof was removed by this owner without a permit.

So now he asked if the owner can use that as an excuse to say they have no historic significance at all. That is an abuse of the system the Board has before them. And the person who could answer that question

is not here to answer the question. Mr. Rasch asked him for an answer whether he got permits or not. And he only replied "I don't know if permits were required then."

We know they are required. We are not here to complain about the but that this is, in our opinion, a subterfuge by a person who was apparently here today but is not now. The Board could get the answer from him, but he is not here. He didn't know what the Board would do.

He said Mr. Rasch has done a stellar job on what changes were made but can't tell the Board when. Those are important questions to ask of the applicant.

Mr. Murphy said Mr. Sommer introduced a number of accusations but provides no evidence. He did acknowledge in the letter of this action but also of permits he did pull. It was 30-35 years ago. It is a little hard to be punitive when he is trying to do the right thing.

Chair Rios asked when were they done.

Mr. Murphy said from the HCPI, they were done before 1985.

Member Powell thought they were red-tagged.

Mr. Rasch said he was not red-tagged. He has a permit for the interior work and he (Mr. Rasch) gave administrative approval for the stucco work. For any other request, he would have brought the case to the Board.

Chair Rios pointed out that the Board is only addressing the status.

Ms. Beninato (previously sworn), agree with Mr. Sommer's presentation and the basis for not reducing the status. Mr. Purdy has 10 years' experience. As an owner/builder, regarding the changes to the roof, there was a new building code and a fire code since the 1960's so to say you don't know you need a permit in the letter, she found to be duplicitous. She thought he did know that he had to get a permit but didn't so there is no basis for downgrading the status.

She said if the Board keeps allowing people to make changes based on "I don't know" then we are rebuilding permit requirements. She asked if the Board cares about their status or will just allow people to degrade a building without permits. The shed roof should be required to be put on and the enclosures on A should be required to be put back. Unit B has been increased too much to be stasured. "If you care about the ordinance, then enforce it."

Mr. Murphy said on Unit B, we don't know if it was historic or even permanent. The roof could be a shelter over a leaky roof.

He said Mr. Rasch asked just yesterday for the applicant to submit a sworn affidavit. That is at the eleventh hour. He also questioned if Mr. Rasch has the authority to do this and thought that nullifies the document.

Chair Rios said these changes were all made without a permit and now the Board is being asked to downgrade the property because of all of those changes. The applicant did them without a permit but now we have three buildings with all those changes and that is what we are to act on.

Mr. Rasch said he did ask for those changes to be documented long ago and gave him one more chance.

Member Roybal said, "So Unit A is contributing."

Mr. Rasch agreed and Units B and C have no status.

Member Powell asked when they were designated.

Mr. Rasch said that was when the district was established.

Mr. Sommer said his understanding is that B and C were not old enough at that point to consider a status. Now the Board can consider them. They were only designated non-historic at that time.

Mr. Rasch agreed.

Member Powell asked when they were built.

Mr. Rasch said Unit A was built in the 1930's. Unit B was built somewhere between 1948 and 1958. Unit C shows up in 1948 as a simple rectangular building to which additions to the northwest were in place by 1966.

Member Biedscheid reasoned that these structures may not be what they were but certainly are historic. Unit B was only not statused because of age. Unit A was recommended significant status in 1966 and in 1984 was downgraded to contributing. Even in 1966, comments state they are identical to the historic photo with nice infill as part of a compound, simple detail. They all seem to contribute to historic district so she would be inclined to designate all three as contributing.

Action of the Board

Member Biedscheid moved in Case #H-15-101 at 433½ West San Francisco Street to designate Units A, B and C as contributing. Member Roybal seconded the motion and it passed by unanimous voice vote. Member Katz was present for the vote.

H. MATTERS FROM THE BOARD

Chair Rios asked that from now on, as part of our discussion, Staff should include the public view corridor in the reports.

I. ADJOURNMENT

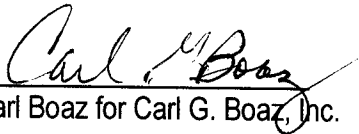
Member Biedscheid moved to adjourn the meeting. Member Roybal seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 7:57 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.