



Agenda

CITY CLERK'S OFFICE

DATE 1-6-16 TIME 10:25 am

SERVED BY J. Kelly

RECEIVED BY Cabill R

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 12, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 12, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 8, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-107. 617½ Acequia Madre.

Case #H-15-110A. 767½ Acequia Madre.

Case #H-15-106. 1244 Camino de Cruz Blanca.

Case #H-15-109B. 312 Pino Road.

Case #H-15-108. 1270 and 1272 Canyon Road.

Case #H-15-110B. 767½ Acequia Madre.

Case #H-15-109A. 312 Pino Road.

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

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

- 1) 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).
- 2) Case #H-16-002A. 450 Camino Monte Vista. Downtown & Eastside Historic District. McDowell Fine Homes, agents for Joe Esposito, owner, requests historic status reviews and primary elevation designations if applicable for a contributing residential structure and two non-statused accessory structures. (David Rasch).
- 3) Case #H-16-004. 311 East Palace Avenue. Downtown & Eastside Historic District. David Paul, agent for The Church of the Holy Faith, owners, proposes to construct a 71" high wrought iron fence on a significant non-residential property. (David Rasch).
- 4) Case #H-16-005. 202 Chapelle Street. Downtown & Eastside Historic District. Architectural Alliance, agent for Adobe Abode Real Estate, owner, proposes to remodel a non-contributing residential structure including constructing 194 sq. ft. of additions and replacing windows. (David Rasch).
- 5) Case #H-16-003. 425 Sandoval Street. Historic Transition Historic District. Craig Hoopes, agent for PBS Limited Liability Company, owner, requests primary elevation designation and proposes to replace some windows on a contributing non-residential structure. An exception is requested to remove historic materials (Section 14-5.2(D)(5)(a)(i)). (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.



CITY CLERK'S OFFICE
Agenda DATE 12/22/15 TIME 3:20
 SERVED BY J. McCall
 RECEIVED BY Galileo R

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 12, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 12, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 8, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-107. 617½ Acequia Madre.
Case #H-15-110A. 767½ Acequia Madre.
Case #H-15-106. 1244 Camino de Cruz Blanca.
Case #H-15-109B. 312 Pino Road.

Case #H-15-108. 1270 and 1272 Canyon Road.
Case #H-15-110B. 767½ Acequia Madre.
Case #H-15-109A. 312 Pino Road.
Case #H-13-072. 123 East Buena Vista Street.

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

- 1) 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).
- 2) Case #H-15-031. 109 Victoria Street. Downtown & Eastside Historic District. Will McDonald, agent for John Whysner, owner, proposes to construct a 409 sq. ft. addition on a non-contributing residential structure. (David Rasch).
- 3) Case #H-15-011. 820 Camino Atalaya. Downtown & Eastside Historic District. Lorn Tryk, agent for John and Barbara Clum, owners, proposes to amend a previous approval to remodel a non-contributing structure by adding a 240 sq. ft. portal and making other minor changes. (David Rasch).
- 4) Case #H-15-077B. 829 West Manhattan Avenue. Westside-Guadalupe Historic District. Jon Jayet, owner/agent, proposes to remodel a contributing accessory structure including a 506 sq. ft. addition. Two exceptions are requested to place an addition not 10' back from a primary façade and to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch).
- 5) Case #H-16-001A. 743 Alto Street. Westside-Guadalupe Historic District. Karen Tribull, agent for Carlos, George, and Ernest Cervantes and Del Lovato, owners, requests historic status reviews with primary elevation designations if applicable for one non-contributing and two non-statused residential structures. (David Rasch).
- 6) Case #H-16-002A. 450 Camino Monte Vista. Downtown & Eastside Historic District. McDowell Fine Homes, agents for Joe Esposito, owner, requests historic status reviews and primary elevation designations if applicable for a contributing residential structure and two non-statused accessory structures. (David Rasch).
- 7) Case #H-16-003. 425 Sandoval Street. Historic Transition Historic District. Craig Hoopes, agent for PBS Limited Liability Company, owner, requests primary elevation designation and proposes to replace some windows on a contributing non-residential structure. An exception is requested to remove of historic materials (Section 14-5.2(D)(5)(a)(i)). (David Rasch).

- 8) Case #H-16-004. 311 East Palace Avenue. Downtown & Eastside Historic District. David Paul, agent for The Church of the Holy Faith, owners, proposes to construct a 71" high wrought iron fence on a significant non-residential property. (David Rasch).
- 9) Case #H-16-005. 202 Chapelle Street. Downtown & Eastside Historic District. Architectural Alliance, agent for Adobe Abode Real Estate, owner, proposes to remodel a non-contributing residential structure including constructing 188 sq. ft. of additions and replacing windows. (David Rasch).
- 10) Case #H-15-083. 330 East Palace Avenue. Downtown & Eastside Historic District. La Posada de Santa Fe, agent/owner, proposes to install an awning-covered walkway and construct a 96" high coyote fence where the maximum allowable height is 50" on a contributing commercial property. Two exceptions are requested to construct a structure not in Santa Fe Style (Section 14-5.2(E)) and to exceed the maximum allowable height (Section 14-5.2(D)(9)). (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.

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
January 12, 2016

| ITEM ACTION TAKEN | PAGE(S) | |
|--|-----------------------------|-------|
| B. Roll Call | Quorum Present | 1 |
| C. Approval of Agenda | Approved as presented | 1 |
| D. Approval of Minutes December 8, 2015 | Approved as amended | 2 |
| E. Findings of Fact & Conclusions of Law | Approved as presented | 2 |
| F. Business from the Floor | None | 2 |
| G. Communications | Discussion and presentation | 2-3 |
| H. Action Items | | |
| 1. <u>Case #H-15-100</u> 1379 Canyon Road | Approved with conditions | 4-9 |
| 2. <u>Case #H-16-002A</u> 450 Camino Monte Vista | North and West are primary | 9-13 |
| 3. <u>Case #H-16-004</u> 311 East Palace Avenue | Approved with conditions | 13-15 |
| 4. <u>Case #H-16-005</u> 202 Chapelle Street | Approved with conditions | 15-18 |
| 5. <u>Case #H-16-003</u> 425 Sandoval Street | West and South are primary | 18-22 |
| I. Matters from the Board | Discussion | 24-25 |
| J. Adjournment | Adjourned at 7:12 p.m. | 25 |

MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

January 12, 2016

A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Mr. Rasch in the absence of the Chair and Vice Chair on the above date at approximately 5:30 p.m. in the City 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
Mr. Edmund Boniface
Mr. Buddy Roybal

MEMBERS EXCUSED:

Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. William Powell

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Theresa Gheen, 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 Boniface moved to approve the agenda as presented. Member Katz seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: December 8, 2015

Chair Rios requested a change on page 31, third sentence, under Questions to Applicant, should read, "Chair Rios commented that in past proposals coming before the Board, people foam sprayed without bubbles being formed."

Member Katz requested the following changes to the minutes:

On page 19, top paragraph in the motion, third line following the colon, "that it is visible from a place the public uses, is invited to use, and often views the house." "It certainly is not necessary to prevent (not present).

On page 22, on the second line from the top, after the word "façade" - "between the two west façades."

On page 26, on the in the motion, third line, after the word "windows" it should say, "on non-primary façades."

Member Boniface moved to approve the minutes of December 8, 2015 as amended. Member Roybal seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Case #H-15-107. 617½ Acequia Madre.
2. Case #H-15-108. 1270 and 1272 Canyon Road.
3. Case #H-15-110A. 767½ Acequia Madre.
4. Case #H-15-110B. 767½ Acequia Madre.
5. Case #H-15-106. 1244 Camino de Cruz Blanca.
6. Case #H-15-109A. 312 Pino Road.
7. Case #H-15-109B. 312 Pino Road.
8. Case #H-13-072. 123 East Buena Vista Street.

There were no proposed changes.

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

F. BUSINESS FROM THE FLOOR

There were no speakers from the public.

G. COMMUNICATIONS

Mr. Rasch presented information to the Board about Historic Status. He handed out the definitions from Chapter 14. In general, he queried the system and found there are 21 Landmarks, 319 Significant structures, 1,803 Contributing structures, 2,645 non-contributing structures, 569 called "not resurveyed" and 1,302 "non-designated" structures. That is a total of 6,638 structures. To create a historic district, by federal law, 30% of the structures listed as historic. Santa Fe has 32% historic structures in the districts.

Mr. Rasch reviewed all but landmark designations with the Board, listing each of six tests of qualifications for Significant designations and eligibility to be listed on the national register as a seventh test.

Member Roybal asked about the consideration of an important person's connection with the structure. Mr. Rasch said the Board has jurisdiction to consider that in designating a particular structure if the other tests are also met.

He said the Contributing designation includes helping to establish and maintain the character of the district but current code does not adequately address what "character" means. That will be defined in the code rewrite. Contributing also allows for structures that have had minor alterations while maintaining its integrity.

Mr. Rasch explained that the 30% federal law was just for creating a historic district, not for keeping a historic district. The only time the federal agency would consider reversing their designation would be in the case of a major catastrophe that destroys most of the historic buildings.

Member Katz asked about the resurveying.

Mr. Rasch said the City usually waits until an application is submitted before doing a resurvey.

Member Katz said it is a concern because without that kind of scrutiny, owners are less likely to go through the process of getting permits and approvals. He hoped, even though there is a shortage of staff, that some attention would be paid to buildings that perhaps are not designated could clearly be eligible.

Mr. Rasch said the City is discussing possible increases in fees. He noted that Phoenix imposes a \$5,000 fine if an owner works on a historic building without approval in a non-reversible fashion. The City might also change the 50-year minimum. The federal government is considering buildings under that age.

Chair Rios thanked Mr. Rasch for another very informative presentation. It really helps the Board.

H. ACTION ITEMS

Ms. Rios announced to the public that anyone disagreeing with a decision of the Board, there is an option to appeal the decision to City Council.

1. **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.

On October 27, 2015, the Board postponed action on an application to replace a vehicle gate with another vehicle gate in the same location and opening dimensions in the street frontage yardwall pending redesign.

Now, the applicant proposes to remove the existing vehicle gate. The gate will be 7' 6" high x 15' wide and finished to match the garage doors behind the gate in dark walnut stained wood. 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.

Questions to Staff

Member Katz asked if Mr. Rasch took a picture of what one could see through the current gate.

Mr. Rasch didn't.

Member Boniface asked what the allowable wall height is on that street.

Mr. Rasch referred to page 12 and said regarding the maximum wall height that Staff did not do a height calculation but the Board has usually allowed vehicle gates to harmonize with existing or adjacent walls.

Member Boniface noted the application said the light fixtures would match existing fixtures but there are no photographs of existing light fixtures.

Mr. Rasch thought that design was shown on pages six and seven.

Member Boniface thought those were the lights on the neighbor's property.

Chair Rios said they could ask the applicant.

Member Katz noted that the picture on page 12 showed some columns. He asked if that looked like the original study that was the basis for getting the basis for the application. The columns shown are an important part of the building and asked if his statement was correct.

Mr. Rasch agreed. It also reveals the tiles which are both Spanish Colonial attributes of this contributing building.

Chair Rios asked how much taller the proposed gate will be than the existing one.

Mr. Rasch thought it would match the wall height.

Chair Rios thought it is taller than the existing gate.

Mr. Rasch added that it doesn't have that "swoop."

Applicant's Presentation

Mr. Eric Enfield, 612 Old Santa Fé Trail was sworn.

Regarding the lighting question, he had a photograph, that showed the original wrought iron fixture that was designed by Mr. Belloli. It is inside the courtyard. He looked for a photograph he had taken that could not find it. He said it was supposed to be in the packet.

Questions to the Applicant

Chair Rios asked him if the proposed fee is higher than the existing gate.

Mr. Enfield said it is not.

Member Katz thought it looked to be shorter.

Mr. Enfield agreed that it is shorter by a little bit. The highest point of the gate is a cap over the gate that is about nine and half feet high. He is proposing to remove that. The gate he is proposing is 7'6" high. The difference is that the other gate is 8 feet high at the top of the swoop.

Mr. Enfield clarified regarding the historic nature of this house, that nothing that can be seen through the gate is historic. It is all new construction that was done in the 1970s. Those columns are not original; the tile is not original; the building is not original. It was done in the 1970s by Victor Johnson. So none of

that is the historic portion of the house. The historic portion of the house does not even start at that.

Mr. Enfield pointed it out on the displayed drawings. He said he did the wall is new so the gate is not at a historic portion of the wall. He explained that when the last addition was built, they stockpiled some of the old tile to be used in the future. They are also making custom tiles to match the old historic tiles exactly in size, shape, and color, including variation of color. So the tiles that are beyond the gate are also new from two years ago.

Chair Rios asked Mr. Enfield why the owner wants a solid gate as opposed to a portion being see-through.

Mr. Enfield said that's what the owner told him to do. He pointed out that when he was before the board last time, there was no discussion about whether it was solid or not. The Board said that it was over detailed and asked him to simplify the design. The Board also suggested that he consider what was done adjacent on both sides of this property. And that was why he came back with a simplified design. It is basically for panels.

Public Comment

Ms. Stefanie Beninato, P.O. Box1601, was sworn. She appreciated that the architect came back and simplified the gate. However, it does visually stop you. It would be more visually enticing to invite your eye to go into the yard. The squareness of it really blocks; it keeps you out rather than invites you in.

Ms. Nicoletta Monroe, 701 Dunlap Street, was sworn. She said this is her first meeting with the Historic Review Board. She said her first impressions of the drawings might be incorrect because she could not see a photograph of the new gates. She could only see the old gate. To her, it did not look like Santa Fe style. It looks like it is Italianate or something ornate. While it might be attractive and beautiful, it looks like something that belongs in Bel Air in California. It doesn't look like something in Santa Fe. She agreed with Ms. Beninato that details of the home should be attractive and inviting, especially the gate should have some type of importance. She said on Dunlap Street where she lives there are some heavily designed gates that are ugly. They are like imposing with eight or 9 feet tall beams, flanked by another beam. And they overpower the house that they are in front of and they are hideous. This could be gorgeous. But she could not tell because she did not have a visual reference. She asked if the architect had a photo of this date.

Mr. Enfield said he did not.

Ms. Monroe asked him if he was referencing another home.

Mr. Enfield said he was not. He indicated it was similar to a gate, two homes to the left of it. He made further statements which were inaudible.

Ms. Monroe said she understood and then saw a photo. She asked Mr. Enfield if that was the gate he is building or not. She asked him how many gates were on this street.

Member Katz said it is not appropriate for the public to be asking the applicant questions.

Chair Rios asked the City Attorney to comment on this, in reference to her line of questioning towards the architect.

Ms. Gheen asked Ms. Monroe to please address her questions to the Board and the Board will respond.

Ms. Monroe said the comment might not even be relevant because it could be that his choice is fine and it does conform to Santa Fe style. But she would be afraid to mix these styles like Italianate or something more ornate that belongs in another community and it might be very beautiful and another community. Here, we have to be more reserved.

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

Chair Rios said in reference to this application, that she thought the submittal is rather simplistic, which, for Santa Fe, is very appropriate. She asked him to submit the visual to Mr. Rasch as part of the application.

Member Roybal thought the gate was beautiful.

Mr. Enfield made several other comments away from the microphone and were not audible.

Member Katz commented that it has been his experience while on the Board, to not have solid gates that block a view of the interior of the building. And he understood that to be somewhat of a balancing issue if this were the gate to the living courtyard in front of the building where they would be sitting outside and such, he could understand that. But this is a gate basically to the garage, driveway. So he thought it was appropriate to require that there be some openness in the top part of the gate to provide a glimpse provided now with the swoop. It could just be windows in the top part of each of the panels, which he thought would achieve that.

Member Katz wondered how other members of the Board feel about that.

Member Boniface tended to agree with him. The fact that this is not a private area would allow for some type of public viewing of that space. He actually found that the singularity of these columns, the uniqueness of this building... Every time that he has given by this house in the upper canyon area, it has always intrigued him. It is so different. So he would like to see a little more of what is behind there. He doesn't like the swoop and would like to see something that has a little more openness to it. He suggested maybe some type of pickets or T is within the data itself.

Action of the Board

Member Roybal moved in Case #H15-100 at 1379 Canyon Road, to approve per staff recommendation of the submitted gate. The motion died for lack of a second.

Member Katz made a motion in Case #H15-100 at 1379 Canyon Road to approve the gate on the condition that there is some visibility put in the top part of the gate – not even as much as a third in each of the panels.

Member Boniface seconded the motion and requested a friendly amendment that the light fixtures be taken to staff. Member Katz accepted the amendment as friendly.

The motion resulted in a 2-1 voice vote with Member Roybal dissenting.

Chair Rios asked if she needed to vote.

Mr. Rasch said she could vote against it to kill the motion but that was the only way she could vote.

Mr. Boaz disagreed. He indicated that with two of four members voting in favor, it was not a majority of Board members present but that if she voted in favor, the motion would pass by majority vote.

Chair Rios voted in favor of the motion and it passed by majority voice vote.

Mr. Enfield had a question on procedure. His client told him he was taking this to City Council and asked if he could appeal an approval based on the condition of approval.

Mr. Rasch said he could.

Mr. Enfield said it is going to City Council because his client doesn't agree with the condition.

Mr. Enfield reminded the Board that the last time he came with this case, the Board had specifically said the Board felt the gate was overdesigned and told him to come back with a simplified design. There was no discussion about having to have a see-through in the gate. The only time that has ever come into the Board's conversations, and Mr. Rasch confirmed it with him, is when it is a contributing or significant structure behind the gate and the Board doesn't want to shield historic details. That is the precedent that he heard from the Board before. So he was surprised. There is nothing in the Code that says the gate has to be see-through.

Chair Rios said the Board has been recommending that to applicants whenever they have tall gates to make it more friendly by having a portion of them be see-through.

Mr. Enfield said "recommending" but...

Chair Rios said that is part of the motion in reference to the suggestions that were made when he was before the Board last time.

Mr. Enfield said he did simplify the gate.

Chair Rios said that doesn't mean the Board is going to point out every solitary thing, exactly how he should design it, because that is on the applicant.

Mr. Enfield said it made it hard for him to respond, if there is a new set of comments when coming into the second meeting.

Member Katz said Mr. Enfield has obviously discussed this with his client since he was so clear that he is appealing this requirement. This is not a surprise regarding this requirement of openness.

Mr. Enfield said it is a surprise because he has never had the Board do it except on a historic structure before.

2. Case #H-16-002A. 450 Camino Monte Vista. Downtown & Eastside Historic District. McDowell Fine Homes, agents for Joe Esposito, owner, requests historic status reviews and primary elevation designations if applicable for a contributing residential structure and two non-statused accessory structures. (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

450 Camino Monte Vista is a single-family residential structure that was constructed before 1949 in the Spanish-Pueblo Revival style. The rectangular building features rounded and battered walls, exposed wooden headers, an inset portal on the north, a sculpted fireplace and chimney on the west, and historic windows. The north elevation garage door has been sensitively infilled. A series of three additions have greatly expanded the footprint and a Cultural Properties Inventory from 2007 suggests a range of dates for the additions without substantiating the source of the estimated dates. A 1966 aerial image of the property shows that the east and south additions were in place by that time, while the last addition on the south is not of historic construction date. The building is listed as contributing to the Downtown & Eastside Historic District. Primary elevations have not been established.

Two free-standing sheds on the south side of the residence do not appear on the aerial image and are therefore of non-historic date of construction. These structures have no historic status designation.

The applicant requests historic status designations with primary elevations, if applicable.

STAFF RECOMMENDATION:

Staff recommends that the Board designate the original north and west façades of the residence as primary and the two non-historic free-standing accessory structures as non-contributing. Staff defers to the Historic Districts Review Board

Board as to whether or not the north elevation of the east addition and the west elevation of the south addition shall be included with the primary elevations.

Questions to Staff

Chair Rios asked if Mr. Rasch knew the date of the garage infill.

Mr. Rasch did not.

Applicant's Presentation

Mr. Doug McDowell, 1317B Cerro Gordo Road, was sworn. He said he has spent a lot of time at this house. It seems clear that the main structure with the garage was probably built in 1949. He found it in some older pictures as well. The other parts on the northern side were added at a later date. A lot of the windows are different; the exposed headers are actually two by fours nailed on to a boxed header and exposed. Has been considerable changes to the north façade. The window that is now existing in the living room (to the northwest face) was probably replaced when they did the additions 60s and 70s. It now has a fixed glass window pane in the center and two windows on either side. Inside, you can actually see where they cut out the old window that was there. The old window looked like it was a double or triple double hung. It was like the rest of the original house. This measurement showed it matched those that were on the west side of the living room and the bedroom (primary elevations proposed). It looks like they wanted a bigger view. He agreed that the board to consider it as contributing. But when he comes back to propose something, he thought those windows should be replaced as they were if the building is thought to be contributing on that façade, since it has been changed recently.

The garage change was sensitively done. But it is basically an old Stanley garage door with two little fixed windows in it. If that is designated as contributing, he would either have to go back to restoring the Stanley garage door and make it a garage, or make it just a garage door with something else behind it.

He felt that everything beyond that on the north side is not submitting, and that all the structures behind the house are also noncontributing.

They have already done a big cleanup on the site. He estimated it has been at least 10 to 20 years since anyone has done any pruning or other clean up. So they just finished a weeklong cleanup there. The owners want to do a good job with something that fits in with the neighborhood.

Mr. McDowell said he has a great deal of respect for the ordinances and looked to the Board for guidance on this.

Questions to the Applicant

Chair Rios asked Mr. McDowell if he agreed with the staff's recommendations to make the North and the West as primary façades.

Mr. McDowell agreed with the north façade to the eastern edge of the old garage. He thought that anything beyond that heading east is not really contributing since they are additions to the main original house.

Mr. Rasch said they are historic additions but not original. That is where he was deferring to the Board. They were built before 1966. He also deferred for the additions on the west elevation.

Public Comment

Ms. Beninato (previously sworn), said she liked Mr. McDowell's approach to try to get guidelines from the Board. She thought the Board needs to start recognizing additions that are 50 years old or older because buildings are aging and they become historic. Although they may not have characteristics of the older part. She asked the Board to include the additions added before 1966. She appreciated that they would consider replacing the window on the north with the historic type of window or design of that window, trying to bring back the original historic characteristics of the structure.

Mr. McDowell said they also did a number of studies, envisioning what the original structure looked like without the addition on there. They thought that the original structure, by itself, with the garage, with the other part taken off the side, created a very nice, well-balanced visual from the roadside and also was in keeping with the neighborhood. It would also be in keeping with the overall idea of the property for the future.

Chair Rios asked to see the photo of the north elevation.

Mr. Rasch showed the west façade with the sculpted fireplace chimney and two windows which was the original block of the building. He showed the garage infill and the pre-1966 additions on the front. He also showed one of the sheds in the back.

Mr. John Eddy, 227 East Palace Avenue, Suite D, was sworn. He asked for clarification on the two windows that were added, if that was the garage infill to the left of the entry portal on the north elevation.

Mr. Rasch said those two windows are not the garage infill. He pointed out the garage infill, showing the portal. The two windows are in the pre-1966 addition. He pointed out the garage and fill in the photo. The infill does have two windows in it. It is made of wood panel, painted the stucco color. There are two other windows on this façade that are historic in that historic tradition.

Mr. Eddy observed that the garage infill is a mistake, aesthetically. If those windows were replaced with Windows under a header that matched the windows to the right of the entry portal, it would be more harmonious with the building. He questioned whether the garage infill was historic or not. If so, it is a very interesting quandary because Board as something that is historic which was not really a good idea to begin

with. He would like for the Board to take a close look at that because he thought it would be doing harm to the streetscape to allow an architectural mistake to stand where the building could be improved aesthetically if the Board would allow some changes to take place there.

Chair Rios reminded him that they are just considering status in this case and the primary façades. So they could not get into the plans for this property.

There were no speakers from the public regarding this case.

Mr. McDowell offered to show a drawing of what was planned at that location but the Board declined to look at it. Chair Rios reminded him that it had to be advertised first.

Mr. McDowell agreed with Mr. Eddy that it was a quandary. His clients' thought and his advice to his clients were to try to make the house feel complete, like it was originally built. It was his belief that the additions to left are inharmonious. They paid attention but they are different in the details. He felt it would be best to keep the house as it looked in 1949 and then later approve the plans to bring it back like it was.

Member Katz asked him if he had a sense of when the garage infill occurred and when the window change occurred.

Mr. McDowell said it had to be sometime in the 1960s, the late 60s or early 70s because that is when they did a lot of the work on the outside of the house according to the neighbors. It is a block house. It certainly contributes and he did not need to demean the house. The reality is that it is a glorified Stamm home. There were three of them exactly like it built in the neighborhood as shown in the 1958 aerial. They are nice old houses but the long, drawn out portion on the north side is really the best visual he could come up with.

Member Boniface thanked Mr. Eddy for his comment. He thought that was very observant. The fact that the garage door on the north façade is simply painted wood - the Board decides to designate that north façade as primary, that would not prevent the applicant in the future from doing what Mr. Eddy suggested. It is the same thing with the windows in the living room. It would still be allowed to be brought up to date and made to look more historic and fit within the fabric of the building.

Mr. McDowell shared a picture of the north side that he had recently taken.

Action of the Board

Member Boniface moved in Case #H16-002A, at 450 Camino Monte Vista, to designate the north façade as primary, excluding the two smaller additions on the east side of the building, and also designating the west façade as primary and designating the two non-historic free-standing accessory structures as non-contributing. Member Katz seconded the motion.

Ms. Rasch asked if the Board considered the pre-1966 addition as part of that primary elevation on the west were not.

Member Boniface said he did not consider that as part of the primary elevation. He said it looked like it was ten feet back from the primary façade – the original west elevation. The motion passed by unanimous voice vote.

3. **Case #H-16-004. 311 East Palace Avenue. Downtown & Eastside Historic District. David Paul, agent for The Church of the Holy Faith, owners, proposes to construct a 71" high wrought iron fence on a significant non-residential property. (David Rasch).**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

311 East Palace Avenue, known as the Church of the Holy Faith, was constructed over many years from the late 19th century through 1955. Palen Hall on the east side was designed by John Gaw Meem in 1925. The building is listed as significant to the Downtown & Eastside Historic District.

The applicant constructed an iron picket fence without approval or required permits and requests approval now. The fence is approximately 6' high and 40' long in perpendicular orientation to the street where the maximum allowable height is 8'. There are ornately designed panels and simply designed panels on the fence. The Board saw today that there are black metal panels designed to hold ADA compliant parking sign.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(C) Regulation of Significant Properties, (D) General Design Standards, and (E) Downtown & Eastside Historic District. He was not sure if the ADA sign is at its proper height or not.

Questions to Staff

Chair Rios asked if it was appropriate to put those signs on the fence. Usually they have the sign on the concrete itself.

Mr. Rasch said or on a free-standing pole. He didn't get a chance to check what the regulation is for a required ADA parking sign for height.

Applicant's Presentation

Mr. David Paul, 2538 Camino Estriba, was sworn. He had nothing to add to the staff report.

Questions to the Applicant

Member Katz asked what he could tell the Board about the ADA requirement.

Mr. Paul said unfortunately, they got the location a little low and would have to redo that signage. It is roughly 4 inches too low. What they originally intended -- they put in the St. Francis statue a little over a year ago as a backdrop -- something that would block the back of the building that goes on Paseo. They wanted a more intimate courtyard and to also get rid of those handicapped signs because they were unattractive for some people. It was their mistake in putting them too low.

Member Katz explained to Mr. Paul that the Board was never happy when someone did something without getting permits and coming to the Board. That happiness was not increased in the letter when it said you "would like to install." It would have been nice for you to acknowledge that you had installed it already.

Chair Rios, in reference to the signs, asked if they would be removed from the fence, as they have to be higher.

Mr. Paul thought at this point, since they would have to get with the Rector, to find out if it is okay to take the little frames on there now and just physically just move them up to the required height.

Chair Rios asked if that meant they would just rest on the top of the fence or not.

Mr. Paul said there is roughly, between the frame and the very top of the fence, about three inches. So those little frames would go all the way to the top with no gap there.

Member Boniface note in his testimony, he said something about creating a courtyard for the statue. He asked if it is their intention that by creating this sign fence it is creating the courtyard. He was not sure he understood.

Mr. Paul said that a few parishioners, when looking at the statue, where they could see the back side of the building at the corner of Paseo and Palace -- electric meters, doors and unattractive windows, to have something to block that from view.

Member Boniface said the ironwork is so transparent, it doesn't seem to be blocking anything.

Mr. Paul said that was the other portion. They didn't want to put up something that would completely block it so you couldn't see through it. They had an architect who was also a parishioner and that was the idea that came up with -- something that would still add a little bit of a separation that could still see through, obviously for safety reasons, for this revision.

Public Comment

Ms. Beninato (previously sworn) said she appreciated comments from the Board about lack of coming forward on the ordinances, especially as this is a significant structure downtown, and they have architects who are parishioners and would know better than to put up a fence. However, it does comply with the ordinance. It's not all that visible from Palace. She actually liked the handicap signs within the fencing because when they get put on the sidewalk, they take up a large area, therefore, limiting it for someone who has mobility issues to use the sidewalk. So putting them on the fence is a really good solution.

Ms. Monroe (previously sworn) commented that she had not seen the building, yet from the photograph, the signage appears to perhaps overpower the façade of the church. It is not sure of the requirements for ADA signage. But if we are following federal law, she would not disagree with it. However, if this is a choice that is made aesthetically by the church because they need signage there, he thought obstructing the church with these signs is not a good choice. It is terrible and the church should be first, the most significant thing you see, when you are observing it from any angle. And doing anything obstructing it, like a sign for the handicapped people is completely against her belief system,

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

Action of the Board

Member Katz, in Case #H16-004 at 311 East Palace Avenue, moved to follow the recommendation of Staff and approve the application with the condition that the signs can be moved up two and a half inches if this is what is required by the handicapped law. Member Roybal seconded the motion and it passed by unanimous voice vote.

- 4. Case #H-16-005. 202 Chapelle Street. Downtown & Eastside Historic District. Architectural Alliance, agent for Adobe Abode Real Estate, owner, proposes to remodel a non-contributing residential structure including constructing 194 sq. ft. of additions and replacing windows. (David Rasch).**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

202 Chapelle Street is a single-family residential building that was constructed in the early 20th century with a penitentiary tile addition on the west façade constructed between 1930 and 1942. This structure is listed as contributing to the Downtown & Eastside Historic District.

A second single-family residential building was constructed on the west side of the lot after 1988 which incorporated a historic free-standing single-car garage into the structure. This structure is attached to the historic structure by a solid roof. The building is listed as non-contributing to the District.

The applicant proposes to remodel the non-contributing structure with the following seven items.

1. The roofed connection between the two residences will be removed, to avoid invoking a 50% footprint standard as an addition to the contributing structure, and replacing it with a pergola, non-roofed attachment.
2. A yardwall and pedestrian gate will be removed from the south side of the structure to make space for an addition.
3. A 67 square foot addition with a 57 square foot portal will be constructed on the south elevation to 10' 8" high.
4. A 70 square foot addition will be constructed on the west elevation to match existing adjacent height.
5. Windows and doors will be replaced with code-compliant divided lite white-clad units in the same open locations and dimensions
6. Skylights are shown on the floorplan but are not visible above the parapets on elevations.
7. Stucco will be cementitious in a material like "Buckskin" and exposed wood will be stained a light brown.

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, if the roof connection should remain, what the percentage of that proposal is.

Mr. Rasch said he did not do that calculation but he believed if the roof connection remained, it would need an exception to add these additions because it would be near or at the 50%-foot print rule already.

Member Katz asked if the city would have to re-notice the case to do the exception for if the Board could grant it.

Mr. Rasch explained that if the roof connection was kept the Board would have to postpone this case for an exception.

Member Katz asked if the board could approve everything else except this connection and postpone that to another convenient time if the applicant wished the roof to remain.

Mr. Rasch reiterated that if they wanted the roof to remain it would have to have an exception. Although the roof could be considered separately, although the additions are the major part of this application.

Applicant's Presentation

Mr. Eric Enfield, previously sworn, said he was not looking at gates anymore; looking at pergolas. He explained that the reason he was showing with the roof removed and the parapets removed was per his discussion with City Staff. He was told that it would not need an exception if he removed the roof and the parapet. So that is what they are doing. They no longer needed that roof connection because the changing the functions of this building. It was individual bed-and-breakfast rooms and now is being consolidated into a little guest casita with the main house.

He said the owner asked him to ask the Board if it was okay to call out what were to be white-clad casements with Country Blue casements instead. He thought Mr. Rasch new the color. It is an Andersen color. He didn't have the chip with him.

Mr. Enfield said he never the percentage calculation on the footprint because if they removed the roof connection it would not be valid anyway. The client agreed to remove the roof as he didn't care.

Questions to the Applicant

Member Roybal asked if when they drove by earlier, they saw any blue clad windows in that neighborhood.

Mr. Rasch said he didn't believe he studied that specific streetscape, although blue, like Taos Blue, is a very traditional color. It can be applied to Spanish Pueblo Revival buildings quite easily.

Member Boniface asked about the color of windows in contributing structure to the east.

Mr. Enfield they are white clad windows.

Member Boniface asked if all of the windows in the noncontributing structure would be blue.

Mr. Enfield agreed.

Public Comment

Ms. Beninato (previously sworn) thought the changes were appropriate or that neighborhood and for integrating with the contributing building. As pointed out, blue is a traditional color for windows and it would then distinguish the noncontributing from the contributing building by having this difference in window color.

Mr. Eddy, (previously sworn) offered a historic anecdote dealing with color. The purpose was to encourage the Board to ask the architect to bring back a color chip to the Board.

Chair Rios assured him that would be part of the motion.

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

Chair Rios complemented Mr. Enfield on the drawings. It was a nice job.

Mr. Enfield said his client pointed out to him the windows across the street.

Action of the Board

Member Boniface moved in Case #H-16-005 at 202 Chapelle Street, to approve this application as presented and with Staff recommendations, with the conditions that:

- 1. That the skylights not be visible from the street;**
- 2. That there shall be no rooftop appurtenances visible from the street;**
- 3. That the blue color be approved by Staff.**

Member Katz seconded the motion and it passed by unanimous voice vote.

- 5. Case #H-16-003. 425 Sandoval Street. Historic Transition Historic District. Craig Hoopes, agent for PBS Limited Liability Company, owner, requests primary elevation designation and proposes to replace some windows on a contributing non-residential structure. An exception is requested to remove historic materials (Section 14-5.2(D)(5)(a)(i)). (David Rasch).**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

425 Sandoval Street was a residential structure, now in commercial use, that was built by 1930 in the Spanish-Pueblo Revival style and is listed as contributing to the Historic Transition Historic District. Historic windows, portals on the west elevation, and a sculpted fireplace and chimney on the south elevation are character-defining features that suggest that the west and south elevations may be considered as primary.

The applicant replaced historic wood windows on the north, east, and south elevations without approval or required permits with metal clad windows. The single-lite fixed picture window with flanking narrow sidelite windows was replaced not in-kind but with three matching double-hung windows, in addition to more alterations to lite patterns at other locations. An exception is requested to remove historic material and the required exception responses follow.

EXCEPTION TO REMOVE HISTORIC MATERIAL 14-5.2(D)(5)(a)(i))

- i) Does not damage the character of the district.

The window replacement is within the existing opening neither increasing nor decreasing the size of openings. The double hung 1/1 sash is replicating what was there prior to the replacement. Therefore, there is no change to the character of the neighborhood

Staff response: Staff does not agree with this statement, since one opening's units were not replaced in-kind. However, the use of 1/1 double-hung windows are common in this district.

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

The old windows were ill fitting and energy wasting. The windows had rot and created drafts for the residents of the building.

Staff response: Staff does not agree with this statement, since a professional assessment of the repairability of the windows was not provided and there are a few other options that were available before this irreversible treatment was performed.

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

The change will help maintain the building, preventing damage to the stucco and other building finishes, thereby strengthening the heterogeneous character by not allowing erosion of the character.

Staff response: Staff agrees with this statement, but other design options have not been described.

STAFF RECOMMENDATION:

Staff recommends that the Board designate the west and south elevations as primary elevations and finds that the applicant did not meet the exception criteria requirements. However, the Board may find that the exception criteria may have been met after hearing additional testimony.

He also cited the Code for the Board.

Mr. Rasch said he did not get a report on whether those windows were beyond repair or not.

Questions to Staff

Chair Rios asked if on the south elevation, the windows shown were on either side of the chimney.

Mr. Rasch agreed.

Chair Rios asked what was there prior to these windows being replaced.

Mr. Rasch said he did not know because the original windows were thrown away and replaced before he was told about it. The drawings that were supplied only showed the window openings. Looking at the historic inventory on page five, one could see that they were single light fixed windows. But that was all he had.

Chair Rios said in reference to the exceptions, the applicant stated under i that the windows' size was neither increased nor decreased. She asked if Mr. Rasch was in agreement.

Mr. Rasch said it appears that the window openings were not changed but in the photograph, there was some insulated foam where they filled in some gaps. So he was not sure the windows matched the opening dimensions.

Applicant's Presentation

Mr. Craig Hoopes, 333 Montezuma, was sworn. Mr. Hoopes explained that he was hired by the client after the fact so he couldn't relate to the Board everything that had happened here. He worked with the client on the adjacent property and met with Lisa Roach last year about the windows in that building. There might have been confusion on the part of the client about what was going on. They got approval from Lisa (Roach) to change the windows in that other building. And he thought there might have been confusion. There was no process that was gone through so Mr. Rasch is right about it. But there was confusion about which windows could be altered.

Questions to the Applicant

Chair Rios asked about the windows on the other building.

Mr. Hoopes said they are still there.

Chair Rios asked if that was an approval given by Staff.

Mr. Hoopes said no; it was for approval to change the windows in the other building.

Chair Rios said that was what she was talking about. She asked if that was an acceptable procedure.

Mr. Rasch said he didn't know this. It was his former Senior Planner. In the Historic Transition District, Staff has authority but if it doesn't meet Code, it comes to the Board. So, without doing any research, he was going to assume that the building next door was probably a non-contributing building or those windows were not historic or, in her opinion, not on a primary elevation. So when she gave that approval, it probably did meet Code. So it would not have needed to come to the Board. But in this case, there are historic windows on primary elevations of a contributing historic building. So those cannot be replaced without the Board's approval.

Chair Rios said that building is a “sister building” to this one.

Mr. Rasch didn't know. There was a reason why she was no longer a Senior Planner.

Mr. Hoopes apologized to the Board for the lack of proper process. He didn't know those windows were being replaced until he received a phone call from his client, saying that the building had been red-tagged. Unfortunately, the old windows from the building were removed from the building and destroyed before all of this happened. He thought the Board knows what he stands for in his work.

Chair Rios said he did point out that he believed there was no increase or decrease in the openings but Mr. Rasch indicated there might have been a tiny bit.

Mr. Hoopes said he could see a little foam there from when they put those windows in but when changing windows, they have to slightly increase the opening so they can fit the windows back in and they sealed that slight increase with the foam.

Chair Rios said her opinion was that this building still remains contributing with the new windows.

Mr. Rasch agreed.

Public Comment

Mr. Kurt Sommer was sworn. He said his client profusely apologizes. She hired a contractor, thinking that it was appropriate to have the windows replaced. When it was red-tagged, she learned otherwise, obviously. The intent wasn't to change the structure or the integrity of the building but was rather to address the complaints she was receiving from the tenant about the draftiness of the windows that were single pane, inefficient energy windows. So she hired a contractor to prepare the changes, not knowing that it required a permit to do it or that the building was contributing, particularly when you look at the streetscape. Every building around it has some modification of significance. Most significantly is across the street – Old Santa Fe Motors was changed into a very modern structure. And across the street, you can see what Mr. Seret did with the old building that was once a grocery store. It has a second story on it and now is a parking garage or God knows what he wants to put there. So he was unaware that it was a contributing structure. If you look at the old Southwest Title Building, it has been renovated inside and out many times and does not look like a contributing structure.

He didn't believe, nor does the client, that changing these windows changed the integrity of the building. She apologizes that the old material was destroyed by the contractor.

Ms. Monroe (previously sworn) said it was her impression, because we have these ordinances written, why contractors would not be required to follow them. To use the excuse that a contractor was not aware and the building owner was not aware, is not a very good excuse when it is like saying “I did not know the

speed limit." You would still get a ticket. So she thought that contractors who are licensed need to be required to have passed some kind of training; that they are aware of the law; and that should also be done to homeowners when they buy a house. If someone purchases a home here inside the historic districts, they need to be given documents or sign something or attend a training where they are educated and given information regarding the fact that they are within historic districts, in a historic home that is valuable and the value goes down when they hire contractors who don't follow the law and alter these homes.

So while the Board says to keep it contributing, and she agreed, they should be careful not to just allow this to go on. Unless the Board sends a message and begins to educate the public, there will still be contractors and architects come in and change windows and what else and use the excuse that they didn't know the law or rules of the historic districts.

She said Mr. Rasch just told the Board of the obligation to keep 30% or historic homes with historic designations. Santa Fe is only at 32% now and we could lose our historic status.

Chair Rios clarified that the 30% is a federal standard and not a standard that Santa Fe follows.

Ms. Beninato (previously sworn) agreed with some of what the previous speaker had to say. If they were renovating the building next door and know they had to come to the Board, then they should know they have to come here for the building next to that one.

She found it a bit strange that a Staff member could approve window replacement, even in the Transition zone. That is appalling that it didn't have to come to the Board. She hoped if the ordinance gets revised that that policy would be changed.

She also thought the building is still contributing and particularly since the window openings had not been changed.

Ms. Beninato requested that the Board put some teeth back into the code with everyone coming back saying they didn't know. There is a map that has been in existence for a long time. If owners can hire architects and lawyers like Mr. Sommer who know the ordinance, then they should also know the requirements.

Perhaps the windows not next to the chimney but the ones to the right, was not what it was originally, perhaps a consequence for not getting permission ahead of time, is to replace that set of windows with whatever was actually there, rather than what the owner decided to put there or the contractor decided to put in without permission.

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

Mr. Hoopes pointed out that the windows on the front façade were left. They had previously put a storm over them so those windows, which he assumed were original to that building, are still in place. So

that character has not been lost.

Action of the Board

Member Katz moved in Case #H-16-003 at 425 Sandoval Street, to follow the recommendation of Staff to maintain the contributing status and designating the west and south elevations as primary and a finding that the criteria for the exception are met and approve the replacement of windows and to issue a citation to the owner for speeding to replace the windows without getting permission in advance.

Mr. Rasch did not think the Board had the authority to order staff to cite them.

Member Katz asked for the last portion of the motion to be stricken then.

Ms. Gheen asked for clarification that the Board was making a motion regarding the status or the building.

Chair Rios clarified that the building is already contributing and the motion is for primary elevations. Member Katz agreed with Staff that the criteria for an exception had been met.

Member Roybal seconded the motion and it passed by unanimous voice vote.

Mr. Hoopes understood they needed to go the City now to get a permit for the one window that is left on the south elevation.

Mr. Rasch said the application did not request to replace that window.

Mr. Hoopes understood.

Mr. Rasch asked if it is a historic window. He explained that if it is a historic window, the applicant must request an exception to replace it since the south elevation is a primary façade. It would need an exception to remove historic material on that elevation.

Mr. Hoopes said the far right window has not been replaced yet.

Mr. Rasch assumed it is an historic window.

Mr. Hoopes assumed that too.

Member Katz said that was not included in the motion.

I. MATTERS FROM THE BOARD

Member Boniface went back to public comments made regarding people who should know if something is historic or not that it is required by State law that when a property is sold that the person purchasing the property is informed by the real estate agent representing the seller, that the property is historic. But everyone needs to do their own due diligence when purchasing something but it should be revealed to the purchaser at that time. But everyone who is doing work on a building needs to have a building permit, whether to replace a window or not. And at that point, they would go to the city and would find out once again that the property is in the historic district, or not.

Chair Rios asked for clarification. She asked if it is a law that the realtor must inform the property owner of that.

Mr. Rasch said he heard that the realtors have a Code of Ethics and that if the realtor knows that the building is in a historic district or if they know that it is listed as contributing, they are required to divulge that information. If they don't know, they cannot tell the purchaser.

So he has noticed that realtors don't want to ask him that question.

Member Boniface said he has looked at a number of properties throughout the years. He is always told by the realtor whether it is contributing or not. Then they do their caveat, "But you need to check on that." But every time he has talked with a realtor about a property in the historic districts, they always make it known. That is before it goes to the HDRB. So there is a lot of tradition or realtors telling people that it is within the historic district.

Mr. Sommer said there is no legal requirement for a realtor to disclose that. It is part of their Code of Ethics but is not a law.

Member Boniface asked if a house has mold, the realtor is not required to disclose that.

Mr. Sommer said they are required to disclose what they know – if they have actual knowledge of a defect in the house. If they hide that, they would be liable as a matter of legal process. But there is no legal requirement that says they have to disclose historic nature of a property.

Member Boniface guessed they could plead ignorance then.

Chair Rios said we have to educate the public then.

Member Katz thanked Ms. Gheen for her helpful email and suggestions on motions and for catching things.

Chair Rios asked Mr. Rasch what Mr. Enfield was saying at the beginning of the meeting regarding the number of cases that were taken off the agenda.

Mr. Rasch explained that Mr. Enfield submitted three projects. Because the Land Use Director wants to limit staff overtime and not burn out staff, she placed a maximum of ten cases per agenda. So his staff did not put all three of those cases on the agenda. She put two on the agenda and his third application must have come in after the first ten were put on the agenda. So that eleventh case got bumped to the January 26 meeting.

But of those ten, once the agenda is posted, no other cases can be added. It must be posted 15 days in advance by law. And each applicant has to post their sign noticing the case 15 days in advance of the hearing and maintain that sign until the day of the hearing. The Inspector is required to check those signs for maintain them. So Mr. Moquino goes to inspect the locations on the day they are due to be posted. There were five applicants who did not have their poster up that day. At that time, it is too late for Mr. Enfield to put up his sign because it would already be a day too late.

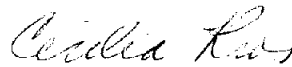
So the agenda was reduced to five cases because five applicants missed the posting requirement

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 7:12 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.)