



# Agenda

CITY CLERK'S OFFICE

DATE 10.19.16 TIME 11:40am

SERVED BY M. Hall

RECEIVED BY Carmelina Sprar

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, October 25, 2016 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, October 25, 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: October 11, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-083. 347 East Palace Avenue.

Case #H-16-084. 629 & 629 ½ Garcia Street.

Case #H-16-081B. 417 Agua Fria Street.

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

1. Case #H-16-040B. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, proposes to remodel two contributing residential structures by replacing windows and repairing stucco. Exceptions are requested to change opening dimensions, remove historic materials, and not replace in-kind (Section 14-5.2((D)(5)(a) and (b)). (Nicole Ramirez Thomas)
2. Case #H-16-042B. 580 Camino del Monte Sol. Downtown & Eastside Historic District. Joshua Wilson, agent/owner, proposes to remodel a significant property by removing historic material, constructing a 932 sq. ft. addition and lowering a yardwall. Exceptions are requested for removing historic material, not replacing in-kind, removing architectural features, and change in massing (Section 14-5.2(D)(5)(a) and (b)). (Nicole Ramirez Thomas)
3. Case #H-16-086A. 525½ Camino Cabra. Downtown & Eastside Historic District. Paige Maxwell agent for, Scott Falconer and Sara Swoboda, owners, requests a historic status review of a non-statused residential structure. (David Rasch)
4. Case #H-16-088. 562 Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct remodel with an addition of a 80 sq. ft. portal to a height of 14'6" and a 6' high yardwall on a non-contributing residential property. (Nicole Ramirez Thomas)
5. Case #H-16-089. 562½ Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to remodel a non-contributing residential structure including a 96 sq. ft. portal to a height of 14'6" where the maximum allowable height is 14'9". (Nicole Ramirez Thomas)
6. Case #H-16-090. 645 Camino Del Monte Sol. Downtown & Eastside Historic District. Christopher Purvis, agent for Jane Korman, owner, proposes to construct a freestanding 517 sq. ft. garage to a maximum height of 14'0" and a freestanding 795 sq. ft. guest house to a height of 14'0" on a contributing residential property. (Nicole Ramirez Thomas)
7. Case #H-16-091. 512 Camino Cabra. Downtown & Eastside Historic District. Antoine El Khoury, agent for AJ Avid, owner, proposes to construct a 592 sq. ft. addition to a height of 13'0" on a non-contributing residential structure. (Nicole Ramirez Thomas)

8. Case #H-11-040. 1344 Canyon Road. Downtown & Eastside Historic District. Lorn Tryk, agent for Jeana Efroymsen, owner, proposes to construct a 145 sq. ft. addition to a maximum height of 13'0" on a non-contributing residential structure. (Nicole Ramirez Thomas)
9. Case #H-16-093. 1005 East Alameda Street Unit N. Downtown & Eastside Historic District. Lorn Tryk, agent for David Frank, owner, proposes to remodel a non-contributing residential structure including a 517 sq. ft. addition to a height of 16' where the adjacent parapet is 17'. (David Rasch)
10. Case #H-16-087. 444 Camino de las Animas. Downtown & Eastside Historic District. Jay Jay Shapiro agent for, Leon and Pamela Morrison, owners, proposes to remodel an existing garage and storage area on a non-contributing residential property including constructing 360 sq. ft. of additions to a height of 16'9" where the maximum allowable height is 15'9". Two Exceptions are requested to exceed the maximum allowable height (Section 14-5.2(D)(9)) and to construct not in Santa Fe style (Section 14-5.2(E)). (Nicole Ramirez Thomas)
11. Case #H-16-092. 451 West Alameda Street. Downtown & Eastside Historic District. Lorn Tryk, agent for Bouche Bistro, owner, proposes to enclose a dining portal and a porch with temporary materials for more than 90 days and to have openings closer than 3' to a corner on a non-contributing, non-residential structure. Two exceptions are requested to design standards (Section 14-5.2(E)(2)(b)) and time limit (Section 14-6.4(C)). (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

CITY CLERK'S OFFICE

DATE 10.6.16 TIME 3:51pm

SERVED BY *McCall*

RECEIVED BY *Carmelina Spears*

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, October 25, 2016 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, October 25, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: October 11, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-083. 347 East Palace Avenue.

Case #H-16-070. 442 Camino de las Animas.

Case #H-08-054. 530 Camino del Monte Sol.

Case #H-15-056. 461 Camino de las Animas.

Case #H-16-084. 629 & 629 ½ Garcia Street.

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

1. AN ORDINANCE AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS. (Mayor Gonzales) (Marcos Martinez)
2. Case #H-16-040B. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, proposes to remodel two contributing residential structures by replacing windows and repairing stucco. Exceptions are requested to change opening dimensions, remove historic materials, and not replace in-kind (Section 14-5.2(D)(5)(a) and (b)). (Nicole Ramirez Thomas)
3. Case #H-16-042B. 580 Camino del Monte Sol. Downtown & Eastside Historic District. Joshua Willson, agent/owner, proposes to remodel a significant property by removing historic material, constructing a 932 sq. ft. addition and lowering a yardwall. Exceptions are requested for removing historic material, not replacing in-kind, removing historic windows, and change in massing (Section 14-5.2(D)(5)(a) and (b)). (Nicole Ramirez Thomas)
4. Case #H-16-085. 213½ Delgado Street. Downtown & Eastside Historic District. David Smith, agent for Next Wave Ventures, owner, proposes to construct a 2,100 sq. ft. single family residence with an attached garage to a maximum height of 14'4" where the maximum allowable Height is 14'7" and construct yardwalls to the maximum allowable heights of 42" to 6'. (Sobia Sayeda)
5. Case #H-16-086A. 525½ Camino Cabra. Downtown & Eastside Historic District. Paige Maxwell agent for, Scott Falconer and Sara Swoboda, owners, requests a historic status review of a non-statused residential structure. (David Rasch)
6. Case #H-16-088. 562 Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct a 6' high yardwall on a non-contributing residential property. (Nicole Ramirez Thomas)
7. Case #H-16-089. 562½ Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to remodel a non-contributing residential structure including a 96 sq. ft. portal to a height of 14'6" where the maximum allowable height is 14'9". (Nicole Ramirez Thomas)

8. Case #H-16-090. 645 Camino Del Monte Sol. Downtown & Eastside Historic District. Christopher Purvis, agent for Jane Korman, owner, proposes to construct a freestanding 517 sq. ft. garage to a maximum height of 14'0" and a freestanding 795 sq. ft. guest house to a height of 14'0" on a contributing residential property. (Nicole Ramirez Thomas)
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12. Case #H-16-087. 444 Camino de las Animas. Downtown & Eastside Historic District. Jay Jay Shapiro agent for, Leon and Pamela Morrison, owners, proposes to remodel an existing garage and storage area on a non-contributing residential property including constructing 360 sq. ft. of additions to a height of 16'9" where the maximum allowable height is 15'9". Two Exceptions are requested to exceed the maximum allowable height (Section 14-5.2(D)(9) and to construct not in Santa Fe style (Section 14-5.2(E)). (Nicole Ramirez Thomas)
13. Case #H-16-092. 451 West Alameda Street. Downtown & Eastside Historic District. Lorn Tryk, agent for Bouche Bistro, owner, proposes to enclose a dining portal and a porch with temporary materials for more than 90 days and to have openings closer than 3' to a corner on a non-contributing, non-residential structure. Two exceptions are requested to design standards (Section 14-5.2(E)(2)(b)) and time limit (Section 14-6.4(c)). (David Rasch)

**I. MATTERS FROM THE BOARD**

**J. ADJOURNMENT**

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**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
October 25, 2016

<b>ITEM ACTION TAKEN</b>	<b>PAGE(S)</b>
B. Roll Call	Quorum Present 1
C. Approval of Agenda	Approved as presented 1-2
D. Approval of Minutes October 11, 2016	Approved as amended 2
E. Findings of Fact & Conclusions of Law	Approved as presented 2
F. Business from the Floor	None 2
G. Communications	Comments 2
H. Action Items	
1. <b><u>Case #H-16-040B</u></b> 1433 Paseo de Peralta	Approved as presented 3-12
2. <b><u>Case #H-16-042B</u></b> 580 Camino del Monte Sol	Approved with conditions 12-28
3. <b><u>Case #H-16-086A</u></b> 525½ Camino Cabra	Designated non-contributing 28-30
4. <b><u>Case #H-16-088</u></b> 562 Garcia Street	Approved with conditions 30-33
5. <b><u>Case #H-16-089</u></b> 562½ Garcia Street	Approved as submitted 33-34
6. <b><u>Case #H-16-090</u></b> 645 Camino Del Monte Sol	Approved with conditions 34-37
7. <b><u>Case #H-16-091</u></b> 512 Camino Cabra	Approved with conditions 37-39
8. <b><u>Case #H-11-040</u></b> 1344 Canyon Road	Approved as recommended 39-40
9. <b><u>Case #H-16-093</u></b> 1005 East Alameda Street Unit N	Approved as submitted 40-42
10. <b><u>Case #H-16-087</u></b> 444 Camino de las Animas	Approved with conditions 42-49
11. <b><u>Case #H-16-092</u></b> 451 West Alameda Street	Approved as submitted 49-56
I. Matters from the Board	Comment 56
J. Adjournment	Adjourned at 8:20 p.m. 56

**MINUTES OF THE**  
**CITY OF SANTA FÉ**  
**HISTORIC DISTRICTS REVIEW BOARD**

**October 25, 2016**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Ms. Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. in the City Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Cecilia Rios, Chair  
Ms. Meghan Bayer  
Ms. Jennifer Biedscheid  
Mr. Edmund Boniface  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

Mr. Frank Katz, Vice Chair [excused]  
Mr. William Powell [excused]

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Mr. Theresa Gheen, Assistant City Attorney  
Ms. Nicole Ramirez Thomas, Senior Planner  
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 Boniface seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES:**

##### **1. October 11, 2016**

Member Boniface requested a change on page 8 in the second paragraph from the bottom by adding to the end of the sentence after "application is out of character" to say "with the existing architecture of the property."

Member Biedscheid requested a change on page 18 in the 5<sup>th</sup> paragraph where it should say, Member Biedscheid would like to see the basis for the ~~48'~~ 15' 8" or maximum height calculation."

**Member Boniface moved to approve the minutes of October 11, 2016 as amended. Member Biedscheid seconded the motion and it passed by unanimous voice vote.**

#### **E. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Case #H-16-083. 347 East Palace Avenue.**

**Case #H-16-084. 629 & 629 ½ Garcia Street.**

**Case #H-16-081B. 417 Agua Fria Street.**

**Member Boniface moved to approve the Findings of Fact and Conclusions of Law for these three cases as presented. Member Roybal seconded the motion and it passed by unanimous voice vote.**

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

There was no business from the floor.

#### **G. COMMUNICATIONS**

Mr. Rasch had next year's meeting schedule ready. It is not available until the end of the year but all meetings are on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays with only one meeting in December.

Chair Rios announced to the public that anyone wishing to appeal a decision of the Board have up to 15 days after the approval of Findings of Fact and Conditions of Approval to the Governing Body.

## H. ACTION ITEMS

1. **Case #H-16-040B. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, proposes to remodel two contributing residential structures by replacing windows and repairing stucco. Exceptions are requested to change opening dimensions, remove historic materials, and not replace in-kind (Section 14-5.2((D)(5)(a) and (b)). (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

1433 Paseo de Peralta is a property with two non-contributing structures located within the Don Gaspar Area Historic District. Both structures were designated contributing to the district at an HDRB hearing held June 28, 2016. Each home is discussed separately to provide clarity.

The "Main House" is built of adobe and CMU, has a flat roof, and exhibits multiple periods of construction. The "Guest House" is a vernacular bungalow with a side gable roof and asphalt shingles. Both structures were surveyed in 1995 and again in 2016. Public visibility of the structures is only from the driveway of 608 Gomez Road and thereabouts off of Gomez Road. The property is located on the edge of the Don Gaspar Area Historic District. Therefore, the property is not publicly visible from Paseo de Peralta or areas behind the house such as Shake Foundation and other businesses at the corner of Paseo de Peralta and Cerrillos Road as these areas are outside of the district (14-5.2(D)(9)(a)(ii)(F)(b)(I) General Design Standards Streetscape Standards).

Member Biedscheid had asked why this is brought up. It was because when this case started to be heard but then was postponed almost two months ago, there was a discussion about how it was visible from areas such as Shake Foundation. In the discussion, we realized that was outside of the district so it was not for consideration as part of the district. The map showed where the boundary was.

Mr. Rasch clarified that the applicable streetscape was everything within a 300' radius, excluding those that were not in the district.

Member Biedscheid asked if the fact that one could see it from there meant it should not be considered.

Ms. Ramirez Thomas explained that the historic district and the non-historic district don't influence each other.

Member Biedscheid agreed with that. She just wondered about the impact of not being able to see it, if it had any bearing on the fact that it is a primary façade.

Ms. Ramirez Thomas said no. It made no difference that it was the primary façade. And she only brought it up because it was mentioned before.



## Main House

The main house is estimated to be built around 1910 and has had multiple additions and renovations added to it since that time. The original structure was an L-shaped adobe with a north to south orientation on the west side of the property. The building was added to sometime between 1912 and 1928, changing the massing of the building to a more rectangular shape. The 1950s addition to the house was added to the southeast corner of the structure and is constructed of concrete masonry block. A variety of window styles fenestrate the structure and include wood sash, glass brick, and steel casement windows. Most of the doors on the structure are wood and are mostly historic. Some doors have historic screens with wood frames. The roof is multi-level and is covered with composition roll. The metal and wood trim at the roofline is missing in some places. The house is clad in stucco and painted white with turquoise trim. The south elevation, including the 1950s and pre-1950s façades, and the west elevation of the 1950s addition were designated primary.

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

1. Create a 7' x 5' inset entry on the east corner of the south elevation (primary). The porch and entry will be created by removing some of the massing at this corner. The applicant proposes to install a double a two-over-one lite window underneath the portal, install a door on the west elevation under the porch, build steps, and install a metal railing at the stairs. An exception is requested to change the massing of the primary elevation at the southeast corner.

## RELEVANT CODE CITATIONS

14-5.2 (D) (5) General Design Standards for All H Districts Windows, Doors, and Other Architectural Features

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

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

EXCEPTION TO CREATE AN OPENING WHERE ONE DOES NOT EXIST.

## **(I) Do not damage the character of the streetscape**

### **Response:**

The addition of an inset portal at 1433 Paseo de Peralta, Main House will not radically change the look and feel of the home, nor damage the character of the district. The portal is designed in a manner appropriate for the period of construction as well as harmonious with the surrounding residences. The appearance of the residence after these changes are made will not be drastically different from the original, and is appropriately evocative of the period of history for which the district is known. The Don Gaspar Area Historic District has a variety of residential styles from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and the overall character of the district will not be damaged by this work.

Staff response: Staff agrees with this response.

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

**Response:**

As the entrances now exist on the eastern half of the duplex, northern elevation, they open into a bedroom rather than the living room, and are not immediately accessible from the parking location for the residents. Moving the main access to the southern elevation will address both of these issues. It will be safer and easier for the residents to enter the residence at this location and they will enter the living room, the “grand room” of the house versus a bedroom or a hallway. The applicant was more than willing to put this entrance immediately adjacent on the eastern elevation, but there simply is not enough room. The space between the eastern elevation and a coyote fence from the neighboring house does not allow for a portal or even stairs.

Staff response: Staff agrees with this response.

**(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:**

As stated above, this is one of two possible locations that are immediately adjacent to the resident parking area. The eastern elevation was not an option due to space limitations. The western end of the southern elevation would require the removal of the two steel casement windows that meet at the corner, a much more egregious alteration. To put the portal on northern end of the western primary elevation would then have residents entering the house through a hallway, not the main living space. It would also block the view from the kitchen of the other side of the duplex and infringe upon its entrance as well. Its current location tucks it in the southeast corner of the building that is partially shaded by trees as well as the fringe of the primary façade, versus at the center of said façade. Additionally, the building only fronts into the district on two sides and is only visible from a streetscape.

Staff response: Staff agrees with this response.

**(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape.**

The residence evolved in a manner that resulted in an odd layout that has made any sort of use or renovation difficult. It has been a single-family residence, a duplex and a triplex over the past century and is somewhat of a puzzle in its layout. There are entrances on three sides of the structure, but none that could

automatically be considered “primary”, so the owner has had to choose an entrance based on the ease of entrance and the space allotted. The location of specific living spaces, such as bedrooms, kitchen and bathrooms, has been entirely dependent upon the preexisting building conditions. To make these living spaces safe and legal in terms of modern zoning regulations has been nearly impossible. The applicant is attempting to balance the modern safety and practical needs of a rental property with the retention value of the historic material and layout.

Staff response: Staff agrees with this response.

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

The residence evolved in a manner that resulted in an odd layout that has made any sort of use or renovation difficult. There are entrances on three sides of the structure, but none that could automatically be considered “primary”, so the applicant has chosen location for the entry portal based on the location and use of space available from the current layout. The location of specific living spaces, such as bedrooms, kitchen and bathrooms, has been entirely dependent upon the preexisting building conditions.

Staff response: Staff agrees with this response.

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

While the proposed inset porch is suggested to be on the primary elevation of the residence, the overall bungalow character of the porch is harmonious with the district and is harmonious with the other house on the property. There is nothing disharmonious about the design proposed as the house is located within the Don Gaspar Historic District which is characterized by the variety of style of homes in the neighborhood. The creation of a port on the primary elevation does not take away from the preservation of the property as it enables the residence to be used more effectively and is in keeping with the nature of change of the property over time.

Staff response: Staff agrees with this response.

2. Replace one metal sash window (window “V” in Patterson’s evaluation) with 2 two-over-one double hung windows on the south elevation (primary). An exception is requested to remove historic material and not replace in kind.

**RELEVANT CODE CITATIONS**

14-5.2 (D) (5) General Design Standards for All H Districts Windows, Doors, and Other Architectural Features

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

l) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed

**EXCEPTION TO REMOVE HISTORIC MATERIAL AND NOT REPLACE IN KIND.**

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

**Response:**

The use of a replacement window at 1433 Paseo de Peralta, Main House will not radically change the look and feel of the home, nor damage the character of the district. The replacement windows have a similar appearance to other windows on the house, with styles appropriate for the period of construction as well as harmonious with the surrounding residences. The Don Gaspar Area Historic District has a variety of residential styles from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and the overall character of the district will not be damaged by this work.

Staff response: Staff agrees with this response.

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

**Response:**

As seen on the attached window and door assessment, the majority of windows on the residence need replacement, either from disintegration of material or for code issues (too small to meet egress for fire safety/threat to public safety). Additionally, many of the existing windows do not function properly or are a safety concern due to their location (very low on a bedroom wall). The window that is being removed from the south elevation is a steel casement/fix pane window that is not legal for egress. Two other windows of these kind are being kept and sealed as fixed pane on the other side of the duplex, because larger legal windows are being installed on the north and eastern non-primary elevations. This window is the only window in the kitchen, as this room only has southern frontage. Additionally, the only other window on the south elevation in the western side of the duplex, is the trip of sash windows in the bathroom. These windows cannot be rehabilitated and are thus being sealed. For ventilation and safety purposes, it is important that there be at least one window on this elevation that is functional.

Staff response: Staff agrees with this response.

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

**Response:**

The change in window style and opening dimension does not damage the heterogenous character of the house or the district. Two matching steel casement/fixed windows are being retained on this elevation of the house as are historic doors and basement windows (all on the primary elevation). Of the five large windows on the primary elevation, this is the only one being removed. Additionally, the building only fronts into the district on two sides and is only visible from Gomez Road.

Staff response: Staff agrees with this response.

3. Replace windows and doors on the non-primary elevations of the property (the east, south, and west).
4. Install a 6'-0" coyote fence and gate on the east side of the property between the yardwall and the house. The latillas will have irregular tops.

**Guest House**

The construction date of the guest house is estimated to be circa 1935. The structure has a side gabled roof with asphalt shingles and is constructed of concrete masonry block. The exterior of the building is stucco. Windows are historic 3/1, and one 1/1, wood sash with concrete sills, wood frames, and most have still have screens. Basement windows are three paned hopper windows. The entry to the porch is described as a unique triangular shape and the porch is tucked under the roofline. The front door is wood panel with three lights at the top. The east elevation of the structure was designated primary.

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

1. Replace windows on non-primary elevations. No change will occur to the primary elevation.
2. Remove existing shed roof eyebrow over and posts over the hopper window on the south elevation.
3. Install a coyote fence and gate to a height of 6'-0" on the east yard area of the guest house. The latillas will have irregular tops.

**Other Proposed Changes**

Windows and doors, roof fascia, eaves, gutters, and downspouts will be "Cascade." A color sample has been provided.

The windows being replaced will be inset and have the character of a rounded bullnose.

Stucco will be El Rey cementitious "Buckskin."

Cut sheets showing window styles are provided.

### **STAFF RECOMMENDATION:**

Staff finds the exception criteria have been met and recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(H) Don Gaspar Area Historic District.

### **Questions to Staff**

Member Roybal asked what the condition of windows to be replaced is.

Ms. Ramirez Thomas said a window evaluation was done. The Applicant wants to minimize the impact to primary elevation. One window on primary elevation of the Main House that is inoperable and unsuitable. Replacing that one window allows more functionality of the house. That one is in the kitchen.

Mr. Rasch said that report is on page 50-54.

Chair Rios asked what elevation that was on.

Ms. Ramirez Thomas said it is on the east elevation. Page 78 has a photo of the window.

Member Biedscheid asked if she could point that out on the elevation on page 96.

Ms. Ramirez Thomas said on page 96, looking at the existing south elevation, it is on the west side of that elevation where there are 3 windows and will be maintained. The door next to it will be maintained. The casement window is the replaced window.

Member Biedscheid said Staff agreed with the response to criterion #3 for the exception to create an opening where one does not exist. she wondered about the completeness of the response. She didn't see any design option of including a door without a portal. She didn't think the entry necessitates a portal.

Ms. Ramirez Thomas said she discussed options with the applicant.

Member Biedscheid noted on the HCPI there was reference that it has lost a front entry door. She asked if it is known where that was.

Ms. Ramirez Thomas said that lost door was for the guest house. Where the eyebrow is proposed to be removed on the south elevation is a hopper window where they believed the front door had been before.

### Applicant's Presentation

Chair Rios asked the Board to concentrate on the main house first and have all questions considered and take action on it and then go to the guest house for action.

Present and sworn was Mr. Rudy Rodriguez, who had nothing to add to the Staff Report.

### Questions to Applicant

Member Biedscheid asked, in reference to the addition of the portal, if they considered a door without a portal.

Mr. Rodriguez agreed but it is the parking spot, so he made a minimum sized portal for entry. It is quite steep and needs that portal.

Member Biedscheid asked if the steps would be less steep with the portal.

Mr. Rodriguez said no but they would protrude and make it more difficult for parking. He hoped the home could have some mass on the outside rather than take it away from the inside.

Member Biedscheid asked if the steps are not under the portal.

Mr. Rodriguez agreed. Some kind of landing would have to be made. So it extends outside of the existing mass instead of inside.

Chair Rios asked if the casement windows being kept are in good condition.

Mr. Rodriguez said they are not and the last client wanted to replace them. But there is a concern to keep the integrity of the home, so they will be nonfunctional with storm windows on the inside. But there are two other windows in that inset and another large window in the living room area. He was comfortable with that. They were built in the 1950's and it is hard to get parts for them. So his idea was to make them non-functional fixed windows.

Chair Rios asked for the stucco color.

Mr. Rodriguez said it would be Buckskin.

Chair Rios asked if they would have anything on the roof.

Mr. Rodriguez said there would be nothing on the roof at all. It will be a major job to make any other kind of roof. It is very functional as is.

Member Boniface liked what they have done overall. It is a good thing to do to fix up this home. He also liked on the portal, the fact that he subtracted to have a recessed portal. They did a good job maintaining the footprint as is.

Chair Rios agreed with those comments. It is a good job.

Member Biedscheid noted that on the primary façade on the south is a door which might be original. She asked if they are planning to keep that door.

Mr. Rodriguez said the door is 34" wide, not 36" and is the primary entry, but they will keep it.

#### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

#### Action of the Board

**Member Boniface, in Case #H-16-040B at 1433 Paseo de Peralta, finding that the applicant has met the exception criteria, moved to approve the application for the main house as presented. Member Roybal - unanimous.**

The Board went next to the guest house.

#### Questions to Staff

There were no questions to Staff.

#### Applicant's Presentation



Mr. Rodriguez (previously sworn) said he tried to just replace non-primary windows and it matches the main house. He wanted to repair the main window in the front and with help of staff, to keep as much of the original front door as he could.

#### Questions to Applicant

Member Roybal asked if it would have the same stucco color.

Mr. Rodriguez agreed.

Member Boniface any rooftop appurtenance.

Mr. Rodriguez said there are existing skylights on the main house but nothing on the guest house roof.

Member Boniface asked if there would be any roof replacement.

Mr. Rodriguez said it is a brie roof but they won't replace it unless a new buyer wants it.

Member Boniface reminded him he would have to come back to the Board for that to be approved.

#### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

#### Action of the Board

**Member Boniface moved in Case #H-16-040B at 1433 Paseo de Peralta to approve this case for the guest house as presented. Member Biedscheid seconded the motion and it passed by unanimous voice vote.**

- 2. Case #H-16-042B. 580 Camino del Monte Sol. Downtown & Eastside Historic District. Joshua Wilson, agent/owner, proposes to remodel a significant property by removing historic material, constructing a 932 square foot addition and lowering a yardwall. Exceptions are requested for removing historic material, not replacing in-kind, removing architectural features, and change in massing (Section 14-5.2(D)(5)(a) and (b)). (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

**BACKGROUND & SUMMARY:**

580 Camino del Monte Sol is a single-family residence constructed by Will Shuster in the 1920s and remodeled by Aristide Mian in the 1950s. The house was designated as significant to the Downtown and Eastside Historic District at the HDRB meeting held in July 2016. The house is composed of three construction episodes: the original construction of the main part of the house and the yard wall 1930s; the construction of Shuster's studio on the north side of the house in the 1930s; and the additions made to the west side of the house and modification of the yardwall made by Mian in the 1950s. A remodel of the home is proposed by the current owner and applicant. Exceptions are requested for some elements of the remodel being proposed.

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

1) The applicant proposes to remove:

- the entirety of the 1950s addition to the west elevation of the house including doors and windows (removal of 1,285 square feet of space);
- Remove the west wall of the bathroom in the original part of the house; and
- Remove the bump out addition on the kitchen on the south elevation.
- The applicant proposes to place a doorway on the west wall of the gallery. This wall will become exposed with the removal of the 1950s addition on the west side of the property. The applicant requests an exception to create an opening where one does not currently exist.
- Relocation of the south yardwall and a decrease in its height.
- Redesign of the east yardwall to its most historic state based on photos of the original Shuster house while it was under construction (see photos in the HCPI). The height of the yardwall would be 3'-0" where the wall is 5'-0" to 7'-0". The arch over the gate would be stepped. The gate Shuster designed will be used and the location of the gate will remain the same as it is currently.

The applicant is requesting exceptions to remove historic material and not replace in kind, to remove architectural features, and to create an opening where one does not exist.

The exception to remove historic material and not replace in kind is in reference removal of the addition on the west elevation of the house and the removal of historic windows and doors (14-5.2(D)(5)(a)). The historic window on the north elevation of the Shuster gallery will remain. The window on the south elevation of the original Shuster house will remain. The windows and doors on the east elevation of the original Shuster house will also remain as they are. The applicant is also asking to remove the south yardwall along the driveway in order to create better access to the driveway as it is rather narrow.

The exception to create an opening where one does not exist is to provide access from the Shuster gallery to a courtyard that will exist between the historic home and the new addition (14-5.2(D)(5)(a)(ii)).

The exception to remove other architectural features is in reference to the removal of the stairs on the west elevation (14-5.2(D)(5)(b)).

## RELEVANT CODE CITATIONS

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

(i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

(iii) No existing opening shall be closed.

(b) For all façades of significant, contributing and *landmark structures*, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event *replacement* is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. *Replacement* or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

EXCEPTION TO REMOVE HISTORIC MATERIAL AND NOT REPLACE IN KIND.

EXCEPTION TO CREATE AND OPENING WHERE ONE DOES NOT EXIST.

EXCEPTION TO REMOVE OTHER ARCHITECTURAL FEATURES.

## Response from the applicant:

### *580 Camino del Monte Sol Background*

*The home located at 580 Camino del Monte Sol comprises two distinct sections of the home and phases of construction, and herein referred to as the "main house" and the "addition".*

*i. The original and significant "main house" was designed and built by Will Shuster, member of the Los Cinco Pintores and Zozobra founder, in the 1920s and is keeping with the later recognized "old Santa Fe style".*

*ii. The "addition" was built much later and by a subsequent owner and is comprised of an expansion of the*

*kitchen with a crawlspace and several bump outs to accommodate utilities and appliances inside along with a substantial two story living area not visible from the streetscape and enlarging and raising the front fence.*

*A sizable portion of the "addition" is attached to the rear/west side of the "main house", which enclosed much of the original rear exterior walls of the gallery, and the rest is built 3' away and is open to the elements.*

*iii. The "addition" was built on the dramatically east to west sloping portion of the lot. The choice of location and proximity to the "main house" didn't allow for proper excavation depth as that would have critically disturbed the "main house" foundation and retaining walls which most likely would have led to a collapse of the historically significant structure during construction.*

*iv. When constructing the "addition", the owner chose to use building techniques and materials of the 50 and 60s era, such as cinder blocks, 4" x 6" rectangle standard wood exposed joists, steel single pane windows and an architectural style which neither are harmonious with and do not match the composition, design, color, texture and other visual qualities of the "main house" nor would be considered representative of "old Santa Fe style". Furthermore, the "addition" is discordant with the composition, design, color, texture and other visual qualities of the immediate neighbors' homes, which were built by fellow Los Cinco Pintores members, Bakos and Ellis, shortly after Shuster built his, and both homes would also be considered "old Santa Fe style".*

**REMOVAL OF MASSING: Bathroom Wall of Main House, Addition and Restoring Front Fence Height and Proportions.**

**(i) Do not damage the character of the streetscape:**

- a. *The exterior wall of the "main house" bathroom needs to be removed to create a bathroom that meets the current code and it's not visible from and does not damage the streetscape.*
- b. *The entire "addition" needs to be removed to preserve the original and significant "main house" as it is not keeping with the character of the "main house" nor its neighbors and a new addition will be added that is architecturally harmonious with the main house, its neighbors and meets all modern building codes and living standards nor will it be visible from and does not damage the streetscape.*
- c. *The front fence wall is going to be restored to the original lower height, and smaller overall size and sweeping curvature at the south and east intersection of the fence wall as Will Shuster built it.*

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

- a. *The removal of the exterior wall of the "main house" bathroom is not only to create a bathroom to code it also to preserve the precise location in the "main house" of the bathroom door which is hand painted by Will Shuster and will be visible from the street, with its lower fence wall, through the hallway window.*
  - i. *The bathroom door along with another hand painted door by Will Shuster, which was lost or stolen before I purchased the home in mid-2015, and Shuster's hand carved gate, are all under a historical easement from the Historic Santa Fe Foundation and their placement in and about the home must be maintained.*
- b. *The removal of the "addition" will remedy these five major hardships to the applicant and injury to the public welfare;*
  - i. *The floors in the "addition" are 4" higher than the rear, as the floor joists were tied in above the floor joists on the "main house" to create height for the downstairs, causing a tripping hazard;*
  - ii. *The ceiling height in the downstairs portion of the "addition" even with the elevated floor joists are less than 6' to the bottom of the exposed 4"x6" rectangular joists supporting the second story, causing potential injury to anyone taller than 5'10", the applicant is 6'5".*

- iii. *The entranceway to the downstairs from the first step of the stairs is less than 5' and the steps are close to 10" tall each and less than 10" in depth, causing a fall hazard and is a fire hazard;*
- iv. *Inadequate foundation and support has caused the "addition" to subside over 6" on the west side which greatly sloped the upstairs floors which makes walking difficult for individuals with limited or unstable mobility;*
- v. *In addition to the improper excavation, the open air separation between the "addition" and the "main house" has created water erosion and other subsidence events to the "main house" foundation and adobe walls, evidenced by multiple repairs as seen in the crawlspace, which, if left as is, could lead to a catastrophic collapse of the significant "main house".*
- c. *Restoring the front fence wall to the original height, size and curvature will increase public visibility of the "main house" and allow for entering and exiting the driveway safely onto Camino del Monte Sol, greatly reducing a traffic hazard.*

**(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:**

**a. A range of remodeling design options were evaluated, such as:**

**i. Remove the "addition" and remodel the "main house"**

- 1. *My initial design option I pursued was to remove the "addition" and remodel the "main house" as that is the easiest and least expensive option by far. I looked at reconfiguring the inside of the "main house" to accommodate an internal second story inside the gallery, however, this idea was soon abandoned as too much of the historical importance of the home would have been lost, especially in the gallery, where Will painted many of his most famous early works as well as the founding of Zozobra.*

**ii. Convert the current two story "addition" to a one story and add on an addition to the rear of that.**

- 1. *This option was vetted thoroughly, however, the unusual height would have required unusual placement of windows, salvaging of inefficient building materials, interlacing the style of the "addition" that doesn't conform to the district nor is congruous with the "main house" and the new addition behind it, the elevation changes going from the "main house" to the "addition" and then on to the new addition would have created a home that extended further down the dramatically sloping lot, creating multiple levels to traverse and furthermore, the new addition would have been seen from the streetscape and a detached garage would have to have been built, it too also being seen from the streetscape.*

**iii. Leave the "addition" as is and add on an addition to the rear of that.**

- 1. *As with my second option, this too was looked at extensively, however, the extremely low ceiling height makes the entire downstairs unusable and the use of building materials and doors and windows discordant with the "main house" and that of the district, diminishes the significant "main house" and its quintessential "old Santa Fe style". The addition to the rear would also have been visible from the streetscape, and as with the first option, a detached garage would have to have been built, also visible to the streetscape.*

**iv. Remove the "addition", remodel the "main house" bathroom, restore the fence wall to its original size and height, and construct a new addition detached from the "main house" connected by an enclosed hallway on the inside of a courtyard.**

- 1. *This is the option I finally landed upon after 15 months of researching Will Shuster, this and the subsequent home he built, and "old Santa Fe style", along with drafting the many design*

*ideas and redrawing and revising those drawings hundreds of times and understanding the terrain on which the home is built. This option answers all the problems with the current addition and those of my many other options;*

- a. Adding the new addition roughly six feet further away from rear of the gallery and nine feet further away from the rear living room in the "main house" will allow
  - i. Proper excavation for foundation and footings and increase the downstairs ceiling height to 8'6" without jeopardizing the natural earth around the foundation and retaining walls of the "main house" nor exceeding its current height.*
  - ii. Water to naturally flow over and around the house and not under it thereby significantly increasing the structural integrity of the Will Shuster "main house" for generations to come.**
- b. The rear of the house, which was enclosed when the "addition" was built, will be exposed and visible again to the exterior as Will Shuster intended.*
- c. The new addition main level will have two bedrooms, two baths, an eat in kitchen, a family room, a hallway with a private courtyard directly to the south and between the "main house" and the new addition with gradual stairs leading to the yard, while completely maintaining the original Will Shuster "main house" in its entirety, and creating a livable and easily maintainable home for decades to come.*
- d. The new addition lower level will have two bedrooms and two and half baths, a family room, gradual stairs up to the main level, all completely out of sight to the streetscape.*
- e. The new addition will be harmonious with and match the composition, design, color, texture and other visual qualities of the "main house" and its fellow Los Cincos Pintores homes and would be considered representative of "old Santa Fe style".*

**(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;**

- a. The neighboring properties to the north and south, have different lot widths and slopes. The lot immediately to the north of the "main house" is home to the Bakos house and the lot immediately to the south is home to the Ellis house.
  - i. In comparison to the lot of the Shuster "main house";
    - 1. The lot home to the Bakos house is slightly wider and slopes more gradually, and;
      - a. The Bakos house was built much closer to Camino del Monte Sol, some 15' further east than the Shuster "main house" and directly on the northern property line of the lot home to the Shuster "main house", creating a larger and flatter building envelope.**
    - 2. The lot home to the Ellis house is much wider and is further on top of the crown of the hill as Camino del Monte Sol curves, and;
      - a. The Ellis house was built directly on Camino del Monte Sol, some 20' further east than the Shuster "main house" and directly on the southern property line of the lot home to the Shuster "main house", creating a much larger and much flatter building envelope.****

3. *Their setback from Camino del Monte Sol and building their homes directly on the lot home to the Shuster "main house" afforded the neighboring homes to be built much more rectangular in shape from north to south, thereby mitigating the approach angle to the east to west slope of their respective lots. The Shuster house on the other hand is built much further back on the lot and is well away from its northern and southern property line, unlike the neighboring homes. This created a much narrower front from north to south building envelope and Shuster built right on the edge of the east to west sloping terrain, later hindering the excavation options of the addition and creating the hardships and issues we have today.*

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

- a. *I purchased the Will Shuster home in January of 2015 out of a foreclosure sale due to the previous owner's death who had no apparent heirs and was unable to sell for years in its current state in configuration on the open market. The closing happened much later as the proper chain of ownership had to be confirmed as the home had been vacant for many years and had begun to fall in disrepair years before that. The current condition and its subsequent "addition" and repairs were caused and performed decades before I took ownership of it in the middle of last year.*

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

- a. *The home never sold through normal channels due to the unlivable floorplan of the addition and its many hardships that it created and when abandoned by the previous owner, the home fell into a state of disrepair long before I purchased it out of foreclosure. This home has been sitting vacant for years, which negatively impacts the wellbeing of the immediate neighbors, the historic eastside, the city and the general welfare of the people of Santa Fe. By preserving the Will Shuster "main house", removing the "addition", and creating the new addition as proposed, it will create a harmonious home from front to back, livable and maintainable for generations to come, and more visible to the residents and visitors of Santa Fe.*

**REMOVAL OF HISTORIC MATERIAL: Doors and Windows on the "Addition", Creating an Opening in the "Main House":**

**(i) Do not damage the character of the district:**

- a. *The doors and windows on the entire "addition" need to be removed to make way for a new addition with doors and windows that are keeping with the character of the district, the "main house" and its immediate neighbors and meet all current building and energy efficiency codes, nor will they be visible from the streetscape and they will not damage the character of the district.*
- b. *Creating an opening in the west wall of the gallery, which is the rear of the "main house" and completely out of sight to the streetscape and district. This wall is currently an interior wall, but as soon as we remove the addition covering this wall, it will again become an exterior wall.*

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

- a. *Removal of the doors on the "addition" are required as they are only 72" tall and ununlockable, creating an injury hazard to anyone over 5'10" in height, the applicant is 6'5" and safety hazard to any occupants and possessions in the unsecured home. The removal of the windows of the "addition" is required as they are of a non-thermal break steel construction, single pane, energy inefficient construction and inoperable, causing the loss of heat in the winter, increased energy usage year around, and seasonal bug and animal infestations. Furthermore, the state of the doors and windows makes securing the property from vandals and vagrants impossible and was most likely how the hand-painted "Saint Door" was lost or stolen years before I took ownership of the property.*
- b. *Creating a door opening in the rear of the "main house" is required to allow easy and gradual access from the lower level of the new addition to the "main house" and ventilation from the closed off section of the "main house" to the outside.*

**(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:**

**a. Removal of doors and windows.** Multiple design options were reviewed, and all require the removal of the addition doors and windows:

**i. Remove the “addition” and remodel the “main house”**

1. This option completely removes the addition and all its doors and windows.

**ii. Convert the current two story “addition” to a one story and add on an addition to the rear of that.**

1. This option completely removes all doors and windows as they're not in the correct location, are improper size, are unsafe, and do match the composition, design, color, texture and other visual qualities of the “main house”.

**iii. Leave the “addition” as is and add on an addition to the rear of that.**

1. This option completely removes all doors and windows as they're improper size, are unsafe, and do match the composition, design, color, texture and other visual qualities of the “main house”

**iv. Remove the “addition”, remodel the “main house” bathroom, restore the fence wall to its original size and height, and construct a new addition detached from the “main house” connected by an enclosed hallway on the inside of a courtyard.**

1. This option completely removes the addition and all its doors and windows.

**b. Creating a door opening:**

**i. Don't create a door opening in the “main house”**

1. This option won't allow gradual and safe access from the downstairs to the upstairs and the air in the gallery will continue to stagnate as no window to the outside is operable.

**ii. Create an opening**

1. This option allows a gradual and safe access from the downstairs to the upstairs and the air quality in the gallery will be fresh.

**Staff Response:**

*Given the significant status of the building and the impassioned responses provided by the applicant, staff defers to the Board to determine if the exception criteria have been met. In the July 2016 hearing the staff recommendation was to designate the property as contributing to the Downtown and Eastside Historic District. The Board felt that the fact that this house was Shuster house made the significant to the district. At the time of the decision the Board recognized that the 1950s addition to the west side of the house has significant structural issues, is not original, and does not demonstrate the same character as the rest of the house. Additionally, the original structure is noted as the portion of the property that embodies the character imbued by Shuster as an important and notable local artist. This information is per the Findings of Fact and Conclusions of Law from July 27, 2016.*

*It is the opinion of staff that the exception criteria have been answered and met, and that the applicant has*



*worked diligently to comply with the guidance of the Board as it was provided during the status hearing in July 2016.*

3) Addition to the west side of the house will include:

- Increase of the existing footprint of the house will be 345 square feet. The current footprint square footage is 2,844 square feet. The proposed footprint is 3,188 square feet. The proposed addition is in compliance with 14-5.2(D)(2)(d) which states that the square footage of an addition shall not exceed the existing footprint square footage by more than 50%.
- Addition of a new living area, kitchen, bedrooms, bathrooms, and a two-car garage to the west elevation of the house where the 1950s addition was removed.
- Windows and doors on the addition will be natural finished wood with true divide lites.
- Addition of skylights to the roof of the addition which will be lower than the parapet height.
- No roof top appurtenances will be publicly visible.
- The design of light fixtures for the entries has not been submitted.

5) Addition of a driveway gate. No design has been proposed.

6) The house will be stuccoed El Rey cementitious stucco in "La Luz."

Regarding the square footage, she actually included all interior space, so she measured what the footprint was and what its increase would be. Member Biedscheid had a question on that.

### **STAFF RECOMMENDATION:**

Staff feels that the exception criteria have been answered but defers to the Board for discussion regarding the criteria and the proposed design and its impact to the significant structure. Otherwise the application complies with 14-5.2(C) Regulation of Significant Structures, 14-5.2(D) General Design Standards and 14-5.2 (E) Downtown and Eastside.

### **Questions to Staff**

Member Biedscheid said in the report, Staff calculated the size of the addition. Her question had to do with the 50% rule. The addition is 285 plus 345 so it would result in exceeding 50% of the size of the original house (1,300 square feet). The new addition might overwhelm the entire structure.

Ms. Ramirez Thomas said the current footprint is 2,844 and 3,188 would be the new footprint.

Member Biedscheid asked if they only consider the net increase.

Mr. Rasch reminded the Board that it is a two-story structure and the footprint is only of the first floor area.

Ms. Ramirez Thomas said the current footprint is 2,844.

Member Biedscheid asked what the total square footage of the house is.

Ms. Ramirez Thomas didn't know.

Mr. Rasch said the garage is under the top story so it is included in the overall footprint but identified it separately as a 300+ square foot garage.

Ms. Ramirez Thomas said they had a lot of discussion about it and considered if removing a certain amount meant the footprint changes. The applicant is replacing footprint space and adding 345 more square feet.

Member Biedscheid said her interpretation is that the rule is to prevent an original structure from being overwhelmed by a new addition and this one is more than 50% than the original footprint.

Mr. Rasch agreed that the overall footprint is more than the original building but all that exists now is a historic footprint so the allowance is higher.

Member Biedscheid understood but thought it was not the best interpretation.

Mr. Rasch said in that situation, then, it should not have been listed as a significant building because, currently, the addition overwhelms the original. He would have called it contributing, using the same logic.

Member Biedscheid said originally, the Staff recommended a status of contributing. She asked if Staff recalled what was recommended as primary at that time.

Ms. Ramirez Thomas said she had recommended everything except the 1950's addition - primarily the east and north elevations, but also the south and the yardwall.

Member Biedscheid asked if the connection between the two is considered character-defining.

Ms. Ramirez Thomas said no. The things she considered as character-defining were the windows and massing on the front, the clerestory on the gallery; the fact that the north façade that was the original and part of the gallery massing was unchanged on that portion of the building. The wall, even though it had changed in height, there was some question whether or not the south part of the yardwall was prior to the 1950's. The steps are proposed to be removed were considered to be character-defining.

Member Biedscheid presumed it was designated as significant because Will Shuster and Mian lived there.

Ms. Ramirez Thomas said it was exclusively Shuster. People are not generally familiar with Mian. She recalled that Member Boniface pointed out the concern of not making it significant because once the 1950's

addition was removed, there was no protection for the interior wall that was part of the original Shuster home. That was an important part of the discussion at that meeting.

Chair Rios asked if Staff had a photo of the 1950s addition.

Chair Rios asked Ms. Ramirez Thomas to describe the 1950's addition.

Ms. Ramirez Thomas said the windows from 1950's are casement windows. The building was added on and not necessarily appropriately proportioned on the interior. There were some structural issues on interior that occurred at the point where it meets the original Shuster house. The character-defining aspects are the lintels over the windows. That could be considered, though they are very simple and it is not adobe. The Shuster portion was all adobe and the addition is frame construction.

Chair Rios asked about public visibility of the addition.

Ms. Ramirez Thomas said none of it is publicly visible.

Member Bayer asked if the Board designated the yardwalls at all. Are they also significant?

Ms. Ramirez Thomas said yes. The whole property was designated significant.

Chair Rios asked if Frank Applegate had anything to do with the building of this house.

Ms. Ramirez Thomas said Shuster built the house with land and money from Applegate. The labor was by Will Shuster.

Member Boniface asked to clarify for the record, Ms. Ramirez Thomas' opinion is that this addition would not affect the significant status of the building if removed.

Ms. Ramirez Thomas agreed. The primary objective and why she would reference the Findings of Fact and Conclusions of Law, was that the primary emphasis was on preservation of the Shuster portion of the house. People are less familiar with Mian and she didn't think the Board could discuss his legacy very well and how he fit into Santa Fe. And that portion of the house is not in good condition.

Member Boniface saw it is almost as if there are two separate buildings here. Shuster on the front and the poorly crafted addition on the rear. He knew that was some of the commentary at the July meeting and there were structural issues they saw on the site visit. It really is almost two separate buildings that are attached and we wanted to preserve the west side of the Shuster building. This is a tough one because of the history. He hated to downplay Mian but he had never heard of him. He was open to hearing more.

Member Boniface asked how these proposed changes affect the streetscape -

Ms. Ramirez Thomas said the streetscape is well protected and there are no changes proposed for that east elevation. The yardwall is changing but only to a more historic height which would allow more visibility

of the east façade of the house. The greatest proposed change is just to that west side. In regard to the original Shuster building, the opening in the gallery on the west wall is a change to the Shuster House. The movement on the south yardwall – is uncertain if the position of it changed. The removal of the little bump outs on the south and the stairs which was in discussion at last hearing. Her initial thought was that because the door is angled coming out and the steps were angled there were at the same time period. She had assumed that was part of the Shuster construction. She thought those probably were of some dysfunction of the construction. Those are the changes to the Shuster portion of the property.

Member Boniface said the widening of the driveway and lowering of the wall back to historic photos is kind of unique for the Board. That is nice to see happening. He asked if there was any discussion of the clear sight triangle that is required at driveways.

Ms. Ramirez Thomas agreed. The fire code was a question for the width and the traffic triangle was also a consideration. To the extent the applicant has explored those with other City Staff, he will have to speak to that.

Chair Rios pointed out that the present status of significant includes the 1950's addition, she thought the Board needs to revisit the historic status of the house if it approves the removal of that addition.

Ms. Ramirez Thomas agreed that would be a logical consideration.

Mr. Rasch said the Board, Staff, or the applicant could request a status review, if this case is approved.

Member Biedscheid said, following that line of thought, if the application were approved, it is hard to tell from the elevations whether the new addition is stepped back ten feet from the primary north and south façades.

Ms. Ramirez Thomas said it is. The primary driving concern from the applicant is that the 1950's addition truly is not functional.

### Applicant's Presentation

Present and sworn was Mr. Josh Wilson, 250 Columbine, #14, Denver, Colorado, who stood for questions.

### Questions to Applicant

Chair Rios asked him to describe the west side.

Mr. Wilson said the west façade downstairs to the top of the beam is six feet tall. He said he is six-five so as designed, it is way too short for any standard living practices. But when they designed, they designed it as attached to the rear of the structure. After investigating and crawling around it for the last year, the

reason the downstairs is so short is because they couldn't excavate deep enough there because, if they did, the whole rear wall of the Shuster House would fall. You could see where they already shored up the rear wall and were limited on how far they could excavate to do that addition on the rear of the house. From the main level, there is 4-5" step up to it and it slopes about 9" downward toward the west. The stairs leading from the upstairs down, he had to literally go down backwards and bent over to clear the ceiling. It is not in keeping with the aesthetics of the rest of the house.

This house was built in the 1920's by Shuster. Applegate gave the land and Will Shuster separated from his wife and her house bears his signature four doors down.

He agreed that if any part is significant, it is the Shuster house. In order to do this restoration, he had to build the addition further away just for the height clearance. He did not want to go higher than the main structure. The gallery is the highest point so he had to move it further back. The excavation could compromise that gallery. It is a very unique and special place. There were famous Carlsbad paintings in that gallery. None of it is visible from the street.

Mr. Rasch didn't have the HCPI pictures to display.

Ms. Ramirez Thomas referred to page 20 in the packet at the bottom.

Mr. Wilson said it shows Will Shuster sitting on the fence and you can see where he put the post to build the wall. It was curved space. The second photo shows him with his child so we want to lower the wall back to that height.

After talking with Fire Marshal Gonzales, who urged him to widen the drive to 20', spoke of the egress triangle. It is difficult to get down there. A pickup truck couldn't make the turn if anything were to happen in the back wooded area. Without any bump outs, he was laying out the wall and he firmly believe it was rounded and that helps with egress. The Historic Santa Fe Foundation has seven homes with historic easements. The front gate has to stay there and a door in the bathroom is hand painted by Shuster and has to stay. Between the time he bought it and took possession 7 years later, that other door disappeared. He met with Pen LaFarge on it. The only change is to extend that bathroom a little. It is painted by Shuster and he is trying to change it to 3/4 bath. The angled French door is at 54 degrees.

The west elevation has the same proportion as the stairs going down with a unique double arch over the gate and he proposed to restore it to the earlier time and keep some of the continuity.

Because of the discrepancy on stucco colors, he didn't know what was original. There are color changes from front to rear. The rear was applied at a later date but his will be hand applied to match the front.

Member Boniface asked Mr. Rasch on page 36 in the floor plan about the existing kitchen. It looks like they plan to remove that entire wall where the sink is. But he thought they were just removing the bump out.

Mr. Wilson said he probably drew it wrong. He planned to continue the wall from the adobe.

Member Boniface thought that bump out was for a refrigerator and asked if in removing that, he would actually remove the wall with canals.

Mr. Wilson said it would be just the cinder block portion back.

Member Boniface said okay.

Mr. Wilson said it is all cinder block so it was all added to the west.

### Public Comment

Present and sworn was Mr. John Eddy 227 East Palace, Suite D, who didn't see a lot of issues with this plan and it seems the applicant is taking great pains to enhance the east elevation and lowering the wall kind of blows my mind and encourage him in that direction. He grew up in this neighborhood and there was a sand lot baseball at the bottom of the property where he spent a lot of time. The one caution he had was that there has not been a historic status review requested and if the Board approves it, it would demolish something of higher status. He asked if it could be approved pending a historic status review to downgrade the Mian part of the property. He asked if that is possible.

Mr. Rasch said the discussion is leading where Ms. Ramirez Thomas led it earlier. Maintaining the historic status as significant, even though the staff recommended contributing was the choice of the Board. He thought the Board understood where Staff was coming from but left it as significant. He agreed with Mr. Eddy it is the cart before the horse. Staff does feel it is contributing and not significant.

Chair Rios said that is why she asked about it earlier.

Mr. Eddy said Will Shuster was one of many collaborators who together created Zozobra. It was a community effort. There was a photo of Mian when he was demolishing the curb in front of his house. He would like to see that put into the public record here because he had heard many people relate that tale attributing the curb being demolished it to Will Shuster, but Mian needs that credit.

Present and sworn was Ms. Stefanie Beninato, P.O. Box 1601, also echoed John Eddy's words on process. It seems the Board is going backwards and ignoring part of the wall - that you are not supposed to approve something that downgrades the status. The Board should first look at the status of the building, make it contributing and maybe designate the addition from 1950s as not contributing, and then look at the addition being proposed.

She was happy to hear this. Her in-laws owned that house from the 1950's until almost 2000. She was happy to hear that some internal features have easements for preservation for future generations .and applaud the applicant's efforts to preserve the Will Shuster portion, recognizing the addition was problematic.

There were no other speakers from the public regarding this case and the public hearing was closed.

Member Bayer asked if an exception is needed to downgrade it to contributing.

Ms. Ramirez Thomas said Mr. Rasch can speak to that better. There have been other houses where after the renovation has been approved, the status has been re-evaluated. That is not necessarily preferable but has been done.

Mr. Rasch thought he had seen both circumstances where the Board approved the remodel of a historic building and Staff felt it should have been downgraded but there never was a downgrade because the Board felt it didn't affect the significant status. But he also had seen buildings downgraded because of a remodel. He agreed this is an issue and it lies in the Board's hands. He and the City Attorney agree that it would be cleaner with a status downgrade before the remodel. But Ms. Ramirez Thomas is correct. When the Board maintains that significant status, the Board was discussing that the Will Shuster part was the important part. The Board acknowledges that non-original part is not worthy of preservation.

Ms. Ramirez Thomas added that the Board wanted to protect the west wall.

Member Boniface pointed out that to downgrade it would require that it be posted and the Board must delay this whole thing.

Mr. Rasch agreed and must have the notice mailed out to residents within a hundred feet and a proper posting.

Member Boniface asked if there is any way to get around that.

Ms. Gheen reiterated that it would be cleaner to re-evaluate the status before acting on this application, whether it would affect the status of the building.

Chair Rios agreed it would be cleaner. But the end result would be the same in her opinion.

Mr. Rasch said if approved, this Board would have to say it is still a significant building or approve the remodeling with a requirement of a status review to see if it is still significant.

Member Boniface said if the Board kept it clean and provided notice that when the design comes back we would have had the same issue of not preserving that west wall. We don't know what may happen. He was confident that Mr. Wilson is a trustworthy man, but the house could get sold. So he was a little reluctant to give that up.

Mr. Rasch said if the Board is thinking of approving the design, the Board needs to find that with the addition you still have a significant building because it preserves the original structure.

Member Biedscheid agreed with that. We are currently looking at it as a significant structure. If we look at it as a contributing structure, we have to designate primary façades so she thought they would have to

consider in relation to this application, we don't know for certain right now. She thought they need to re-evaluate the status and then look at the changes in light of the status.

Member Roybal asked if the part that was being demolished would not really affect the significant part either way – when it was approved or when it was demolished. In essence, the Board would not be changing its status.

Mr. Rasch said that is what Staff believes is true. Staff felt the building should be a contributing building with this addition that is historic. But the Board didn't agree with Staff and said it is significant.

Ms. Ramirez Thomas went back to her two statements from the Findings of Fact and Conclusions of Law. The Board recognized that the 1950's addition to the house has significant structural issues, is not original, and does not demonstrate the same character as the rest of the house. Additionally, the original structure is noted as the portion of the property that embodies the character imbued by Shuster as an important and notable local artist.

So in Staff's understanding, even if the significant action is to keep the Shuster portion of the house as significant, that does not say Mian is not significant.

Member Biedscheid said that detail doesn't get recorded in the significant status. There is no qualifier to significant status. All of the sides are considered primary and to be preserved. she didn't see how the Board could approve especially the south elevation with a double-car garage as a protected façade. That is a changed façade that can no longer be significant.

Member Bayer commented on her recollection of their discussion when the Board made this building significant. A big part of it for her and the reason she voted for significant status, was for its association with Will Shuster. She recalled they did go back and forth on how to exclude the addition and still keep it as significant - that it wasn't core to making it significant. She would like more discussion why it would change to contributing. Her opinion was that the Shuster building could still remain significant.

Ms. Ramirez Thomas said in their initial review, because of the 1950's addition, it is a shift in character from the original building and even the gallery. And the necessity for that to be removed was why Staff recommended contributing. And then the Board found it significant because of association with Shuster and out of concern for preservation of west wall of the Shuster home and the integrity of the building. Going on that decision, she didn't think that a status review would be required to downgrade it. Her understanding from the status hearing was that the Shuster house was what was intended to be preserved and significant to the property. She didn't think a re-evaluation is necessary or that removal of that addition would impact it to be less than significant.

#### Action of the Board

**Member Boniface, in Case #H-16-042B at 580 Camino del Monte Sol made a finding that the applicant has met the exception criteria to the Board's satisfaction and moved to approve the**



application as presented with the understanding that the addition does not affect the Significant status which is related to the legacy of Will Shuster. Member Roybal and Member Bayer seconded the motion.

Member Bayer asked for a condition that the design of the driveway gate be submitted to Staff for review and approval.

Chair Rios asked for a condition that the lights be submitted to Staff for review and approval and that there be no visible rooftop appurtenances. Member Boniface accepted all of the conditions as friendly.

Ms. Gheen suggested a condition that the addition not affect the significant status and Member Boniface changed his motion with that language.

Member Biedscheid didn't know how the Board could mandate that.

Mr. Rasch said it would be by the Board's recognition that it was associated with Will Shuster only and not the historic addition.

Ms. Gheen clarified that it is with the understanding that the addition does not affect the significant status.

Member Biedscheid pointed out that the association is not stated in the motion so she questioned how it could be in the findings of fact if the basis is not stated.

Ms. Gheen thought that was a good idea.

Member Boniface added, "which is related to the legacy of Will Shuster."

Member Biedscheid said that while she agreed with that, she felt this is out of order and it would be much better to have a discussion about why we designated it significant in the first place. It looks like we are adding or making an exception to the status. It was backward to her.

Member Boniface said the exception criteria have been addressed which was why he was willing to accept this.

Ms. Gheen pointed out that there is no exception to status.

**The motion passed by unanimous voice vote with all voting in favor except Member Biedscheid, who dissented.**

**3. Case #H-16-086A. 525½ Camino Cabra. Downtown & Eastside Historic District. Paige Maxwell agent for, Scott Falconer and Sara Swoboda, owners, requests a historic status**

**review of a non-statused residential structure. (David Rasch)**

Mr. Rasch gave the staff report as follows:

**BACKGROUND & SUMMARY:**

525½ Camino Cabra is a single-family residence that was constructed in the mid-20<sup>th</sup> century sometime before 1965 in a vernacular – Spanish-Pueblo Revival blend with projecting roof eaves supported by carved corbels. An addition, that appears to meet the 50% footprint standard, was constructed on the rear elevation in 1991. There are no historic doors or windows in the structure. The building has no assigned historic status in the Downtown & Eastside Historic District.

**STAFF RECOMMENDATION:**

Staff recommends that the Board designate the building as non-contributing to the Downtown & Eastside Historic District due to lack of character-defining features or historic doors and windows.

**Questions to Staff**

Chair Rios asked if the addition exceeded 50% of the footprint.

Mr. Rasch said if it was a contributing structure, it would meet code. The addition doesn't overwhelm the building.

Member Bayer asked when the windows and doors were replaced.

Mr. Rasch presumed that was done in 1991.

**Applicant's Presentation**

Present and sworn was Ms. Paige Maxwell who had nothing to add to the Staff report. She explained that she is the broker for the owners. They had a number of inspectors and she found permits from 1991 that were approved when the addition was put in place and all of the doors and windows have been changed.

**Questions to Applicant**

Chair Rios asked if the openings had been changed as well.

Ms. Maxwell agreed.

### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

### Action of the Board

**Member Roybal moved in Case #H-16-086A at 525½ Camino Cabra to approve a noncontributing status per staff recommendations. Member Boniface seconded the motion and it passed by unanimous voice vote.**

- 4. Case #H-16-088. 562 Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct remodel with an addition of an 80 sq. ft. portal to a height of 14'6" and a 6' high yardwall on a non-contributing residential property. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

#### **BACKGROUND & SUMMARY:**

562 Garcia Street (also listed as 562 ½ Garcia Street Unit A) is a 979-square foot home constructed in the Spanish-Pueblo Revival style and it is located within the Downtown and Eastside Historic District. The house is located down a private drive and was designated as noncontributing to the district at an HDRB hearing in 2015. Aerial photographs indicate that the house was constructed prior to 1958. Modifications are known to have occurred to the property in the 1980s and 1990s. These modifications include a change in use of the building as a secondary structure to a dwelling, an addition to the west elevation, changes in window openings and installation of aluminum sliding windows, and coverage of the building with synthetic stucco.

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

- 1) Construction of a portal on the east elevation of the home. The portal will be 80 square feet and have a pitched metal roof. Color will be bronze.
- 2) The parapet of the house will be 13'0" at its lowest and 14'6" at its highest where the maximum allowable height is 14'9".
- 3) Construction of a 6' high yardwall with a wooden gate at the southeast corner of the property. A photo of the gate style is provided.
- 4) Replace windows and doors on all elevations. Most openings will change for windows and doors.
  - The west elevation will have two windows replaced.

- The east elevation will have a window replaced with a French door, maintain a door as it is in its current location, and replace a small window.
- The north elevation will have two windows replaced and an additional window will be added.
- The south elevation will have two windows replaced and a door will be replaced with a window.
- All windows and glass doors will have divided lites. Color is bronze.

5) A fireplace will be added to the home.

6) Wall sconces will be placed at the entrances. A photo of the style of sconce chosen is included in the packet.

7) Stucco color will be "Sahara."

### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside.

### **Questions to Staff**

Chair Rios asked if the metal roof is muted bronze.

Ms. Ramirez Thomas agreed.

### **Applicant's Presentation**

Present and sworn was Mr. Cody North, 109 Lupita, who explained that it was a matted flat bronze to match the windows.

### **Questions to Applicant**

Chair Rios asked if there would be any visible rooftop appurtenances.

Mr. Cody said no.

Member Boniface refereed to page 26 where the elevations, as drawn, shows the windows set way back like on the proposed west elevation. He asked if that meant insulating foam is to be added to the outside.

Mr. North agreed. It would be no more than 4" thick - a little exaggerated but the windows would have good return.

Member Boniface said that was good. It might be 2x6 is we are lucky.

Mr. North said they are constructing it all of adobe so it is 10". When the remodel was done, they framed the openings.

#### Public Comment

Mr. John Eddy (previously sworn) said when he hears synthetic stucco his ears perk up. He asked if that could be discussed.

Ms. Ramirez Thomas said the City Attorney had the same question. Currently there is elastomeric there but Mr. North is using cementitious stucco.

Mr. North said they would have spray foam and cementitious stucco. He had it listed it as Sahara and would like Madeira rather than the lighter green.

Mr. Rasch showed a chip for Madeira -

Member Boniface said Mr. North has to add foam jut to meet the state energy code so the whole idea of breathability, for the last five years is no longer a consideration because no one can apply stucco directly to adobe any longer unless they put a lot of insulation on the inside.

Mr. North said it is already small on the inside.

#### Action of the Board

Member Boniface said this is a great improvement over the existing building.

**Member Boniface moved in Case #H-16-088 at 562 Garcia Street, to approve the application as presented with no rooftop equipment. Member Biedscheid seconded the motion with a friendly amendment that the stucco color be Madeira. Member Boniface accepted the amendment as friendly and the motion passed by unanimous voice vote.**

- 5. Case #H-16-089, 562½ Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to remodel a non-contributing residential structure including a 96-sq. ft. portal to a height of 14'6" where the maximum allowable height is 14'9". (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

562 ½ Garcia Street (also listed as 562 ½ Unit B) is a 1169 square foot home constructed in the Spanish-Pueblo Revival style and it is located within the Downtown and Eastside Historic District. The house is located down a private drive and was designated as noncontributing to the district at an HDRB hearing in 2015. Aerial photographs indicate that the house was constructed prior to 1958, with a possible construction date of pre-1932. Modifications to the property include enclosure of the front portal with fiberglass sheeting at an unknown date and the replacement of original windows with steel windows, also at an unknown date.

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

1. Raise the parapet of the house. The height of the parapet will be 13'0" to 14'6" where the maximum allowable height is 14'9".
2. Addition of a 168-square foot portal to the south elevation. Maximum height of the portal with parapet will be 12'0".
3. Replace windows and doors.
  - On the north elevation remove the two existing windows, close the current openings and create an opening with a new window.
  - On the west elevation replace two windows and remove a window and replace it with a door. The door will have a metal eyebrow above it.
  - On the east elevation remove two windows and a door and replace with three new windows.
  - On the south elevation replace the windows and the door.
4. Construct a 6' 0" coyote fence along the east side of the property. The fence will have irregular latilla tops and the gate will be made of coyote fencing.
5. Construct a 4'0" coyote divider fence along the center of the driveway for parking.
6. New window and door color will be "sage."
7. Stucco color will be cementitious "Sahara."
8. Wall sconces will be placed as entrances. A photo of the sconce style is provided.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside.

### Questions to Staff

There were no questions to Staff.

### Applicant's Presentation

Mr. Cody North (previously sworn) said they are doing the exact same thing with this one as the last one.

### Questions to Applicant

Member Roybal asked if there would be anything on the rooftop.

Mr. North said no.

### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

### Action of the Board

**Member Biedscheid moved in Case #H-16-089 at 562½ Garcia Street to approve the application as proposed. Member Roybal seconded the motion and specified the approval would include all items 1-8 and have no visible rooftop appurtenances. Member Biedscheid accepted the amendment as friendly and the motion passed by unanimous voice vote.**

- 6. Case #H-16-090. 645 Camino Del Monte Sol. Downtown & Eastside Historic District. Christopher Purvis, agent for Jane Korman, owner, proposes to construct a freestanding 517 sq. ft. garage to a maximum height of 14'0" and a freestanding 795 sq. ft. guest house to a height of 14'0" on a contributing residential property. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

645 Camino del Monte Sol is a 3545 square foot, one-story Stamm Home constructed by 1949 in the Pueblo Revival style. The house is contributing to the Downtown and Eastside Historic District. The applicant proposes to construct a detached garage and a detached guest house on the property.

The applicant proposes the following items.

- 1) Construct a detached 517 square foot garage in the northeast corner of the property. The maximum height of the garage will be 14'-0" where the maximum allowable height is 14'-9".
- 2) Construct a 795 square foot guest house on the east side of the property. The maximum height of the guest house will be 14'-0" where the maximum allowable height is 14'-9". The applicant proposes three French doors with eyebrows overhanging them. An exterior stair will be built from the level of the lot where the guest house is proposed to the level of the house where the contributing house exists.
- 3) Stucco will be cementitious El Rey "Buckskin."
- 4) Windows and doors will be divided lite and stained in a dark brown to match the existing doors of the main house.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside.

#### **Questions to Staff**

Member Roybal asked if the main house is also Buckskin.

Ms. Ramirez Thomas agreed.

#### **Applicant's Presentation**

Present and sworn was Mr. Christopher Purvis, 200 W. Marcy, who said 10 years ago, the owner tried mud on the outside of cement and it didn't work. Then, without permission, he stuccoed it Buckskin and sold it to Mr. Purvis' client.

He commented about stucco breathing that if they use rigid board, it allows the moisture to migrate and have a building that breathes. He needed to add insulation but spray foam seals the adobe and he was aware of two cases with moisture up against the foam and moving out of the building and getting trapped against the foam. The new ones are all stabilized. But in old buildings, spray foam is a problem but not nailed-on rigid foam board so there is room for the moisture to escape.

Mr. Rasch said they want green points by sealing but if they don't need them, this is better.

Member Boniface added that if they don't tape over the joints, he found that the moisture will telegraph the joint onto the stucco.



### Questions to Applicant

Member Boniface asked on the floor plan if there is a mechanical room below the stairs -

Mr. Purvis agreed.

Member Boniface said no door was shown for that room.

Mr. Purvis said there will be a 6' steel door, probably flat and custom made.

Member Boniface asked why he didn't add a portal instead of an eyebrow.

Mr. Purvis said it was because there is not room for a portal there.

### Public Comment

Present and sworn was Ms. Adrian Goodnail, 643 Camino del Monte Sol, who said she lives right next door and would like to see where on the property this is being built.

Mr. Purvis said she is immediately to the north and the garage is toward the front of the property and 5' off of her property line. The casita is at the far end of the big wall.

Ms. Goodnail said it was by the arroyo then.

Mr. Purvis said the catch basin is there and a retaining wall and it is very narrow.

Ms. Goodnail said they just replaced that fence on the property line where the previous owner put a coyote fence.

Mr. Purvis said it was right up against the retaining wall.

Ms. Goodnail said they were concerned because when the house was built, it was horrible and so high that it shaded a lot of her property. Her grandfather built her house and they added on to the previous wall.

Mr. Purvis clarified that the guest house is only slightly higher than the retaining wall there. He showed her the drawing of the retaining wall.

Ms. Goodnail thanked him for the information.

There were no other speakers from the public regarding this case and the public hearing was closed.

Chair Rios asked if he was disturbing the grade at the garage.

Mr. Purvis said no. He was just letting it be the grade.

Chair Rios asked him to describe the garage doors.

Mr. Purvis said it is wood paneling and with the same stain

#### Action of the Board

**Member Bayer moved in Case #H-16-090 at 645 Camino Del Monte Sol, to approve the application as submitted. Member Roybal seconded the motion.**

**Member Boniface asked for a condition that the mechanical room door be added to the drawings for staff review and approval before submitting for a building permit and that there be no rooftop appurtenances on either structure. Member Bayer accepted the conditions as friendly and the motion passed by unanimous voice vote.**

- 7. Case #H-16-091. 512 Camino Cabra. Downtown & Eastside Historic District. Antoine El Khoury, agent for AJ Avid, owner, proposes to construct a 592 sq. ft. addition to a height of 13'0" on a non-contributing residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

#### **BACKGROUND & SUMMARY:**

512 Camino Cabra is an 1860 square foot single family residence built in the Spanish-Pueblo Revival style in 2006. The property is noncontributing to the Downtown and Eastside Historic District. The applicant is proposing an addition to the south elevation of the property where a patio area currently exists.

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

- 1) Add 592 square feet to the south elevation for the property. The maximum height of the addition will be 13'-0" which is approximately 3'-4" below the property's highest existing parapet height of 16'-4".
- 2) Construct a pergola on the west elevation. The pergola will be approximately 63 square feet to a height of 9'-6".
- 3) Construct a pergola style eyebrow on the east elevation of the addition which is approximately 2 feet deep by 7'-6" (~ 14 square feet).

- 4) An existing French door will be moved from the existing south elevation to the proposed east elevation of the addition.
- 5) Exposed headers and wood for the pergolas will be stained a medium to light brown.
- 6) New windows will match the existing windows and will be white clad simulated divided lite.
- 7) The addition will be stuccoed El Rey cementitious stucco in "La Luz."
- 8) An exterior light will be placed at the entry. A photo of the style is provided.

**STAFF RECOMMENDATION:**

Staff recommends approval as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside.

**Questions to Staff**

There were not questions to Staff.

**Applicant's Presentation**

Present and sworn was Mr. Antoine El Khoury, 31 Paseo Vista, who had nothing to add to the Staff Report.

**Questions to Applicant**

Chair Rios said the Board noticed a fence there that doesn't meet the visibility sight requirements.

Mr. Rasch agreed. Two years ago, the owner built a fence with a violation.

Chair Rios asked what the owner would have to do.

Mr. Rasch said it must be lowered to 3' maximum in those sight triangles and if it is four feet, it has to come to the Board.

Chair Rios asked the motion could include granting Staff authority to correct that.

Mr. Rasch agreed.

Mr. El Khoury agreed to change that.

### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

### Action of the Board

**Member Boniface moved in Case #H-16-091 at 512 Camino Cabra to approve the application as recommended by Staff with the condition that the fence be brought into compliance with City codes for height and clear sight triangle restrictions and that the design be brought to staff for their approval. Member Roybal seconded the motion and it passed by unanimous voice vote.**

- 8. Case #H-11-040. 1344 Canyon Road. Downtown & Eastside Historic District. Lorn Tryk, agent for Jeana Efroymsen, owner, proposes to construct a 145 sq. ft. addition to a maximum height of 13'0" on a non-contributing residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

1344 Canyon Road is a Spanish- Pueblo Revival style house designated as non-contributing to the Downtown and Eastside Historic District. The house was constructed after 1945 and has undergone extensive remodeling since that time. The original footprint of the home has increased substantially overtime and no historic windows or doors exist on the home. An extensive renovation of the property took place in 1998. The most recent case for this house was heard by the Board in 2011 and the applicant was approved to construct three additions to the property.

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

- 1) Addition of a 145 square foot study to the north elevation of the property and to a maximum height of 13'0".
- 2) Windows on the north elevation and on the west façade of the north elevation will be removed and reused on the addition. The windows are divided lite.
- 3) Stucco will be elastomeric El Rey "Fawn."
- 4) Window and beam color will be "white."

### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside.

### **Questions to Staff**

There were no questions to Staff.

### **Applicant's Presentation**

Present and sworn was Mr. Lorn Tryk, 436 West San Francisco, who had nothing to add to the Staff report.

### **Questions to Applicant**

There were no questions to the Applicant.

### **Public Comment**

There were no speakers from the public regarding this case and the public hearing was closed.

### **Action of the Board**

**Member Roybal moved in Case #H-11-040. 1344 Canyon Road to approve the application per staff recommendations and as submitted. Member Boniface seconded the motion and it passed by unanimous voice vote.**

- 9. Case #H-16-093. 1005 East Alameda Street Unit N. Downtown & Eastside Historic District. Lorn Tryk, agent for David Frank, owner, proposes to remodel a non-contributing residential structure including a 517 sq. ft. addition to a height of 16' where the adjacent parapet is 17'. (David Rasch)**

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

1005 East Alameda Street, Unit N is a single-family residence that was constructed, or at least

substantially remodeled, in the Spanish-Pueblo Revival style at an unknown date in the late 20<sup>th</sup> century. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the building by constructing a 517 square foot addition to a height of 16' where the adjacent parapet height is 17'. The addition features paired divided-lite French doors with sidelites and transoms on the east elevation. Also, a William Lumpkins iron grille that was previously installed on the east elevation of the residence will be relocated to the west elevation of the addition. Finishes will be "white" trim and El Rey cementitious "Buckskin" stucco.

#### **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**

There were no questions to Staff.

#### **Applicant's Presentation**

Mr. Lorn Tryk (previously sworn) had nothing to add to the Staff report.

Chair Rios complimented him on his nice job on the submittal.

#### **Questions to Applicant**

Member Roybal asked if anything would be on the rooftop.

Mr. Tryk said none.

Member Boniface said the Lumpkins iron work is on the west side so he asked if it was just on a wall.

Mr. Tryk agreed.

Member Boniface asked if the owners would be able to see that iron work.

Mr. Tryk said only the neighbors would see it. A good portion of that structure is another unit and the wall faces them and they will benefit from that beautiful art piece. It is hard to find a large place so two owners of the condos are cooperating on it.

Member Boniface considered it a nice piece of art work. And that the owners won't even see it and give that beautify to the neighbor is commendable.

#### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

#### Action of the Board

**Member Biedscheid moved in Case #H-16-093 at 1005 East Alameda Street Unit N to approve the application as submitted. Member Boniface seconded the motion and it passed by unanimous voice vote.**

- 10. Case #H-16-087. 444 Camino de las Animas. Downtown & Eastside Historic District. Jay Jay Shapiro agent for, Leon and Pamela Morrison, owners, proposes to remodel an existing garage and storage area on a non-contributing residential property including constructing 360 sq. ft. of additions to a height of 16'9" where the maximum allowable height is 15'9". Two Exceptions are requested to exceed the maximum allowable height (Section 14-5.2(D)(9) and to construct not in Santa Fe style (Section 14-5.2(E)). (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

#### **BACKGROUND & SUMMARY:**

444 Camino de las Animas is a residential structure built in 1961 in the northern New Mexico vernacular style. The property is noncontributing to the Downtown and Eastside Historic District. On the southern boundary of the property there are flat roofed cinder block and wood carports and storage areas which the applicant proposes to remodel. The design for the remodel requires an exception as elements of the remodel are of the Mission Revival style rather than Santa Fe style.

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

**1) Demolish (remodel extensively) existing carports and storage areas at the south margin of the property.**

**2) Reconstruct the carports and storage areas and add a 200 square foot office area with a stairway and roof deck. The maximum height of the office area of the structure will be 16'-9" where the maximum allowable height is 15'-9". The applicant is asking the Board to increase the allowable height for the building per 14-5.2(D)(9)(c)(ii)(F). The southeast corner of the property has a 3'-0" elevation increase resulting in the proposed building exceeding the allowable height by 1'-0".**

#### RELEVANT CODE CITATION

14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing

(c) Height

(ii) In exercising its authority under this section, the board shall limit the height of *structures* as set forth in this section. Heights of existing *structures* shall be as set forth on the official map of *building* heights in the historic districts

F. The board may increase the allowable height for proposed *buildings* and additions located on a sloping site where the difference in the natural *grade* along the *structure's* foundation exceeds two (2) feet. In no case shall the height of a *façade* exceed four (4) feet above the allowable height of the applicable *streetscape* measured from natural or finished *grade*, whichever is more restrictive. This increase in height shall be constructed only in the form of *building* setbacks from the *street*.

**3) The design of the reconstructed carports, storage areas, and office includes arched entries and clay tile roofs that are characteristic of Mission Revival style. The applicant is asking for an exception to not build in the Santa Fe style.**

#### RELEVANT CODE CITATION

14-5.2(E) Downtown and Eastside

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

(1) Old Santa Fe Style

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

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

(b) All exterior *walls* of a *building* are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under *portales*, or in church-derived designs, inset panels in a *wall* under the roof, in which case the roof overhangs the panel. These spaces may be



painted white or a contrasting color, or have mural decorations;

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

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

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

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

## (2) Recent Santa Fe Style

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

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

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

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

(d) No less than eighty percent of the surface area of any *publicly visible* façade shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the *publicly visible* façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;

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

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

**EXCEPTION TO BUILD IN A STYLE THAT IS NOT SANTA FE STYLE.**

(l) Do not damage the character of the district

Response:

It will not be visible from the street.

There is an arch in the street-area on Miller.

*Staff Response: Staff agrees with this response. The building will not be visible from the street, moreover there are other examples of Mission Revival style architecture within the Downtown and Eastside Historic District.*

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

Response:

Curved arches allow vehicles to fit better without excessive airflow across the driveway area.

Standing seam would be reflective & create excessive heat in the driveway.

*Staff response: Staff agrees with this response.*

(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:

These design elements result from the nostalgic, earliest memories of arriving at the train station building that has both arches and tile roofing. There are also multiple examples of these elements within the district; Garcia at Acequia Madre & Canyon Road.

*Staff response: Staff does not agree with this response as the applicant has not indicated a range of possible design options. It is possible with further testimony from the applicant that this criterion will be satisfied.*

**4) A pergola/arbor is noted in the drawings. The applicant will provide addition information regarding this architectural feature which was not proposed in the letter.**

**5) Place solar panels on the roof of the carport which will be concealed by the parapet.**

**6) Windows and doors will be white clad simulated divided lite.**

**7) All trim will be painted white.**

**8) Stucco will be cementitious El Rey "Cameo" to match existing buildings on the property.**

**9) Roof deck railing and hand railing on the office and stairs will be wrought iron.**

**10) The patio between the main house and the office will be brick, existing concrete will be resurfaced in the carport area, and a flagstone walkway will be placed along the east margin of the property.**

**11) Exterior lighting will be Artesanos tradition tin lanterns. Recessed can lights will be placed within the carport arches.**

Earlier, Member Biedscheid asked why there was no status review since it was built in 1961. The carports don't have any character-defining elements so we didn't feel a status review was necessary.

### **STAFF RECOMMENDATION:**

Staff finds that not all of the exception criteria have been met to construct a building in a style other than Santa Fe style. Additional testimony at the hearing may bring the exception request into compliance. The increase in allowable height is at the discretion of the Board per 14-5.2(D)(9)(c)(ii)(F). Otherwise the application complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale, and Massing.

### **Questions to Staff**

Chair Rios asked Ms. Ramirez Thomas to describe public visibility.

Ms. Ramirez Thomas said it can't be seen from the street because it is at the back of the property.

Chair Rios asked for her comment on staff discretion for height.

Ms. Ramirez Thomas read from the code regarding additional height allowed for slope.

Mr. Morrison said he had a survey done to determine the grade increase at the east side of the property. It is not the whole building. It is only the southeast corner where it exceeds by one foot.

Chair Rios asked if there are other Mission style buildings in Santa Fé.

Ms. Ramirez Thomas said there are quite a few. Mr. Morrison found 15 examples in the Downtown District. 301 Garcia Street is one with clay tile. There are quite a few arches and he provided 612 Miller and examples from Garcia and Acequia Madre and others around town like the Santa Fé Depot station.

Member Bayer asked if there are any examples in the applicable streetscape.

Ms. Ramirez Thomas said there were two, including the one on Miller.

Member Bayer asked if it is harmonious with the house.

Ms. Ramirez Thomas thought so. Certainly, the accessory structures on the property to the west of the main house are. The main house is a plain vernacular style.

Member Biedscheid noted on page 24 regarding height, that she saw the 16' 9" height shown and on page 25 it looked like 13' 9". She asked if that was to the grade.

Ms. Ramirez Thomas agreed. The southeast corner reflects that height differential but not from the south. The parapet is below the allowable height.

Member Biedscheid asked regarding that section in the code on setbacks from the street if they are in compliance with that code on the southeast corner-

Ms. Ramirez Thomas agreed. There are setbacks in the design.

Mr. Rasch added that the clay tile comes forward so there are changes in plane.

Member Biedscheid asked for the date of the carport-

Ms. Ramirez Thomas asked for the applicant to speak to that.

#### Applicant's Presentation

Present and sworn was Mr. William Morrison, 444 Camino de las Animas, who said he is the owner.

Chair Rios asked why he chose Mission Revival for the architectural style.

Mr. Morrison gave an autobiographical answer. His dad was a physician outside Niagara Falls and the family headed west after the war. By the time they got to Chicago, he kept saying COKE. So they put him on the train there and he got off at Denver and rode the train to Santa Fe and his first memory was the clay tile at the Depot and he was nostalgic about it with an emotional attachment to that Mission style.

#### Questions to Applicant

Member Boniface saw he had called out for an iron handrail on the stairs and roof deck. He asked where the roof deck is.

Mr. Rasch pointed it out on the highest elevation -

Member Boniface understood the iron railing was above the brick cap.

Mr. Morrison said that was not his idea but the architect thought it would be a safety feature.

Member Boniface said the stairway is not detailed very well. All the iron handwork would have to be brought to staff for approval.

He asked what the little squares above the carport openings are.

Mr. Morrison said they are just blank and would allow airflow and break up the flat surface.

Member Boniface asked for the color of the shutters.

Mr. Morrison said everything is white.

Member Boniface asked if the columns on the carport are stuccoed.

Mr. Morrison agreed and trimmed in brick to match the parapet.

Member Boniface referred to the very end and asked if it is a door or pair of doors.

Mr. Morrison said those are existing doors. The building has been separating for last 15 years and sagging in two different directions. At the west end, it is just 2x4s supported by steel tubes 1.5" in diameter with particle board. This will be more substantial.

Member Biedscheid asked him to describe the pergola on the east and explain where it comes out.

Mr. Morrison said it is in front of the tile and covers the entrance to the office. It is in front of the Dutch door.

Member Boniface thought that seemed out of character with the rest of the design.

Mr. Morrison said his wife is a gardener and it is for her trumpet vine.

Member Boniface asked if he would be amenable to losing that.

Mr. Morrison agreed.

Member Biedscheid asked how old the carport is now.

Mr. Morrison didn't know but it was after main residence was built. The owner was a state government official and we believe was able to add things as they wished when they wished.

Member Biedscheid asked if the solar panels are on the entire portion of carport.

Mr. Morrison said no. They are just above the three carports and below the parapets. They will be disguised entirely.

Member Bayer asked, to the right of the double door, what is on the façade.

Mr. Morrison said it was a grill, cabinetry and a tile wall.

Ms. Ramirez Thomas asked what it is for.

Mr. Morrison said it reflects the heat to protect the building - it is all tile we've seen in the neighborhood.

Member Bayer noted that Staff didn't agree with the range of design options and asked what he had considered.

Mr. Morrison said the back of the carport is open so the air flows through it. It is now a minor wind tunnel and the arches would defuse some of that and part of it was his memory of the train station. The other way would be to square it off as a Territorial style would require. He walked the neighborhood to make sure it was within the east side historic area and in walking distance. And consistent. He had images of similar styles.

#### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

#### Action of the Board

**Member Roybal, in Case #H-16-087 at 444 Camino de las Animas, made a finding that the exception criteria had been met with oral testimony to approve the exception and moved to approve the application as submitted. Member Boniface seconded the motion with a condition that it have no visible rooftop appurtenance; that the light fixture design be submitted to Staff for approval and the design of all the ironwork be submitted to Staff for review and approval with scaled drawings of the design.**

**Chair Rios added a condition that the solar panels be not publicly visible. Member Roybal accepted the conditions as friendly.**

**Member Biedscheid noted that the Board allows the height increase per code and that the design includes an acceptable setback from the street. Member Roybal agreed and the motion passed by unanimous voice vote.**

- 11. Case #H-16-092. 451 West Alameda Street. Downtown & Eastside Historic District. Lorn Tryk, agent for Bouche Bistro, owner, proposes to enclose a dining portal and a porch with temporary materials for more than 90 days and to have openings closer than 3' to a corner on a non-contributing, non-residential structure. Two exceptions are requested to design**

**standards (Section 14-5.2(E)(2)(b)) and time limit (Section 14-6.4(C)). (David Rasch)**

Mr. Rasch gave the staff report as follows:

**BACKGROUND & SUMMARY:**

451 West Alameda Street, known as Bouche Bistro, is a non-residential structure that was built in a vernacular manner in 1947. In 1975, an addition was constructed on the east elevation. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. A vestibule will be constructed at the main entry with nonpermanent materials to be installed for up to 180 days per year. Two entry doors in the vestibule will be placed nearer than 3' to the front corners. Two exceptions are requested to exceed the 90-day limit for temporary materials (Section 14-6.4(C)) and to place a door too close to a corner (Section 14-5.2(E)(2)(b)) and the required exception criteria responses are at the end of this report. Steel posts will be covered with a canvas awning that will be a tan color to match the stucco color.

2. A dining portal on the west side of the building will be enclosed with nonpermanent materials to be installed for up to 180 days per year. An exception is requested to exceed the 90-day limit for temporary materials (Section 14-6.4(C)) and the required exception criteria responses are at the end of this report. The tan canvas shades will roll up and down vertically.

**RELEVANT CODE CITATIONS**

**14-6.4 TEMPORARY STRUCTURES OR USES**

**(C) Temporary Structures Treated as Permanent Structures**

Structures other than temporary structures described in Subsection 14-6.4(A) that remain in place for a period of more than ninety days are subject to the same provisions of Chapter 14 as permanent structures, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

**14-5.2 DOWNTOWN & EASTSIDE HISTORIC DISTRICT**

**(E) Downtown and Eastside Design Standards**

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

**(2) Recent Santa Fe Style**

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

prescribed as follows:

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

## **ENTRY VESTIBULE**

### **EXCEPTION TO EXCEED 90 DAYS WITH TEMPORARY MATERIALS (14-6.4(C))**

(I) Do not damage the character of the district

The temporary structure does not represent a permanent alteration of the building. It is constructed of firmly stretched heavy weatherproof fabric that matches in color to the existing building. It is tastefully lower and diminutive in scale.

Staff response: Staff agrees with this statement.

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

This small restaurant space has no permanent weather protection. There is no practical way of erecting a permanent structure that meets the Historic District design standards without eliminating parking in the small parking lot.

Staff response: Staff does not agree with this statement. The proposed vestibule could be constructed with permanent materials.

(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

The code did not contemplate that temporary structures would include weather protection for building entries when limiting the length that such structures may be erected to 90 days. Allowing a longer period of time means that buildings like this one do not have to undertake the approval and construction of building modifications that significantly alter building footprints and façades to solve a part time problem.

Staff response: Staff does not agree with this statement. The applicant did not discuss other design options and why they were not the chosen design.

## **ENTRY VESTIBULE**

### **EXCEPTION TO INSTALL DOOR NEAR THAN 3' TO CORNER (14-5.2(E)(2)(b))**

(I) Do not damage the character of the streetscape

The temporary structure does not represent a permanent alteration of the building. It is constructed of firmly stretched heavy weatherproof fabric that matches in color to the existing building. It is tastefully lower and diminutive in scale.



Staff response: The applicant did not discuss why the narrow corners do not damage the streetscape.

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

The location of “doors” in the canvas enclosure is immaterial to the effect of a temporary vestibule, especially since the “doors” and the enclosure “walls” are all constructed of the same material in the same plane, as opposed to being inset as doors would be in a permanent structure. The concept of design standards meant for permanent structures being rigidly applied to a temporary one that is not of the same materials and construction is a hardship, and not necessarily what was contemplated by the authors of the code.

Staff response: Staff does not agree with this statement. By code, after 90 days the structure is considered permanent and it shall follow Santa Fe Style standards. The hardship or injury of narrow corners was not discussed.

(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

The code did not contemplate that temporary structures would include weather protection for building entries when limiting the length that such structures may be erected to 90 days. Allowing a longer period of time means that buildings like this one do not have to undertake the approval and construction of building modifications that significantly alter building footprints and façades so solve a part time problem.

Staff response: The applicant did not discuss design options that would not create a narrow corner and why those options were not chosen.

(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape

This particular building is very small. It is predominantly a single room that serves as both kitchen and dining space. The parking for the building consumes the entire depth between back property line and face of vestibule.

Staff response: Staff agrees with this statement.

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

The conditions described above have existed for many years, with many tenant businesses in the building.

Staff response: Staff does not agree with this statement. The “many tenant businesses in the building” before the present business did not need to enclose the main entry and the narrow corner vestibule is due to the actions of the applicant.

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

Allowing the requested exceptions would allow the business to exist and maintain the comfort of its occupants by having the temporary structure be erected for only 180 days of the year without the need to add a permanent addition to the structure. This represents the lowest impact solution to the problem.

Staff response: The applicant did not address the criterion as it relates to narrow corners.

## **DINING PORTAL**

### **EXCEPTION TO EXCEED 90 DAYS WITH TEMPORARY MATERIALS (14-6.4(C))**

#### **(I) Do not damage the character of the district**

The temporary side curtains do not represent a permanent alteration of the building. They are hung from the inside of the perimeter and are lowered only as needed, during the warmer months on chilly evenings. They are tan in color, and do not detract from the aesthetics of the permanent structure.

Staff response: Staff agrees with this statement.

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

This small restaurant space has no permanent weather protection. The code did not contemplate that temporary structures would include weather protection when limiting the length that such structures may be erected to 90 days.

Staff response: Staff does not agree with this statement. The proposed portal enclosure could be constructed with permanent materials.

#### **(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**

The code did not contemplate that temporary structures would include weather protection when limiting the length that such structures may be erected to 90 days. Allowing a longer period of time means that buildings like this one do not have to undertake the approval and construction of building modifications that significantly alter building footprints and façades to solve a part time problem.

Staff response: Staff does not agree with this statement. The applicant did not discuss other design options and why they were not the chosen design.

### **STAFF RECOMMENDATION:**

Staff finds that the exception requests to install temporary materials for more than 90 days and to install doors nearer than 3' to a corner have not been met. The Board may find that the rigorous legal test to not follow code has been met after further information/testimony at the hearing.

### **Questions to Staff**

Chair Rios asked, with applications such as this one, if the City actually checks to see if they are taken down after 180 days.

Mr. Rasch said like Café Martin, they proposed specific dates such as October 15 to May 15. The City keeps that on record so it is either by Board's action or City's action for the dates.

Member Roybal asked on item #2 if he would agree to it if it was with permanent materials.

Mr. Rasch didn't see why they proposed temporary materials, but they would still have to grant the 3' exception with permanent materials.

Member Boniface said in the photo of the front we can see it is already a covered entry. He asked if that was part of the original design or of this submittal.

Mr. Rasch wasn't sure.

#### Applicant's Presentation

Mr. Lorn Tryk (previously sworn) said the entry vestibule was approved administratively for 90 days including the posts that hold it up. Specific dates were provided and they adhered to it. Regarding a permanent structure, they approached the City to rebuild the storage shed and were told the property is in the flood plain so no rebuilding or addition is allowed. Only temporary structures could be done. He didn't know if they would approve a very small vestibule, but open structures don't get knocked down by flood waters.

He asked RB Zaxus and she said it was not allowed in the flood plain. There are many reasons for asking for temporary structures. So he questioned why they are we being asked to request an exception for a permanent structure. This is temporary and they are just asking for a longer period of time.

He thought his response was clear - that it could be extended to meet the three-foot rule but it would use up two parking spaces for code compliance. It creates a hardship to meet that. He tried to explain that the criteria for the 3' corner is to maintain mass for a permanent building, which this is not. He also tried to explain that a door in exactly the same plane, is a position that seems less important than a recessed permanent door that would have a shadow line.

He hoped that would help explain what they were trying to clarify. The hardship was not created by this tenant. This building has never had a such a vestibule. Opening the door sucks out the heat so they have suffered through it. But it wasn't created by this tenant. It has always been a problem.

#### Questions to Applicant

Chair Rios asked what months they would keep it up.

Mr. Tryk said they would like to keep the entry vestibule up in winter and the rain curtains they would like to keep up during the summer months. Dropping the curtains makes it habitable during summer months. So it is not the same 180 days.

#### Public Comment

There were no speakers from the public regarding this case and the public hearing was closed.

#### Action of the Board

**Member Boniface, in Case #H-16-092 at 451 W Alameda, after hearing testimony from the applicant, made a finding that the applicant answered all exception criteria and moved to approve the application as submitted. Member Roybal seconded the motion.**

Ms. Gheen asked for more specific findings on the criteria Staff disagreed with.

**Member Boniface said regarding criterion #2 for the entry vestibule that the vestibule could be constructed with permanent materials and applicant explained that they could not because it is in a flood plain.**

**On criterion #3, the applicant did discuss what options are not allowed and pointed out the hardship of losing two parking spaces. That was the exception for the vestibule to exceed 90 days with temporary materials.**

**Member Biedscheid added on #3 in their response the point was made that the temporary modification of the building retains the character of the district better than a permanent alteration.**

**Member Boniface said for the exception to install a door nearer than 3' to a corner, the temporary structure does not represent a permanent alteration of the building and is the only possible location without increasing the size of the temporary entry. It is also lower and more diminutive in scale.**

**For criterion #2 - present a hardship to the applicant, from the testimony heard, the doors, if set back 3' from each corner would create a ten-foot entry vestibule so the hardship is demonstrated in loss of two parking spaces in an already compromised parking lot.**

**For criterion #3 - the design options are limited in a flood plain and would impact the parking lot.**

**#4 - is accepted.**

#5 is also answered by being in a flood plain as is #6 due to the flood plain.

For the Dining Portal exception, the response for #2 is the flood plain and the compromised parking lot.

For #3 – the response is the flood plain and the parking lot.

The motion passed by unanimous voice vote.

#### **I. MATTERS FROM THE BOARD**

There were no matters from the Board.


Chair Rios announced that she would not be present at the second meeting in November.

#### **J. ADJOURNMENT**

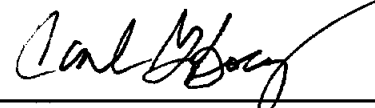
Member Boniface moved to adjourn the meeting.

The meeting was adjourned at 8:20 p.m.

Approved by:

  
Cecilia Rios, Chair

Submitted by:

  
Carl Boaz for Carl G. Boaz, Inc.