



Agenda

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 10, 2017 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 10, 2017 at 5:30 P.M.

CITY COUNCIL CHAMBERS

*****AMENDED*****

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 13, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-002C. 450 Camino Monte Vista.
Case #H-16-100A. 1039 Camino San Acacio.
Case #H-16-099B. 100 Sandoval Street.

Case #H-16-051B. 500-550 Montezuma Avenue.
Case #H-16-099A. 100 Sandoval Street.
Case #H-16-101. 5 Cerro Gordo Road.

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

1. Case #H-15-104. 547 Hillside Avenue. Downtown & Eastside Historic District. John Clemens, agent for Coyote Development Group LLC, owners, proposes to replace a portal and windows, construct a 36 sq. ft. addition and re-stucco on a non-contributing residential structure. (Nicole Ramirez Thomas)
2. Case #H-08-054. 530 Camino del Monte Sol. Downtown & Eastside Historic District. Lisa Roach, agent for Robert and Kris Barrie, owners, proposes to construct 1,700 sq. ft. of additions, a 3'4" yardwall, and replace doors on a contributing residential structure. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (Nicole Ramirez Thomas)
3. Case #H-16-100B. 1039 Camino San Acacio. Downtown & Eastside Historic District. Will McDonald, agent for Tamar Hurwitz, owner, proposes to remodel a non-contributing residential structure including replacing windows, increasing height from 12'6" to 14'9" where the maximum allowable height is 15'10", and constructing a 6' high coyote fence. An exception is requested to increase a non-historic nonconformity (Section 14-5.2(A)(6)) and to construct not in Santa Fe style (Section 14-5.2(E)). (David Rasch)
4. Case #H-16-103A. 503 Apodaca Hill. Downtown & Eastside Historic District. Antonio Gonzales, agent/owner, requests a historic status review with designation of primary elevations, if applicable, of a non-contributing and non-stated residential property. (David Rasch)
5. Case #H-13-023. 739 Acequia Madre. Downtown & Eastside Historic District. Will McDonald, agent for Georgia Maryol, owner, proposes to construct a stuccoed yardwall from 3' to an accent at 5'4" high where it attaches to an existing 7'3" high wall and where the maximum allowable height is 5' on a contributing and non-historic residential property. (David Rasch)
6. Case #H-16-105A. 1066 Camino San Acacio. Downtown & Eastside Historic District. Jon Wisniewski, agent for John Casti, owner, requests a historic status review with designation of primary elevations, if applicable, of a non-contributing residential property. (Nicole Ramirez Thomas)
7. Case #H-16-106A. 418 Apodaca Hill. Downtown & Eastside Historic District. Sandra Donner, agent for Patricia Kopren, owner, requests historic status review with designation of primary elevations, if applicable, of a contributing residential property. (David Rasch)

8. **Case #H-16-107.** 119 East Buena Vista Street. Don Gaspar Area Historic District. Steve McCormick, agent for Andrew Sanford, owner, proposes to remove non-historic additions from a non-contributing residential structure and demolish a non-contributing shed. (Nicole Ramirez Thomas)
9. **Case #H-16-108.** 510 Halona Street. Downtown & Eastside Historic District. The Right Plumber, agent for Jason Price, owner, proposes to construct a 1,940 sq. ft. residential structure to the height of 22'3" where the maximum allowable height is 16'1" and a 522 sq. ft. casita to a height of 13'6" on a vacant lot. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Sobia Sayeda)
10. **Case #H-16-104.** 621 Halona Street. Downtown & Eastside Historic District. Tim Curry, agent for Bill Tierney and Barry Weiss, owners, proposes to construct a 432 sq. ft. second story addition to match existing height to a non-contributing residential structure. An exception is requested to have lites larger than 30" (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)
11. **Case #H-16-110.** 486 Camino Don Miguel. Downtown & Eastside Historic District. Tom Easterson-Bond, agent for Suella Domres, owner, proposes to construct a trombe wall on a residential structure. An exception is requested to have lites larger than 30" (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check http://www.santafenm.gov/historic_districts_review_board_hearing_packets for more information regarding cases on this agenda.



Agenda

DATE 12/22/16 TIME 9:55
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11. Case #H-16-109. 76 East San Francisco Street. Downtown & Eastside Historic District. Architectural Alliance, agent for Peter Komis, owner, proposes to remodel the front entry and construct an elevator overrun and maintenance room on the roof to a height of 51'4" where the maximum allowable height is 24'11" on a non-contributing, non-residential property. Two exceptions are requested to exceed the maximum allowable height (Section 14-5.2(D)(9)) and to install publicly-visible vertical transportation massing (Section 14-5.2(E)(1)(d)). (David Rasch)
12. Case #H-16-110. 486 Camino Don Miguel. Downtown & Eastside Historic District. Tom Easterson-Bond, agent for Suella Domres, owner, proposes to construct a trombe wall on a residential structure. An exception is requested to have lites larger than 30" (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

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SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
January 10, 2017

ITEM	ACTION TAKEN	PAGE(S)
B. Roll Call	Quorum Present	1
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes December 13, 2016	Approved as amended	2
E. Findings of Fact & Conclusions of Law	Approved as presented	2-3
F. Business from the Floor	Comments	3-4
G. Communications	Comments	4
H. Action Items		
1. <u>Case #H-15-104</u> 547 Hillside Avenue	Partially approved	5-10
2. <u>Case #H-08-054</u> 530 Camino del Monte Sol	Approved with conditions	10-26
3. <u>Case #H-16-100B</u> 1039 Camino San Acacio	Approved with conditions	26-32
4. <u>Case #H-16-103A</u> 503 Apodaca Hill	Designated noncontributing	32-34
5. <u>Case #H-13-023</u> 739 Acequia Madre	Approved as recommended	34-35
6. <u>Case #H-16-105A</u> 1066 Camino San Acacio	Designated noncontributing	35-38
7. <u>Case #H-16-106A</u> 418 Apodaca Hill	Postponed	38
8. <u>Case #H-16-107</u> 119 East Buena Vista Street	Approved as presented	38-41
9. <u>Case #H16-108</u> 510 Halona Street	Denied	41-48
10. <u>Case #H-16-104</u> 621 Halona Street	Approved as presented	48-51
11. <u>Case #H-16-110</u> 486 Camino Don Miguel	Postponed with directions	51-56
I. Matters from the Board	None	56
J. Adjournment	Adjourned at 9:35 p.m.	56

MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

December 13, 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, 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
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Ms. Meghan Bayer
Mr. Edmund Boniface

MEMBERS EXCUSED:

Mr. William Powell
Mr. Buddy Roybal

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Theresa Gheen, Assistant City Attorney
Ms. Nicole Ramirez Thomas, Senior Planner
Ms. Sobia Sayeda, 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.

A moment of silence was observed in memory of Deborah Shapiro.

C. APPROVAL OF AGENDA

Mr. Rasch noted that Case #H-16-106A was postponed because of an incomplete application.

Member Boniface moved to approve the agenda as amended with Case #H-16-106A postponed. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES:

December 13, 2016

Member Katz requested the following changes to the minutes:

On page 12, third line from the bottom should say, "But there is no basis for an exception in the Code for situations where we don't need the rule."

On the next section at the end of the line, insert "existing criteria and" after "the."

Chair Rios requested the following changes to the minutes:

On page 12, tenth paragraph, it should say, "Mr. Wong said the daughter would stay in the master bedroom and the mother, Ms. Barrie, has Parkinson's. The parents would stay in the original master bedroom at the bottom."

On page 13, 4th paragraph, the third instance of "it" should be "if."

On page 15, 4th paragraph, Chair Rios voted no with Member Roybal.

On page 39, under Questions to Staff, it should read, "Chair Rios asked for the total of windows to be repaired or replaced." And on the first sentence it should say "repaired" instead of "repair."

Member Boniface moved to approve the minutes of December 13, 2016 as amended. Member Katz seconded the motion and it passed by voice vote with all voting in favor except Member Biedscheid and Member Bayer, who abstained.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-002C. 450 Camino Monte Vista.

Case #H-16-100A. 1039 Camino San Acacio.

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Case #H-16-099B. 100 Sandoval Street.

Case #H-16-051B. 500-550 Montezuma Avenue.

Case #H-16-101. 5 Cerro Gordo Road.

Member Katz moved to approve the Findings of Fact and Conclusions of Law for these cases as presented. Member Boniface seconded the motion and it passed by voice vote with all voting in favor except Member Bayer and Member Biedscheid, who abstained.

F. BUSINESS FROM THE FLOOR

Ms. Stefanie Beninato, P. O. Box 1601, Santa Fe, who said she went to Constituent Services but hasn't seen much going on. At 605½ Galisteo, she knew the contractor who worked on it recently. His name is Ted Chagaris with Western Service Construction Company, who told her they didn't need a permit to do any work on the house and that you don't need a permit to replace a window that's visible to the street. And he didn't need a permit to do a fence and a gate on that property. And he didn't need a permit to put in another vent and make it tall as well as putting in a blower and doing interior plastering and things like that. But those are the things she thought Historic would be caring about. Mr. Chagaris didn't seem to think he needed a permit for that. And the City doesn't seem to be doing much about that.

She said, "600 Galisteo Street, they were working on the interior of the building and the owner actually came over and talked to me. We talked about problems with the setting at 604½ and what he might do to help out. He apparently wants to help or restore that wall but he is only talking to David [Mr. Rasch] about it, and I just wonder when somebody is going to say they actually need to come in to the Historic Board. They could just come in for the wall and do something about that while they are trying to get a permit for the structure. Because it was also working on the structure. Windows were broken out and now, the City is supposedly responding to that part. But again, it would seem that instead of just talking to David Rasch, that Mr. Rasch would be advising the applicant to come in and get a permit and talk about it in a public hearing."

Ms. Nicoletta Monroe, 701 Dunlap, asked if this is a meeting for the Historic Districts Review Board for Santa Fe.

Chair Rios told her it is.

Ms. Monroe said she was here because the New Mexican reported today on the front page of the paper that a bike path on Alameda between St. Francis and DeFouri has been widened without a public

hearing from City Council, from this Board, or any neighborhood notification. She said, "I belong to the Neighborhood Association for that neighborhood in the historic district and we have not received any word that the City was planning to widen the bike path that I believe was five feet wide. That's how it was described in the New Mexican. And now they are proposing to widen it to ten feet to accommodate bike traffic. The issue here is that it's in the historic district, I believe. May I ask David Rasch if that particular stretch of the Alameda within the historic district?"

Mr. Rasch said it is.

Ms. Monroe asked if, under normal circumstances, it is the case that such an alteration would be discussed at a Board here or at City Council. She asked if there is a rule on how it would be dealt with.

Chair Rios said they have had sidewalk widths come before the Board.

Ms. Monroe said, "Okay. So, there is precedent. I guess my issue is, and there is a City Attorney present here. Ms. Gheen is here." "Since this has started to widen the sidewalk, is there any chance that we could have a public hearing where discussion, where the neighborhood associations could be included in a public hearing and talk about the width of the sidewalk?"

Chair Rios replied, "Are we sure that this is something the City is doing? It would have to have a posting just like regular meetings - yes - like any other case that came before the H-Board. And it has to be posted and then it would come before us."

Ms. Monroe said, "So in this case, they are half way done with the work."

Chair Rios said she was not familiar with that.

Ms. Monroe said, "It is on Alameda. If you drive, you can see the work. And I would say that this is an example of irresponsible practices at the City level. Somehow, they've gone forward with a jag without notifying the neighborhoods; not having a public hearing here or in City Council. So, there could be a need to put into place some sort of method to prevent this from happening again. And it may be the case that someone does choose to try this as a case. It could go to district court or something, in which case you would have to put the width back to what it was, which is only five feet. I'm only a student- not even a lawyer but I could see this as a breach of responsibility at the city level."

Mr. Rasch stated that the Public Works Department brought this park improvement before this Board several years ago and he was pretty sure it was already approved.

G. COMMUNICATIONS

Ms. Gheen announced that the appeal hearing regarding 201 Old Santa Fe Trail - the one next to Loretto Chapel will be heard tomorrow. And on February 8, they will hear the appeal of historic status of

Shrine rectory and office structure at Our Lady of Guadalupe church.

Mr. Rasch was excited to announce that Santa Fe is one of three finalists for the National Geographic Society for "Sense of Place" in an international competition. He explained that there are five categories in the World Legacy Awards with 15 finalists and only two are in the USA and the other is Jackson Hole in a different category. Santa Fe Historic Preservation Division is a main partner in this nomination. The other two finalists in this category are an Inuit community in Alaska for training native citizens on traditional boat making and the other is in Peru where women and children will be trained in native crafts to help get out of poverty. The ceremony is March 8 in Berlin, Germany. It is rare that Santa Fe has gotten this far.

H. ACTION ITEMS

Chair Rios informed the public regarding the appeal procedures and limited public comment time.

1. **Case #H-15-104. 547 Hillside Avenue.** Downtown & Eastside Historic District. John Clemens, agent for Coyote Development Group LLC, owners, proposes to replace a portal and windows, construct a 36 sq. ft. addition and re-stucco on a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

547 Hillside Avenue (formerly 438 ½ Hillside Avenue) is a residential structure that is designated as noncontributing to the Downtown and Eastside Historic District. The house was constructed in 1945 in the vernacular style (Spanish Revival elements) with the western portion of the house at two stories and the eastern portion of the house at one story. Exposed vigas and river rock stone, on the west and south elevations, are the defining characteristics of the home. This case came before the Board in January 2016 and again in June 2016 and was postponed by the Board both times due to incompleteness of the application.

The applicant proposes to remodel the property with the following 7 items.

- 1) Addition of a 36 sq. ft. mechanical room to the east elevation of the second floor of the residence. A 4'-0" x 6'-0" door will be added to the mechanical room which will open on the exterior of the home.
- 2) Removal of existing 138 sq. ft. entrance portal on the west elevation and construction of a 30 sq. ft. portal in its place. The remaining portal square footage will be used to construct a 108 sq. ft. entryway into the house. The area above the constructed entry will be enclosed on the second story.

- 3) Replacement of 17 non-divided lite windows with Pella true divided lite windows in the color "Turquoise." Windows openings will change and be recessed 4" and bullnosed.
 - A window will be added where one does not exist on the north elevation. The window on the north elevation will be double hung and installed in a manner that prevents it from encroaching on the neighboring condominium.
 - Window dimensions and locations will change on the south elevation. The front door on the south elevation will be reoriented to face west.
 - A window will be added to the first story of the west elevation. A window will be placed at the second story mechanical room addition.
 - The east elevation will have a door at the mechanical room addition, a door under the portal, and a window; dimensions will change.
- 4) Refurbish existing wood deck and replace hand railing in-kind with a wood railing. The length of the set of stairs will be shortened.
- 5) Placement of an air conditioning condenser on the east side of the home.
- 6) Corbels will be added to the north elevation along the posts of the portal. Corbels are also noted on the south elevation at the portal.
- 7) Restucco of the residence in cementitious El Rey "La Morena."
- 8) The exposed rock character of the house will be unchanged.

STAFF RECOMMENDATION:

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards for All H Districts 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. John Clemens, 228 St. Francis Drive, was sworn. He said the footprint is kept except they will square off the portal and the mechanical door will be seen. The height is the same. The window placement is changing slightly and they are using true divided light windows.

Chair Rios believed this is an improvement.

Questions to the Applicant

Chair Rios asked if there would be any rooftop equipment.

Mr. Clemens said no.

Member Boniface noted the application said there would be a 36-square foot mechanical room to the east elevation of the second floor. On page 32 in the packet, he asked if the mechanical room was in the lower, right-hand corner.

Mr. Clemens agreed - the one with double doors.

Member Boniface said on the floor plan, it looks like a bathroom and it is on the south side.

Mr. Clemens said it is on the east side. The mechanical room is on the right side of the page. He pointed it out on the displayed floor plan.

Member Boniface asked what is on the lower left side.

Mr. Clemens said it is the entry portal.

Member Biedscheid said on the proposed east elevation, it appears there is a different texture on the walls under the portal.

Mr. Clemens explained that the stucco is the same but one elevation is with the railing and one is without the railing.

Public Comment

Mr. Greg Allegretti, 1925 Aspen Drive, Suite 802B, was sworn and said he had four points to make. His client is Ms. Diaz who owns the adjacent property and enjoys a private courtyard where at least one window is proposed that is highly intrusive on her privacy and is illegal for two reasons: it doesn't meet building code because it is a means of egress and there is no easement there leading to a public way which is required for egress windows. Also, it does not meet code and notwithstanding advice to the contrary which might have come even from the City Attorney's office. A window on a lot line is specifically prohibited in the code. A window on a lot line is not permitted at all.

He asked how the applicant propose to install the windows. The applicant has no permission to come onto his client's property to install or repair such a window. There are easily accommodated ways to solve their problem with egress by having a window on another elevation and there are provisions in the code to

do that but the applicant has refused to do that. "It is just a thoughtless and intrusive project ... and I'm appalled by it."

Chair Rios asked what elevation he was talking about with the window.

Mr. Allegretti said it is the north elevation. There is a sunken courtyard next to it.

Chair Rios asked the applicant to respond.

Mr. Clemens said this is a condo so the lot line is not there. The lot line is huge. It is like .4 acre, so that is not the lot line. There is nothing in any code or condo docs that say you cannot look into a neighbor's courtyard. He offered a frosted glass double-hung window so it would not protrude out. He said they tried to do everything to accommodate her. "The neighbors look into our courtyard. Our upstairs looks into their courtyard. Everybody looks into other courtyards because it is a condo. There are three different units in that condo. There is no way to not put a window there. The grade of the dirt, because it is sunken down next to us - that's the only place we could have egress. Otherwise, up on the street side, it is eight feet high. So, it is actually underground where that is. There is no other place for a window unless we did like a basement window to the front street; and it probably wouldn't be very nice and appealing for historic."

He said, "The other thing is, the neighbor has decided to make herself do whatever she wants to do. She put a gate, right now, that was red tagged by the City."

Chair Rios stopped him to say that was not part of this case.

Mr. Clemens said "We have done everything we can to try to come to an agreement that would work to be able to have egress for that downstairs area. And that's the only way that we can have egress is one window, frosted, non-intrusive to her courtyard.

Chair Rios asked if he would have plenty of room to stucco.

Mr. Clemens said they could stucco. "Obviously, we would get permission to get on that side of the wall. Otherwise, we would hang down the side and do it or something so we could not set foot on her limited common area. However, right in front of that is our common area and our parking area is adjacent where she has blocked us in. And we would be able to stucco that obviously with her permission to make sure we could do it. But she did paint it gray, which is our wall that she already painted gray. So, it is not meeting historic standards by any means right now. She painted it gray to match her house."

Mr. Brian Parish, 204 Maynard Street, was sworn, who said he represented Ms. Diaz from the Sommer Udall Law Firm. He said, "We object to the placement of the window because the egress would be into the limited common area with Ms. Diaz, the way it is placed. We have been trying to work out negotiations. We just ask the Board not to go forward with this until we have the opportunity to try and work some plan out to accommodate both parties."

He referred to the plat on page 22 and pointed out that it is an old plat and incorrect. It doesn't show the exterior walls correctly. He had a copy of the correct plat with him and provided copies for the Board. A copy is attached to these minutes as Exhibit 1. He pointed the area in yellow that leads into the common area of Ms. Diaz's unit.

Chair Rios asked for comment from Ms. Gheen.

Ms. Gheen said this came up a couple of months ago and they decided on a policy that the condo association give prior approval that they would agree to this. In this case, the Architectural Committee has given prior approval of the design, shown on page 21 in the packet. The final sentence says, "We reserve any issues of drainage because structural quality is for building permit review. "So, it does indicate that the condominium association [unintelligible] final approval on the egress issue and has given approval on the design. The letter seems to indicate that they probably would actually give approval on the final. Of course, they reserve the right to bring something up. Egress is not an issue under the jurisdiction of the Historic Districts Review Board according to Chapter 14. I believe it is actually a building and fire code issue. It is not even a zoning issue. So, if there is an egress issue, it probably would be worked out at the building permit stage. Again, if there is an internal conflict regarding whether the condominium association would agree to it or not, that's really a decision that the condominium association would make and is really not our position to read the mind of the condominium association or overstep our jurisdiction over the private matter."

Chair Rios asked if she was saying the Board could go forward with the window as proposed.

Ms. Gheen agreed. The Board's purview is 14-5.2 in the code which is the design code.

Chair Rios surmised that if there are any problems down the road, the building permit would not be issued.

Ms. Gheen agreed, if there were issues with the requirements for a building permit to be issued.

Member Biedscheid asked if she said it is Land Use that gives approval prior to coming here and if so, she asked if this letter is sufficient.

Ms. Gheen said the association is only three condos. She believed the architectural design committee is just the same as the condo board.

Mr. Parish said that is why it is in conflict. It has been difficult to get the parties to negotiate.

Mr. John Eddy, 227 East Palace, was sworn. He said he was confused about the preservation of the vernacular stone work. He saw in one place in the packet that the stonework would be protected and at another place that it will be removed. He urged the Board to clarify that issue. Vernacular stonework is an important part of our historic preservation.

Ms. Ramirez Thomas said the building is noncontributing and the applicant's letter makes it clear that they plan to maintain all the stonework and not change anything about it.

Ms. Stefanie Beninato was sworn. She said it was distressing to have a window with possible egress problems or not because of the time needed for everyone to deal with it. It is a mixed message and needs to be clear. "It is either allowed for egress or it is not. If the Assistant City Attorney or any assistant - not picking just on that person - but if an assistant city attorney is here, it would be nice if that person was educated enough about our code, including the fire code, because it does play into the building, to be able to advise the Board that it would be a window that would be approved for egress or not so that you know that it is a viable element for later on down the road in this project."

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

Ms. Ramirez Thomas said Staff has had discussions about this with Yolanda Cortéz and Greg Smith with regard to their approvals of this project. Egress is necessary under fire code and the current deed does provide some obstruction to that. So, at the point, after this design is approved, the applicant can move forward to determine how that egress is going to work and negotiate it with Ms. Diaz.

The only other viable option that doesn't seem possible, given Mr. Clemens' testimony, is to move the egress window to the west elevation and, if possible, Staff could give administrative approval for that, should that be a requirement.

Chair Rios asked Mr. Clemens about moving the window to the west.

Mr. Clemens said that was one of the questions his attorney had mentioned, as well. But because of the height of the grade of the road on that west side, it is really high. So, he asked if it would be acceptable for them to jump out of a window that they can climb up on top of to get out. It is six feet before it is at grade. So, it would have to be some type of basement window with removal of dirt for a person to actually get out. That would be the next option. But if Building or Zoning would approve it, it would be a different avenue to try.

Chair Rios felt that if the Board approves this project, all but that window could be approved until there is further discussion on that.

Member Biedscheid asked if the Staff is satisfied that the condo letter makes it a complete packet.

Ms. Ramirez Thomas said they have had no indication to the contrary. The Association is four individuals and the letter indicates they are the architectural design review board for the Condo Association. Staff has received no information that there is any kind of conflict or problem with this letter.

Ms. Gheen added that the issue is whether the condo association approved the egress on limited common element. It is not a zoning issue; all zoning requirements have been met for it to come to the H Board and the approval of the egress is at the next step - building permit - so it seems the process has

been properly met.

Action of the Board

Member Katz moved in Case #H-15-104, at 547 Hillside Avenue, to accept staff recommendations and approve the application with the exception of the egress window and simply not approve that part of the application and hope that it gets amicably resolved and Staff can approve it if it is substantially in line with what the Board is seeing. Member Boniface seconded the motion.

Member Biedscheid clarified that it is egress on the north elevation. Member Katz agreed and the motion passed by unanimous voice vote.

- 2. Case #H-08-054. 530 Camino del Monte Sol. Downtown & Eastside Historic District. Lisa Roach, agent for Robert and Kris Barrie, owners, proposes to construct 1,700 sq. ft. of additions, a 3'4" yardwall, and replace doors on a contributing residential structure. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

530 Camino del Monte Sol is a Spanish Pueblo Revival style residential structure which is designated contributing to the Downtown and East Side Historic District. The east elevation and a portion of the south elevation of the house are primary. The date of construction of the original house is 1928 and modifications to the property occurred in the 1950s, 1960s, and more recently in the 2000s. The original house may have been designed and built by artist Frank Applegate.

In 2004 the Board approved the addition of 773 square feet of roofed area to the house for a kitchen and portal. The addition was added to a non-primary elevation (the north elevation) with an exception to place a portal closer than 10 feet from the primary (east) elevation of the home. At the time of the 2004 case a non-historic garage to the west elevation of the property was included in the overall calculation of the increase in the footprint of the house. The total footprint increase of the property including the garage and the addition was 49% of the historic footprint.

In the HCPI form there are two garages noted on the footprint. The original garage was enclosed and incorporated into the footprint of the house in the 1950s or 1960s. A new garage, the garage sited as non-historic in 2004, was built in the 1960s. The garage is assumed to have a construction pre-1967 as the garage was in existence prior to the purchase of the home by Mrs. Kathryn Seeler Jones in 1969. The garage also is characteristic of those built in the late 1950s and 1960s as it is a narrow single car garage with a wood panel door and a flat roof. The history of the garage now makes the garage footprint part of the

historic footprint of the home.

This case came before the Board in two times in 2016. The initial design was denied. The applicant represented this sign but the Board was tied in its decision and the case was postponed to a date certain of January 10, 2016. The applicant has decided not to consider a status downgrade as they feel the home contributes to the Camino del Monte Sol streetscape and they wish to preserve it as a contributing structure.

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

1. Addition of 1,092 sq. ft. of heated space, 191 sq. ft. of mechanical space, and 428 sq. ft. of portal space. All additions will not be publicly visible. An exception is requested to exceed 50% of the historic footprint of the property (14-5.2(D)(2)(d)).

2. The portals will be constructed in the Spanish Pueblo Revival style to match the existing portal on the north elevation. The wood will be stained light brown to match the existing portal on the north elevation of the property. The hardscape in the portal area will be flagstone.

3. On the north elevation the addition of the mechanical space will result in the increase in height of an existing chimney and parapet. The parapet height will not exceed existing parapets.

4. Addition of a 3'-4" yardwall to define an outdoor area at the southwest corner of the backyard where an 8'x 8' spa will be placed.

5. Windows and doors on the addition will have simulated divided lites. Doors and windows will be off-white aluminum clad or stained wood and will match existing styles and colors of doors and windows on the structure.

6. Existing stucco on the home is elastomeric. The applicant proposes to stucco the addition in Sto "Suede" to match the existing stucco.

Square Footage of the Structure

A square footage map showing the historic footprint, the 2004 additions, and the proposed additions is included in the packet.

Historic Square Footage total	2,603.0 sq. ft.
50% of the Historic Square Footage total	1,301.5 sq. ft.
2004 Addition Square Footage total	688.0 sq. ft.
Remaining 50% Square Footage total (post 2004)	613.5 sq. ft.
2016 Proposed Additional Square Footage	1,669.0 sq. ft.
Amount of Square Footage over 50%	1,055.5 sq. ft.

RELEVANT CODE CITATIONS

(D) General Design Standards for All H Districts

In any review of proposed additions or alterations to *structures* that have been declared significant or contributing in any historic district or a *landmark* in any part of the *city*, the following standards shall be met:

(2) Additions

(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of *structures* instead of attaching them to the significant or contributing portion.

EXCEPTION TO EXCEED FIFTY PERCENT OF THE SQUARE FOOTAGE OF THE EXISTING FOOTPRINT.

(i) Do not damage the character of the district;

Applicant Response: The proposed addition to the residence at 530 Camino del Monte Sol will have no public visibility and will match the style of the existing residence, both historic and non-historic portions. Therefore, there shall be no damage to the character of the district caused by granting the exception to construct the proposed addition in excess of 50% of the historic floor area.

Staff response: Staff agrees with this statement. The addition will not be publicly visible and, even with the increase in square footage of the home, the home will not be out of character of homes on adjacent properties within the district.

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

Applicant Response: The proposed addition will provide additional living space for the owner and their family, in order to enable them to spend more time in Santa Fe initially and eventually to live in Santa Fe on a permanent basis. With the construction on the interior of deep steps on which removable ramps can be placed, the addition provides an accessible bedroom and bathroom space that will accommodate the special needs of the owner's wheelchair-bound daughter and anticipated future needs of the owners.

Staff response: Staff agrees with this response. Staff finds that the applicant has identified the addition as a means to meet the physical needs of the occupants of the home.

(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.

Applicant Response: The very small historic footprint of the home is insufficient to meet the present and future needs of the owners, in order for them to reside on a permanent basis in the home. The proposed addition is located at the rear of the existing contributing residence, the design of which was selected because of its low impact on the surrounding neighborhood and because of its proximity to the existing main living areas of the home. An addition could not be placed in the front open space, as this would impact the primary façades of the residence, and an addition would not make as much sense attached to the southwest corner of the home, due to further distance from the main living areas of the home. In settling on the proposed design solution, a range of design options were thus considered, and the proposed design affords the maximum functionality for the owners' and will allow them to reside on a long-term basis in the historic district.

Staff response: Staff agrees with the response. The applicant has considered other design options for an addition that will accommodate the particular needs of the family. Additionally, this is the second design option presented to the Board. However, additional testimony as to why a detached structure is not discussed as a design option is needed.

(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*;

Applicant Response: The inaccessible historic footprint of the home is insufficient to meet owners' needs. There is no other location for construction of an accessible bedroom and bath to the existing home, due to the configuration of the existing home on the lot. An addition is not feasible in the front of the home, due to its impact on primary facades and on the streetscape. The proposed addition in the rear will not be publicly visible, will not impact primary facades, and will create an accessible living space for the owners and their daughter.

Furthermore, adjacent properties along Camino del Monte Sol exhibit a pattern of homes and lot coverages that maximize what is allowable in the district (see 542, 538, 534, and 531 Camino del Monte Sol on the attached map). Additionally, large homes are characteristic of the streetscape on this section of Camino del Monte Sol, as can be seen by other homes shown on the attaches map. The proposal at 530 Camino del Monte Sol, is in keeping with this pattern and meets underlying zoning requirements. The exception is only required because of the small size and inaccessible nature of the original home. The applicant has made every effort to design an addition that respects the historic status of the home and is compatible with the surrounding streetscape.

Staff response: Staff agrees with this response. The placement of the home on the lot does not allow for an addition to be added to any other location than the back of the house.

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

Applicant Response: Neither the small size and inaccessible configuration of the historic portion of the home nor the position of the existing home on the lot are due to any action of the applicant or owner. The

owner is merely attempting to make the home functional for their present and future needs, so that they can live for longer periods in the home and one day retire permanently there. The previous addition allowed for a functional, accessible kitchen and outdoor living space but did not provide an accessible bedroom and bath, for which the needs have intensified with Ms. Barrie's recent Parkinson's diagnosis, which was impossible to anticipate at the time of the previous addition. Now that the Barries have reached the decision to move to Santa Fe permanently and to have their children and grandchildren visit often, an accessible space is a necessity of both Ms. Barrie and her stepdaughter to be able to live in the home with ease and dignity. An exception is respectfully requested to accommodate this need.

Staff response: Staff does not agree with this response. However, it is noted that the historic portion of the home and the configuration of the structure on the lot are not the result of the applicant or owner. More testimony from the applicant may clarify the response to this question.

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

Applicant Response: The proposed addition will provide the least negative impact to the historic district in which it is situated of other design options. It will allow for the continued preservation of the historic portion of the home and its primary façades. Its style will match that of the existing home, both historic and non-historic portions. It will not be visible from adjacent "public ways" and will therefore have no visual impact on the surrounding neighborhood. And it will allow the residents to continue to reside in the home and eventually reside there permanently, reducing its use as a short-term rental. Placement of an addition at the front of the home would adversely impact the historic portion of the home and the streetscape. And not constructing an addition would prevent the owners from residing in the residence on a long-term basis, causing it to continue as a vacation rental and eventually be sold in order to find a home that suits the owners' needs.

Staff response: Staff agrees with this response.

STAFF RECOMMENDATION:

Staff finds that not all of the exception criteria have been met but additional testimony from the applicant may provide information at the hearing to satisfy the criteria. Otherwise staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for all H Districts and 14-5.2(E) Downtown and Eastside.

Questions to Staff

Chair Rios asked Ms. Ramirez Thomas why she did not agree with criterion #5.

Ms. Ramirez Thomas said that is special circumstances not the result of the applicant. It was because her question to Ms. Roach was that the portal addition is proposed off the kitchen and the applicant did not say why it could not be enclosed as part of the remodel. She responded that it would not meet the needs of

the family. The configuration of the home and the way the lot lies was noted. Those conditions existed prior to this homeowner.

Chair Rios asked about the original footprint. She asked if heated and non-heated areas totaled 2,603 square feet.

Ms. Ramirez Thomas agreed.

Chair Rios said the applicant came forward in 2004 for an addition. She asked how large that addition was.

Ms. Ramirez Thomas said it was 688 square feet. It was not 773 as she had noted in her report.

Chair Rios asked if the 688 was all heated space.

Ms. Ramirez Thomas said it was a portal. And after that addition, to not exceed 50%, 613.5 square feet remained to reach 50%. But they were proposing 1,669 so that exceeds 50% by over 1,055.5 square feet.

Chair Rios said the existing square footage is 3,291 square feet.

Ms. Ramirez Thomas agreed.

Chair Rios calculated that the proposed total would be 4,960 square feet.

Ms. Ramirez Thomas agreed.

Member Katz asked Ms. Ramirez Thomas referenced from the code 14-5.2 D (2) but C (5) talks about exceptions and there are two different sections dealing with exceptions. The first one empowers this Board only to recommend to the Governing Body and has only 3 criteria and says it applies to 14-5.2 D 1 through 8. The other provision gives this Board the authority to actually decide whether to grant or deny the exception and it applies to D (9) only. So, he asked why she was making this applicant respond to the three additional criteria when it is not required for the exception for exceeding the original footprint by more than 50%.

Ms. Ramirez Thomas said the discussion of height, pitch, scale and massing as it pertains to additions is in the section on scale under 9 and that is how it has been practiced for over a decade.

Ms. Gheen said that under 14-5.2 (C) (5), the section dealing with exceptions, it says that Staff shall determine whether an exception to this section is required. So, that gives Staff the authority to determine whether and exception is required, just like it says. But then later in that statement it is also an implied authority to determine which exception actually applies. I think that is a reasonable interpretation. So, here, Staff did what was in their authority to determine, which was that, yes, an exception and the six criteria do apply. And just recall that the Land Use Department and the Historic Preservation Division is in the Land

Use Department and we are in ... the Land Use Department, in conjunction with the City Attorney's Office, has the authority to interpret Subsection 14-5.2, not the Board. The Land Use Department has interpreted it thus and has applied it consistently over the last at least 14 years and potentially more. So, the Land Use Department's interpretation of the Code is reasonable, consistent, and longstanding. And to follow up on what Ms. Ramirez Thomas said, that 14-5.2 (C)(5)(c), it is under the parameters of Height, Pitch, scale, Massing and Floor Stepbacks which is more applicable to an exception to the 50% rule than to design. And 14-5.2(D)(9), also titled, Height, Pitch, Scale, Massing and Floor Stepbacks, has the six criteria applied to it for an exception. So, the Land Use Department has consistently interpreted the Code in this way, which the City Attorney has always said is reasonable."

She asked if that answered his question.

Member Katz said no, but he didn't expect it to be answered. His concern was that Section D-9, that deals with the massing and pitch and size or scale, can be perfectly satisfied on an addition that is substantially more than 50%. So 9 can be "cool" but the rule in D-2 about additions is violated. That is what the Board is looking at. And the Code doesn't say 'Oh, if you are talking about massing, if you are dealing with something that is provided for under Section D-9, then you use all six. If you are dealing with something that is under D-2, then you only use three.' "I have a hard time. I understand this has gone on for a long time. And I understand that Staff has the authority to determine whether an exception is needed. But I don't think they have the authority to make an unreasonable interpretation. And that's why I would expect that the applicant would be pretty upset; particularly since that's the one criterion that Staff seems to think - #5, that shouldn't be applied here."

Ms. Gheen said, "There is maybe one outstanding issue that Member Katz brought up, which was the recommendation to give things to the Governing Body to approve. That part is a vestige upon this that the Historic Districts Review Board was actually only a land recommending body. That all changed. I'm not sure exactly when that changed but certainly back in the 1990s, perhaps."

Member Katz said maybe not all of it changed, and that's the problem. Maybe they wanted it to, but it didn't.

Ms. Gheen thought it was one of those "quirky vestiges that's - that doesn't make sense in the current context of what the Board's jurisdiction is. And if the Board, for some reason, the three criteria would apply, which she didn't think was the case here, and the Board decided to give it to the Governing Body, she thought the Governing Body would be surprised by that, since it has never happened in the last 14 years. They probably would just remand it back to the Board anyway."

Chair Rios thought she was correct.

Member Biedscheid asked Staff, "Theoretically, if a contributing structure is overwhelmed by an addition that exceeds the 50% footprint, can it remain contributing? And the inverse of that, if a case came before the Board for status review that had been added onto over the years in a manner that exceeded the 50% of the historic footprint, would you recommend contributing status?"

Mr. Rasch said, "This Board's jurisdiction is to take those difficult situations and make action and we would recommend to you. But it really depends on the historic structure and the character of the proposed addition. Is it on a primary elevation? Is it publicly visible? Is it reversible? There are a lot of criteria that this Board could use to determine if that addition is sensitive to the historic structure.

"And in exactly the opposite direction, when you are looking at the status of a building, if there is a nonhistoric addition on that building, and we are asking you to make a recommendation or judgment on whether it is contributing or not, you have to look at the sensitivity of that addition. Is it on a good location or is it not? Does it overwhelm the streetscape? That kind of thing. So it does work in both directions. In this case, Staff feels that this addition would not affect the historic structure so she is finding that most of the exception criteria have been met, but not all. We really look to you to determine if this building is acceptable with this addition. If it is not and would cause the building to lose its historic status, this application shall be denied."

Chair Rios thought it was also true that you could have the older section still remain historic and keep its contributing status and also determine that the new section is non-historic.

Mr. Rasch agreed. He said it is done in a sensitive way - and that is really the key term here. Is this proposal sensitive? If it is done in a sensitive way, it could be a very large addition, but be attached in a very sensitive way so its effect on the historic structure is minimal way and a reversible way. That is where Staff looks to the Board.

Member Biedscheid asked if Staff could clarify which portion of the south elevation is historic.

Ms. Ramirez Thomas pointed out the portion that is primary with a pointer. It was along the east side of it.

Applicant's Presentation

Ms. Lisa Roach, 994 Don Manuel Street, was sworn. She thanked Member Katz for raising the issue that she asked about several times as a staff member. "It is an issue that certainly was raised in my mind in relation to this case. The Code is very specific about what exception criteria apply to what particular segment of the Code. In my opinion, I do not believe that criteria 4-6 apply to this case. I've not made it an issue because we have been very much trying to work with Staff and play by the accepted or practiced rules. But I do think it is a question that needs to be addressed by this Board in the long term and perhaps in relation to this case.

"Secondly, I would also like to submit again, as I have in the last few hearings, that the addition that's presented to you has been very consciously designed so as to preserve the historic character of the historic portion of the home. And we do feel that there would be minimal, if not zero, impact to the historic portion of the home by allowing this addition."

Chair Rios asked Mr. Rasch, to make it clear to the Board and the public, to indicate what falls under the three exception criteria and also what falls under the six.

Mr. Rasch said, "Madam Chair, the Assistant City Attorney was probably referring to my tenure. I just started my 14th year with the Historic Preservation Division. And I'm quite sure that the person who hired me was probably following the same practice.

"We've always determined that the three criteria are used for design issues such as replacing a window or choosing a different color or finishing material. It is true that D-2 and D-9 both talk about scale and massing in additions but my training and my practice has always been to deal with the six criteria and the City Attorney has also told me in the past that she does not intend this Board to ever make a recommendation on the three criteria to go to the Governing Body. I stated a little while ago that the Governing Body would just remand it back to you. So, I do feel that we have taken the proper procedure for over a decade that the six criteria do apply here. The City Attorney said that to us this afternoon that she agrees. It is the six criteria - height, pitch, scale, and massing."

Ms. Roach said she had just asked a question and didn't know if it has an answer because I am not a lawyer. But when the Land Use Code says specifically that these certain exception criteria are required for these certain rules stated in the code and Staff practices something that violates that very statement, I am not convinced that that is a justifiable practice. Again, I'm not a lawyer, but I would contest that."

Member Katz replied, "I think maybe the answer is that it is up to you to bring them in line. For Staff for the City, we would love to be able to do what we think is right with the Code, but there is the Code there."

Ms. Ramirez Thomas said, "I would like to offer that- and talk to David because it has not been discussed with anybody.

Ms. Roach said, "I brought it up when I was Staff.

Ms. Ramirez Thomas said, "but not with me."

Ms. Roach agreed - not in this case.

Ms. Ramirez Thomas said, "We are happy to offer postponement and the applicant can answer that three criteria and present it to the Board and the Board can offer their recommendation to Council and they can go forward and see if Council remands it back to the Board or if they approve it. We are fine with that. We don't have a problem."

Ms. Roach said, "There have been many cases where the three criteria have been used by the Board to make a decision on the case and not make a recommendation to the Governing Body."

Chair Rios did not believe what Ms. Ramirez Thomas offered would not be productive. They would just remand it back. She said, "This Board is the proper body to make a decision regarding a project."

Ms. Roach agreed. "I wasn't suggesting the Board make a recommendation to the Governing Body. I was suggesting that the Board make the decision based on the first three criteria, which apply to this particular exception."

Ms. Ramirez Thomas said, "Then we need to make the distinction that with the three criteria, the discussion is not about streetscape but it's about the district. So, in that case, criteria have not been answered sufficiently in any regard. We would have to postpone and come back."

Ms. Gheen interjected here. "It is HPD's jurisdiction to determine that the six criteria actually do apply. So, I don't think the Board can say, 'Well, apply these criteria instead.' It is the HPD Staff's jurisdiction under (C) (5) to make the determination. That is the determination that they've made. Now, when an HPD... one HPD makes a determination, that determination could, itself, be appealed but no appeal has ever forthcoming on that issue. Today is the first time the applicant has discussed that."

Ms. Roach said, "The only reason I have not brought it up is because every single time, I have been shut down by asking that very question, which I think is a very valid question. I do believe that there is sufficient information here to make a decision on this case. I believe we have met all of the exception criteria, save a portion of 5 for which Staff has some level of disagreement. We have had a split vote twice now. I believe very strongly that this proposal makes every effort to comply with the spirit of the code; with the specifics of the code, while also accommodating the very real needs of the applicant. And I would very much like the Board to consider a decision on this case tonight, if you would."

Member Biedscheid said, "In the interest of trying to move this forward, I wonder if we could accept the fact that we are dealing with six criteria as the Staff has recommended and have the applicant discuss number 5 a bit more and her testimony, especially considering how they should view the desire to increase the size of the house in a way that is not due to the applicant's actions."

Member Katz said, "Madam Chair, I think the Assistant City Attorney is absolutely correct that they decide what the law is. I may think they are wrong there, but she is absolutely correct that we should proceed with the advice that she has given us."

Chair Rios said, "I agree. I think we should proceed under the six exception criteria this evening. So, Board members, in your review of the project, do you have any questions?"

Questions to the Applicant

Member Biedscheid asked her a question that was inaudible.

Ms. Roach said, "Sure. Madam Chair, Member Biedscheid, I would like to assert that in response to Staff's suggestion that the applicant consider enclosing the portal on the north side of the home, I would assert that enclosing that portal would intensify a nonconformity because of its proximity to the primary elevation and that would end up having more of an impact on the streetscape because it would be visible from the streetscape and it would be within ten feet of the primary elevation. So, that is the reason why we have not considered enclosing that portal."

Public Comment

Ms. Beninato (previously sworn) said, "I have a lot of trouble with this because I think it is not just being sensitive which is a very subjective word. There is no criterion in the Code for that word. You have to look at the actual percentage and is there a real hardship here that they have to have this kitchen - I assume it is a kitchen addition. Is there a way to redo internally that there doesn't need to be a new bedroom? Is there a way to add onto it that doesn't need to be so much? Because, really, I think it is about overwhelming the original footprint. And that is really what is happening here, no matter how sensitive we are that there are no rules. It is actually overwhelming that original footprint to the point that, yes you can still see that original façade but can you tell what was original and what isn't? And again, I just think it is totally overwhelming."

The other thing I would like to make a comment on is the Code and the so-called practices and all this stuff. It is just like in this room filled with nonsense, in my opinion. Because within the code, it quite clearly says that there are certain things you can recommend exceptions for. But there is nothing in there about, unless the Staff comes up with some practice that two people decided on and that they say they've been following for 13 years, but that we are following on a consistent basis. Because you have no standards and every case is individual. So then, if you want to change the code, then change the code. And what I would suggest that if you start recommending these to City Council as the code requires you to do, then the code could get changed a lot quicker and the 12 or 15 years that we've been waiting for code reform on historic. Thank you."

Mr. Eddy (previously sworn) asked about the spirit of the 50% rule. "I understand that the first priority of that rule is to protect the historic integrity of the structure. Is that not correct?"

Chair Rios asked him to repeat his question and he did.

Chair Rios thought the ordinance addresses that and the spirit of it is that the original should not be overwhelmed. That was why they have the fifty percent rule. However, as in this case, or as in any other case, the applicant can ask for exceptions and then this Board obviously reviews that and goes either yea or nay.

Mr. Eddy asked if there is "another element in that fifty percent rule which is aimed at protecting the character of the neighborhood by not allowing structures to become so large that they overwhelm what would be known as or felt in the neighborhood as open space. The arroyo in between Camino del Monte Sol and Camino Rancheros, over the years, has received tremendous pressure as these structures have

been built on and built out. So, is there an element in that fifty percent rule that is attempting to maintain some breathing space around structures so that adjacent neighbors are not feeling built upon? Is that part of the code, as well?

Chair Rios said, "In all of my years on the Board, I don't know the answer to that. I don't know if the city Attorney can address it.

Member Katz said, "I would guess that it is not because this only applies to contributing and significant houses or structures. And if there was some desire to limit how a neighborhood changes, you wouldn't just say, 'Oh, just only these - A relatively small percentage of the number of homes are so limited. You would make that limit apply to every home. So, I'm not entirely sure that that would be a reason. I think your first reasons is what I have always understood it to be."

Chair Rios said, "Something else came up, that I'm thinking about, is streetscape. You would look at streetscape. I mean, if you have a lot of small houses, let's say on a particular street and then someone wants to make a ginormous house, it is in direct opposition o what the streetscape is dictating."

Mr. Rasch said, "Madam Chair, your last statement is very good. This Board does have the jurisdiction to determine if this proposed structure is harmonious to the streetscape. I think if you look at the map and also the applicant probably pointed his out in previous hearings, there are larger and smaller lots; there are larger and smaller buildings. But more importantly, getting back to the first question, use and density and lot coverage and setbacks is a zoning issue; not a historic districts issue."

Chair Rios said, "Except when it comes to streetscape and harmony."

Mr. Rasch agreed.

Member Bayer asked him to elaborate.

Mr. Rasch said, "When it comes to how big a house can be on a property, that is related to underlying zoning: lot coverage, setbacks, what type of structure (primary residence and a secondary residence, two primary residences) that is all the underlying zoning authority, not the overlay zoning authority, which is what you are. And in this case, the underlying zoning authority says this case is applicable to zoning code."

Chair Rios asked which one trumps.

Mr. Rasch said the more restrictive trumps but it is like apples and oranges. Both have to be met in order for the applicant to be able to go for a permit.

Ms. Roach handed out the aerial of the streetscape area. A copy is attached to these minutes as Exhibit 2.

Mr. Rasch said both the zoning code and the historic code must be met. If the Board feels this proposal is disharmonious to the streetscape, the Board has that authority.

Mr. Eddy asked if he understood correctly that zoning code is at work here in the fifty percent footprint rule.

Mr. Rasch said not in the fifty percent rule but in the setback and the lot coverage.

Mr. Eddy asked if anything in this addition would violate the lot coverage or setback.

Mr. Rasch said no. It meets zoning.

Chair Rios recapped that "the existing house is now contributing and you added 688 square feet and it is still contributing. You [Ms. Roach] are not planning to touch any of that. Correct? With your new proposal, you are - in what I will call the corridor and ask you in a minute to describe - the existing house, you are not going to make any alterations to it.

Ms. Roach said, "Madam Chair, that is correct, with the exception of adding a portal at the south bedroom of the existing home."

Chair Rios asked, "Would you explain how you plan on adding on the corridor - that you are adding for the new addition?"

Ms. Roach asked the designer, Scott Wong, to do that.

Mr. Scott Wong, 641 Garcia, was sworn and pointed out the courtyard to be enclosed. He identified the exception area and said it is seven feet across and then another ten feet from the house to the corridor which is a relatively small hallway. He pointed out the enclosure being created for the corridor and where it was open. If the connection was not granted, it would be detached and three more feet away.

Ms. Ramirez Thomas clarified her opinion regarding the 50% rule that she did think it is sensitive and doesn't "glom onto the building." It is just one small connection and doesn't harm the historic footprint in any way. The streetscape is preserved and not impacted.

Chair Rios asked if the streetscape for Camino del Monte Sol is preserved and that of Camino Rancheros.

Ms. Ramirez Thomas said Camino del Monte Sol is the only streetscape impacted. Rancheros is not the applicable streetscape.

Member Biedscheid said in fleshing out criterion #5, the Staff agreed the configuration of the structure on the lot is not the fault of the applicant. This is essentially a detached structure aside from a small corridor connecting it to the structure. She also asked why the applicant would like this to remain contributing.

Ms. Roach said because of the primary elevations being on the east side and on the south side, there is no room to place the addition on that portion of the lot. The position of the addition is only place it could be put is where it is proposed. Secondly, she agreed it is essentially a detached structure connected by a corridor. It was an intentional design to minimize its connection and preserve as much of the character of the home as possible. The family wants it to remain contributing because they share the value of historic preservation and have the utmost respect for that value and to configure this addition to preserve that integrity.

Member Boniface asked Staff, if this addition was not attached to the contributing building, if that would be allowed. Maybe that is a zoning question.

Mr. Rasch said it is a building code question if it is detached. The distance between the two structures is a fire code issue. The applicant could have gone free-standing but it really is necessary to attach for that consistency for the residents.

Ms. Roach added that they went through that design process because zoning would allow it to be detached if moved slightly. But the real necessity is the accessibility needs of the family.

Member Boniface understood it was not their intent to separate the two but the building proposed, whether separated or not, would still be in the same spot. And to order it separated would just be to eliminate that small corridor.

He said that under (D) (2) (a), additions shall have similar materials, architectural treatments styles, features and details as the existing structure, but shall not duplicate those of the existing structure. He saw that they proposed to stucco the addition in the same manner so he wondered about that.

Mr. Rasch pointed out that to do two colors of stucco would require another exception. They might have a different lite pattern or different trim color.

Chair Rios asked if there is something the differs in the addition like the window pattern.

Mr. Wong said the majority of windows on the house are double hung and on the addition, will be casement windows with the same lite pattern.

Member Biedscheid said the design of the whole structure makes it distinguishable because it is essentially detached. She thought that would meet the intent of this requirement.

Member Katz said, "You know I have problems with this. I understand these folks have lived in Minneapolis or Milwaukee and have a large house there. And they want to retire here and want a large house here. So, they proposed a very substantial master bedroom addition that is some 1,300 square feet. Almost the whole thing is the master bedroom and the hall to the master bedroom. But I do feel, as you heard from my earlier comments that we are constrained by what the code says; not what we think it might

say or should say or ways to get around what it says. And what it says is that an addition is limited to 50%. And I don't believe that simply wanting a larger home meets any of the exception criteria. In that case, we wouldn't have anybody here, if they didn't want a larger home. That's why they are doing the addition. I don't think just to satisfy the owner's convenience is enough.

So, we have been asked to judge whether, in some senses, the reason why they want a bigger home is 'sufficiently worthy' that we should go along with it. And if so, we need to critically evaluate what their perceived need is. You have offered basically two mobility and impairment reasons for this. One is for the daughter who has been in a wheel chair for a very long time. And the other is the wife's diagnosis with Parkinson's Disease and the future possibility that she, too will have access issues. These are hard issues to discuss. I recognize that. But I just ultimately don't believe the applicant has made a persuasive case that is required to violate the 50% rule.

And what I come back to is that in the most historic part of the house, that is all on one level; you have the living room, dining room, eating area and then you have the bedroom, the studio and a bathroom. And I understand that the doorway to the bedroom and the bathroom is too narrow for a wheel chair. But that seems like a fairly trivial change to the interior that would solve the accessibility problems for the daughter.

Now we are told that when the daughter comes to visit, the husband and wife are going to move out of their master bedroom for when she is there. I described their reasoning as a little disingenuous and I guess I still feel that way. I mean, if the daughter comes often, I just don't think they are going to be moving out all of the time. That makes it even more sensible to give the daughter room on the living level that is easy for her to get to. And if the daughter is not coming very often, then that sort of diminishes the urgency for her.

I don't think just wanting a big house meets the criteria. I acknowledge that Scott's done a fabulous job in designing it. I equally acknowledge that it doesn't reflect how you see it on Monte Sol. But that's not the standard we're given. We are not saying 'Oh, is this house nice enough?' If it is bigger than 50%, you can't do it. Now, if they remodeled the interior for the daughter to be on that one level, they would still have 650 feet that they could build as a master bedroom. That's a lot bigger than my master bedroom and I think it is bigger than most people's here. And they would still be within the 50% rule. So, I don't see any requirement, any absolute need to have that. Desired? Yes, but need I can't buy."

Chair Rios asked if the existing house has one bedroom.

Ms. Roach said it has two and a studio. The studio is a pass-through room, not suitable for a bedroom.

Chair Rios asked if they considered a smaller addition.

Ms. Roach said there were many designs considered and they settled on this one. The heated portion is about 1000 square feet with the bedroom and the handicapped bathroom.

Member Biedscheid asked if the Board approved a greater than 50% addition for the Will Shuster property.

Ms. Ramirez Thomas agreed but also approved the removal of the old addition. It was not to the same degree as this one.

Member Biedscheid said she was initially very concerned and missed the last meeting but when she saw it today, the impact is very limited from the street and it is largely detached so she was changing her mind.

Action of the Board

Member Biedscheid moved in Case #H-08-054 at 530 Camino del Monte Sol, to approve the application, noting that exception criteria responses to 1, 2, 3,4, and 6 were met as indicated by Staff; exception criterion # 5 has been met with additional testimony by the applicant - that the configuration of the structure on the lot uses only the back part of the lot available for the addition and the applicants wish to preserve the contributing status of the structure, so have opted to preserve the primary elevations on the east and the south, which are the other two elevations that would be available for addition, and the addition is largely detached from the existing structure, further preserving the historic structure, and the attachment is not to a primary façade; the front is not impacted, and the other façades are minimally impacted; the portal enclosure which would have made more square footage was considered and would impact the contributing status and was therefore eliminated from consideration. Therefore, she considered all exception criteria to have been met and recommended approval. Member Bayer seconded the motion.

Member Katz said he had problems with exception criterion #4 because it has nothing to do with where the house is on the lot - in front or back. No matter what it looked like, the addition would be more than 50% so he didn't think that criterion is met.

The motion passed by majority (3-1) voice vote with Member Katz dissenting.

- 3. Case #H-16-100B. 1039 Camino San Acacio. Downtown & Eastside Historic District. Will McDonald, agent for Tamar Hurwitz, owner, proposes to remodel a non-contributing residential structure including replacing windows, increasing height from 12'6" to 14'9" where the maximum allowable height is 15'10", and constructing a 6' high coyote fence. An exception is requested to increase a non-historic nonconformity (Section 14-5.2(A)(6)) and to construct not in Santa Fe style (Section 14-5.2(E)). (David Rasch)**

Mr. Rasch presented the Staff Report as follows:

BACKGROUND & SUMMARY:

1039 Camino San Acacio is a single-family residence that was constructed in a vernacular manner at approximately 1940 with two rooms and substantially enlarged in 1950, 1962, and 1965. In the 1970s, the front portal with stuccoed arches and projecting vigas along with a laundry room was added. In addition, a simple street-frontage yardwall was probably constructed during historic times, but, a stuccoed, stepped-arch pedestrian entry was installed at the middle of the wall sometime during the 1980s or 1990s. The building and yardwall are listed as non-contributing to the Downtown & Eastside Historic District.

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

1. The building height will be increased. The street-facing elevation will change from 10' 2" high to 12' 2" high, where the maximum allowable height is 15' 10". The maximum height of the building on this sloping site will be 14' 9" on the east elevation.

2. The non-conforming arcaded portal will be intensified by raising the height of the arches rather than replacing them with compliant rectilinear openings with exposed beams and carved corbels, for example. An exception is requested to intensify a non-conforming design (14-5.2(A)(6) and 14-5.2(E)(1)(a)) and the required exception criteria are at the end of this report.

3. Windows and doors will be replaced and most of the resulting lites will be conforming to the 30" standard. The transom over the entry door on the street-facing elevation and the in-kind replacement of windows on the rear elevation do not comply to the 30" standard and an exception has not been requested.

4. A 6' high coyote fence with irregular latilla tops will be constructed along the east side of the residence. A 6' high wooden pedestrian gate with one panel below and one window with a wooden grille top will be installed in the fence.

5. Finishes will include El Rey cementitious stucco in "Adobe", wood window trim will be painted a "medium blue", and exposed wooden elements will have a "light brown stain".

RELEVANT CODE CITATIONS

14-5.2(A)(6) Historic Districts, General Provisions, Nonconforming Structures

Any building in the historic district not meeting the standards for architectural style set forth in this section, unless given special approval by the board for architectural or historic interest or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register, shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board.

14-5.2(E) Downtown and Eastside Design Standards

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

(1)(a) Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls.

STAFF RECOMMENDATION:

Staff finds that the exception request to intensify a non-conforming design has not been met and otherwise recommends approval of this application with the conditions that the arcade shall be preserved or altered to a conforming design and that the non-conforming lites be redesigned to meet the 30" standard.

Questions to Staff

Chair Rios asked him why he thought none of the three criteria were met.

Mr. Rasch said, "When I went through the applicant's responses, I didn't think they met any of the three criteria to intensify the nonconformity mostly because, if you have a nonconformity, and you are going to intensify it, you are removing the arches in order to raise them. So, when you remove them, why can't you just put in a lintel and corbels or not, instead of recreating a nonconforming design. I felt that because the Board made this structure noncontributing, that to preserve the nonconformity on a non-contributing building would damage the streetscape.

I didn't see any kind of a hardship because I felt that if the applicant was putting in the effort and the money to alter that in a conforming way, I didn't see that as a hardship. And then I didn't agree with the other design options issue because a nonconforming design issue should not be used in order for the Board to find that the heterogeneous character would be strengthened because they are basing it on something that is not allowed.

Chair Rios said they are proposing to raise the arches by how much.

Mr. Rasch said it is a maximum of two feet.

Member Katz asked if it would be okay if they just raised the parapet but not the arches.

Mr. Rasch agreed.

Chair Rios noted on the field trip that while driving on the road, you would see everything on the roof. Raising the parapet would help that.

Mr. Rasch agreed and the applicant is planning to correct the roofing material problem by asking for stucco on the parapet.

Member Biedscheid said in #2, she saw a reference to cost which the Board normally does not consider.

Mr. Rasch agreed. He related that he had asked a constituent to show him in the code where cost might be considered except in the preface which mentions well-being of the residents. But typically, he agreed that the Board doesn't use cost. In this case, he brought it up because the lintel would be less expensive than creating an arch.

Member Boniface said that in his experience, the difference in cost would be minimal or nonexistent. He asked Mr. Rasch to point out the location of the noncompliant windows.

Mr. Rasch said they are on the rear elevation and pointed them out.

Applicant's Presentation

Mr. Will McDonald, 488 Arroyo Tenorio, was sworn. He said he doesn't love arches as a rule. He talked with his client about it and she asked him to keep the arches because it is part of the character of the house. They want to raise the ceiling bearing height a few inches. In raising the height, they would raise the parapet and if they kept the arches where they are now, it would impair light through the windows and the proportion would be off. That is why they talked about recreating the arches. He truly believed the character of the historic district grows out of the vernacular of residents who built over time. It is not 50 years old but it is part of the character of San Acacio and there is value in maintaining that expression. That is one of the reasons for keeping the arches.

Of course, they could do beams and corbels but that is homogenization and they would lose something in that to make it look just like all the rest. It has to do with dialects and languages architecturally. Language is organic and rich and grows. They would like to maintain that vernacular expression. He would like the Board to approve it so the look of the house remains largely the same.

Questions to the Applicant

Member Katz agreed with him to keep the arches but said he could do it without need for an exception because they aren't raising the floor. The arches are low now and the applicant doesn't seem to be bothered by them.

Mr. McDonald agreed it would be the same and they are low now.

Member Katz said the rules would not have to be violated if they kept the arches the way they are now.

Mr. McDonald noted that Mr. Rasch says the arches in the historic district are not allowed but the Code says arches are "almost never used." The fact that they are rarely used remains true. It is a legalistic point.

Chair Rios agreed with him regarding the vernacular comments. It is important to keep vernacular architecture and people didn't use architects and designed it themselves for what was best suited for them and what they could afford.

Mr. McDonald said they also gave artistic expression.

Chair Rios asked for his response to Member Katz's statement about keeping the arches as they are now.

Mr. McDonald said they are so low and it is a south facing façade so the amount of light would be hurt by keeping them that way. His client desires more light. It would work to keep them but not very well. He could discuss it with his client or do beams and corbels like all the rest of Santa Fe. He would prefer the arches at a higher level. With the height of new parapet, it would seem out of proportion to leave them where they are.

Mr. Rasch quoted the rest of the code citation "arches are almost never used except for nonfunctional arches ... over gateways and freestanding walls." He noted that these are functional. He added that he didn't require an exception for the Convention Center because it was just one arch as an accent. These are more than an accent and in fact, are a defining feature of this building.

Member Biedscheid asked about other options like skylights or a setback parapet.

Mr. McDonald said they could consider skylights but didn't know about stepping back the parapet. Stepping down the parapet might be an option too. He knew beams and corbels would fly through here just fine.

Member Biedscheid said he had a good point in preserving the vernacular architecture.

Member Bayer asked if he had additional testimony on exception #2.

Mr. McDonald said there is a hardship to the applicant but he wouldn't make a big deal about it. Raising the arches would mean more light for the applicant. Preserving the natural expressions serves the public welfare and homogenizing harms the public welfare at times like this.

Member Bayer agreed but the Board has to work within the existing code.

Mr. McDonald said he could argue about even needing an exception. It is the same amount of arch in both cases. So, it reduces the amount of noncompliance. But the Board should do what it feels needs to be done. "I stated my case and I'm not going to pretend that there will be lots of pain and suffering for my client. It is really an aesthetic and I think it's more serving the goals of the historic code by keeping these."

Member Katz asked if the arches have been like that for 45 years.

Mr. McDonald said it has been that way since 1970 according to the HCPI.

Member Bayer asked if he had a design alternative on the windows that violated the 30" rule.

Mr. McDonald said it looks like the windows on the north elevation don't meet the rule. As odd as this homemade window is on the north, my client wanted to preserve the look. So that is how that happened. The diagonal is about 38" on the larger ones. He suggested they could put mullions in there or a complete new design. He added that he was once told the rule only applies to the publicly visible side of the house and for many years, it was ruled that way but Staff has changed their interpretation because it is now a strict reading of the code.

He said they would like to do it as drawn here but if the Board stipulates it must meet 30" rule, they will meet it.

Mr. Rasch agreed that Mr. McDonald is right. In the past, this Board has not required it for non-publicly visible windows. He was more concerned about the transom on the visible side of the building. That could easily be resolved with one muntin. He read Section 5.2-A-6, the nonconformity rule "... unless given special approval by the Board for architectural or historic interest or on the register of historic places... shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the Board."

Public Comment

Ms. Beninato (previously sworn) said, "I always like it when people say they want to preserve the code except they don't really want to abide by the Code that they are coming in under. And I think that David's last ruling of that particular part says you cannot approve or expand a nonconforming element. That complies with the larger zoning code. It is not allowed. You can repair but if you have to do more than 50% because of fire, you increase the nonconforming use. This building has had that portal at that height for a long time. Forty years does not make it historic. It can't be contributing or significant so the Board cannot give an exception here for its conformity."

What can happen is that you can allow the arches to stay as they are now. That would allow the owner to keep that nonconformity that they love so much that they want to preserve but it will be preserved exactly in its original place and original size. If you have been living with less light for 40 years from those

particular windows because of that portal, maybe you can live with it for ten more years with that, as well. It does not seem to meet the criteria.

In addition, hardship is the one that normally comes up with statement that it costs too much and the Board has consistently not considered it hardship. In the preamble to design review, it doesn't say anything about financial well-being. Financials are not discussed in the Code- it talks about well-being but not financials.

Mr. Rasch asked Mr. Rasch to read that section on nonconforming again and he did.

Member Biedscheid said, in thinking about whether an exception is required, that it is not an intensification. It would be like a wall extended. There are not more arches.

Ms. Gheen said this is similar to the last case. In C-5, it is Staff's jurisdiction to determine if an exception is required; not the Board's.

Action of the Board

Member Boniface agreed that he didn't want cookie cutter designs repeated. It is not a very pretty home but it is unique and character-defining and he saw other similar arches on this same street. They are around and that helps keep the character of Santa Fe.

Member Boniface moved in Case #H-16-100B at 1039 Camino San Acacio, to find that the applicant has not met the exception criteria to intensify the arches and moved to approve four of the five items the applicant requested. The fifth item for the arches shall not be allowed to be raised, however, the parapet can be raised. If skylights in the portal are added, they must be low profile and be approved by Staff and the north window must meet the 30" rule whether by replacement or by adding mullions and that the transom above the door on the south elevation must meet the 30" rule. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

Mr. McDonald said in the previous case and this case, there were many questions about what the code says. It would be great to have an informal committee to make the code work better.

- 4. Case #H-16-103A. 503 Apodaca Hill. Downtown & Eastside Historic District. Antonio Gonzales, agent/owner, requests a historic status review with designation of primary elevations, if applicable, of a non-contributing and non-statused residential property. (David Rasch)**

Mr. Rasch presented the Staff Report as follows:

BACKGROUND & SUMMARY:

503 Apodaca Hill is a 1,554-square foot residential structure that was constructed in a vernacular / simplified Santa Fe style in 1952. In 1980, a 582-square foot bedroom addition and a 300-square foot unheated workshop were added to the east elevation. In 1988, a large three-car carport was constructed at the southwest corner of the residence. In 1991, all historic windows were replaced with non-compliant single-lite windows. From 1988 through 2000, many rock walls were constructed around and within the property. HPD finds no Historic Districts Review Board or administrative approvals for any of the alterations. The character-defining features include an entry portal, exposed wooden headers, and two rock fireplaces. These may be considered to be overwhelmed by non-historic alterations, including non-historic massing and loss of historic materials. The residential structure is listed as non-contributing to the Downtown & Eastside Historic District and the yardwalls have no assigned historic status.

The applicant requests historic status confirmation.

STAFF RECOMMENDATION:

Staff recommends non-contributing historic status to the residence and yardwalls due to substantial non-historic alterations and/or non-historic date of construction.

Questions to Staff

Chair Rios asked Mr. Rasch how he would characterize the architectural style.

Mr. Rasch said it is Santa Fe vernacular.

Applicant's Presentation

Mr. Antonio Gonzales, 292 Ojo de Arcans, was sworn.

Questions to the Applicant

Chair Rios asked if he agreed with Staff recommendations.

Mr. Gonzales said he did.

Public Comment

Ms. Beninato (previously sworn) said it is totally appropriate that this building should be nonconforming at this time. The nonconforming additions were done without permits. She asked how many more changes will have to occur before it is red-tagged. There was a gate red-tagged earlier tonight. People get rewarded for not getting permits. This is just a vehicle for things occurring over and over with this Board.

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

Action of the Board

Member Boniface moved in Case #H-16-103A at 503 Apodaca Hill, to follow Staff recommendations that this house and walls be designated non-contributing due to substantial alterations and lack of any historic dates. Member Katz seconded the motion and it passed by unanimous voice vote.

- 5. Case #H-13-023. 739 Acequia Madre. Downtown & Eastside Historic District. Will McDonald, agent for Georgia Maryol, owner, proposes to construct a stuccoed yardwall from 3' to an accent at 5'4" high where it attaches to an existing 7'3" high wall and where the maximum allowable height is 5' on a contributing and non-historic residential property. (David Rasch)**

Mr. Rasch presented the Staff Report as follows:

BACKGROUND & SUMMARY:

739 Acequia Madre is a single-family residence and free-standing garage that were constructed in the Spanish-Pueblo Revival style between 1929 and 1935. The structures are listed as contributing to the Downtown & Eastside Historic District. On April 9, 2013, the HDRB approved remodeling at the property, including the construction of a 1,082-square foot guest house at the front of the lot.

The applicant proposes to remodel the property by constructing a yardwall along the street frontage from 3' to 5'4" high where the maximum allowable height is 5'. The existing yardwall at the adjacent property to the east is 7' 3" high and the proposed yardwall steps up to attach to it with an accent that slightly exceeds the allowable height in a *de minimus* manner (*de minimus* = lacking significance or importance and so minor as to merit disregard). Both the south and west elevations follow the 3' driveway visibility standard and proposed steps in height modulate the massing. The yardwall will be stuccoed with El Rey cementitious material in "Buckskin".

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, (E) Downtown & Eastside Historic District, and 14-

7.1(F) Visibility at Driveways and Yards.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. McDonald (previously sworn) said his client wished to have a wall that allows pedestrians to see into the property, maintaining a visual accessibility. It steps down with the grade.

Chair Rios said she grew up in that area and there was maybe one wall there when she was growing up.

Mr. McDonald said it is transforming from a farming district.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Ms. Beninato (previously sworn), said this application is de minimus and the Board should approve it but the transition took place there in the 1700's.

Mr. McDonald clarified that he wasn't talking about the beginning but it has been going on for a long time.

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

Action of the Board

Member Katz moved in Case #H-13-023 at 739 Acequia Madre, to follow staff recommendations and approve the application for the wall with the step up, which looks more fitting. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

- 6. Case #H-16-105A. 1066 Camino San Acacio. Downtown & Eastside Historic District. Jon Wisniewski, agent for John Casti, owner, requests a historic status review with designation of**

primary elevations, if applicable, of a non-contributing residential property. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

1066 Camino San Acacio is a 910-square foot house built in the Spanish-Pueblo Revival style. It is currently listed as noncontributing to the Downtown and Eastside Historic District. The home was built in the mid-to-late 1960s and was significantly reconstructed between 1980 and 1983. Builder Walter Drew first constructed an adobe building around 1968 in the location of an agricultural outbuilding. In the early 1980s designer David Lord reconstructed the house. The reconstruction included additional adobe to the exterior walls, new window openings, a second story addition to the rear (south) end of the home, and the addition of "church-like" gable. Sometime after 2006 the windows were replaced.

The applicant's letter requests a downgrade; however, the house is already listed as noncontributing and the status review serves only to confirm the status of the structure in advance of a proposal for remodel.

STAFF RECOMMENDATION:

Staff recommends that the status of the house remain noncontributing to the Downtown and Eastside Historic District per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

She handed out a copy of the HCPI and it is attached to these minutes as Exhibit 3.

Questions to Staff

Member Biedscheid referred to the statement in the Staff report that said the structure was built in 1968. She assumed that date was taken from the HCPI report prepared in 2016.

Ms. Ramirez Thomas agreed.

Member Biedscheid noted there was a previous study done in 1984 that estimates the date of construction as 1935 to 1945 and said it might have had a previous number of 1050 which was listed in the 1946-1947 report as San Ignacio Church.

Ms. Ramirez Thomas said her understanding from Jon Murphy's report was that he disagreed with the date put forth in 1984. In his footnotes, the very last one said he took into account the original surveyor made a probable error in determining the date of construction and original use.

Member Biedscheid said she saw that but wondered if they just estimated it was an error.

Ms. Ramirez Thomas didn't think he could substantiate this discussion from the 1984. All we can find is that there was an agricultural outbuilding that may or may not have been completely demolished or significantly renovated in early 1960's by Mr. Drew and then again significantly altered in 1980.

Member Biedscheid thought it was interesting that the 1946 date in the current HCPI report suggested the church gable was a small typo. It seems to indicate there was something there.

Ms. Ramirez Thomas referred to page 15, which shows a photo from 1979 to 1980 with an estimated date that was given to Mr. Murphy by Mr. Lord and there is no evidence of any church-like features to the adobe building. She did not think there is any opportunity to substantiate that a church existed there.

Applicant's Presentation

Mr. Jon Casti, 1066 Camino San Acacio, was sworn.

Questions to the Applicant

Chair Rios asked if he agreed with Staff recommendation to keep this noncontributing.

Mr. Casti agreed.

Chair Rios asked if he knew anything about a church being there.

Mr. Casti said all he knew was up on the roof of the house, there was a little arch but he heard from the previous owner that there were some Buddhists who lived in the house and climbed up on a ladder to the roof every morning to see the sun rising in the east and go through their ceremonies. That was the only thing he knew about that house that had anything to do with religion.

Public Comment

Ms. Beninato (previously sworn) said as a historian and owner of an historic home, that was part of the 1984 survey that was extremely inaccurate. There were lots of problems with the 1984 survey. The Board should go with the more substantial evidence they have.

Mr. Eddy (previously sworn) said it is unfortunate that more time has not passed for this house because it is a wonderful example of Santa Fe "hippie" vernacular construction. He knew the house very well and grew up with Dave Lord. He put the kitchen cabinets in there in the 1980s and would love to see this house upgraded but it is obvious we're not going to do that. It provides a wonderful flavor in a part of town that was very transitional for a lot of people. It started out being predominantly Hispanic and little by little, Anglos moved in and a lot of hippies move in and that is how the hippie vernacular happened in Santa Fe

He said there is a family capilla to the west and up the hill very close to this. He didn't know if that capilla has any historic status but would hate to see anything happen to this house that would impact the potential status of that capilla. On San Acacio, the Hispanic vernacular is very strong as well as the hippie vernacular.

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

Action of the Board

Member Katz moved in Case #H-16-105A at 1066 Camino San Acacio, to follow staff recommendations and confirm its noncontributing status. Member Boniface seconded the motion and it passed by unanimous voice vote.

7. Case #H-16-106A. 418 Apodaca Hill. Downtown & Eastside Historic District. Sandra Donner, agent for Patricia Kopren, owner, requests historic status review with designation of primary elevations, if applicable, of a contributing residential property. (David Rasch)

This case was postponed under Approval of the Agenda.

8. Case #H-16-107. 119 East Buena Vista Street. Don Gaspar Area Historic District. Steve McCormick, agent for Andrew Sanford, owner, proposes to remove non-historic additions from a non-contributing residential structure and demolish a non-contributing shed. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

119 East Buena Vista is a vernacular style residential structure built around 1928. The structures on the property are listed as non-contributing to the Don Gaspar Area Historic District due to the degree of modification that has occurred. The house is 861 square feet of heated space and has a detached garage and non-historic shed in the backyard of the property.

The original porch on the south elevation was enclosed at some point in time and two solar panels/greenhouse/sunroom structures were added to the front of the enclosed porch. Windows have been changed according to the HCPI form and visual observation indicates the windows are mismatched throughout the house. The porch on the north (back) elevation has been enclosed as well. The back porch is enclosed with wood siding and has wood stairs and a steel casement window. The detached garage on

the property, noted as a guest house in the HCPI form, is now used as a workshop. The applicant is requesting to remodel the residence and to demolish the non-historic shed which is located behind the house.

The applicant is requesting to remodel the property with the following ten items.

- 1) Demolish a shed that is currently located behind the house. The structure is not historic and an inspection of the structure by the City of Santa Fe Building Official is provided in the packet. The demolition standards are presented at the end of this report.
- 2) Remove sunrooms at the south elevation of the house.
- 3) Build a porch on the south elevation of the house. There are no photos indicating what the original porch looked like so the construction of the porch is not considered a reversion to the original style of the home. The porch roof will match the pitch and gable of the house.
- 4) Replace and expand the existing deck and stairs on the north elevation of the house with composite decking material in "Dark Grey." A French door will replace a window at the deck area on the north elevation. A metal shed roof, an extension of the existing roof and existing material, is proposed for cover for the door from the kitchen to the deck on the east facing façade of the north elevation.
- 5) A shed roof is proposed at the basement door on the north elevation.
- 6) Replace windows with simulated divided lite aluminum clad wood in "Cadet Blue." Window locations and openings will change on all elevations of the house. The front door will be replaced with a "Mahogany" stained wood door.
- 7) Remove and replace existing concrete walkway, concrete parking pad, retaining walls made of rock and concrete behind the house, and removal of the fence at the front (south) of the property. The lot will be graded to improve drainage. The existing basement stairs will be reworked.
- 8) Restucco the house with elastomeric stucco in "Mesa del Sol." A color sample has been provided.
- 9) Replace trim, fascia, gutters and downspouts. Paint will be blue to match the "Cadet Blue" of the window cladding. A color sample has been provided.
- 10) Sconce design for lights near entrances has been provided.

DEMOLITION OF EXISTING NONHISTORIC SHED

14-3.14 DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE

(G) Standards

(1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

(a) Whether the *structure* is of historical importance;

Staff response: The structure is not historic but was built at an unknown date. The shed is not mentioned in the 1994 HCPI form.

(b) Whether the *structure* for which demolition is requested is an essential part of a unique *street* section or block front and whether this *street* section or block front will be reestablished by a proposed *structure*; and

Staff response: The structure is not a part of the historic streetscape and does not need to be reestablished.

(c) The state of repair and structural stability of the *structure* under consideration

Staff response: The shed is structurally sound. It sets on cinderblock which is not a permanent foundation.

STAFF RECOMMENDATION:

Staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for all H Districts and 14-5.2(H) Don Gaspar Area Historic District.

Questions to Staff

Chair Rios asked for a sample of the stucco color.

Ms. Ramirez Thomas shared it with the Board members.

Applicant's Presentation

Mr. Steve McCormick, 1611 Paseo de Peralta was sworn and said the report is accurate. It is a large scope of work. The only thing updated on this house is the roof which is the only thing they are not touching.

Questions to the Applicant

Chair Rios asked if it was a solar porch on the front of the house.

Mr. McCormick agreed. He thought it was hippie vernacular. This house was owned forever by John Sanford and he passed on and his sons inherited it. They thought a lot about what they wanted to do with it. They like the house a lot and want to preserve the character of it but it just needs a complete redo. For them, that includes getting rid of those sun houses and put a porch on the front.

Public Comment

Ms. Beninato (previously sworn) said she loved this house because it is so ugly. The solar additions are totally out of character with the house and it definitely was owner-built. But she did appreciate the new inherited owners' desire to bring it into conformity with the streetscape and more accurately reflect a 1928 house. Most of it is not visible from the street and removal of the solar addition is great.

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

Chair Rios noted the roof is a metal shed roof and asked for the color.

Mr. McCormick said it is an off- yellow, faded color similar to ProPanel and they are not changing it but will match it on the porch.

Action of the Board

Member Boniface moved in Case #H-16-107 at 119 East Buena Vista Street, to follow staff recommendations and approve the application as presented. Member Bayer seconded the motion with the addition of approving the demolition of the shed and it passed by unanimous voice vote.

9. **Case #H-16-108. 510 Halona Street.** Downtown & Eastside Historic District. The Right Plumber, agent for Jason Price, owner, proposes to construct a 1,940-sq. ft. residential structure to the height of 22'3" where the maximum allowable height is 16'1" and a 522-sq. ft. casita to a height of 13'6" on a vacant lot. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Sobia Sayeda)

Ms. Sayeda presented the Staff Report as follows:

BACKGROUND & SUMMARY:

510 Halona Street is a 5,697 Sq. Ft. vacant lot in the Downtown and Eastside Historic District.

The applicant proposes to remodel the property with the following 3 items:

1. A single-family residence with an attached garage in Territorial Revival style featuring room block massing and brick coping on parapets. The footprint of the main residence is 1,940 Sq. Ft. and the total proposed heated area is 2,310 Sq. Ft. The proposed building height is 22'-3" where the maximum allowable height is 16'-1". The applicant has requested a height exception and the exception responses follow. The front east massing is further broken up by placing an entry portal

with a balcony above and an accent archway at the kitchen window. An inset portal with a balcony above at the rear courtyard area will have wood details in medium to light stain. Stucco is El Rey Cementitious "Buckskin" color. Windows and doors are aluminum clad divided lite in "Red Brick" color. Front door and other exposed wooden elements to be stained medium to light brown.

2. 477 Sq. Ft. free standing artist's studio in Territorial Revival style. Stucco is El Rey Cementitious "Buckskin" color. Windows and doors are aluminum clad divided lite in "Red Brick" color. Front door and other exposed wooden elements to be stained medium to light brown.
3. Stuccoed yard walls along the east property line are proposed to be between 3' and the maximum allowable height of 5'-1" height on Halona to meet driveway visibility triangle. Yard walls along North, West and South are proposed to be to the maximum allowable height of 6'. Stucco is El Rey Cementitious "Buckskin" color.

Height Exception Criteria

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

(i) Do not damage the character of the streetscape

Response: the main residence is located next to multiple two story homes and there are other two story homes on the streetscape. We have step backs on the east and north elevations to create minimum impact.

Staff response: Staff agrees with this statement.

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

Response: the owner is an artist and has chosen to build their studio on the lot zoned appropriately for this purpose. With the artist's studio on the ground floor in the back of the property the owner's only option is to build additional living spaces on the second level.

Staff response: Staff agrees with this statement, due to needed square footage for live-in/artist space the applicant's only option appears to be limited to a second story.

(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 proximity to the power house and a corner lot makes it a challenging site. We have looked at other design options to minimize the build structure on this corner lot, we are limited with setbacks and the location of existing house on the west of the property. Without building on second level the owner will not be able to have their artist's studio on site.

Staff response: Staff agrees with this statement.

(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

Response: Halona Street is a short street with the power station on one end and several two-story single family and multi family structures. We have explored other design options and this design is the only option that creates the opportunity to maximize the zoning allowance and yet contribute to the heterogeneous character of the city.

Staff response: Staff agrees with this statement; 510 Halona is the only corner lot on this streetscape requiring unique zoning setbacks as compared to the rest of the lots.

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

Response: This corner lot has two street fronts and limits the build area. The existing two story structure to the south and west of it makes it challenging to build a house that serves the owner's needs. After meeting the zoning setbacks and height step backs we are able to build a very modest house with a studio to meet the owner's needs.

Staff response: Staff agrees with this statement.

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

Response: we are locating one story garage on north east corner we are also stepping back the second story along Halona and Winishe Way to minimize the height impact on the streetscape in this historic district. The proposed single story garage, single story casita on north west side and the break in yardwall at the casita driveway reduce the two-story height effect.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the exception has been met and staff recommends approval of this application which complies with 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown and Eastside Historic District.

Questions to Staff

Chair Rios asked what the percentage of open space is on this lot.

Ms. Sayeda said the lot coverage is 43%.

Chair Rios asked how far the house would be from the fence or wall.

Ms. Sayeda said the structure meets the setback standards. The garage in front is 20' from the property line and the main entrance is a few feet back with a portal in front and rest of house where kitchen is located is further back. It is substantially set back from the property line. They are allowed to build up to the setback. And the rest of it is over 14' from the setback.

Chair Rios asked what the maximum allowable height is.

Ms. Sayeda said it is an average of all applicable buildings on the streetscape.

Chair Rios asked how many were included in the calculation.

Ms. Sayeda said there were three buildings.

Chair Rios noted that in that calculation, there are two two-story buildings not included.

Ms. Sayeda agreed. One is to the west and one to the south of this lot. And they don't have the height of one two-story shown on the map. The one on the west is not considered either because it is noncontributing. She explained the practice is to take out the noncontributing 2-story buildings over 16' high.

Member Katz thought it looked like the garage was in the setback.

Ms. Sayeda said it is RC-8 zoning so the setback is 5' on that side and they can build up to the setback.

Member Biedscheid asked if there are different allowable wall heights from west and south on the east.

Ms. Sayeda agreed. That is on page 7 in the packet. On Halona, it is 5' 1" and on the other, it is 6'.

Member Biedscheid asked, in the response to criterion #1, with multiple 2-story homes if Staff takes into account the number of them in the streetscape.

Ms. Sayeda agreed. There are two on Halona.

Member Biedscheid asked if the studio could also be considered a guest home.

Mr. Rasch said a guest home needs both kitchen and bathroom.

Member Katz said it looked like there was a kitchen there.

Ms. Sayeda agreed. It does have a kitchen.

Member Boniface said it seems odd that Staff agree with the statement in criterion #1 when the applicant refers to the two-story buildings but the Board can't consider those in the height calculation. There seems to be a disconnect here.

Mr. Rasch said the Board heard his speech about the height ordinance and they will discuss that in the public forums this year. It is flawed in certain ways. How it is written and how Staff have applied it has been consistent and it needs an exception. But when an applicant is arguing for the exception, they don't have to follow just the height ordinance. They are talking about streetscape harmony. Those are still part of the streetscape so it is part of harmony and allowed in talking about exceptions.

Mr. Boaz asked for clarification about calling the application a remodel when the lot is vacant.

Ms. Sayeda agreed but that is the language they use.

Applicant's Presentation

A person from the public came to the podium who was not the applicant. Chair Rios asked the applicant to be sworn.

Mr. Jaime Rincón, 9909 Denali Road NE, Albuquerque was sworn and said, because of the particular situation of this lot, we have been forced to this design. "It was our intention to keep it within the height allowed but this lot is only allowed a certain percentage of lot coverage. We are only allowed 43 or 45% so to build what it calls for, we had to go up so we are asking for an exception. It is a corner lot and there is an electric substation across the street. It is just the circumstances that forces us to this design and we request an exception.

Questions to the Applicant

Member Katz was puzzled that the applicant has put the garage doors in the most visible portion of the lot. It looks like the worst subdivisions in California. He asked why the height couldn't be toward the back of the lot and have the studio in front and slide the building toward the back. He didn't see any basis for granting an exception. That seems to be out of scale. Right across the street is the Santa Fe Community Foundation and is a one-story building. Most of the houses on Halona are one-story buildings. And this just stands up and he had real trouble with it. He hoped they could consider a redesign.

Mr. Rincón said it was because of the studio which is also a small guest house and the shape of the lot that is much wider on the Halona side. He said they would not be able to have a decent driveway with a smaller structure in front. That was why they decided to have the larger structure on the front part of the lot.

Member Katz asked if they couldn't have the driveway and garage where the studio is now

Mr. Rincón said they couldn't have the driveway length meet city code.

Member Biedscheid asked if there is a driveway in front of the studio.

Mr. Rincón said yes but no garage.

Member Katz asked if the driveway minimum is 20'.

Mr. Rincón agreed. He said they the 20' but couldn't have both driveway and the garage.

Member Bayer asked if he considered a one-story for the main house.

Mr. Rincón said they did but were limited by the smaller percentage of construction allowed for the footprint allowed on this lot.

Member Bayer asked what footprint would be allowed.

Mr. Rincón said it is 1,800 square feet, including the garage and all roofed area is considered by zoning. And zoning only allowed 43% lot coverage on the lot. So, it is either no garage or no guest house at one-story and his client is an artist and wanted a studio to work in

Member Bayer said she didn't agree with Staff. She didn't think the application meets criteria #2 or #3. She asked if he could speak to those two.

Mr. Rincón said without the drawings, he couldn't provide much more except that they looked at different ways to fit the house and little guest house on the same lot and could not come up with something viable in a single-story design.

Ms. Sayeda said she worked with the applicant over the last few months and they brought a couple of design options that she told them would not work. It is a corner lot with two frontages and by the time we take both setbacks into consideration, they were bound to this footprint. She had mentioned that it was a garage dominated design on Halona and asked them to consider other design options. The corner lot has more stringent regulations and they also have to provide a percentage of open space so she felt they met the criteria, based on that lot. It was not by actions of the applicant. She felt they met the design criteria.

Member Biedscheid saw it in staff response but not in the applicant's response.

Ms. Sayeda said she and Mr. Rasch reviewed the intent of the applicant and this is what we believe the applicant is trying to answer.

Member Biedscheid asked how the power station on one end affected the design options.

Mr. Rincón said his client, after a few visits to the lot, saw that the big wall gets lots of graffiti. Not having the garage on the front would have the graffiti in their face all the time. He asked, "Who wants to have that in front of their face?"

Member Katz understood that all of what he said indicated they are trying to have a large house on a small lot. He presumed they wanted more than a one-bedroom house but also wanted to have a guest house. They are trying to put too much on this lot. He didn't know if it could be redesigned so it didn't look so massive but the applicant needs to give some thought to that.

Chair Rios asked Staff to describe each setback.

Ms. Sayeda briefly described them.

Public Comment

Mr. Jack Park, 520 Halona, was sworn. He said he is the neighbor to the south and had built there in the early 1990's but his family has been on that property since 1941. The two-story design takes away his views of the Sangres. His own two-story home is about 18' high and he built it 40' back from Halona with a parking area in front. Halona is a non-parking street and across the street is the Santa Fe Community Foundation that has lots of public hearings and they always park on the street. It is getting very busy and crowded in there. He would like to see a little adobe house like the rest of them. If the second story was in the back, he wouldn't have to look at the power station either. He didn't feel this would conform to the neighborhood. About 5-7 years ago, Wayne Lloyd tried to design a house there. He said he didn't want to put someone out of business but it is too much house for that lot.

Ms. Beninato (previously sworn) thanked Member Katz for speaking out consistently tonight regarding people who want to put too much house on their lot. The Board allowed someone to build a huge addition on Monte Sol and the Board keeps giving in to people who want bigger homes. This is a small street and this design will overwhelm the rest of the street. This is a small lot by a power station. That is what they are dealing with and the choice is for a studio/guest house or a garage, and that is what they have to choose. Also, the second story could be 18' high instead of 22'.

Mr. Eddy (previously sworn) echoed those opinions and also wanted to commend Member Katz for speaking. He agreed this is too much house for the lot and it shouldn't be how we do things to capitulate to desires of people to go against the code. It is that simple. So, he urged the Board to deny this application.

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

Action of the Board

Member Katz moved in Case #H-16-108 at 510 Halona Street, to deny the application, make findings that the exception criteria are not met; that it would damage the streetscape and it is much larger than anything else on the street. In the findings, he didn't think they considered other options. There was once graffiti on the power station so they don't want to move closer to it. But they have no windows on that side anyway. There are no special circumstances. The house is too big. In addition to not meeting the criteria - it is not harmonious on this street.

Member Boniface seconded the motion but, as part of the discussion, proposed postponing the case for a redesign. He agreed it is far too much house for this small lot horizontally as well as vertically but perhaps they should give the applicant some leeway.

Member Katz said he wouldn't object to that. It doesn't foreclose them from coming back with another design. He asked if there is an advantage in postponing rather than denying a case.

Mr. Rasch said a postponement is not a final action. To come back, the design would just need to change. Any tweaking can be brought back.

Member Katz would rather go with the denial. He didn't think tweaking was going to work and he didn't hear from the applicant any willingness to do that.

The motion to deny passed by unanimous voice vote.

10. Case #H-16-104. 621 Halona Street. Downtown & Eastside Historic District. Tim Curry, agent for Bill Tierney and Barry Weiss, owners, proposes to construct a 432-sq. ft. second story addition to match existing height to a non-contributing residential structure. An exception is requested to have lites larger than 30" (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

621 Halona #4 is a noncontributing single family residence built in Santa Fe style sometime after 1980. The residence is located within a gated compound and the home has no public visibility. The applicant is requesting to remodel the property by adding a second story addition to the home. An exception is requested to use non-divided lite windows on the addition (14-5.2(E)(1)(c)).

The applicant proposes the following two items.

- 1) Addition of 432 square feet to the second story of the existing two-story residence. The addition will step back from the existing first story walls by a minimum of five feet. The addition will include the placement of non-divided lite windows to match the existing non-divided lite metal clad windows. An exception is required to use non-divided lite windows in the Downtown and Eastside Historic District

(14-5.2(E)(1)(c). The exception responses are provided at the end of this report.

- 2) Exterior surfaces will match existing. Exposed lintels will be painted and stained to match existing in "Chestnut." The cladding on the windows will match the existing clad color in "Sandstone." The stucco will also match the existing "Husk" El Rey elastomeric stucco.

RELEVANT CODE CITATIONS

14-5.2 (E) Downtown and Eastside Design Standards

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

(1) Old Santa Fe Style

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

- (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.

EXCEPTION TO USE PANES OF GLASS GREATER THAN 30 INCHES IN ANY DIMENSION.

- (i) Do not damage the character of the district;

Response: The proposed addition will not damage the character of the district because the request is limited to installing windows which are consistent with those already in use. In addition, the existing structure is not publicly visible and the addition would be harmonious with the rest of the buildings found on this site. It should also be noted that several of the adjoining neighbors have submitted letters approving of the design and style of the addition.

Staff response: Staff agrees with this response.

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

The installation of divided lite windows would be a hardship to the applicant because it would lower the aesthetic value and monetary value of the building. The use of dissimilar windows would create a lack of harmony in the design and the resulting incongruity and difference of styles would be apparent to future purchasers of the property. Further, the building would not feel harmonious to the occupants if certain windows were constructed with divided lites and other adjacent rooms had windows which were not constructed with divided lites.

Staff response: Staff agrees with this response. Use of divided lite windows on the addition would create

disharmony within the complex where the residence is located.

(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.

Approval of the exception will actually strengthen the unique character of the neighborhood. The subject property was built of a certain time when the divided lite windows were apparently not required. Allowing the addition to follow the style which was previously allowed, shows that a full range of design options still exist- and the owners can continue to reside in a home which is harmonious to the adjacent properties.

Staff response: Staff does not find that this response answers the criteria. However, staff does agree that the non-divided lites were, at some time, approved for this complex and were not considered to be non-compliant.

STAFF RECOMMENDATION:

Staff finds that all exception criteria have been met except for criterion (iii). The applicant may provide additional testimony that answers the criterion to the satisfaction of the Board. Otherwise staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards for all H Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside.

Questions to Staff

Member Katz was puzzled on criterion #3 where the obvious alternative is to have divided lites. He asked why that doesn't work.

Ms. Ramirez Thomas agree that is logical. Staff tries to explore as many options as possible.

Applicant's Presentation

Mr. Tim. Curry, 1415 West Alameda, was sworn. He said regarding the windows that it makes sense. They did look at other options. If they were not able to have windows, they would go with skylights. It is not publicly visible.

Questions to the Applicant

Chair Rios asked if there were other undivided lights there.

Mr. Curry agreed. He said all the condos were built that way

Public Comment

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

Action of the Board

Member Boniface said it makes sense to be consistent with the design there.

Member Boniface moved in Case #H-16-104 at 621 Halona Street, to follow staff recommendations and approve the application as presented. Member Biedscheid seconded the motion and added a finding that with testimony by the applicant, the exception is met because it is harmonious to the building as is. The motion passed by unanimous voice vote.

- 11. Case #H-16-110. 486 Camino Don Miguel.** Downtown & Eastside Historic District. Tom Easterson-Bond, agent for Suella Domres, owner, proposes to construct a trombe wall on a residential structure. An exception is requested to have lites larger than 30" (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

Member Biedscheid recused herself from this case and left the meeting.

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

486 Camino Don Miguel is a Spanish-Pueblo Revival style single family home which is designated as contributing to the Downtown and Eastside Historic District. The estimated date of construction of the house is 1910 but the house is known to have been constructed by 1940 based on information from a city directory. A remodel of the home was completed in 1990 though no substantial change occurred to the footprint or overall character or massing of the home.

Primary elevations have not been assigned to the residence. Staff recommends the east and north elevations as primary. The east elevation is recommended as primary because of its massing and stepback of the second story which contribute to the Camino Don Miguel streetscape. The north elevation is recommended as primary because of the portal and the stepback of the second story which are characteristic of the Spanish-Pueblo Revival style.

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

- 1) Addition of a Trombe wall to the south elevation of the house. The Trombe wall will consist of two panes of glass with (2) four-inch holes in the wall top and bottom. The frames of the Trombe wall will align with the top of the existing door and will be painted white to match the adjacent wood frames of

the French door to the backyard. An exception is requested to use glass panes greater than 30 inches on the diagonal for the Trombe wall (14-5.2(E)(1)(c)). The exception responses are provided at the end of this report.

RELEVANT CODE CITATION

14-5.2 (E) Downtown and Eastside Design Standards

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

(1) Old Santa Fe Style

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

(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.

EXCEPTION TO USE A SINGLE PANE OF GLASS GREATER THAN 30 INCHES ON THE DIAGONAL.

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

Response: This pane of glass "covers stucco." That is, this glass is not open to interior space behind: It sits on the surface of the stucco and does not function as a view or traditional window.

Staff response: Staff agrees with the response in that the Trombe wall serves a different function that a window would and in that way, does not damage the character of the district; the wall is not attempting to simulate a window.

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

Response: This is a Basic "Trombe Wall" and is meant to supplement the existing solar heating from the adjacent door.

Staff response: Staff does not feel that the applicant has addressed the question; however, staff believes the Trombe wall minimally impacts the structure and therefore prevents permanent damage or modification to a contributing building.

(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: I believe that it is in keeping with the Historic nature of the building to leave the glass as a single

Trombe wall unit. It could of course be divided up to match (if that is the request of the Board- we would not object), but in this case, it is more honest to view the object as it is intended to be used, and is in keeping with homeowner constructed solar and rainwater improvements.

Staff response: Staff agrees with this response. The applicant has expressing a willingness to comply with the wishes of the Board and has offered division of the glass as a design option.

STAFF RECOMMENDATION:

Staff recommends the east and north elevations be designated as primary. Staff finds that criteria (i) and (iii) have been met but that the applicant did not respond to criterion (ii). The applicant may provide additional testimony that answers the criterion to the satisfaction of the Board. Otherwise staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for all H Districts and 14-5.2(E) Downtown and Eastside. For the second criterion, the applicant just said more heat was needed.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Karl Sommer was sworn and said he would stand for questions but to address her suggestion on #2 - this trombe wall, in order to be effective, has to be substantial and the 30" might create some disharmony - for half the distance to comply. The current design allows the applicant to take advantage of current technology for this trombe wall. He didn't think it is terribly controversial but was needed to take advantage of the trombe wall heat provided.

Questions to the Applicant

Chair Rios asked him to describe the trombe wall.

M. Sommer explained how the trombe wall works. There is a space between the glass and the wall that provides radiated heat from the sun.

Public Comment

Ms. Beninato (previously sworn) said the trombe wall does have a frame about six inches from the wall and the bottom, a vent pulls in cold air to be heated on the wall. Because it is on a non-primary façade and not visible from the street, the Board should approve it. The Board allowed a huge solar panel on Roybal

that was visible. We should encourage solar and should allow for incorporating it in a harmonious design. It might not be the most beautiful trombe wall and she could make some suggestions on it with solar buildings she has constructed before but she urged the Board to allow it.

Mr. Andres Mercado, 494 Camino Don Miguel was sworn. As a next-door neighbor, he read a statement in opposition to the project. His statement is attached to these minutes as Exhibit 4. He pointed out the picture taken by the applicants that showed a red tag. The project was started illegally without a permit. He contested their declaration of solar rights by showing that their French doors did not meet the requirements.

Mr. Sommer said much of what Mr. Mercado said in his statement was irrelevant. He was correct that they were red-tagged but it was a frame stuck to the wall that was red-tagged. "Much of the vitriol spouted to you is the result of his inability to move forward because his permit was pulled for appeal. He misrepresented the grade and what was done on that building. Right now, that grade outside his house is flat. It was filled in completely without a permit. He got a permit and approval of a grade change that was done without a permit. He said he understood Mr. Mercado's frustration but the denial of his application has nothing to do with this application."

Member Bayer asked Mr. Sommer if he could you restate the testimony on #2.

Mr. Sommer said the 30" design limitation doesn't take into account trombe wall technology. The applicant couldn't use that technology if the exception is denied. The trombe wall is unobtrusive. All you could see is about six inches. It would make the solar gain ineffective.

Member Bayer asked what justification they need to install it.

Mr. Sommer said that isn't the criterion they have to meet. Does it create a hardship? It would avoid a hardship. Anyone can live in a home without a trombe wall but it takes advantage of the southern exposure on the house. The code doesn't say we have to say why we need it.

Member Katz had a problem with the inconsistency of large panes of glass right next to the French door. He thought it looks lousy. He was sure that a trombe wall would add heat to the house but didn't know if the amount is worth the visual impact as you go by or the inconsistency in style. The Board has this problem a lot with solar. They expect much more solar panels on roofs these days - more than a trombe wall with doors and windows that have proper size in them. He didn't think the Board should approve this.

Member Boniface agreed with what Member Katz was saying but looked at it a little differently. Disregarding the fact that it is not publicly visible. This is a piece of mechanical equipment like a solar panel. It is a slab of glass. We are trying to create windows in the tradition of Santa Fe Pueblo style, not big pieces. But this is not a window. It is a piece of mechanical equipment. It could be divided up with muntins and meet the criteria, but it would look funny with adobes behind it. He was kind of in between about it.

Member Katz asked him to just imagine what we would feel if someone said I will plop a solar panel on

the side of my wall. We try to allow the panels and go to great length to see how they are concealed behind parapets.

Member Boniface asked if he was against it primarily not because it is window-like but that it is more like mechanical equipment.

Member Katz said he has seen trombe walls where you are not aware of them. They are windows in a wall but that is not what this is. Even if they did it with the small panels or panes of glass, it would still look pretty off balance on that wall. It is the aesthetics.

Member Boniface reasoned that if it looked more like the other windows on that side, it would be more acceptable. He wanted to offer the applicants some alternatives.

Chair Rios asked if solar panels could achieve the same thing.

Ms. Ramirez Thomas said she didn't know the difference in efficiency between trombe wall and solar panels. They were offered options.

Member Boniface said in answer to Chair Rios' question, they are entirely different. A trombe wall is passive and absorbs heat. A solar panel is expensive equipment that provides electricity, not heat.

Member Katz asked about the makeup of that wall.

Mr. Sommer said it is an adobe wall. He appreciated Member Boniface's comments about options regarding appearance. He understood Member Katz's main objection was appearance on that wall and perhaps something could be done in that regard. Maybe they could look at a redesign. He didn't hear an objection to the solar design use.

Member Katz suggested that if it were halfway between those two windows, perhaps it would look more balanced but would also look better if it was divided.

Mr. Sommer said they might want to make it more balanced and consider divisions.

Ms. Ramirez Thomas said the architect she worked with mentioned that the homeowner is willing to do divided lights or a design the Board would accept.

Mr. Rasch said adding muntins would probably not make it inefficient.

Action of the Board

Member Katz moved in Case #H-16-110 at 486 Camino Don Miguel to designate the east and north as primary elevations and as to the trombe wall, to postpone the case to January 24, 2017 for

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

Mr. Sommer asked if Staff would say no exception was needed with a divided window.

Mr. Rasch agreed.

I. MATTERS FROM THE BOARD

There were no matters from the Board.

J. ADJOURNMENT

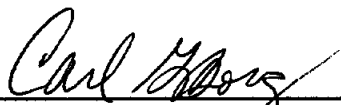
The meeting was adjourned at 9:35 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

Historic Districts Review Board
January 10, 2017

EXHIBIT 1

C E R T I F I C A T E

I, John C. Green, a duly appointed Professional Surveyor in the State of Alabama, hereby certify that the said plat represents an actual survey made by me or under my direction, and I certify that the same conform to the standards of the State Surveyor and that the same are correct and accurate in that the same were made and conducted in accordance with the laws of the State of Alabama and that the conditions and plat available at the time of the making of the same were in accordance with the laws of the State of Alabama and that the same were made and conducted in accordance with the laws of the State of Alabama.

Witness my hand and the seal of the State of Alabama at the City of Montgomery, this 27th day of November, 1943.

John C. Green
Professional Surveyor

State of Alabama
Professional Surveyor

1. James C. Owen, a duly registered Professional Surveyor in the State of Louisiana having custody of the said plat, represents the following Standards as being the standards used by him and the other members of the Louisiana Standards and Specifications Committee in the preparation of the said plat and the information contained therein in the preparation of the said plat, to wit: that the standards and specifications are correct in the best of my knowledge, information and belief.

I further certify that the standards and specifications set forth in the above plat are the standards and specifications used by the Louisiana Standards and Specifications Committee in the preparation of the said plat.

Witness my hand and seal this 28th day of August, 1920.

James C. Owen, Secretary

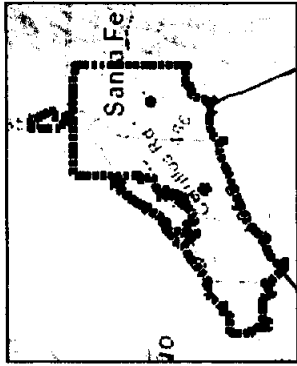
P.S. No. 17443
Saville Pl. Bldg.
New Orleans, La.

Historic Districts Review Board
January 10, 2017






EXHIBIT 2



Santa Fe
Mapping the City Different

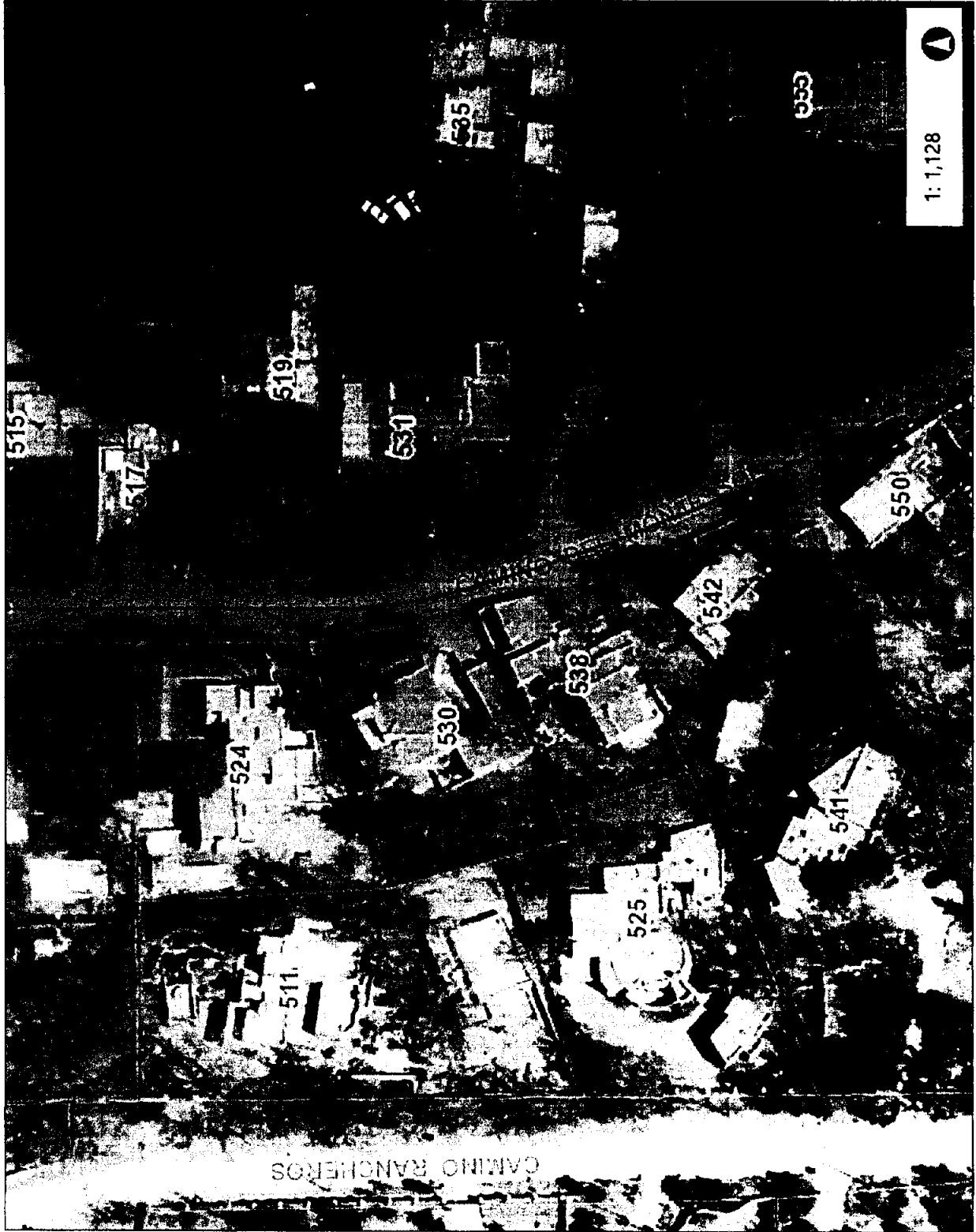


Legend

-  City Limits
-  Address Points
-  Roads
-  Major Roads
-  Santa Fe River
-  Santa Fe County Parcels

Notes

© Latitude Geographics Group Ltd.



1: 1,128



188.1 0 94.04 188.1 Feet



WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ATTACHMENT 1: EXCEPTION REQUEST FOR 530 CAMINO DEL MONTE SOL

Code Citation: Section 14-5.2(D)(2)(d), *"Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion."*

Revised Exception Criteria IV and V:

(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;

Applicant Response: The inaccessible historic footprint of the home is insufficient to meet owners' needs. There is no other location for construction of an accessible bedroom and bath to the existing home, due to the configuration of the existing home on the lot. An addition is not feasible in the front of the home, due to its impact on primary facades and on the streetscape. The proposed addition in the rear will not be publicly visible, will not impact primary facades, and will create an accessible living space for the owners and their daughter.

Furthermore, adjacent properties along Camino del Monte Sol exhibit a pattern of homes and lot coverages that maximize what is allowable in the district (see 524, 538, 542, and 531 Camino del Monte Sol on the attached map). Additionally, large homes are characteristic of the streetscape on this section of Camino del Monte Sol, as can be seen by other homes shown on the attached map. The proposal at 530 Camino del Monte Sol is in keeping with this pattern and meets underlying zoning requirements. The exception is only required because of the small size and inaccessible nature of the original home. The applicant has made every effort to design an addition that respects the historic status of the home and is compatible with the surrounding streetscape.

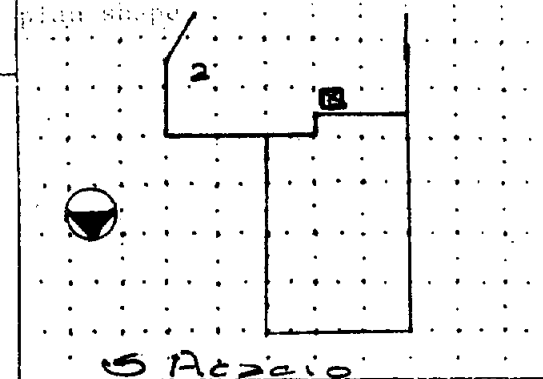
(v) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and

Applicant Response: Neither the small size and inaccessible configuration of the historic portion of the home nor the position of the existing home on the lot are due to any action of the applicant or owner. The owner is merely attempting to make the home functional for their present and future needs, so that they can live for longer periods in the home and one day retire permanently there. The previous addition allowed for a functional, accessible kitchen and outdoor living space but did not provide an accessible bedroom and bath, for which the needs have intensified with Ms. Barrie's recent Parkinson's diagnosis, which was impossible to anticipate at the time of the previous addition. Now that the Barries have reached the decision to move to Santa Fe permanently and wish to have their children and grandchildren visit often, accessible space is a necessity for both Ms. Barrie and her stepdaughter to be able to live in the home with ease and dignity. An exception is respectfully requested to accommodate this need.

Historic Districts Review Board
January 10, 2017

EXHIBIT 3

Project number 27-XI-84		City Santa Fe		051611599		H892	
SFND-6-1599		Easting zone 12 13		Northings			
Location description 1066 San Accio *				City/Town Santa Fe		Land grant/reservation	
Building name		Legal description Twp. N S Range E W Sec					
JL. Roll by 11 no. 21		Negative nos. 17		Map. or neg. JL. Roll		Plan shape	



date of construction 1935-45 estimate actual	
source BD (See *)	
use present residential other historic residential other Institutional (See *)	
condition excellent X good fair deterioration	
degree of remodeling minor moderate X major	
describe: Probable addition of 2 stories surroundings addn at (2)	
relationship to surroundings X similar not similar	
district potential yes no	
significance eligible X of none interest	
if eligible, why? CONTRA: FUNCTION INTERESTING NC REAR ADD.	
associated buildings? yes what type?	
if inventoried, list ID nos.	
see back? yes	

style Pueblo Revival		foundation material NV	
wall material/surface Adobe Stucco			
Architectural features Roof - Flat w parapet which shows recession in older portion. Mtl lined wd eaves. Stepped parapet to street w iron cross. Windows - Triple & single 1 lite casmt 9 lite fixed. Long Dbl 12 lite fixed 9/6 wd 6 lite fixed. Most have indented lintel over wd lug sills, blue wd frame. Door - NV Front window has white adobe possibly in location of church entry. * May have had previous # of 1050 which is listed in 1946-7 as San Ignacio church.			

Historic Districts Review Board
January 10, 2017

EXHIBIT 4

Submitted to: HDRB and Historic Preservation Staff
Ref: HDRB Case Number H-16-110
Submitted by: Andres Mercado, owner of 494 Camino Don Miguel
Submitted on: January 17th, 2017

Dear members of the public, City Staff, and Board,

I prepared some written comments because I am emotionally vested in this application but want to speak clearly.

Let me start by saying that I am a strong supporter of solar projects. Unfortunately, as the next door neighbor to 486 and 486 ½ Camino Don Miguel, I am here to voice my opposition to the proposed project for several reasons.

To give you some background, I came before this Board with my then-pregnant wife in August of 2015 and then again in August of 2016 accompanied by my wife and our baby boy requesting to expand our one bedroom, one bath house to accommodate our growing family. Notice of these meetings were posted, members of the neighborhood came to the meetings and, I later found out, members of the Santa Fe Historic Society drove past our house as part of what they do based on the notices for hearings. We are appreciative of the Board's approval of our plans and excited about the project.

Following the Board's approval, tonight's applicants, Ellen Casey, an attorney, Suella Domres' wife and co-owner of the property, served us with a lawsuit improperly claiming a "solar right" over our property. The approvals for construction that we obtained through hard work and attention to detail are so recent that our yellow HDRB and white-and-red City Building permits appear in the picture on page 10 of tonight's packet.

Applicants' work on tonight's proposal was actually started illegally and without a permit by tonight's applicants almost immediately after they notified us that they were suing us. We contested their declaration of a solar right with expert technical calculations showing that their French doors do not meet the minimum requirements of a solar collector according to the New Mexico Solar Rights Act. This interestingly-timed illegal and unpermitted attempt to quickly erect a trombe wall system after suing us for a solar right was red-tagged by the City. The applicants knew that they had to submit applications to the HDRB but, in their haste to create an after-the-fact solar rights claim, they disregarded that requirement and this Board should not reward them for that calculated act. The illegal work done prior to being red-tagged can be seen in the picture on page 10 of your packet (the yellow text box points at it and just beyond our newly erected permit).

On a strictly technical basis, on that same photograph on page 10, I would point you at the very large tree directly in front of the supposed solar project (a tree which is in the applicant's property). Although it is a deciduous tree, on a winter day, the large shadow that it casts can be clearly seen on the proposed site of construction. I believe this shows that the matter before

you tonight is no more than an improper move on their part to block our addition. My wife and I have had to hire an attorney (at no small cost to a young family), delay construction, and even reconsider when/if we can have a second child.

In reviewing the application as if it is a real project and not simply the litigation fueling effort that it is, I noticed flaws that I would like to point out for the record.

1. The first page of the packet states that the East, North, and South Elevations are not publicly visible and that the West elevation is the only one that *is*. This is incorrect. All the photographs, drawings, and the Site Plan (page 5) in this application confirms that the East, North, and South elevations *are all* publicly visible; the West elevation is the only one which is *not*.
2. In the Background and Summary applicants state that "no substantial changes occurred to the ... massing of the home." This is incorrect. The NM Historic Building Inventory – SF Survey 1992 (found on page 5 of your packets) states under the "DEGREE OF REMODELING" that the changes it underwent were "MAJOR" and included the addition of a "second story").
3. These are technical and minor issues compared to how the applicant responded to Exception to Criterion ii. Because the information Staff typically has is limited to what is presented by the applicant and what they can visually see, I understand why Staff may consider that Criterion ii is met in this case but I would like to present a more complete picture. Exception to Criterion ii states that the project "is required to prevent a hardship to the *applicant* or an injury to the public welfare". I am here to declare that the approval of this application not only *would* but already *is* creating injury to my family's welfare and the public. The Applicants' only reason for seeking their trombe wall is to obstruct our already approved and permitted project. This is not a sufficient reason for altering a building in an historic district and the public would be injured by this act and by the use of this body as fuel for groundless neighbor disputes. This Board is about protecting the historic districts from meritless change and avoiding such disputes.
4. Following the reasoning in the applicant's answer to why they need an exception to Criterion iii (that unbroken glass versus divided lites "is more honest to view the object as it is intended to be used"), exposed solar panels would also be more "honest" but, to my knowledge, that is not how solar projects have been approved in the past by this Board. If this is a new trend, I fully support it and would love to have more "honest" solar systems in my neighborhood and throughout my City.
5. Something else in this answer stood out to me: the applicants speak of "rainwater improvements" they have made. I take this as reference to several large-diameter PVC pipes which are screwed into the stucco on the exterior walls of their second floor in a chutes-and-ladders fashion (slightly visible in the photograph titled "Looking North along Camino Don Miguel" on page 10 of the application packet). It would appear to me that this work would have required approval by this Board and hence, Primary Elevations would have already been designated. If not for this PVC project then perhaps

the property owners came before you for a new (approximately 40'-long) coyote fence on the NW corner of the property. If not, perhaps for the construction of a retaining wall directly to the South of their kitchen window, which should have come before this Board, an engineer's desk, and the City's Building Permits Division. You may have some record of these projects since they have all happened in approximately the last 24 months. I'm surprised that no Primary Elevation(s) have been assigned. Listen, I am not a saint. I performed unpermitted work on my property. But I have come before this Board to rectify that mistake and have moved on. I do not think it is appropriate for this Board or Staff to approve new work when unpermitted and illegal work has not been reviewed and approved.

I pray that the community will understand that this decision is not inconsequential and that you consider the broader context as you deliberate.

Thank you for your time and consideration on this matter.