



CITY CLERK'S OFFICE  
**Agenda**  
DATE 1/18/17 TIME 1:00pm  
SERVED BY David Rasch  
RECEIVED BY [Signature]

**HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP**

**TUESDAY, January 24, 2017 at 12:00 NOON**

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

**HISTORIC DISTRICTS REVIEW BOARD HEARING**

**TUESDAY, January 24, 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: January 10, 2017
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-104, 547 Hillside Avenue.  
Case #H-13-023, 739 Acequia Madre.

Case #H-16-103A, 503 Apodaca Hill.  
Case #H-16-105A, 1066 Camino San Acacio.

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

1. Case #H-16-089, 562½ Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct a 5'6" high coyote fence where the maximum allowable height is 6' on a non-contributing residential property. (Nicole Ramirez Thomas)
2. Case #H-17-001, 110 Delgado Street. Downtown & Eastside Historic District. Architectural alliance, agent for Thunderbalm Partners LLC, owners, requests historic status reviews with designation of primary elevations, if applicable, for non-contributing, contributing, and non-statused non-residential structures. (David Rasch)
3. Case #H-17-002, 600 Camino del Monte Sol. Downtown & Eastside Historic District. Vahl Jackson, agent for Carolyn Blackburn, owner, proposes to construct a yardwall to the maximum allowable height of 4'8" and vehicle and pedestrian gates to a height of 4'2" on a non-contributing residential property. (David Rasch)
4. 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 49'5" 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)

- 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](http://www.santafenm.gov/historic_districts_review_board_hearing_packets) for more information regarding cases on this agenda.



CITY CLERK'S OFFICE  
**Agenda** DATE 1/5/17 TIME 2:30p  
 SERVED BY [Signature]  
 RECEIVED BY [Signature]

**HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP**

**TUESDAY, January 24, 2017 at 12:00 NOON**

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

**HISTORIC DISTRICTS REVIEW BOARD HEARING**

**TUESDAY, January 24, 2017 at 5:30 P.M.**

**CITY COUNCIL CHAMBERS**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **APPROVAL OF MINUTES: January 10, 2017**
- E. **FINDINGS OF FACT & CONCLUSIONS OF LAW**

Case #H-15-104. 547 Hillside Avenue.  
Case #H-16-100B. 1039 Camino San Acacio.  
Case #H-13-023. 739 Acequia Madre.  
Case #H-16-106A. 418 Apodaca Hill.  
Case #H-16-108. 510 Halona Street.  
Case #H-16-109. 76 East San Francisco Street.

Case #H-08-054. 530 Camino del Monte Sol.  
Case #H-16-103A. 503 Apodaca Hill.  
Case #H-16-105A. 1066 Camino San Acacio.  
Case #H-16-107. 1119 East Buena Vista Street.  
Case #H-16-104. 621 Halona Street.  
Case #H-16-110. 486 Camino Don Miguel.

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

1. Case #H-16-089. 562½ Garcia Street. Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct a 5'6" high coyote fence where the maximum allowable height is 6' on a non-contributing residential property. (Nicole Ramirez Thomas)
2. Case #H-17-001. 110 Delgado Street. Downtown & Eastside Historic District. Architectural alliance, agent for Thunderbalm Partners LLC, owners, requests historic status reviews with designation of primary elevations, if applicable, for non-contributing, contributing, and non-statused non-residential structures. (David Rasch)
3. Case #H-17-002. 600 Camino del Monte Sol. Downtown & Eastside Historic District. Vahl Jackson, agent for Carolyn Blackburn, owner, proposes to construct a yardwall to the maximum allowable height of 4'8" and vehicle and pedestrian gates to a height of 4'2" on a non-contributing residential property. (David Rasch)
4. Case #H-17-003. 1405 Paseo de Peralta. Don Gaspar Area Historic District. Jennifer Schlesinger, agent for Brant Mackley, owner, proposes to remodel a two-story non-contributing nonresidential building by adding screened mechanical equipment on the first floor roof, traditional design elements, a mural, and other items. (David Rasch)
5. 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 49'5" 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)

- I. **MATTERS FROM THE BOARD**
- J. **ADJOURNMENT**

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**HISTORIC DISTRICTS REVIEW BOARD**  
January 24, 2017

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

**January 24, 2017**

**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 5:37p.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. William Powell  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

Mr. Edmund Boniface

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Ms. Theresa Gheen, Assistant City Attorney  
Ms. Nicole Ramirez Thomas, Senior Planner  
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department.**

**C. APPROVAL OF AGENDA**

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

**D. APPROVAL OF MINUTES:**

Member Biedscheid requested the following changes:

On page 20, she apologized that her statement was inaudible. She said what she asked the applicant to respond to staff question related to criterion #5 regarding why the portal could not be enclosed as part of the remodel.

On page 23, last paragraph, flushing out should be changed to "fleshing out."

On page 26, second paragraph, second line, she asked to replace "it" with "new proposal."

On page 37, second paragraph, it should say, "Member Biedscheid thought it was interesting that the ~~1946 date in the current HCPI report~~ described a stepped gable suggesting a small chapel."

Chair Rios requested the following changes:

On page 1, the date should be changed to January 10, 2017.

On page 20, first paragraph, which should read, "Chair Rios believed what Ms. Ramirez Thomas offered would not be productive. The Council would just remand it back to the H Board. She said the Board is the proper body to make a decision regarding such a project."

On page 24, eighth paragraph, "the" should be "that."

On page 37, under Questions to the Applicant, it should be "Staff's."

On page 45, the speaker's last name was Beltran, not Rincon.

Ms. Gheen requested the following changes:

On page 17, first paragraph, last line, it should read, "The- City Attorney has also said it was reasonable."

In the 3<sup>rd</sup> paragraph, second line, it should read, "That part is a vestige when the Historic Districts Review Board ..."

Member Katz said the term is "de minimis" - not de minimus.

**Member Roybal moved to approve the minutes of January 10, 2017 as amended. Member Biedscheid seconded the motion and it passed by unanimous voice vote.**

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

**Case #H-15-104.** 547 Hillside Avenue - no changes.

**Case #H-16-103A.** 503 Apodaca Hill - Ms. Gheen said the last Conclusion of Law should be "Retain the existing noncontributing status for the residential structure and assign noncontributing status to the yard wall."

**Case #H-13-023.** 739 Acequia Madre - no changes.

**Case #H-16-105A.** 1066 Camino San Acacio - no changes.

**Member Katz moved for approve the Findings of Fact and Conclusions of Law as just amended. Member Roybal seconded the motion and it passed by unanimous voice vote.**

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

Ms. Stefanie Beninato came to the podium and said:

"I have a couple of things. First of all, at 600 Galisteo, which is now also known as 1405 Paseo de Peralta, there was a notice that they would be here at this hearing tonight for H-Board approval. And it's not even on the agenda, even though they have two signs up, saying January 24<sup>th</sup>. My concern, since I am the agent for the owners of 604 Galisteo, is that a window was broken out on the second floor and I've been asking the City to get the owner to block it up; board it up. And the excuse has been that he is coming to H Board and he needs to get approval for windows. But windows will take weeks to come in, anyway. So, just wondering what happened to that case."

"Secondly, I want to talk a little bit about a net or changing the ordinance. And I want to remind you all that you are obliged by oath to uphold the law. You may ... or apply the law. And you may not like the law. Like the 50% rule about adding on... you know, all of that. But instead of like coming up with reasons like it's sensitively added or it's whimsical or whatever ... You should be versed in the law as it's written, because by pushing the law as it's written, you will finally get the City Council to have the political will to change the ordinance. If all you do is keep reinterpreting it in your own personal ... to your own personal, to your own personal standards, that's never going to happen.

"And again, we've been promised for years that this ordinance will be reviewed and rewritten. And I know Karen Walker ... I mean ... yeah, Karen Walker and Sharon Woods and other people spent at least two years meeting in small groups, going over the ordinance, coming up with suggestions that have never even seen the light of day. So when it says that when you give an exception, you are supposed to recommend it to City Council - It doesn't really matter that Kelley Brennan is telling you that that's not what is done. That is what the law says. And, unless there is some other cute law telling you not to do that, if you kept sending those to City Council, I'll bet you would get this law changed very quickly."

"Thirdly, I don't know if any of you actually watched the City Council meeting about the Inn at Loretto, but it was rather distressing to me that your Staff member said that he had no idea that the Historic Board height ordinance trumped the BCD zoning height ordinance. And given that he has been on this board. Or on the staff for 14 years, he was here for the Lensic addition for the Performing Arts space, he was here for Drury Inn, it is really hard to imagine that he did not know that. So then, I hardly think of David Rasch as an expert. His B.A. was in Art. He had one course in architectural history. His Master's is in chemistry. He did textile restoration. And doing technical review here does not make you an expert. Nor does making up rules with two people and not consistently enforcing them is not actually a standard.

"And we can point out, for example, Sanbusco, which is ... was *obscillicated* - excuse me, I can't even pronounce multiple syllable words in English - but it was obscured by this 70/30 rule that Mr. Rasch said he and one other person made up years ago in the dark of the night - I'm exaggerating that - But it has not been ... debated in public. But we've had the Hinojos building up on Palace that was really destroyed and destroyed by arson but has been allowed to be rebuilt and nobody has said that it has lost its status. So that is just one example of inconsistency. Thank you."

There were no other public comments.

Although their microphones were turned off, Member Powell asked if someone should respond to that statement.

Mr. Rasch said there is no need for response.

## **G. COMMUNICATIONS**

Ms. Gheen reported that on January 11<sup>th</sup>, the Governing Body heard the appeal of the 201 Old Santa Fé Trail case. In addition, the appeal for Shrine and Rectory Office that was scheduled for February 8<sup>th</sup> to be heard in front of the Governing Body is now removed from the February agenda.

## **H. ACTION ITEMS**

Chair Rios announced the procedure for making appeals to decisions of the HDRB. She also specified a two-minute limit on public comment.

1. **Case #H-16-089. 562½ Garcia Street.** Downtown & Eastside Historic District. Cody North agent/owner, proposes to construct a 5'6" high coyote fence where the maximum allowable height is 6' on a non-contributing residential property. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas gave the staff report as follows:

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

562 ½ Garcia Street (also listed as 562 ½ Unit B) is a 1169 square foot home constructed in the Spanish-Pueblo Revival style and it is located within the Downtown and Eastside Historic District. The house is located down a private drive and was designated as noncontributing to the district at an HDRB hearing in 2015. Aerial photographs indicate that the house was constructed prior to 1958, with a possible construction date of pre-1932. Modifications to the property include enclosure of the front portal with fiberglass sheeting at an unknown date and the replacement of original windows with steel windows, also at an unknown date. A remodel of the property was approved by the Board in October of 2016. (And is underway)

The applicant proposes to construct a 5'-6" coyote fence with irregular latilla tops and steel posts and cross members along the north side of the property. The fence is not publicly visible and the allowable fence height at that location is 6'.

#### **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.

Ms. Ramirez Thomas passed out a drawing done by neighbors. [A copy of the drawing is attached to these minutes as Exhibit 1.]

#### **Questions to Staff**

There were no questions to Staff.

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

Present and sworn was Mr. Cody North, 107 East Lupita. Mr. North said he agreed with Staff recommendations. He said he is proposing to build the fence six inches lower than the allowable height and shared pictures with a 5' 6" story pole of how those latillas would affect the neighbor's windows. [A copy of the photographs is attached to these minutes as Exhibit 2.]



Chair Rios reminded Ms. Beninato that she could not speak out of turn from the audience.

Mr. North tried unsuccessfully to show the photographs with the overhead projector. He explained that the pictures were taken one month ago, mid-morning, while the sun was at its lowest. The raised parapets will block the windows before his fence does. The pictures showed that the fence is not blocking the windows at all except the furthest window east gets blocked half way and it is a low window, about 3.5 to 4' off the ground. So, he didn't think it would any issue. He asked the Board to note that the blinds are all closed and shutters are closed, as they are all the time on that property, ever since he has owned the subject property.

He said he tried to discuss it with the owner but it didn't go anywhere. So, he opted to lower the fence six inches and thought that was a reasonable compromise. It is now at 5' 6".

#### Questions to the Applicant

Chair Rios asked how many windows there were on the neighbor's structure.

Mr. North said there are four windows and the furthest east is partially blocked and no others.

Member Katz asked how tall the post is (used as a story pole).

Mr. North said the post shows what the fence height will be. You can see the shadow of the post on that building to show they are not blocked.

Member Powell asked what time of day these pictures were taken.

Mr. North said it was at 10:30 a.m.

Member Biedscheid asked if the steel support structure would be on his side or the neighbor's side.

Mr. North agreed to put in on his side.

#### Public Comment

Present and sworn was Mr. Bill Depuy, 1380 Canyon Road. He was accompanied by his wife, Ellen and said they own the 554 Garcia property next door. He explained that it is a guest house and long term rental now.

Mr. Depuy said he didn't have the benefit of seeing the photos but made the rudimentary drawing that was distributed earlier. They didn't dispute the right of the applicant to have the fence but were asking for a couple of considerations.

He said Mr. North called a couple of days before Christmas and said he would start digging post holes for the fence the next day and that they had to meet right away to look at the idea of the fence. Initially, he went out that morning and initially said okay to a six-foot fence. He and his wife went out that afternoon when the sun had come out to its fullest and it looked to them like a six-foot fence would completely block the windows. There is a 30" space between the property line and their wall. "How it got to be thirty inches, I can't tell you, but that's what we got when we bought it."

He said his drawing represents the effect of a six-foot fence and had asked Mr. North if they could compromise on a 4' fence, since the issue was security for his property. There is chicken wire there since 2003 and they never bothered to do anything with it. He added, "We've always had the access to that area. And particularly, because we have a sewer clean out along that wall. Thirty inches is pretty tight for a couple of plumbers to get in to do their work. So, we are asking for a couple of considerations, if possible, in the interest of being good neighbors. A four-foot fence, I believe, according to my measurements, would have the effect shown on the drawing and six-foot fence, according to my measurements, with the fence thirty inches from my window, would block the top of the window."

"If we could compromise on the height, we would be delighted. If we could have a couple of inches more, that would be wonderful. And the six could be a little hard, since it is a matter of security - not tight together, some light could get through."

Member Roybal asked if he was looking at a straight angle for height or concerned about light coming in.

Mr. Depuy said the winter light is low. He didn't know at what angle the sun would come in but he was looking at it straight on.

Member Roybal pointed out that the sun comes in at an angle.

Ms. Ramirez Thomas said, per request of Council, she would like to show these photos on the monitors. But she was unable to get the overhead projector to work.

Ms. Stephanie Beninato asked if she needed to be sworn. Mr. Boaz said yes. She gave her address as P. O. Box 1601, Santa Fe and was sworn. She said, "I know I just warned Mr. North that I would actually be in support of his application here so I don't want him to fall over or anything because he thinks that I'm his sworn enemy. Unfortunately, for the neighbors, I don't think that you should really be considering the effect this fence has on their light. If they needed to preserve their south-facing light, there is a solar access ordinance or, excuse me, statute that could have been applied for. It is actually relatively easy. You do need to get somebody or call up the Department of Energy, I believe it is. And they tell you the formula. But then you have to send your neighbor a notice, saying that you want the solar light. You have to record it. And then they have so much time to respond. And if they don't respond, then you have the easement - a solar easement. And it is nice to know ... I mean people do want light and south-facing light is really great. This fence meets your standards."

"It is under six feet, and, as Mr. North pointed out, the building, itself, which you approved, is going to block the windows more than the fence. I think, having now just heard that the lot line and the neighbor's building is only two and a half feet back from the lot line - that is considered a zero-lot line. And there may be some safety issue if they are building a fence so close to another structure. I don't know. You would have to ask Ms. Martínez, head of Land Use. I think she would be the appropriate person to ask. But that would be the only glitch in approving this fence. Thank you."

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

Member Katz asked Mr. North if it would be possible to not make it very tight - a little bit of space to let light through. He wasn't suggesting spaces as wide as at the Cristo Rey Church.

Mr. North said he could but asked how the Board regulates that. He didn't like the fence at Cristo Rey and it doesn't provide any security or privacy. The sunlight is a non-issue since the parapets are higher than the fence will be.

Member Katz understood that, but the sight from the windows is just a wall in front of them. He thought it is a consideration that might help. He liked the old coyote fences with shrunken wood. That replication would look good there.

Chair Rios said he didn't suggest it has to be just like Cristo Rey but cited it as an example.

#### Action of the Board

**Member Roybal moved in Case #H-16-089 at 562½ García Street, to approve the application as recommended by Staff with the fence height modified to 5' 6" and at the applicant's discretion to loosen it a little. Member Bayer seconded the motion with an amendment that the steel posts and cross members be on the inside. Member Roybal accepted the amendment as friendly and it passed by unanimous voice vote.**

- 2. Case #H-17-001. 110 Delgado Street. Downtown & Eastside Historic District. Architectural alliance, agent for Thunderbalm Partners LLC, owners, requests historic status reviews with designation of primary elevations, if applicable, for non-contributing, contributing, and non-statused non-residential structures. (David Rasch)**

Mr. Rasch gave the staff report as follows:

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

110 Delgado Street is a group of four residential/commercial structures (Units A-D) and a free-standing garage. Units B and C are listed as contributing to the Downtown & Eastside Historic District. This historic

status review is for non-contributing Unit A, contributing Unit C, and the non-statused free-standing garage.

Unit A was constructed in 1962 in a vernacular manner. Historic wood and steel windows are preserved. Removal of character-defining elements on the front façade with non-historic doors and a rear portal massing with Spanish-Pueblo Revival design detract from the historic integrity of the structure. While the front façade does appear, without measurement, to comply with the 60% wall requirement, the building does not represent a typical Santa Fe style design.

Unit C was constructed between 1930 and 1948 in a vernacular manner. All windows and doors are non-historic, as well as the character defining Spanish-Pueblo Revival portal on the north elevation. Historic integrity is limited to the rectangular massing with inset penetrations.

He showed the photo of the portal.

The free-standing garage was constructed in the late 1920's in a vernacular manner. The windows and doors are not historic and the historic asphalt roof has been covered with a non-historic corrugated metal. Historic integrity is limited to the rectangular massing and vehicle entry opening.

#### **STAFF RECOMMENDATION:**

Staff recommends that Unit A maintain the non-contributing status, that Unit C be downgraded from contributing to non-contributing, and that the free-standing garage be listed as non-contributing all due to loss of historic material and/or non-historic alterations.

#### **Questions to Staff**

Chair Rios noted that Units B and D are contributing and asked how A and C are related in terms of their design.

Mr. Rasch said units B and D are much larger, with more broken up massing. Units A and C are just rectangular structures with appended portals. Unit C was probably originally an out building for Unit B. Unit A was probably built for its own sake and not as secondary to another building.

Chair Rios asked if the footprint for Unit A and C have changed.

Mr. Rasch said the only change is the portals.

Chair Rios asked about public visibility.

Mr. Rasch said Unit A is right on the street frontage; Unit C is not on the street frontage. It probably has visibility from between Units A and B at the street. The freestanding garage is only visible from the street

down the driveway.

Member Biedscheid asked if all units were statused at the same time.

Mr. Rasch assumed so.

Member Biedscheid asked if the B and D construction dates are known.

Mr. Rasch didn't know but thought they were probably built in the 20's and 30's.

Member Biedscheid asked if he would say they were constructed in the vernacular style.

Mr. Rasch thought they were more Spanish Pueblo Revival.

Member Biedscheid noticed the portal on Unit D and asked if it was also added at a nonhistoric date.

Mr. Rasch wasn't certain. He had not looked at the HCPI forms, but it does look like the other two portals.

Member Bayer asked which unit he recommended being downgraded.

Mr. Rasch said it was Unit C.

Member Katz said as the Board looked at unit C, it seemed to be a more typical building with the windows more deeply set, eliminating the portals from both A and C because they are not historical. He wasn't clear whether or not Mr. Rasch was saying C was nonhistoric. He saw Unit A windows as not significant but it is simply that C was different and fits well with B and D. He wondered why would he recommended downgrading it.

Mr. Rasch said he read the assessor's report who felt it didn't have the qualities that make it eligible for contributing to the district. Given a probable modification of the fenestration, the nonhistoric portal and the conversion into commercial space, didn't make it for him. The Assessor believed it doesn't communicate its original use as a garage. It was the loss of the historic windows and the addition of more square footage of the portal. It truly is a borderline case.

Member Katz asked if he knew when the windows were replaced.

Mr. Rasch said he didn't know but it is apparent that they are not historic. The Assessor couldn't even determine if the openings had changed but they do have nice bullnoses.

Chair Rios understood Unit C is approximately 69-87 years old.

Mr. Rasch agreed.

Member Biedscheid said it looks like these units maintain the original footprint and they could be returned to what they originally looked like.

Mr. Rasch agreed. This is one of the most obvious determinations that the portals were added.

#### Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who said that Member Bayer caught that in Mr. Rasch's report, Building C was contributing (not D). So, the three structures: A was built in the 60's and altered quite a bit. The portals can be dated. The aerial shows the portals were not there in 1969. And the construction proves they were added.

He disagreed with returning these back to "the golden age" of a garage - specifically, Unit C, and the storage space for Unit D because there is no documentation on what they looked like then or where the openings were.

He said the main residences were developed in the 1930s and became the Santa Fe Floral Company with greenhouses on the property. The family lived in two buildings with greenhouses so they were both residential and commercial. In the 1970's, when they were sold, they were converted to commercial office spaces as they are now, including the removal of all the greenhouses and other structures on the site and the introduction of the Spanish Pueblo Revival detail on A and C and also the garage. They didn't build garages with windows but that was all converted to office space in the 1970's, the 1980's and the 1990's. There seemed to be no record of that so he assumed it might have been done illegally.

Unit A faces Delgado, which was built in 1962 with concrete block which he described. In the packet, under Unit A, is a rendering that was published in the New Mexican to celebrate the opening of the Santa Fe Floral Company. It showed one divided window with a brick planter in front and an awning. It is now a separated metal window unit. That was 1962. You can also see the roof slopes to the back and parapets were raised to conceal the slope. It likely received its portal in the 1980's.

Mr. Enfield said he agreed with Staff recommendation that unit A retain its non-contributing status.

Unit C was probably built in the late 1930's as a large auto garage and converted to a residence in the 1950's and was changed again in 1980's when it became office space. That was when all windows and doors were replaced because they are insulated glass double-hung units.

So, no one knows what the original openings were. There was probably a garage opening somewhere but it is not certain which side it was on. It was probably facing north. But maybe there were two doors on west side. It doesn't look like a garage and you can see the raised parapets that were probably done in the 80s or 90s.

He agreed with Staff and with their historic consultant, John Murphy that the visible face was changed each time the use changed and it was on all sides.

He thought it should be downgraded to noncontributing because nothing remains now except the mass. There were changes to the footprint on both A and C. Portals have been added.

As for the garage in the corner, the front door and roof were added. It might look like it has a garage opening. They rented it as an office so maybe only the garage door opening could be seen. It is not listed at all for status.

Unit C is called contributing but it was just on the early survey. The garage is very small, in the back, and it doesn't add anything.

Mr. Rasch said it lacked any information. It was the early survey.

#### Questions to the Applicant

Chair Rios asked if the footprint had changed other than portals.

Mr. Enfield didn't know. He did know about A because of the aerials, but not C.

Chair Rios said the HCPI indicates the front façade looks similar.

Mr. Enfield said it was one window in 1962 rendering.

Mr. Rasch said we can't verify that the artist's rendering was accurate.

Member Powell agreed. The artist took some liberties with the doors right around the corner. He didn't think that should be considered factual.

Member Roybal said the Staff Report said B and D would not stay at contributing.

Mr. Rasch said he meant Unit C, not D in his report.

Mr. Enfield agreed that Units B and D will retain their status and renovate those buildings.

Member Biedscheid noted the report says that in Unit A, the metal windows are preserved. She asked if those are on the front street-facing façade.

Mr. Rasch said yes. He assumed they are historic windows.

Member Biedscheid noted that the 1985 HCPI mentions shows those windows and no note about

replacing them. It does cite the removal of awning and planter.

Mr. Rasch agreed. The Assessor considered the front façade to be nonconforming to the 60/40 rule. Looking at the front façade, with those two windows, the space below the window and above the window equals approximately each window. So, the stucco above and below each is about 50/50. The space to the right of the door is about the same size as the door. So, the stucco equals the two windows and the door. The entire left side of the building is a tenth of the building or less. And it needs 20% more to get 60/40 and clearly get it, without measurement. So, he didn't consider this façade as nonconforming.

Member Powell asked Mr. Rasch, as an expert in Santa Fe architecture, if he would consider this is a vernacular example of Mid-Century Modern.

Mr. Rasch agreed. Plus, the Spanish Revival Portal on the rear.

Member Powell asked if these windows affected the period of construction.

Mr. Rasch said the windows do but not the door, which he believed had been replaced.

Mr. Enfield said there is no other window on this building like the one on the front. So, were they all changed? Were they wood first and then metal? He didn't think Mr. Rasch could answer that and he couldn't either. It was considered non-contributing and he would like to uphold that status and here because Mr. Rasch said it was an early survey.

Member Powell considered Building A as the cornerstone for these three buildings. It faces Delgado and was a floral shop which is why it had the large store front windows to display their wares. He thought A should actually be contributing.

Mr. Rasch said in general that we think of the Downtown & Eastside as only Pueblo and Territorial as the high style for this district. But the vernacular buildings do represent part of Santa Fe's history but not what today we consider to contribute to this Spanish or Pueblo vernacular/Territorial vernacular, but that is where it is borderline. How far do we go with vernacular and mid-century modern, which are both becoming more and more important?

Mr. Enfield said right now, there is no place in the code that it fits for this building. It is not Old Santa Fe Style; it is not New Santa Fe Style; it's not Pueblo Revival; it's not Territorial.

Mr. Rasch said it would have to be called a simplified Spanish Pueblo Revival.

Member Roybal understood that Unit A is non-contributing now.

Mr. Rasch agreed it is legally non-contributing so only design standards apply and not preservation standards. He thought these were designated in the 1995 or 1992 map amendment at the Governing Body.



### Public Comment

Present and sworn was Ms. Joan Armijo, 117 Cedar Street, who said she owned 124 and 122 Delgado Street properties, adjacent to the garage on this property. She asked, if the garage is noncompliant, whether that meant that it could be knocked down and rebuild or if he has to come back to the Board.

Chair Rios said if it is noncontributing, and he wishes to demolish, he would have to come back to the Board.

Ms. Armijo asked, if he has to come back with some sort of plan for the remodel.

Chair Rios agreed.

Chair Rios asked Ms. Armijo if she remembered the floral shop.

Ms. Armijo said she was born on Delgado. She remembered the front looked like it did in the rendering but wasn't sure about the porch. She added that she worked there in the floral shop as her first job. She didn't remember if the front had one or two windows. She had no knowledge of the windows on the garage, but otherwise, it looked the same.

She explained that her property is on the south side of the garage. She didn't know it was an office. Ms. Roberts lived right next to the house. It was apartments at one time.

Member Powell asked if changes to the garage was her concern.

Ms. Armijo agreed.

Mr. Rasch said if it is designated non-contributing and the applicant asks to demolish it, it probably has a nonconforming setback and a new building could not be built as close to property line as this building.

Mr. Beninato (previously sworn) said "Do I need to get sworn in? I wonder when people hire a historical consultant and then they refer to aerials, why the aerials doesn't show what buildings were in there and where the footprints were. If the shed, for example, the garage wasn't there ... I mean it either shows up on this aerial or it doesn't. The A and C either show up on the aerial and you can see what they look like or they don't.

So, I'm always a little perplexed when people say they don't know, but there are these aerials and other ways of figuring these kinds of things out."

"Garages often had windows in them and I can point to a really obvious one on Webber and on Santa Fe Avenue which I think came in front of this Board at some point when they added on to the main house. That one has a window. So, having windows or not windows is not uncommon to have a window in a

garage in Santa Fe.

"The fact that the building has changed a use should not disqualify it from being contributing because use has no play into the status. And you are often saying that you want to places livable and usable and this or that. So, use will change over time. So, the fact that it may change from a garage so it was a garage and now is an office space should not necessarily make it non-contributing.

I think the garage looks ... I mean, to me, it's very vernacular ... it's a Santa Fe vernacular and the doors are again, very typical of the kinds of doors that you would see on these kinds of garages.

"C looks, to me, like it should stay contributing. I think it is contributing at this point. Because it is a sloped roof, hidden by a parapet, this is again, a very common type of vernacular building. I do believe that when and if the ordinance is ever redone, that you should add Spanish Colonial style because that really is the basic building block in Santa Fe. That is what the Palace of the Governors is - is a Spanish Colonial style. It's not Spanish Pueblo Revival style. That is a very different style. That is a multi-story design and you really need to get these terms straight, really, because you keep approving one-story buildings as Spanish Pueblo Revival style. That really means multi-story. And, again, Mr. Powell, you are undermining your own authority by calling Mr. Rasch an expert. And I will have the minutes next time and I will read them to you how much Mr. Rasch did, in fact, so that was the first time in November of 2016 that we heard that the BCD height ordinance then trumped the Historic ordinance and it is the reverse.

And so, again, you approve things; you allow people to add on to non-primary façades. The idea is that you are supposed to be able to remove that so that you don't damage the historic integrity of the building. The fact these have portals added to them should not really destroy the historic character of the building, especially since it's been stated by your Staff that these are removable; that they are ledgers that could easily be removed and brought back to the original footprint. So, if you want to allow the additions that are removable but then you use it as an excuse not to leave it contributing, it is a really mixed message and I'm just pointing that out. Thank you."

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

Member Biedscheid said free-standing garages are not so common in this district and might be worthy of preserving that vernacular feature that is unique in this district.

Mr. Rasch agreed these free-standing "car houses" are becoming rarer and the Board grapples with that every time they come forward. One I remember we did preserve is right on Garcia Street at around 300 something. It is an adobe tiny garage that only a Ford Model T could fit in. But the Board does constantly have this problem with the free-standing garages.

In the South Capitol district, they were considered car houses and very separate from the residence for a reason. Because, before cars, you had your carriages which were usually kept in the barn with their horses. It was so interesting that, when car houses were developed, they were associated with the barns and the carriages. So, it does have that story.

Mr. Enfield added that there are two clearly historic structures on this property that his client is maintaining - the residence B and the residence D. As far as building A is concerned, he thought that he understood Member Powell's concerns that it represents a moment in our history when it was a floral shop. Yet there are four sides to this building. The footprint has been altered; the use is no longer a floral shop. And it was built in the 1960's and there is no word in the present historic ordinance to describe the type of architecture that it represents. He thought Mr. Rasch would agree with him.

As far as building C is concerned, he didn't think there was any historic material left on the building. They don't even know where the garage opening was. There have been openings cut in every wall of that structure. The parapets have been raised; it is higher than it was; portals were built on the front. And if you walk up to the building, you wouldn't recognize it as a garage. The little garage in the back has no foundation. It is adobe on the ground. It was not meant to last long. And we are not sure if it wasn't just a storage shed as an accessory to the other. There is evidence that they used the big block building as their garage for their cars. That building could have been just a garden shed.

There is a lot of conjecture here and all we can do is look at what the historian said and what Staff says and understanding that both A and C footprints have been altered. You could tear off an addition to the garage so he didn't think that is a good gauge. The applicants are not going to turn them back into garages. Their use has not been a garage for decades. There are layers and layers of physical changes to both A and C.

When looking at the metal window in front, he asked why there are wood windows on the sides and when the portal was added.

Buildings B and D are contributing. For C, they don't know where you entered the garage and what elevation is historic. He didn't come asking for any variance on B and D. But to say the footprint is historic is not enough. If every wall has new openings, he asked how that building could be considered historic. These buildings have lived many lives.

Chair Rios read the definition for contributing.

Mr. Enfield agreed there are these minor alterations on B and D. But they are not minor on A and C.

Chair Rios commented that Santa Fe is losing a lot of vernacular buildings.

Mr. Enfield asked what the historic integrity is on C.

Member Powell said if the Board designates it contributing they would have to designate primary façades.

Mr. Rasch agreed.

Member Powell reasoned that if the Board saw one as relatively intact, the applicant could make changes on all the others.

Mr. Rasch agreed.

Member Roybal asked if the status could be changed at this meeting for A or if it would have to come back.

Mr. Rasch said the Board could make their own findings.

Member Powell had trouble distinguishing all four buildings and asked if the Board could discuss each of them separately.

Mr. Rasch asked if he was talking about context.

Member Powell said the Board usually just talks about one building.

Mr. Rasch said they once statused each one but now.

Member Biedscheid asked if there could be three separate motions.

Chair Rios agreed.

#### Action of the Board

**Member Powell moved in Case #H-17-001 at 110 Delgado Street for Building A, to upgrade the status to Contributing with the Delgado Street façade designated as primary. Member Biedscheid seconded the motion and noted that the street-facing façade does contain historic wood and steel windows to be preserved and the motion passed by unanimous voice vote.**

**Member Powell moved in Case #H-17-001, Building C, to downgrade the status from Contributing to non-contributing due to the alterations to the footprint, non-historic façade, non-historic windows. Member Roybal seconded the motion and it passed by majority (4-1) voice vote with Member Katz dissenting.**

**Member Biedscheid moved in Case #H-17-001, to designate the free-standing garage as Contributing due to uniqueness to the District, maintained its historic footprint and maintained the historic vehicle opening and shows evidence of the original structure; and to designate the east elevation as primary. Member Powell seconded the motion and it passed by a majority (3-2) voice vote with Member Katz and Member Roybal dissenting.**

3. **Case #H-17-002. 600 Camino del Monte Sol.** Downtown & Eastside Historic District. Vahl Jackson, agent for Carolyn Blackburn, owner, proposes to construct a yardwall to the maximum allowable height of 4'8" and vehicle and pedestrian gates to a height of 4'2" on a non-contributing residential property. (David Rasch)

Mr. Rasch gave the staff report as follows:

**BACKGROUND & SUMMARY:**

600 Camino del Monte Sol is a single-family residence that was constructed in the Spanish-Pueblo Revival style in 1959 by Charles Digneo from the family of masons who worked around town in the late 19<sup>th</sup> century. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. A stuccoed yardwall will be constructed along the entire street-frontage of the property. The wall will be at the maximum allowable height of 4' 8" without a change in height but with openings for a pedestrian gate at the south end and angled walls into the property at the middle section for the driveway entrance. The wall will be stuccoed with El Rey cementitious "Buckskin".
2. An 11' 3" wide x 4' 2" high vehicle gate will be installed at the back of the wing walls. It will be openwork steel finished with wood in a dark brown color.
3. A 3' wide x 4' 2" high pedestrian gate, that will match the vehicle gate, will be installed south of the vehicle gate.

**STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

**Questions to Staff**

Chair Rios asked how long the 4' 8" wall on street is.

Mr. Rasch said from the vehicle gate to the north end is 47' long and the length from the gate to the south end is 33' long.

Chair Rios asked if the angled portions of the wall inside the property is also at 4' 8".

Mr. Rasch agreed.

Chair Rios what the length of those portions are.

Mr. Rasch didn't know but they go 8' into the property.

Member Powell asked if the ordinance doesn't require a change for a wall that long.

Mr. Rasch said it is "external policy" - the wall and fence guidelines suggest two changes for long walls. At 25', the wall should have an 8" change in height and at 50', it needs a horizontal change of plane. These lengths don't meet the 50' length but both exceed 25'.

Chair Rios asked if the gate has see-through elements.

Mr. Rasch agreed.

#### Applicant's Presentation

Present and sworn was Mr. Michael Milara, 1412 Acequia Borrada, who had nothing to add to the Staff Report except that not too much is changing. He explained that he came because his boss is in California.

Member Powell noted that in the plan, the part where the wall angles in has no radius shown.

Mr. Rasch said it is CMU with rounded edges.

Mr. Milara said it is just a little curved. It is 14' back for access for the car and two openings in the gate. The radius is about 6-10".

Member Powell asked why they didn't change the height of the wall. The Board generally requires a change in height when it is over 25' long.

Mr. Milara said they could make a step of 8" following the grade.

Member Powell asked if that could be shown in the drawings.

Mr. Milara agreed. He said the grade slopes down.

Mr. Rasch said in the typical elevation, it was not showing any steps in the wall. He did ask the applicant about it and at that time, they were talking about pilasters. He had said that he asked the owner about it and suggested it would be better for the design. But Mr. Rasch thought he had said the owner was not interested in any kind of embellishment.

Member Powell understood. The Board needs to be very prescriptive in the motion or ask for another set of drawings. Sometimes people need to find someone with the skill set to make accurate drawings. He was torn because there is not enough detail in the drawings and not enough information for the Board to make a decision.

Member Roybal thought pilasters would help.

Member Katz shared the discomfort when not having adequate drawings

Member Powell said it is a beautiful house and a simple wall could complement this house. It is not traditional but maybe they need to have better drawings

Mr. Rasch remarked that if the wall had been four feet high, he would have done it administratively but because it is 4' 8" he had to bring it to the Board. The lower the wall, the less it needs these details. He said he had not thought about the radius yet.

Member Powell suggested giving a lot of feedback and allow the application to provide proper drawings.

#### Questions to the Applicant

There were no further questions to the Applicant.

#### Public Comment

Ms. Beninato (previously sworn) said, "I appreciate the going in of the wall that takes cars into and off that street. I do agree with Mr. Powell that rounding it at the street would be a really good idea. And it doesn't really show up on the drawings. Well, step downs don't show up on the drawings. And again, you've said many times you are not supposed to sit there doing the design for somebody. And you really need a good record, in case there is a problem. Natural pilasters really would work as kind of omate and they are square so it would not give that kind of rounded, softer feeling to the opening to have the pilasters. But I would support Mr. Powell and Mr. Katz in wanting to have this come back with a drawing that actually represents the step down or step ups, whatever they are, and where the end of the wall comes off that is actually rounded and how rounded it will be. Thank you."

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

Member Powell said some of the drawings are detailed and really well made. On some of the drawings it is a bit nebulous. He wondered if when it came back they could make all the drawings be a little more easy to read and should have more information because the Board is having a hard time understanding them.

### Action of the Board

**Member Katz moved in Case #H-17-002 at 600 Camino del Monte Sol, to postpone to the next meeting in order to receive clearer drawings. Member Roybal seconded the motion.**

Mr. Rasch said the last deadline for the next meeting was last Friday. He was not sure the applicant could have drawings ready for it so he suggested February 28<sup>th</sup> as the rehearing.

**Member Katz agreed and the motion passed by unanimous voice vote.**

- 4. Case #11-16-109. 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 49'5" where the maximum allowable height is 24'11" on a noncontributing, 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)

Mr. Rasch gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

76 East San Francisco Street is a commercial structure that was constructed in 1883 and remodeled by John Gaw Meem in 1952 or 54 in the Territorial Revival style. Meem's Spanish-Pueblo Revival front portal was added in 1968 over the public right-of-way. The owner states by affidavit that the front entry is not historic; but, staff finds no evidence of alteration approvals. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. The front entry bileaf doors and transom will be removed and replaced with a single door with wood surround. The single-lite does not require an exception to the 30" standard because the front façade is located under a portal that is at least 4' deep. The door will be sealed with linseed oil and the trim will be painted "Tree Fern" green.
2. An existing roof-mounted HVAC unit will be relocated further to the south.
3. A mechanical room, elevator housing, and roof access will be constructed at 16' 8" back from the north, front elevation. The stuccoed room block will have an 18" overhanging cornice on the north, east, and west with a 36" overhang on the south elevation (applicant did not submit elevation drawings of east and west façades for the room block). An exception was not requested to exceed 30" for an overhanging roof (14-5.2(E)(2)(f)). Two simple doors will be installed on the south



elevation. The addition will be stuccoed with El Rey "Sand" and the trim will be painted to match the stucco "Whole Grain".

The proposed massing will be 8' above the front parapet with an overall building height of 49' 5" where the maximum allowable height is 24' 11". Two exceptions are requested to exceed the maximum allowable height (14-5.2(D)(9)) and to have publicly-visible rooftop appurtenances (14-5.2(E)(1)(d)) and the required exception responses are at the end of this report.

## RELEVANT CODE CITATIONS

### 14-5.2(E) DOWNTOWN & EASTSIDE DESIGN STANDARDS

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

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

### 14-7.1 GENERAL RULES OF MEASUREMENT AND EXCEPTIONS

#### (C) General Height Standards (zoning code)

The general height limits contained in this article do not apply to structures for which specific standards are provided elsewhere in Chapter 14, including Section 14-8.5 (Walls and Fences). In addition to the maximum height limits and height calculation methods contained in this article, structures may be subject to height limits and calculation methods in Article 14-5 (Overlay Zoning Districts) or elsewhere in Chapter 14. Unless there is a specific provision to the contrary, the most restrictive height limit is applied as provided in Section 14-1.7 (Conflicting Provisions).

#### (2) Height of Building Attachments

Except as further restricted by Section 14-5.2 (Historic Districts), the height limitations set out in Chapter 14 may be exceeded for chimneys, antennas, ventilators, elevator housings or other non-freestanding structures placed on and anchored to the roof of a building and not intended for human occupancy, by up to four (4) feet for residential structures and eight (8) feet for mixed use and nonresidential structures.

## EXCEPTION TO EXCEED MAXIMUM ALLOWABLE HEIGHT

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

Response: The proposed elevator is setback from the front façade by 16'-8" and is 8'-0" above the existing north parapet. We feel because of its offset and height its visibility will be minimal and therefore will not damage the character of the streetscape.

Staff response: Staff agrees with this statement, but a mock-up or story poles have not been provided to

prove visibility or lack thereof from the Santa Fe Plaza, a most important public way.

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

Response: The owner of the building cannot access the roof due to an existing handicap as a result of a gunshot wound. As the owner of the building it is imperative for him to access to the roof to maintain it and the HVAC roof top units. Without the elevator, my client would suffer a hardship.

Staff response: Staff does not agree with this statement, since the applicant did not address this criterion. This exception is about height, not maintenance. But, typically, owners are not the ones who perform maintenance on buildings and they are not trade-certified contractors who can perform maintenance on roofs or mechanical equipment.

(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: We reviewed many design options in the front and back of the building and felt this was the most unobtrusive location as it is not on the front or the rear historic elevations. The users of this building will now have ADA access to all levels and thus strengthen the unique heterogeneous character of the city.

Staff response: Staff agrees with this statement, but other design options such as a roof hatch or an exterior stair on the south elevation have not been provided.

(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: The historic structure is limited by historic ordinance on where the elevator can go, this is a special condition. This solution insures the elevator will not be visible on the front or rear façade.

Staff response: Staff does not agree with this statement. In response 1, the applicant states minimal visibility not lack of visibility as in response 4. Also, the zoning ordinance also restricts this application and similar applications City-wide. This is not a special condition.

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

Response: The applicant didn't declare this structure historic, its age, details, and location did. If this structure wasn't historic an elevator could be located more simply on the front or the rear elevations.

Staff response: Staff does not agree with this response. Neither the historic code nor the zoning code requires these application standards due to historic status.

(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: By not being visible on the front or rear façade we are not negatively impacting the historic structures fabric. The elevator overrun and roof access is offset over 16'-0" from the historic front façade and will have minimal negative impacts.

Staff response: Staff does not agree with this statement. A staircase on the south, rear elevation would have less impact on the Santa Plaza, a National Historic Landmark.

#### EXCEPTION TO HAVE VISIBLE ROOFTOP APPURTENANCES

(I) Do not damage the character of the district

Response: The proposed elevator is setback from the front façade by 16'-8" and is 8'-0" above the existing north parapet. We feel because of its offset and height its visibility will be minimal and therefore will not damage the character of the streetscape.

Staff response: Staff agrees with this statement, but a mock-up or story poles have not been provided to prove visibility or lack thereof from the Santa Fe Plaza, a most important public way.

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

Response: The owner of the building cannot access the roof due to an existing handicap as a result of a gunshot wound. As the owner of the building it is imperative for him to access to the roof to maintain it and the HVAC roof top units. Without the elevator, my client would suffer a hardship.

Staff response: Staff does not agree with this statement since the applicant did not address this criterion. This exception is about visibility of the rooftop addition, not maintenance. But, typically, owners are not the ones who perform maintenance on buildings and they are not trade-certified contractors who can perform maintenance on roofs or mechanical equipment.

(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: We reviewed many design options in the front and back of the building and felt this was the most unobtrusive location as it is not on the front or the rear historic elevations. The users of this building will now have ADA access to all levels and thus strengthen the unique heterogeneous character of the city.

Staff response: Staff agrees with this statement, but other design options such as a roof hatch or an exterior stair on the south elevation have not been provided.

### **STAFF RECOMMENDATION:**

Staff finds that the exception criteria have not been met to construct an addition on the roof and otherwise finds that the application complies with Section (14-5.2(E)) Downtown & Eastside Historic District with the condition that the south roof overhang shall not exceed 30" or an exception shall be approved by the HDRB.

### **Questions to Staff**

Chair Rios asked if most buildings in the downtown area are historic buildings

Mr. Rasch agreed but most of them don't have historic status.

Chair Rios said this application is confusing because the applicant indicates that the structure is historic.

Mr. Rasch clarified that it is a historic structure but is listed as non-contributing. Certainly, the portal in the front is not yet historic - that Meem addition around the Plaza. But he didn't know about other alterations.

Chair Rios asked what the date for that was.

Mr. Rasch said Meem re-designed the building in 1954 but the portal and right-of-way was done in 1968.

Chair Rios asked if he would say the greatest impact of this project is on the north side of the building.

Mr. Rasch agreed because the north side faces the only National Historic Landmark the City owns, the Plaza.

Member Powell asked why these buildings are not listed as contributing.

Mr. Rasch said it is either that they have not been reviewed because they haven't had substantial alterations or they have had alterations that are non-historic that caused them to be downgraded. He has not looked into each one of them.

Member Roybal asked if adding the porch ruins its historic status.

Mr. Rasch said that is up to the Board. That was the subject of the discussion on the first case at this meeting.

Chair Rios noted in the exception to exceed the maximum height, Mr. Rasch agreed with only 2 of the 6 criteria for a height exception. And for the exception to allow a visible roof appurtenance, he didn't agree with one of the three criteria.

Mr. Rasch said that was correct.

Member Biedscheid asked if the HCPI does not exist.

Mr. Rasch said it is shown on page 7 and very minimal.

#### Applicant's Presentation

Mr. Enfield (previously sworn) said it is over 50 years old and has been a historic structure but not Contributing. The client is in a position where he needs to access the roof for maintenance. There is only one way to get on the roof. It is with the rear stairway which "is not someplace you want to go."

He explained, regarding the elevator, that they are trying to provide ADA access to the second floor and to access the roof for maintenance. All the little squares on the drawing are HVAC units and skylights on the roof that require access. That is shown on page 20 in the packet. There are also old chimneys. They are limited on where the elevator can go. It certainly would not be put on the front façade facing the Plaza. The rear façade is also visible through the alley. When they were doing construction on it in 1987, they found the old cast iron façade under the stucco and he went to the Board and requested approval to expose the cast iron façade and the Board allowed that. There is a portion of the façade on this front that is part of the old cast iron façade. He told Staff that he would retain that portion of the cast iron façade over the entry door. But it is a common entry for the building both to access the second floor and his client wants also to access the roof.

Regarding the exception responses on #2, Mr. Rasch said he had not adequately addressed height. But he thought if he added a simple statement at the end of that question that an elevator cannot access the roof without adding height. He does need to access it. The owner does a lot of the maintenance, himself.

For criterion #4 - (peculiar and not applicable to others), it is a historic structure and they are limited on

where the elevator can go. It should not be visible. He did the elevator at the Santa Fe Bar and Grill on the inside. That is a special condition. This plan ensures that it is not visible from the front of the building. The Ore House had a mechanical penthouse and Packard's has one. This is a mechanical use. They are not trying to increase square footage to lease to someone but to make the building more usable.

He added that the second floor is spectacular with fixtures from the 1800's. It is empty now.

For #5 - (not the result of applicant actions) - Not only was his client shot, but he didn't build this structure and has been there over 50 years and is a historic structure on the Plaza. To minimize the impact of any vertical connection in the building, offsetting it sixteen feet back, they worked on lowering the mechanical as much as possible. It would be 8' instead of 9' 11". Being a historic structure is a special circumstance, not the result of the applicant's actions.

For #6, (least negative impact), by not being visible on the front or rear façade, they are not impacting the historic fabric. The elevator overrun and roof access is offset over 16' from the front façade and much more from the rear and only 8' above present height.

Regarding the visibility of the flat roof, the response to #2 would be the same answer - without this elevator, they cannot access the second floor and the roof.

#### Questions to the Applicant

Chair Rios asked how does the client access the roof now.

Mr. Enfield referred to Sheet A-2 and pointed out in the upper right hand corner an outside stairs that is about 2' wide and goes all the way up but stops before the roof where there is a ladder and a lid to open.

Member Roybal asked what the mechanical unit maintains.

Mr. Enfield said it is heating and cooling. There are also skylights and ventilators.

Member Roybal asked if it was difficult to make repairs.

Mr. Enfield agreed.

Chair Rios said he indicated that Ortega's and Packard's also have similar structures he is requesting and asked if that is at that height.

Mr. Enfield said yes. They have mechanical penthouses on top of their historic structures to deal with elevators and mechanical equipment. He was just saying there is a precedent for a mechanical penthouse on an old building. He believed the University Plaza on Garfield also has a mechanical room at the top.

Mr. Peter Komis, 16 Don Gaspar Avenue, was sworn. He said his parents purchased this building in 1969. They had a restaurant there for 43 years. Now he manages the property and takes care of it. To access the roof, you have to open a hatch above a rickety stair case and go on a small landing and take your ladder out and go up more to get on the roof. "I'm unable to do those things any more. I have a syndrome that causes shaking as a result of the shooting incident." He said it was a miracle that he was able to walk again and was very grateful. But this is his livelihood and he really needed to maintain things on the roof. "We intend to keep the buildings in our family."

He didn't realize this was a Meem building and wished they had the original façade. It is a beautiful ornate building like ones in the Five and Dime old pictures.

The upstairs (second floor) has been empty for five years. His complaint was that he could not go up the stairs anymore. He had tried market it with two real estate agents but with no elevator, people could not choose it. It is too hard to rent out without an elevator

Member Roybal asked Mr. Komis is he is a mechanical engineer or just familiar with it.

Mr. Komis clarified that he didn't repair the HVAC. He has to call a repairman and they go up the rickety stairs and bring a ladder.

Member Roybal asked if it is dangerous for anyone.

Mr. Komis agreed. He told about a trespasser who got up there in 1970 and he fell and his parents were involved with a lawsuit. The next door building put up wire screens to prevent it but that is now falling apart and someone needs to fix it.

Mr. Enfield pointed to Sheet A-7 to see where the stairs stops 8' below the roof surface. He had only been up there once.

Mr. Komis added that the wood is rotten up there. There is just no way to access it safely.

Member Roybal asked if with an elevator, he could rent the second floor but not now because it is not accessible.

Mr. Komis agreed.

Member Katz said, "I have a real problem with the visibility of the elevator on the roof from all the Plaza area. You know, standing on the portal of the Inn of the Governors, I think you are going to see it and it is going to look terrible. I wonder if - a couple of questions about the elevator. One is can you have the elevator only go to the second floor but then wouldn't impact the roof?"

Mr. Komis said yes but there would be no way to get to the roof.

Member Katz asked, "Can you - you have that back stairway. Could that be modified, probably at substantially less cost than an elevator, to give roof access that doesn't involve all the ladders and the hatches?"

Mr. Enfield said they couldn't put in a legal stairway. They would have to tear off the elevation there. He felt like the only way was to push the elevator back.

Member Katz said there were no story poles and the Board would want that. He asked if they could put it more toward the middle of the building.

Mr. Enfield said the idea was to have access by the public from the Plaza. Presently there is just stairs to the basement. So, the elevator would also solve the ADA access to the basement.

Member Katz understood.

Mr. Enfield said putting it further back would make much of it unleaseable. They could lengthen the hall.

Member Katz sensed that story poles would help the Board with the visibility issue. The rendering looks really awful but that isn't what it would look like, looking from the Palace of the Governors. "I want you to get a story pole up there so you could not see it from the Palace of the Governors.

Mr. Enfield replied that, of course, they don't want something ugly seen from the Palace of the Governors.

Member Katz thought you could see it from further back but from the Plaza was his concern.

Mr. Enfield said he was not going to go up there again. The top is visible from the Plaza.



Member Katz said that anything visible is a nonstarter. It would do incredible damage to the streetscape.

Member Roybal commented that it is not a completely open view with all of those trees.

Mr. Komis said he appreciated historic integrity but it will be a minimal impact. He has had complaints about all the machines chained to the poles at the Plaza. But it needs to be accessed by maintenance people.

Mr. Rasch said he provided the reasoning for why he felt it met the exception for streetscape with a qualifier that a mock-up or story poles had not been provided to determine visibility from the Plaza which is a most important public way.

Member Katz agreed.

Member Roybal asked if they should be painted the stucco color.

Member Katz said no. The story poles are skinny things that need to be seen.

Member Powell asked if this is the tallest and largest building on the Plaza.

Mr. Komis thought the building at the corner of Palace and Old Santa Fé Trail might be larger.

Member Powell said it is a very special building. There is not an easy way around it. The upper story is maintained and has the original windows. He wondered why the Board hasn't had a status review. That would give some guidance. It is worth more money if it was Contributing. Member Katz is right. The elevator is pulled forward and he understood why but once we get to the roof, the part on the top is 18 square feet but the elevator shaft is only 9 square feet. If the issue is not seeing something there, why add a room on the roof? Why not have it inside the building? Why is the penthouse so large? It should be further back and not so wide. The applicant is asking for too much. It will be seen by all sides.

Mr. Komis asked if he wanted smaller square footage.

Member Powell said if they keep that additional room, it is a good reason for pushing it further back. He could see a few other places where it could be located.

Mr. Komis said if it goes too far back, it is not publicly accessible. He explained that he has two separate tenants and it would intrude into their space.

Mr. Enfield said the Board has made good suggestions. He will discuss them with Mr. Komis and see what evolves.

Mr. Rasch was more comfortable with having it on the back façade.

Mr. Komis didn't know how the public would access it from the back.

Member Biedscheid pointed out that even with the options, the exception to the height and visibility would still apply. And even the additional testimony was not sufficient. For #5, the historical status of this building is a very circular argument because the need for an exception is because it is historic. Mr. Enfield should look at that.

Mr. Rasch added that with #4, about circumstances peculiar to this structure. The height and zoning ordinances apply to adjacent structures equally so that is not a unique situation.

Member Powell said the Board does want to work with them to get it done, especially if the second floor was not rentable for several years. He hoped some common ground could be found.

#### Public Comment

Mr. Beninato (previously sworn) said, "Mr. Komis and I have been neighbors for a very long time. But I really have a lot of questions in terms to answer about this elevator needing to go up onto the roof. I can totally understand that you need an elevator going to the second floor and that that is necessary for ADA access and for commercial viability. I am as concerned as some Board members are about the visibility, and the precedent, really, of allowing an elevator to access a roof. There are many, many ways to access roofs and an elevator is not necessarily the right way to do it. Mr. Komis has physical disability - probably prevents him from doing very much of any kind of physical maintenance anyway. Because he can't really move his back very well. So, then, do you want everybody to be able to have an elevator going up to the roof to do maintenance on the roof? Because every other building that was built in the 1880's which is a bunch of them on that street will then come in and go, 'Well, hey, we need to access the roof, as well. And it would be so much easier if we could have an elevator, rather than having some kind of opening or a stairway up there and then an opening. And I do know ... I do understand about wanting the easy access for the public to the second floor. So maybe an elevator there and then somewhere further back into the building, another way of getting up onto the roof.

"I think it really would be appropriate. I think it is really important not to have these sorts of mechanical extrusions that are visible in every direction on these historic buildings. Thank you."

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 #11-16-109 at 76 East San Francisco Street, to postpone for redesign, considerations of making the elevator only go to second floor so there is nothing on the roof, considerations of perhaps having it go to the roof if it can be done in a way that is not visible, and other possibilities, for at least a month, so to February 28<sup>th</sup>, and to see story poles for anything that will be going on the roof. Member Powell and Member Bayer seconded the motion and it passed by unanimous voice vote.**

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

Chair Rios understood they were doing a Santa Fe Styles presentation but it is so late and she thought everyone was tired.

Member Bayer said that several people asked why this building is noncontributing. She asked what the process is.

Mr. Rasch said the owner, Board or Staff can request a status review.

Member Bayer moved to request a status review of this property at 76 East San Francisco Street. Member Katz seconded the motion.

Member Biedscheid asked if that can be done before considering the next hearing of this case.

Mr. Rasch thought the Board could. He would have to have more information about the historicity of the front door so he would have to get together with the applicant and let them know this request is coming forward and tell them.

Member Katz said 201 Old Santa Fé Trail will come back to the Board at some point and the Board should consider discussing where to go with that. Greater guidance is desired. He got that sense from the hearing before City Council. He hoped they could have a meeting where height or height restrictions -

maybe different heights for different parts of the property to give the owners an opportunity to design with those restrictions in mind.

Ms. Gheen said the Findings of Fact and Conclusions of Law will be reviewed by the Governing Body tomorrow and possibly approved. So, the Board probably should wait for that and then proceed from there.

Member Katz said unquestionably that would help guide the Board. But there is a limited world of possibilities and the discussion amongst the Board and the applicant would be very helpful before more money is spent on the design.

Mr. Rasch said the redesign is already done because other people have talked about seeing it.

Member Katz said he would prefer to set several height limits on that property to achieve the goal of giving space to the chapel and giving the applicant the opportunity to build 2, 3, or maybe even 4 stories, depending on where it is.

Chair Rios asked if it would be a meeting with the applicant.

Member Katz agreed.

Ms. Gheen warned against discussing the merits of the case until there is proper notice.

Member Katz said he was not talking about merits of the case but talking about what the Board might want to talk about - the areas for discussion and why we might want to have a discussion.

Chair Rios said she was just asking for clarification if the meeting would be with the applicant prior to the official hearing on the presentation of the drawings.

Member Katz added that the Council didn't really give the Board any guidance on height limits in their remand.

Ms. Gheen didn't think she could answer what the process could be but she would analyze that.

Member Katz said that was why he raised it now so we don't end up coming to a meeting with a building design again that is not doing what the Board thinks needs to be done. That seems folly.

Chair Rios agreed.

Mr. Rasch said it sounded like the Board is suggesting two hearings - the first to give advice and the second to take action.

Member Katz agreed and Mr. Enfield has been wanting that.

Ms. Gheen commented that the Board is discussing what guidance is before the Findings of Fact and Conclusions of Law of the Governing Body have been adopted.


#### **J. ADJOURNMENT**

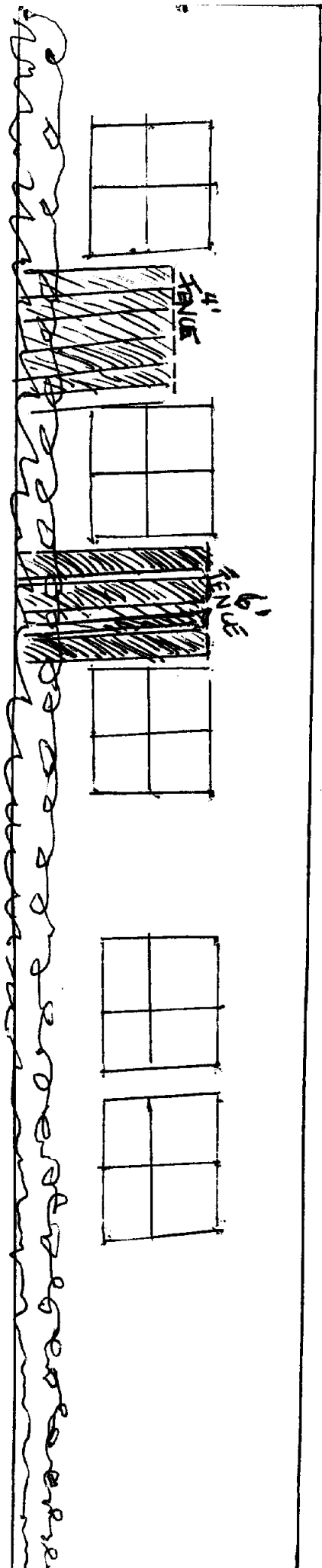
The meeting adjourned at 8:03 p.m.

Approved by:

  
\_\_\_\_\_  
Cecilia Rios, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.



Southern Elevation  
Shading Existing  
Wire Fence

554 GARCIA  
Scale 1/4" = 1'

EXHIBIT 1

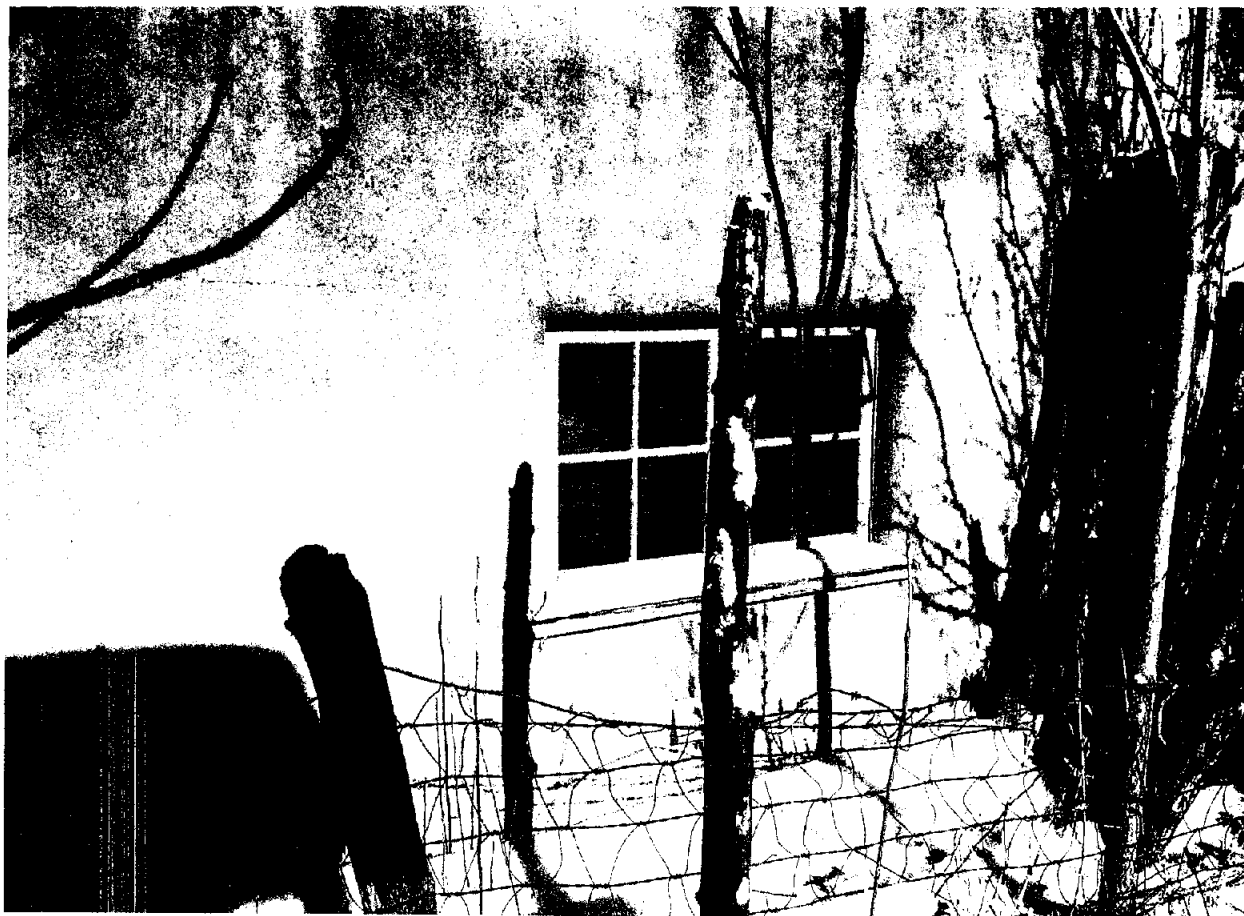


EXHIBIT 2

