



Agenda

CITY CLERK'S OFFICE

DATE 2.7.18

TIME 1:29pm

SEEN BY

RECEIVED BY Carmelena Spears

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

FRIDAY, February 9, 2018 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 1st FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, February 13, 2018 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 23, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-109A. 76 East San Francisco Street.

Case #H-05-007B. 815 East Alameda Street Unit 1.

Case #H-18-003. 342 East Buena Vista Street.

Case #H-18-005. 604 Canyon Road.

Case #H-18-006. 610 Canyon Road Unit D

Case #H-18-007B. 1333 Cerro Gordo Road.

Case #H-13-090A. 1469 Canyon Road.

Case #H-17-074. 114 and 114½ Jimenez Street.

Case #H-18-004. 1676 Cerro Gordo Road.

Case #H-18-007A. 1333 Cerro Gordo Road.

Case #H-18-008. 1301 Canyon Road.

Case #H-18-009A. 725 West Manhattan Avenue.

Case #H-18-011A. 624 Gomez Avenue.

Case #H-18-010A. 125 East Santa Fe Avenue.

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

1. Case #H-17-001B. 110 Delgado St. Unit C. Downtown & Eastside Historic District. Architectural Alliance, agent for Thunderbalm Partners LLC, owner, proposes to remodel a non-contributing residential structure by removing a fence and replacing windows and doors. (David Rasch)
2. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners propose to amend a previous approval to construct a 885 sq. ft. addition on a contributing residential structure and construct yardwalls and gates with a request to exceed the 50% footprint standard and to place an addition at less than 10' from a primary façade (Section 14-5.2(D)(2)(d)) with a reduction in square footage to 617' and redesign of walls and gates. (David Rasch)
3. Case #H-17-103. 984 Acequia Madre Unit B. Downtown & Eastside Historic District. Deborah Auten, agent for Holly Hart, owner, proposes to construct a 576 sq. ft. free-standing garage to 10 ft. high and replace windows at a contributing residential property. (Nicole Ramirez Thomas)
4. Case #H-17-088B. 578 West San Francisco Street. Westside-Guadalupe Historic District. Edgar Villaescusa, agent for Gregorio Simental, owner, proposes to remodel a contributing principal residential structure by adding 83 sq. ft., replacing doors and windows, and repairs to portal and finishes, converting a non-contributing garage and accessory residential structure to a casita, and performing other site improvements. (David Rasch)
5. Case #H-17-093A. 646 Alto St. Westside-Guadalupe Historic District. Christina Gattuso, agent/owner, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (Nicole Ramirez-Thomas)
6. Case #H-18-012A. 1137 Camino Delora. Downtown & Eastside Historic District. David Proud, owner/agent, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)

7. Case #H-18-013A, 380 St. Francis Dr. Westside-Guadalupe Historic District. Tierra Right of Way Services, agent for First Citizens Bank, owner, requests a historic status review with primary elevation(s), if applicable, for a non-contributing residential structure. (Nicole Ramirez-Thomas)
8. Case #H-18-014A, 127 Kearney Ave. Downtown & Eastside Historic District. Jacob Martinez, agent for Fred Martinez, owner, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)
9. Case #H-18-015A, 1030 W. Houghton St. Don Gaspar Historic District. Bernie Romero, agent for Mary Romero, Trustee, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check http://www.santafenm.gov/historic_districts_review_board_hearing_packets for more information regarding cases on this agenda. Persons with disabilities in need of accommodations, contact the Historic Preservation Division office at (505) 955-6605 five (5) working days prior to the meeting date.



Agenda

CITY CLERK'S OFFICE

DATE 1/25/18 TIME 3:14

PREPARED BY

REVIEWED BY

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

1. Case #H-17-001. 110 Delgado St. Unit C. Downtown & Eastside Historic District. Architectural Alliance, agent for Thunderbalm Partners LLC, owner, proposes to remodel a non-contributing residential structure by removing a fence and replacing windows and doors. (David Rasch)
2. Case #H-17-006. 310 Irvine St. Westside-Guadalupe Historic District. Nicholas and Debbie Aranda, agents/owners, propose to increase the height of an addition and request an exception to alter architectural features (Section 14-5.2(D)(5)(b)) on a contributing residential structure. (Nicole Ramirez-Thomas)
3. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners propose to amend a previous approval to construct a 885 sq. ft. addition on a contributing residential structure and construct yardwalls and gates with a request to exceed the 50% footprint standard and to place an addition at less than 10' from a primary façade (Section 14-5.2(D)(2)(d)) with a reduction in square footage to 617' and redesign of walls and gates. (David Rasch)
4. Case #H-17-066B. 415 Camino Manzano. Downtown & Eastside Historic District. Hoopes and Associates, agent for Douglas Brown, owner, proposes 2,032 sq. ft. of additions to a contributing residential structure, remove a non-historic portal on a contributing tower, and other alterations. Two exceptions are requested to exceed the 50% footprint standard and to place an addition at less than 10' back from a primary façade (Section 14-5.2(D)(2)(d)). (David Rasch)
5. Case #H-17-103. 984 Acequia Madre Unit B. Downtown & Eastside Historic District. Deborah Auten, agent for Holly Hart, owner, proposes to construct a 576 sq. ft. free-standing garage to 10 ft. high and replace windows at a contributing residential property. (Nicole Ramirez Thomas)
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adding 83 sq. ft., replacing doors and windows, and repairs to portal and finishes, converting a non-contributing garage and accessory residential structure to a casita, and performing other site improvements. (David Rasch)

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8. Case #H-18-012, 1137 Camino Delora. Downtown & Eastside Historic District. David Proud, owner/agent, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)
9. Case #H-18-013, 380 St. Francis Dr. Westside-Guadalupe Historic District. Tierra Right of Way Services, agent for First Citizens Bank, owner, requests a historic status review with primary elevation(s), if applicable, for a non-contributing residential structure. (Nicole Ramirez-Thomas)
10. Case #H-18-014A, 127 Kearney Ave. Downtown & Eastside Historic District. Jacob Martinez, agent for Fred Martinez, owner, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)
11. Case #H-18-015, 1030 W. Houghton. Don Gaspar Historic District. Bernie Romero, agent for Mary Romero, Trustee, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

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SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
February 13, 2018

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C. Approval of Agenda	Approved as presented	1-2
D. Approval of Minutes January 23, 2018	Approved as amended	2
E. Findings of Fact & Conclusions of Law	Approved as presented	2
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G. Communications	None	2-3
H. Action Items		
1. Case #H-17-001B. 110 Delgado St. Unit C	Approved	3-4
2. Case #H-12-030. 494 Camino Don Miguel	Approved with exceptions	4-11
3. Case #H-17-103. 984 Acequia Madre Unit B	Approved as recommended	11-13
4. Case #H-17-088B. 578 West San Francisco Street	Approved with conditions	13-15
5. Case #H-17-093A. 646 Alto St.	Downgraded to non-contributing	15-19
6. Case #H-18-012A. 1137 Camino Delora	Downgraded to non-contributing	19-20
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8. Case #H-18-014A. 127 Kearney Ave.	Designated primary elevations	25-27
9. Case #H-18-015A. In 1030 W. Houghton St.	Primaries designated	27-30
I. Matters from the Board	Carlos Demora introduced	30
J. Adjournment	Adjourned at 7:15 p.m.	30

MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

February 13, 2018

A. CALL TO ORDER

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

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

OTHERS PRESENT:

Mr. David Rasch, Planner Supervisor
Ms. Nicole Ramirez Thomas, Senior Planner
Ms. Theresa Gheen, Assistant City Attorney
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 and available on the City of Santa Fe web site.

C. APPROVAL OF AGENDA

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

D. APPROVAL OF MINUTES - January 23, 2018

Chair Rios asked for a change on page 20, third paragraph, to change "remain" to "maintain."

There were no other requests for changes to these minutes.

Member Katz moved to approve the minutes of January 23, 2018 as amended. Member Bayer seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H-16-109A. 76 East San Francisco Street. Case #H-17-074. 114 and 114½ Jimenez Street.

Case #H-05-007B. 815 East Alameda Street Unit 1.

Case #H-18-004. 1676 Cerro Gordo Road.

Case #H-18-003. ~~342 East Buena Vista Street.~~

Case #H-18-007A. 1333 Cerro Gordo Road.

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Case #H-18-011A. 624 Gomez Avenue.

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Member Biedscheid pointed out that for Case #H-18-003, it said it was approved with conditions, but no conditions were specified.

Ms. Gheen asked the Board to just cross it out.

Member Katz moved to approve the Findings of Fact and Conclusions of Law for all but Case #H-18-003. Member Biedscheid seconded the motion and it passed by unanimous voice vote except for Member Boniface, who abstained.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. COMMUNICATIONS

There were no communications.

H. ACTION ITEMS

Chair Rios announced to the public that anyone who disagreed with a decision of the Board has up to 15 days after the approval of the Findings of Fact and Conclusions of Law to appeal to the Governing Body.

1. **Case #H-17-001B. 110 Delgado St. Unit C. Downtown & Eastside Historic District.**
Architectural Alliance, agent for Thunderbalm Partners LLC, owner, proposes to remodel a non-contributing residential structure by removing a fence and replacing windows and doors. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

110 Delgado Street 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. In 2017, the HDRB approved additions on the west elevation of the building. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. Windows and doors will be removed and replaced with divided-lite units and alteration of opening dimensions and locations.
2. Finishes will be El Rey cementitious stucco in "Adobe", trim color in "Denim Blue", and wood stain in "Light Walnut". They match the addition.
3. An existing chain-link fence will be removed from around the southwest side of the building.

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

Member Biedscheid asked Mr. Rasch if the window insets are changed.

Mr. Rasch explained that this is a non-contributing building so those insets don't need to be retained but there is a proposed reveal on the windows which the Applicant could describe.

Applicant's Presentation

Mr. Eric Enfield, 612 Old Santa Fe Trail, was sworn. He said in sheet C-1, could be seen a small wire fence at corner of the lot that he proposed to remove. They will retain the portal; replacing the windows and use a style of windows to match the style of the other windows where they remodeled.

They also revised the elevation to show a window was now 3' from the corner. It is just new windows and doors. There is a cut to the wall. They will have a 2" to 2.5" reveal on the doors and windows. All colors match the existing in this development.

Questions to the Applicant

Chair Rios asked if there would be anything on the roof.

Mr. Enfield said no.

Public Comment

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

Action of the Board

Member Roybal moved in Case #H-17-001B at 110 Delgado St. Unit C, to approve the application with the condition of maintaining a 2-2.5-inch window and door reveal, to remove the wire fence, and to have nothing on the roof. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

Member Biedscheid recused herself from consideration of the following case and left the room.

- 2. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners propose to amend a previous approval to construct an 885 sq. ft. addition on a contributing residential structure and construct yardwalls and gates with a request to exceed the 50% footprint standard and to place an addition at less than 10' from a primary façade (Section 14-5.2(D)(2)(d)) with a reduction in square footage to 617' and redesign of walls and gates. (David Rasch)**

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

494 Camino Don Miguel is a single-family residence that was constructed before 1931 in a simplified Spanish-Pueblo Revival manner. The building is listed as contributing to the Downtown & Eastside Historic District and elevations 1 excluding the east porch infill, 2, and 3 are designated as primary.

On September 22, 2015, the HDRB approved remodeling on the property that included exceptions to remove historic materials, place an addition on a primary elevation, increase the height of a primary elevation, and to change the character of the roof.

On August 9, 2016, the HDRB approved remodeling on the property that included an exception to exceed the 50% footprint standard for an 885 square foot addition and to construct yardwalls and a fence. The Board granted the exception with the condition that the addition shall offset 18" from the east elevation to distinguish this building campaign.

Now, the applicant proposes to amend the previous approval with the following six items.

1. The non-historic room on the south elevation will be removed to reveal more of the original façade.
2. A 617 (down from 727) square foot addition will be constructed on the east (rather than north) elevation of the residence to a height of 12' (down from 12.5') where the maximum allowable height is 16' 2". The addition will feature mud-plastered adobe walls with a metal cap for preservation. Two exceptions are requested to exceed the 50% footprint standard (14-5.2(D)(2)(d)) and to place an addition at less than 10' from a primary elevation and the required exception responses are at the end of this report.
3. A 144 (down from 158) square foot portal will be constructed at the northwest corner of the addition to a height of 9' (rather than 10.75'). The portal will feature a corrugated metal shed roof.
4. The room at the southeast corner of the building will be reconstructed.
5. The two non-historic free-standing pergolas will be removed and the southern one will be reconstructed to a height of 9'.
6. The existing mud-plastered adobe yardwalls and gates at the front of the property will be redesigned to accommodate the proposed addition.

STAFF RECOMMENDATION:

Staff finds that the exception request to exceed the 50% footprint standard and to place an addition at less than 10' from a primary elevation have not been met. The Applicant is prepared to present more testimony. The Board may find that the exception has been met after additional testimony or information is

submitted at the hearing. Besides the required exception approval, this application complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District.

Questions to Staff

Member Katz asked which are the primary façades on page 31.

Mr. Rasch pointed them out on the floor plan. The primary elevations are the west-facing and south-facing façades, numbered 1, 2, and 3.

Chair Rios noted an existing adobe wall on the east side and asked if it will be demolished and rebuilt.

Mr. Rasch believed so.

Applicant's Presentation

Mr. Andres Mercado, 494 Camino Don Miguel, was sworn. He said he submitted some additional responses for the exception they he believed answered their concerns but apparently, they did not receive them.

He indicated, regarding the 50% exception, that the addition will not change the existing simplified Spanish Revival style and therefore will maintain the heterogeneous character of the City. The house is not large enough to accommodate our family which is now four people. They explored other options such as building to the south or to the north or adding a second floor as well as different addition sizes and found this to be the best option to maintain the character of the structure. That was on criterion #3.

We opted for parapet with a pitched roof in order to mimic the historic style as closely as possible. We considered other options a lot of other window styles were considered and a lot of other different options and is why we selected this proposal in front of you tonight.

On #4, this parcel is in area of district that that features level houses and retaining walls. The location of the proposed addition takes advantage of a very limited but clear view of Tesuque Peak and Picacho Peak. The retaining wall to the north of the property has made that area developable but litigation from the neighbor to the north has kept us from acting on that previous approval. The area to the east provides a convenient building location. It is flat and close to the street. The location of this structure on the lot allows historic character construction, and the character gives rise to this design.

On question #5, the structure is constrained from development on west because of setbacks from the north and because there is litigation. So the remaining options are really the south or the east. The south was considered, but the proposed project will better showcase the primary elevations by exposing that primary elevation that is truly hidden and will play off the east – west axis by those walls, whether by design or by chance.

On question #6, the addition will have positive impact by exposing the primary façade. Those are on the 50% footprint exception.

For the 10' from a primary elevation, they have the same responses for #3 are very similar. They have considered a lot of different options. In answer to #4, the response is very similar also. They have a primary elevation completely covered right now and moving the addition restores more historic façade to become visible, reviewing more of the historic façade.

Questions to the Applicant

Member Powell asked about the square footage of the house. He could not find it in the packet.

Mr. Mercado said he didn't have the elevation in front of him, but it was about 1000 sq. ft.

Mr. Rasch said it is 1,563 square feet.

Chair Rios pointed out that this is 110 feet less on house and 14' less on the porch.

Mr. Mercado added that a stove pipe was not drawn in which is above and to the left of the divided lite door to accommodate a stove there.

Public Comment

Mr. John Eddy, 227 East Palace, was sworn. He said he was not able to access the packet on the city website. He was curious about materials on the portales and maybe a pergola to be replaced.

Chair Rios asked Mr. Mercado to respond.

Mr. Mercado said the materials to be used will be wood framing with a corrugated metal roof.

Mr. Eddy said, on any additions made here, he presumed the owner will maintain the rounded radius on the corners.

Mr. Mercado said he loved adobe, but the poor insulation dictated synthetic insulation, so it will be post and beam with straw bale material.

Ms. Ellen Casey was sworn and her daughter, Charlotte Casey handed out materials for the Board members. [A as Exhibit 1.] She did not have enough copies for everyone.

Ms. Casey said she and her wife are current owners at 486 Camino Don Miguel. "We are pleased that Mr. Mercado and Ms. Chen have abandoned their earlier plans to build an addition that would have blocked the former easement claimed by us in litigation in this matter. This is a significant step in the right direction and we are very hopeful that all our remaining issues between us can be resolved. However, we still have

some issues with the new proposal. Some of them are basically because we don't have enough information. Let me detail them for you."

"To be clear, of course, the latest proposal is a new proposal and not an amendment which somehow sneaks in unknown construction elements from some prior proposal which are neither detailed in the current submittal or addressed in the staff review. I'm not aware of any provision or an amendment of an approval sought in the ordinance covering this Board's authority. And this amendment theory can only cause disagreements later as to what aspects of the old plan are carried forward into the new proposal by some private amendment. I just want to be clear that we regard this as a new proposal and assume that all the elements in this proposal are on the plans now. And we are not going to be told later that 'oh yeah well we just brought that in from the old one and have an issue there.'

On the actual new proposal, we would object to certain aspects on the following grounds: It is unclear from the drawings that we have, how far back from the 5' setback between our properties -- our properties face each other and are divided by retaining walls, a boundary wall. It is unclear from the drawings how far back from the 5-foot setback on the shared property line the northern edge of the proposed addition is. I know it extends north of the Eastern elevation. But I'm just not clear from the drawing. I don't think there is a measurement on the drawing as to how far North it travels. Is there a drawing? Is that the drawing of the addition? See how you can see it starts on the Eastern façade and it goes toward the south; this is the addition. But it also goes toward the north. And we just don't know how far north it goes.

This is an issue because of our solar easement.

Second, the north side walls and fences - the height of these proposed north side walls and property line fences has been measured from what we regard as an illegal unpermitted grade, which was raised from 4 to 6 feet from the existing Mercado- Chen house, down to where the wall is located. That used to be a slope from the existing Mercado-Chen house down to the north side toward their wall. And that slope is now gone, which you have probably seen from your visits out there. And as you can see from the photograph, the last photograph in the exhibit that my daughter presented to you, shows that what used to be a slope, has been raised up so that these retaining walls there only has about 6 inches, 6 to 8 inches, that is not covered by soil. So, from that creation of a flat plane is what is problematic in measuring these fences and grades. We believe under the existing statute, that that needs to be measured, those fences and walls, need to be measured from the grade before it was raised. That is 14-5.2, which provides that the heights of walls and fences shall be the vertical distance between the highest part of structure and the existing grade or the finished grade, whichever is more restrictive. And this is what we call an illegal grade because it was raised without any grading permit and without any permission.

The nature of the grade rise can be seen from the first document in your packet, which is the administrative approval of the shared wall that we built together with Mercado. And that approval back in 2015 provided that the existing wall would be demolished at the south lot line and the replacement wall would be a new stuccoed CMU to a maximum height of 7' 1" at the interior, which is our side; and 3' 10" at the exterior, with the condition that the lower portion of the wall would be retained. So, with this understood, was that Mr. Mercado and Ms. Chen would be looking at approximately 4' (3'10") of wall on their side and we would look at 7 feet on our side. We do look at 7 feet on our side. But they now look, because of the illegal grade line, they look at about 8" of wall.

So, it is about measuring of the fence. There's a fence now, and this is part of the old proposal. There is a fence along right next to the boundary wall, the chain wall on the Mercado=Chen side. This was the fence that was said in the last proposal to be between 4 and six feet high, which would create essentially an 11-13' mass of wall right outside - a few feet from our back door and patio which is only a few feet wide. So we object to this because it is being measured from the improper grade. And because it is not even a 5' setback but right on top of the wall, or right next to the wall. And the raising of that soil right up to the top of the wall almost, is not within the approval granted by this Board.

Also we have a concern that the fence is right at the boundary wall, the retaining wall, on the Mercado - Chen and will interfere with our claimed solar easement. This can be seen from the cross-section in your packet. This is a solar survey cross-section that we had done by a local surveyor into. And it shows the height of obstructions at various setbacks on their property, which will impact or obstruct or should our solar collector. And as you can see, even at the site, we don't have the height at the wall, the property line, because you can see the 5-foot setback to this. You can see from the 9 o'clock in the 3 o'clock, it is less than a 6-foot allowed on the height at a 5-foot setback. So, of course, it would have to be lowered because the fence is right by the wall. And this is still the subject of litigation. So it violated the solar easements declared by her and created a wall from 11-13' tall, for us to look at each day from our back patio, just a few feet from the retaining wall and six to seven feet grade below the Mercado-Chen.

Mr. Mercado and Ms. Chen may say they need the fence to protect their children from falling off the cliff they created by bringing that grade up right against the wall. The danger created is more properly addressed by lowering the grade at the wall four feet, as approved by this Board. If you allow Mercado-Chen to remove the orange plastic fence, which is now over the top of the wall and eliminate the necessity of any fence to protect the children, it might also have the salutary effect of muting Mr. Mercado's frequent harassing and stalking activities at the wall, which have been the subject of more than one call to the Santa Fe Police Department.

Similar, but not the same issue, is regarding the adobe wall on the north side, which goes around and leads to what I believe to be a patio. I believe the adobe wall is four feet and again is measured from the illegally raised grade. That was not an appropriate measurement and should not be measured from that. We do not believe you should approve a wall measured from an illegal grade.

We are also not sure how far back from our 5' setback the adobe patio wall is on the north side. And we don't know how far out the roof or shed stretches out. Those issues are important because one or more portions of the roof might interfere with our solar easement. The roof is said to be 5'9" and the adobe wall at 5'4" and don't know if it will interfere.

We also strenuously object to what appears to be Staff agreeing in the materials with Mercado-Chen's assertion that they have been the victims of malicious litigation. Although Staff may only have intended to agree with Mercado-Chen's various justifications, for the acceptance they seek, it appears from the document that Staff is agreeing that we have brought malicious litigation, which is a legal conclusion and it's not the case. And we ask that all references to malicious litigation be removed from the submittal and from the Staff approvals to same.

Also, there are certain discrepancies I wish to bring to your attention in the documents downloaded. Page three references a prior approval of both an 885 square foot addition, and a 727 square foot addition. I believe the prior approval was 727. But that needs to be clarified.

Page three also refers to a 144 square foot portal at the northwest corner of the addition to a height of 9'. I believe that is what is proposed. Page five references a 158 square foot portal instead of the 144 square foot portal and that should be clarified to correct the differences.

Finally, we would ask that you not permit a fence within inches of the retaining wall that is from 4 to 6 feet high; that you require the applicant to clarify the questions we have raised on the adobe wall on the north side – what the setbacks are, and the setbacks to the patio, and the nine-foot roof structure before making any decision.

The Board had no questions for Ms. Casey.

Chair Rios said she brought up many issues that are not within the purview of this Board and she asked Staff to comment on that, particularly the- grade issues and solar issues which are not in the purview of this Board.

Ms. Casey said she knew that, but they have an impact on the Board's decision. Whether those are properly measured.

Chair Rios asked Mr. Mercado to clarify what he is proposing on the north side in his application. She understood that most of this proposal has moved to the east side, so she asked about the north.

Mr. Mercado listed the parts that have already been approved and not in consideration tonight, including the wall and grade. What is under consideration is the low wall - patio roof attached to the structure. The setback is the dashed line is a 5' setback. So it looks like the proposed addition protrudes 3-4' to the north and patio is 12 by 12.

Mr. Mercado responded to the concerns raised. He said, "I feel I was slandered tonight. There is nothing illegal that has been found by a court of law. It was approved by HDRB, upheld by the Building Department and the Board of Adjustment. I don't want to waste your time with arguing with her. It was approved by the Board and litigated by her for 1.5 years. We feel it is a good design.

Mr. Rasch said Staff has no proof of malicious litigation and his response was to the criteria.

Ms. Casey said this is where we run into a problem for what is no longer approved. I think you do have to approve it again.

Chair Rios noted Mr. Mercado said the coyote fence was already approved.

Mr. Rasch disagreed with Ms. Casey. There were six items on this agenda and the coyote fence is not on that list. The coyote fence was previously approved by the Board.

Ms. Casey said she was confused.

Chair Rios said that is spelled out in the Staff Report for this evening.

Ms. Casey said she still need to know about the setbacks on the north side. How far from the 5' setback is the patio or adobe wall or the shed?

Chair Rios said yes.

Mr. Mercado said the proposed site plan shows what had been approved and being kept and what is being proposed. From that, it should be clear what is abandoned and what is kept.

For setbacks, he didn't measure but they all comply with land use setback requirements. No other setbacks need to be considered at this point. Anyone could request copies of the plans.

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

Action of the Board

Member Katz moved in Case #H-12-030 at 494 Camino Don Miguel to approve the application as submitted and make findings upon additional testimony that the criteria for exceeding the 50% rule has been met. It was met previously, and this addition is smaller and makes sense. He also finds the exception for having an addition less than ten feet of a primary façade has been met. This design does reveal more of historic primary façade and more in style with the character of this house. Member Roybal seconded the motion and it passed by unanimous voice vote.

- 3. Case #H-17-103, 984 Acequia Madre Unit B. Downtown & Eastside Historic District. Deborah Auten, agent for Holly Hart, owner, proposes to construct a 576 sq. ft. free-standing garage to 10 ft. high and replace windows at a contributing residential property. (Nicole Ramirez Thomas)**

Ms. Ramirez-Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

984 B Acequia Madre/990 Martínez Lane is a single-family residence that is designated as contributing to the Downtown and Eastside Historic District. The house is built in the Spanish-Pueblo Revival style and was constructed in 1952. The applicant requests to replace windows and construct a free-standing garage.

The applicant requests the following five items.

1. The garage will be 576 square feet and come to a height of 10'-0". The roof will be flat with a parapet. The existing brick driveway surface will be removed as well as the planter along the southeast perimeter of the current parking area.
2. The garage will have two wood panel garage doors which will be stained in the color "Golden Oak." The garage doors will be on the west elevation.
3. A single panel door will be located on the north elevation and will be painted in the color "Homestead."
4. Three windows will be added to the east elevation and two to the north elevation. The windows will be white clad wood windows to match the house.
5. Replacement of clerestory windows on the south elevation of the main house. The windows are currently non-divided lite. The windows are thought to be part of the 1985 remodel of the home and are not historic. The applicant proposes to replace them with wood clad divided lite in "white."
6. Stucco will be El Rey cementitious "Adobe."

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(E) Downtown and Eastside.

Questions to Staff

Chair Rios asked if this is contributing.

Ms. Ramirez Thomas agreed. The garage is attached, and a window replaced on the addition.

Member Katz asked if the garage windows meet the 30" rule. It is nice to have windows on the garage.

Ms. Ramirez Thomas said they do meet the 30" rule.

Applicant's Presentation

Ms. Deborah Auten, 840 Alto Street, was sworn and said the garage windows are 24x24 so they meet the rule.

[Steno note: the diagonal of a 24x24 window = 34".]

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

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

Action of the Board

Member Boniface moved in Case #H-17-103 at 984 Acequia Madre Unit B to approve per staff's recommendation. Member Roybal seconded the motion and it passed by unanimous voice vote.

- 4. Case #H-17-088B. 578 West San Francisco Street. Westside-Guadalupe Historic District. Edgar Villaescusa, agent for Gregorio Simental, owner, proposes to remodel a contributing principal residential structure by adding 83 sq. ft., replacing doors and windows, and repairs to portal and finishes, converting a non-contributing garage and accessory residential structure to a casita, and performing other site improvements. (David Rasch)**

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

578 West San Francisco Street is a single-family residence that was constructed in the Spanish-Pueblo Revival style by 1940. The building is listed as contributing to the Westside-Guadalupe Historic District and the north and west façades are designated as primary.

578½ West San Francisco Street is a casita and garage at the rear of the property that was constructed in a vernacular manner by 1942. The building is listed as non-contributing to the district.

A river rock yardwall was constructed at an unknown historic date. The yardwall is listed as contributing to the district and the north elevation and northwest corner are designated as primary.

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

1. An 83 square foot addition will be constructed on the southeast corner of the residence. The addition will feature a pedestrian door on the south elevation and a small non-divided lite window on the east elevation.

2. All windows will be replaced with windows that have single lites in the existing opening dimensions.
3. The roof and woodwork will be repaired or replaced in-kind.
4. The casita/garage will be converted to a casita by increasing the height from 10' 6" to 13' 6", removing the pitched roof, and replacing windows with single-lite units, replacing doors, removing the vehicle door, and changing opening dimensions.
5. Stucco will be El Rey cementitious "Adobe" and window/door trim color and light fixtures were not submitted.
6. The yardwall will be repaired and the wire gate will be replaced with a wood gate in the existing opening.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(D) General Design Standards and (I) Westside-Guadalupe Historic District.

Questions to Staff

Member Roybal referred to item #4 and asked what the maximum allowable height is.

Mr. Rasch said it is more than 13' 6" but he did not do a height calculation.

Chair Rios understood that the casita is not contributing.

Mr. Rasch agreed. The house had a major fire. The casita was in poor condition, so they are rehabilitating it.

Member Biedscheid asked if the gate and wall are both contributing but the gate is not.

Applicant's Presentation

Mr. Edgar Villaescusa was sworn and had nothing to add to the Staff report.

Questions to the Applicant

Member Boniface asked if the addition at the SE corner of addition is a bathroom.

Mr. Villaescusa said it is a mechanical room.

Member Boniface noted on page 14 of the site plan that it looked like the structure will touch the neighbor's house next door and doesn't take into account the 5' set back.

Mr. Villaescusa said it is only 4', not 7'.

Member Boniface commented that it doesn't make sense to have a zero-lot line.

Mr. Rasch agreed, and it would only be allowed if he can get Zoning to approve it.

Member Boniface said that should have been caught before coming here to the Board.

Chair Rios asked about the trim color.

Mr. Villaescusa said the trim will be white.

Chair Rios said the Board usually suggests that light fixtures be taken to Staff for review and approval.

Mr. Villaescusa said they have not designed on light fixtures yet.

Public Comment

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

Action of the Board

Member Katz moved in Case #H-17-088B at 578 West San Francisco Street to approve the application as submitted and recommended by Staff and the applicant to bring colors and light fixtures to Staff for approval.

Chair Rios asked for an amendment that the windows and door will be white. Member Katz agreed the amendment was friendly to the maker.

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

- 5. Case #H-17-093A. 646 Alto St. Westside-Guadalupe Historic District. Christina Gattuso, agent/owner, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (Nicole Ramirez-Thomas)**

Ms. Ramirez-Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

646 Alto Street is a single-family residence constructed in the Spanish-Pueblo Revival style. The residence is designated as contributing to the Westside-Guadalupe Historic District. While the home has a contributing status the Santa Fe County Assessor records indicate that the home was built in 1990 which makes the house less than 50 years old. The applicant is requesting the status be corrected and that the building be downgraded to non-contributing.

RELEVANT CODE CITATIONS

14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts
(Ord. No. 2004-26) Purpose and Intent
It is intended that:

1. Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
2. Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
3. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and
4. New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.
5. Designation of Significant, Contributing, or Noncontributing Status within Historic Districts
6. Status Designation

Structures within historic districts may be designated a status of "significant," contributing, or "noncontributing" based upon the definitions of these terms in Article 14-12.
Staff shall maintain a record as to the current status of structures located in the Historic Districts.

DEFINITIONS

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds

to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

NONCONTRIBUTING STRUCTURE

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

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

STAFF RECOMMENDATION:

Staff recommends the historic status of the property be downgraded from contributing to non-contributing to the Westside-Guadalupe Historic District per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

Questions to Staff

Chair Rios asked if she agreed with that conclusion.

Ms. Ramirez Thomas said she did agree. It doesn't look remotely historic.

Member Roybal asked if it is 646 or unit C.

Ms. Ramirez Thomas said it is both and the applecourt can clarify that.

Member Bayer referenced the survey form and asked if that is the same building. It says constructed in 1930.

Ms. Ramirez Thomas said we don't know if the old house was completely demolished but ultimately, this whole complex was built in the 1990's.

Chair Rios added that it looks like the others.

Member Bayer asked if Staff believes it was demolished and rebuilt.

Ms. Ramirez Thomas said the historic house could have been subsumed within, but it is unlikely because this looks like all the rest there. And the photo could be wrong or doesn't match. A new survey could discern that. Staff usually asks for legal proof when considering status. It could be aerial photo, information from the County Assessor, etc. The County Assessor says it was constructed in 1990.

Member Biedscheid noted there appears to be a note saying four structures were on the property.

Ms. Ramirez Thomas agreed that is correct, but it doesn't indicate what changes occurred to the house. In looking at the house, there appears to be no historic material.

Chair Rios recalled on the field trip, the four units looked alike.

Ms. Ramirez Thomas agreed. They are four condo units.

Applicant's Presentation

Ms. Christina Gattuso, 646 Alto St., was sworn.

Chair Rios asked if she agreed with Staff recommendations.

Ms. Gattuso agreed. She bought it in 2002 and it is legally a compound, and all units were built at the same time. "My house looks no different from the others. I've been inside them. The owner who built them lived in my house."

Member Roybal asked if it is Unit C.

Ms. Gattuso said it is only designated C by the Water Company. Each unit has a different street number.

Questions to the Applicant

There were no questions to the Applicant

Public Comment

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

Action of the Board

Member Katz moved in Case #H-17-093A at 646 Alto St., to approve the application per staff recommendations to downgrade the property to noncontributing. Member Roybal seconded the motion and it passed by unanimous voice vote.

6. Case #H-18-012A, 1137 Camino Delora. Downtown & Eastside Historic District. David Proud, owner/agent, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

1137 Camino Delora is a 628 square foot single-family residence that was constructed with adobe in 1935 in a simplified Territorial Revival style. Brick (some CMU) coping and one window with wood surrounds represent the character of this rectangular-plan structure. Windows and doors were replaced in the 1980s with non-compliant or field-built units. In 1993, a fire damaged much of the structure. The building is listed as contributing to the Downtown & Eastside Historic District.

The applicant requests a historic status review, with designation of primary elevation(s) if necessary.

RELEVANT CODE DEFINITIONS

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

NONCONTRIBUTING STRUCTURE

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

STAFF RECOMMENDATION:

Staff recommends that the Board downgrade the historic status of this structure from contributing to non-contributing due to poor integrity and lack of sufficient character to establish and maintain the district.

Questions to Staff

Chair Rios asked if there is a structural report. She asked if Staff indicated there was a fire.

Mr. Rasch said there was a fire, and, in the interior, the adobe is severely damaged, and the floor has caved in at two places. So the house is in very poor condition.

Chair Rios asked what the square footage is.

Mr. Rasch said it is 628.

Applicant's Presentation

Mr. David Proud, 6 Sevilla Road, was sworn. He said the fire was in 1993 and the house was abandoned for 23 years. He didn't know if the fire damaged the adobe or the water leak from the ceiling. Neighbors are afraid of it. A chain link fence around has helped. It is very small and hard to build a house for a family. He couldn't get two bedrooms out of it.

Chair Rios asked if the windows have been replaced

Mr. Rasch said the windows are either field built or not historic.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

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

Action of the Board

Member Bayer moved in Case #H-18-012A at 1137 Camino Delora, to downgrade the status to non-contributing consistent with staff recommendations. Member Boniface seconded the motion and it passed by unanimous voice vote.

Member Bayer recused herself and left the room.

- 7. Case #H-18-013A, 380 St. Francis Dr. Westside-Guadalupe Historic District. Tierra Right of Way Services, agent for First Citizens Bank, owner, requests a historic status review with primary elevation(s), if applicable, for a non-contributing residential structure. (Nicole Ramirez-Thomas)**

Ms. Ramirez-Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

380 St. Francis Drive, also addressed as 863, 865, 867, and 869 Agua Fria Street, is a non-residential building located in the Westside-Guadalupe Historic District. The property is currently listed as non-contributing to the district. The applicant is requesting a status review.

The property is described as two buildings and is referred to as Building A and Building B in the Historic Cultural Properties Inventory Form (HCPI). The buildings are single story buildings built in the Spanish-Pueblo Revival style and have a flat roof with a parapet and stuccoed exteriors. Building A was constructed in the 1930s and Building B was constructed in the 1960s. Both buildings have undergone significant changes over the course of their histories which include non-historic additions to the original footprints as well as changes in window and door opening.

RELEVANT CODE CITATIONS

14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts
(Ord. No. 2004-26)

(C) Purpose and Intent

It is intended that:

1. Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
2. Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
3. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and
4. New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

(B) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts

Status Designation

Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in Article 14-12.

Staff shall maintain a record as to the current status of structures located in the Historic Districts.

DEFINITIONS

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

NONCONTRIBUTING STRUCTURE

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

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

STAFF RECOMMENDATION:

Staff recommends Building A and Building B as non-contributing to the Westside-Guadalupe Historic District per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

Questions to Staff

Member Katz noticed that Building A appears to set that corner nicely and contributed to the character of that historic district. "I recognize the portal is probably post 1971 and window opening sizes have changed. I wonder if that is enough of a significant change to the building to wonder if it is to be considered minor alterations.

Ms. Ramirez Thomas agreed the window alterations are minor. For all her life she remembered this house on the corner. What makes it is the portal and it is not historic material and the aerial photo shows it set back from the road differently. The portal was added after 1971. In the aerial on page 14, you can see that south corner.

Applicant's Presentation

Mr. John Cater, 4107 Montgomery Blvd. NE, Albuquerque, was sworn. He said he is a representative of Tierra Right of Way Services. He said, "I have nothing more to say about the buildings. The Staff outlined what we considered for them. We did a thorough historic search and visited the building. We created new, updated HCPI forms and we are in agreement with Staff.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Ms. Charlotte Rivera, 409 Salazar Place, was sworn. She said she is a neighbor and it is empty and filled with homeless activity. "I agree it is non-conforming and should be released and, hopefully, can be improved. That corner – I agree with that. I think it could be a lot nicer that what it is if it released from contributing status. The windows are not..." My sense is that it should be non-contributing."

Member Katz asked her, if it were to remain Noncontributing, if she understood it could be demolished.

Ms. Rivera said whether demolished or not, it would improve the neighborhood.

Ms. Ramirez Thomas commented that it is unusual for a bank to come for status review. It is good the real estate agent contacted the bank for a status review.

Action of the Board

Member Roybal moved in **Case #H-18-013A at 380 St. Francis Drive**, this case to follow staff recommendations that it remain noncontributing. Member Boniface seconded the motion and the motion failed on a 2-3 voice vote.

Member Katz moved that the status of building A be upgraded to Contributing with south as primary façade and that building B remain non-contributing. Member Powell seconded the motion and it passed by a majority 3-2 vote with Members Roybal and Boniface dissenting.

Chair Rios said Building A is now contributing and Building B is non-contributing.

Ms. Gheen said Chair Rios, if she wanted to, could vote no and make it a tie.

Member Bayer returned to the bench after the vote.

8. **Case #H-18-014A. 127 Kearney Ave. Downtown & Eastside Historic District. Jacob Martínez, agent for Fred Martínez, owner, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)**

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

127 Kearney Avenue is a single-family residential structure that was constructed in the Northern New Mexico vernacular in the 1930s. The north elevation porch was enclosed in 1959. The south elevation window is non-historic, but the opening was not altered. The building features a pitched roof with wooden decorative eave details, historic windows, and wooden surrounds. The front rock wall was rebuilt in 1993. The building is listed as contributing to the Downtown & Eastside Historic District.

The applicant requests a historic status review, with designation of primary elevation(s) if necessary.

RELEVANT CODE CITATIONS

14-5.2(C) Regulation of Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

- (a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
- (b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
- (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and
- (d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

NONCONTRIBUTING STRUCTURE

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

STAFF RECOMMENDATION:

Staff finds that the building retains good historic integrity and maintains early Santa Fe Style character and staff recommends that the Board maintain the contributing historic status and designate elevations 1-3 out of 7 as primary elevations.

Questions to Staff

Member Powell asked if Mr. Rasch was recommending elevations 1-3 as primary.

Mr. Rasch said he is. The South elevation is facing the street. That area was infilled but at an historic time.

Member Biedscheid asked if the north elevation was infilled.

Mr. Rasch agreed. There was a porch that was infilled in 1959.

Member Biedscheid noted the east windows look historic and asked if all the windows other than the south façade are historic.

Mr. Rasch agreed there are a lot of historic windows on the property. He didn't remember if he evaluated the east windows.

Member Biedscheid asked if he felt the character of the east windows was captured elsewhere.

Mr. Rasch described the façades. On the West there is more character on that façade than on the east façade.

Member Powell asked if he had no concern about the loss of historic fabric.

Mr. Rasch said, once it is a contributing building, primary elevations preserve architectural character plus windows and doors that are historic, but any other elevation's character are preserved just by the status alone.

Applicant's Presentation

Mr. Jacob Martinez, 24 County Road, 119, was sworn and did not make a presentation.

Questions to the Applicant

Chair Rios said Staff recommended contributing be retained and asked if he agreed.

Mr. Martinez asked if it is for the entire property and what 1-3 referenced.

Mr. Rasch explained the ordinance and why there are 7 façades.

Mr. Martinez disagreed somewhat with the recommendation. The owner's parents are gone. He recalled changes going on over time. Some windows, because of being broken, and the rock wall, did get rebuilt. The only other significant thing was the dining room, which was once an enclosed porch.

Chair Rios asked if the footprint it is the same.

Mr. Martinez recalled it being added on for the bedroom but could swear to it in an affidavit.

Chair Rios asked Mr. Rasch what the HCPI indicates for this house.

Mr. Rasch said the HCPI was done in 2006.

Chair Rios ask if it indicates construction in 1932-36.

Mr. Rasch said the additions were done in 1958. He didn't think the footprint was historic.

Chair Rios asked him to read the definitions.

Mr. Rasch read them.

Chair Rios I asked if the definition it is met with this house.

Mr. Rasch said yes, although there is a modern infill there.

Public Comment

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

Member Boniface pointed out that on the floor plan, adobe homes were usually a rectangle. That floor plan has three main rooms. And the dining room was added on and the bedroom. The bath on the south side also looks like an addition. On page 14, it is evident it is an addition. Probably it had a single ridge for those three rooms and a bath was added later.

Mr. Rasch said perhaps elevation #1, that includes the bathroom is primary, but we don't have any evidence when it was added. We don't know if it all was 50 years old. He asked if Mr. Rasch could provide some direction.

Mr. Rasch said, looking at photographs on the top of page 14, he did not think that any non-historic addition would make that ridge detail. He thought that was an old detail.

Member Katz didn't see that bathroom addition there on page eight.

Mr. Rasch pointed out in the photo on the westside, where it has a jog that creates a shadow.

Chair Rios asked, since there is a question about it, if it could be excluded.

Mr. Rasch said it would then also exclude 2 and part of 3.

Member Boniface asked Mr. Martinez about ceiling height for the master bedroom and bath.

Mr. Martinez said it is 8' and the owner mentioned there are some vigas in the master bedroom and kitchen that are covered up.

Member Boniface said that was typically what happened. Originally it would have a flat roof and then a pitched roof was added.

Action of the Board

Member Powell moved in Case #H-18-014A at 127 Kearney Ave., to approve the case as staff recommended, to retain the contributing status with elevations 1, 2, and 3 as primary. Member Bayer seconded the motion which resulted in a tie vote. Chair Rios voted yes. The motion passed by majority (3-2) voice vote with Commissioners Katz and Biedscheid dissenting.

- 9. Case #H-18-015A. 1030 W. Houghton St. Don Gaspar Historic District. Bernie Romero, agent for Mary Romero, Trustee, requests a historic status review with primary elevation(s), if applicable, for a contributing residential structure. (David Rasch)**

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

1030 West Houghton Street is a single-family residential structure that was constructed in a mixed Territorial Revival and Spanish-Pueblo Revival style in approximately 1918. An addition on the southwest corner was constructed in approximately 1950. The front yardwall is attached to and mimics the rounded massing of the front porch. Character defining elements include brick coping on the parapets (some of which has been stuccoed over), a shed roof on the west elevation between stuccoed parapets, carved corbels on the front porch, historic wood windows and doors, and a Nuestra Señora de Guadalupe tile wall mural under the porch. The building is listed as contributing to the Don Gaspar Area Historic District. The yardwall has no assigned historic status.

The applicant requests historic status review with primary elevation(s) designation, if necessary.

STAFF RECOMMENDATION:

Staff recommends maintaining the contributing historic status for the principal residence with elevations 1 and 2 out of 5 designated as primary including the porch and designating the yardwall as contributing with the east façade as primary.

Questions to Staff

Member Powell asked why elevation #5 would not be primary.

Mr. Rasch saw no additional character there. The window is historic. There is no coping there.

Member Powell asked if it is visible from the street.

Mr. Rasch agreed.

Member Boniface said, on the field trip, we noticed that elevation appeared to have been damaged and reconstructed.

Mr. Rasch said the whole building needs to be maintained. Much of the coping has cracks. All of it needs repair. The roof is being replaced now. On the north is one wood casement window. It does have a brocade finish. If the board decides to retain contributing status, the board might want to determine if that brocade texture was a defining character feature or not.

Applicant's Presentation

Mr. Bernie Romero, 11 Caminito Santero, was sworn.

Questions to the Applicant

Chair Rios asked if he agreed with Staff recommendations.

Mr. Romero said elevation number 5 is hard to see. The house needs maintenance and we are going to reroof and restucco but not change anything else.

Member Katz was not sure about #2 – the south elevation. It just looks like a blank wall and he would want to put windows in there. The brick coping would have to stay but if not primary, that would be more flexible. He thought exchanging 2 for 5 would be better.

Mr. Romero said he was not the owner, but they are not going to do additions and just maintain it with new roof, stucco, and parapets. It covers all the building except a new addition. There are different kinds of brick. We will try for administrative approval to rework all the brick coping. It would be nice to eliminate the south as primary, in case they want to do additions.

Mr. Rasch said if #2 is not primary, they could put in a window they are without an exception, keep the parapets and the chimney which are contributing. And the Board could then determine if the brocade texture is also character defining.

Member Boniface said the floor plan shows no fireplace, but it has a chimney. He asked what is going on.

Mr. Romero said the fireplace was demolished.

Chair Rios asked if the chimney still needs to be kept.

Member Powell thought there was probably a window behind the stucco.

Mr. Romero said the bedroom has a window on the east.

Member Biedscheid asked if the mural is historic.

Mr. Rasch said it is historic and character defining.

Public Comment

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

Action of the Board

Member Boniface moved in Case #H-18-015A at 1030 W. Houghton St., to maintain contributing status as this building is historic, and designate façade #5 and #1 and primary, and that would also mean that the brick coping would need to be retained (could be fixed with staff approval), that the brocade finish on the stucco is character defining and needs to be retained and the mural, as well. He found that the yardwall is contributing with the east façade as primary. The east façade includes the porch. Member Roybal seconded the motion and it passed by majority voice vote with all but Member Biedscheid voting in favor.

I. MATTERS FROM THE BOARD

Mr. Rasch announced that Mr. Carlos Demora will be presenting cases before the Board. He introduced Carlos to the Board.

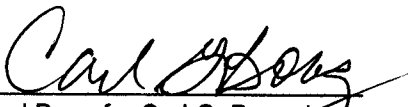
J. ADJOURNMENT

Upon motion by Member Boniface and second by Member Biedscheid, the meeting was adjourned at 7:15 pm.

Approved by:


Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz Inc.



City of Santa Fe

LAND USE DEPARTMENT | HISTORIC PRESERVATION DIVISION

ADMINISTRATIVE APPROVAL



THIS IS NOT A CONSTRUCTION PERMIT

DO NOT BEGIN WORK WITHOUT A PERMIT. SUBMIT THIS FORM WITH YOUR CONSTRUCTION PERMIT APPLICATION AND RETAIN A COPY AT THE JOB SITE.

Date: June 19, 2015

To: BUILDING PERMIT DIVISION

From: David Rasch, Land Use Planner Supervisor:

Lisa Roach, Land Use Planner Senior:

STAFF INITIALS

STAFF INITIALS

Date Submitted:

June 18, 2015

Contact Name:

Ellen Casey

Phone Number:

690-1085

Project Address: 486 Camino Don Miguel

Be advised that per §14-5.2 SFCC 1987 the work described below at the above-referenced address does **NOT** require Historic Districts Review Board approval and is hereby staff-approved as described below. Please allow the applicant to submit for a construction permit(s) for this work if required.

Description of Proposed Work:

Maintenance and repair of an existing damaged side yard wall, to include the following:

- 1) Demolish existing side yard wall at the south lot line;
- 2) Replace this wall with a new stuccoed c.m.u. wall to a maximum height of 7'1" at the interior and 3'10" at the exterior (neighboring property), with the condition that the lower portion of the wall shall be retaining. The proposed wall will modulate as submitted and shall be stuccoed El Rey "Deerskin" on the exterior;
- 3) Stucco the exterior of the existing adjacent street-facing wall to match the new wall, in El Rey "Deerskin".

PERMIT ROUTING and REQUIRED HISTORIC INSPECTIONS

☐ Yes ☒ No

ROUTE TO HISTORIC DIVISION LR

☒ Yes ☐ No

INTERIM HISTORIC INSPECTION LR

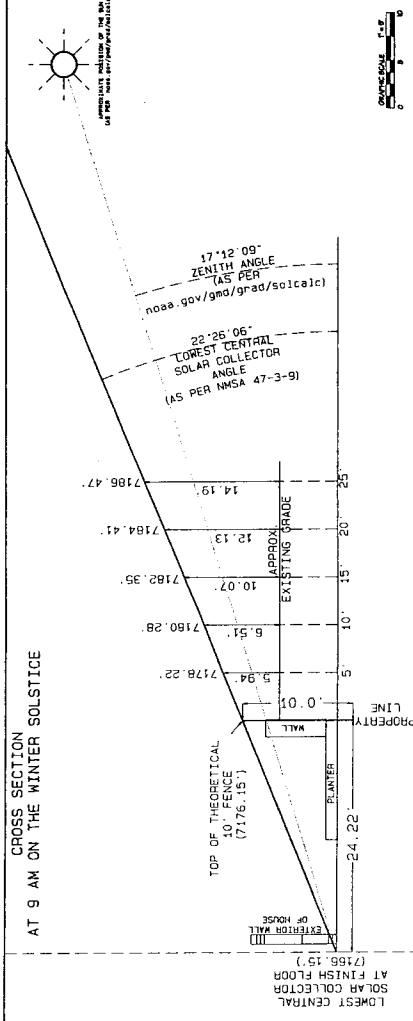
☒ Yes ☐ No

FINAL HISTORIC INSPECTION LR

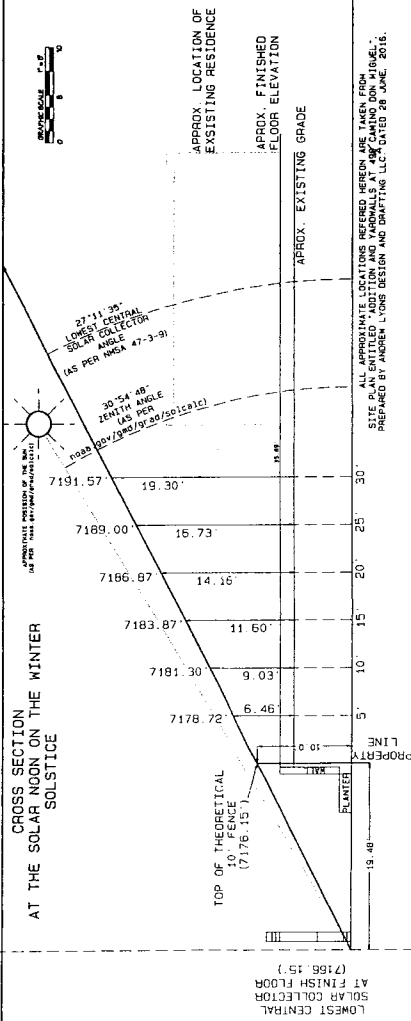
CROSS SECTIONS FOR HEIGHTS OF PERMISSIBLE OBSTRUCTIONS OF SOLAR ANGLES FOR ELLEN CASEY & SUELLA V. DOMRES, OF A TRACT OF LAND LOCATED AT

486 CAMINO DON MIGUEL
LYING & BEING SITUATE WITHIN SECTION 30,
TOWNSHIP 17 NORTH, RANGE 10 EAST, N.M.P.M.
CITY & COUNTY OF SANTA FE, NEW MEXICO

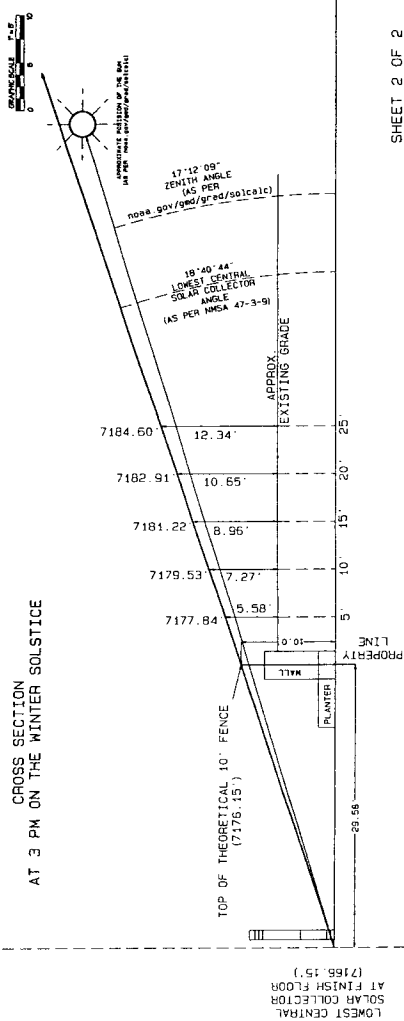
CROSS SECTION AT 9 AM ON THE WINTER SOLSTICE



CROSS SECTION AT THE SOLAR NOON ON THE WINTER SOLSTICE



CROSS SECTION AT 3 PM ON THE WINTER SOLSTICE



SUBVEYOR'S CERTIFICATE

I, MICHAEL K. NOONAN, AN E.S. & S. DO HEREBY CERTIFY THAT THIS CROSS
SECTION IS THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 04/04/13
BY: MICHAEL K. NOONAN, E.S. & S.



SOUTHWEST MOUNTAIN SURVEYS
1114 HICKORY ST., SANTA FE, N.M. 87505
TEL: 505.988.1111 FAX: 505.988.1112
WWW.SOUTHWESTMOUNTAINSURVEYS.COM

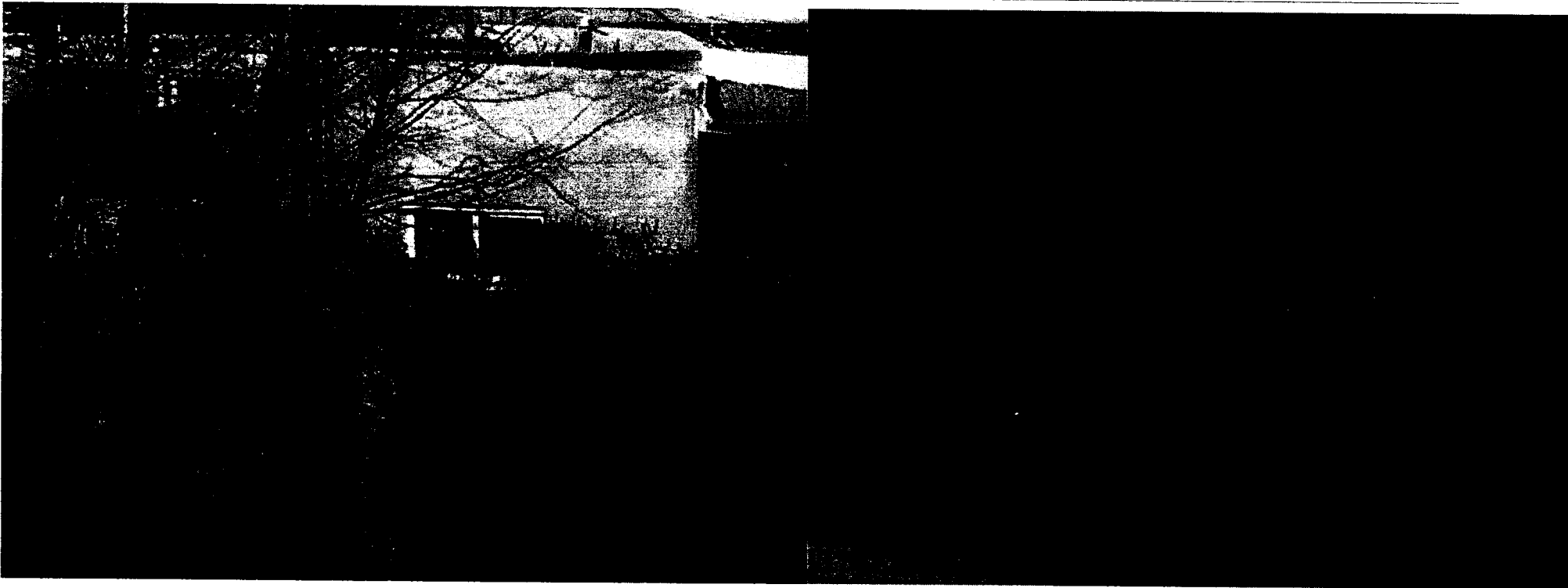
History of Unpermitted Grade Changes – 494 Camino Don Miguel



1987 Ellen S. Casey/Suella V. Domres purchase 486 Camino Don Miguel.



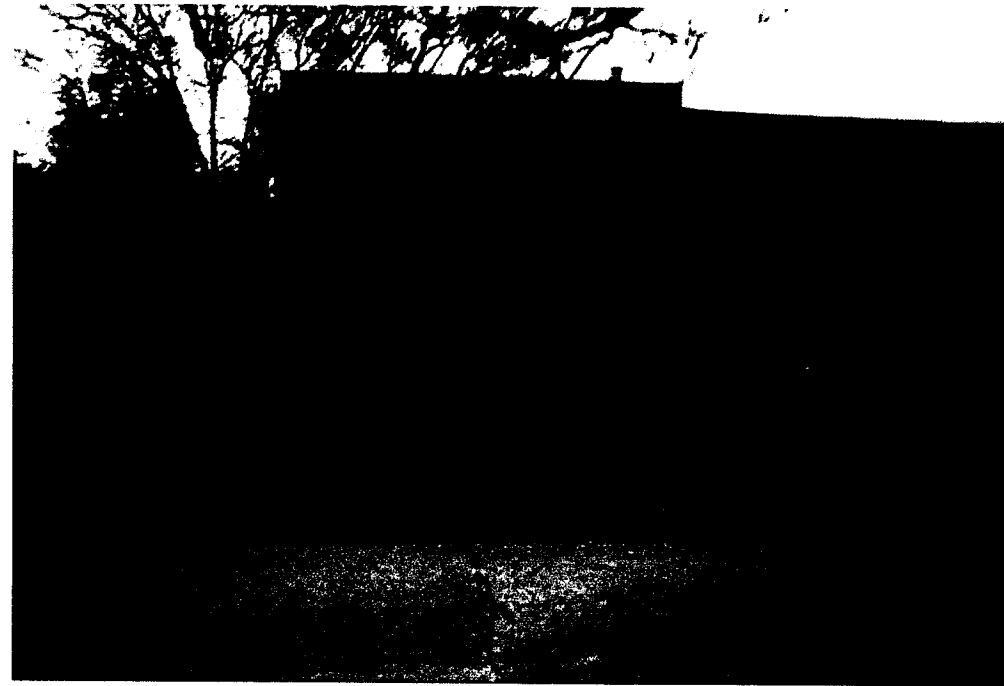
1989 – 1990-- Photos of existing grade on north side of 494 Camino Don Miguel (abutting south facing backyard of 486 Camino Don Miguel) as existed before Mercado purchased property and while then existing cinder block retaining wall (5' 7" tall) between 486 and 494 Camino Don Miguel in place.



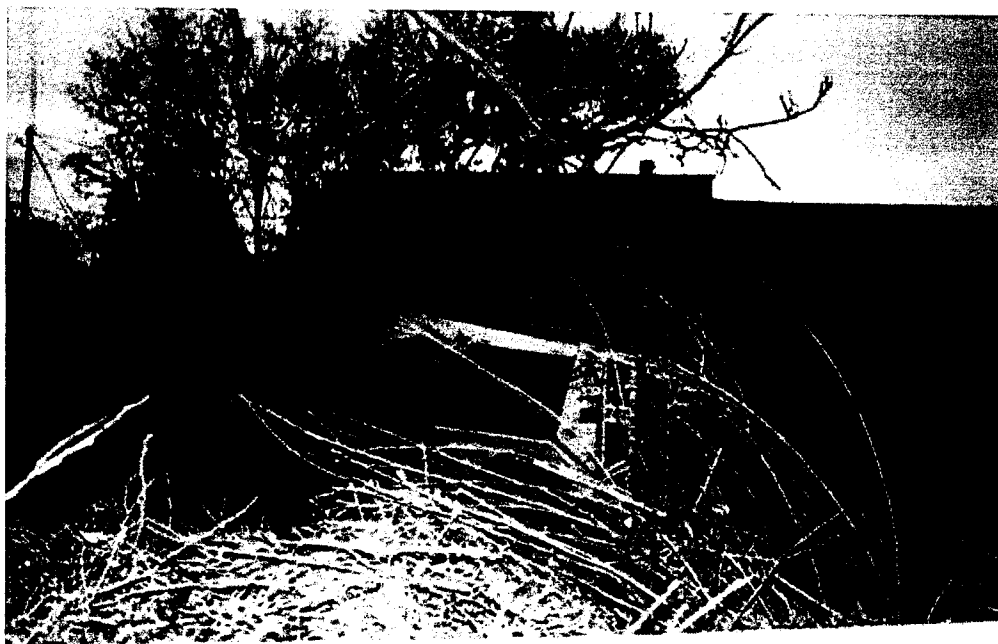
1989 – 1990 -- continued



November 8th, 2012 -- Post-Mercado purchase of 494 Camino Don Miguel, photos showing one of multiple occasions Mercado bulldozed existing slope and raised grade of entire north side portion of 494 Camino Don Miguel abutting 486 Camino Don Miguel (no permit). In addition to raising 494's north side grade in 2012, Mercado's activities undermined the common retaining wall between 486 and 494 Camino Don Miguel.



November 8th, 2012 -- continued

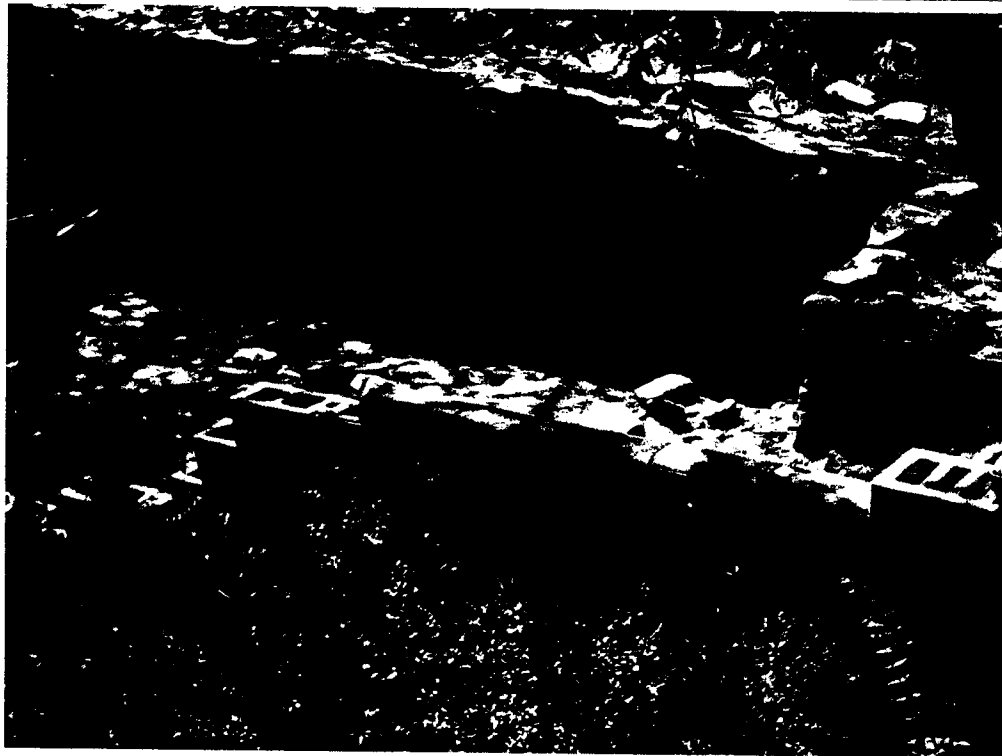


November 8th, 2012 -- continued



2014-2015 – Owners of 486 and 494 agree to share the expense of fully replacing the existing retaining wall. Casey-Domres obtain HRB approval and building permit to demolish and replace wall to height of 7'1" from 486 grade.

Mercado has bulldozer operator excavate (unpermitted) an approximately 12' x 20' portion of Mercado northeast property. Mercado builds dry stack rock retaining wall in his yard (no HRB approval \un-permitted). Mercado bulldozer operator destroys existing slope and breaks through existing cinder block retaining wall while excavating portions of 494 north east side (without permit).



2014-2015 – continued –Mercado obtains HRB approval for construction\additions to existing property (including free standing “pergolas”) and primary elevation changes done 2012-2015 with no application for HRB approval or permits. Includes a 128 sq.ft. addition . No building permits applied for or obtained for additions\structures requiring same. Mercado does not obtain any approval\permit for any grade\slope changes on the north side of 494.



2014-2015 – continued

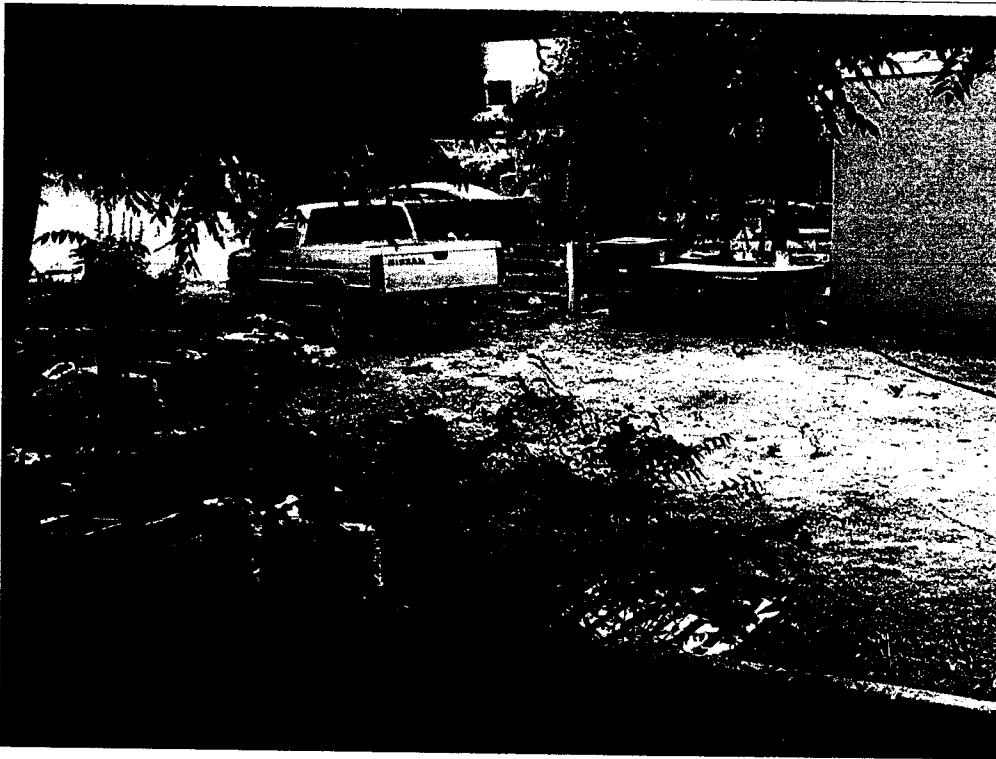


2014-2015 – continued



2016 – Fall-Winter original retaining wall demolished and rebuilt (fully permitted by Casey\Domres) to 7'1". Post-wall construction, Mercado destroys any remaining slope and raises grade 3'-5' on all of north side of 494 (except dry stack walled cut out) to approximate level of existing Mercado house without submittal of application, plan, engineering study etc. No permit is obtained.

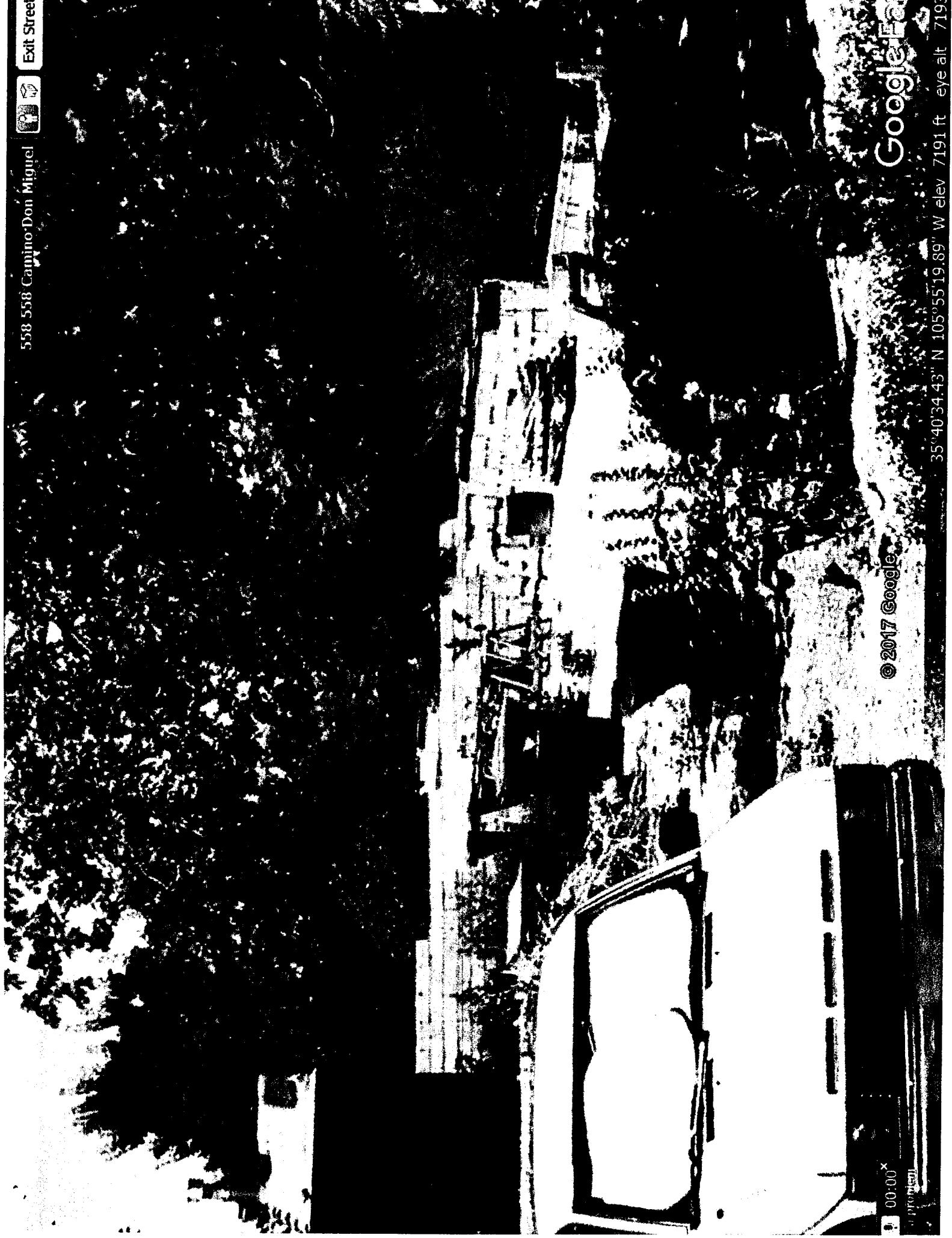
Photos show slope from north to south on 494 north side obliterated. 494 grade at 494 side of new retaining wall at 6' plus above 486 grade and approximately 3' – 5' above original grade of north side of 494.



Exit Street



558 558 Camino Don Miguel



00:00x

proton

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Google Earth

35°40'34.43" N 105°55'19.89" W elev 7191 ft eye alt 7193