



Agenda

CITY CLERK'S OFFICE

DATE 5/17/17 TIME 11:30

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 23, 2017 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 23, 2017 at 5:30 P.M.

CITY COUNCIL CHAMBERS

SECOND AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES:

April 25, 2017, April 25, 2017 verbatim for 201 Old Santa Fe Trail only, May 9, 2017

- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-17-020. 719 Gregory Lane.
Case #H-16-051B. 500-550 Montezuma Avenue.
Case #H-17-029. 210 Don Gaspar Avenue.
Case #H-15-042. 355 East Palace Avenue.
Case #H-17-035A. 621 and 621½ Canyon Road.
Case #H-17-036. 1523 Canyon Road.
Case #H-17-033B. 514 Camino Cabra.

Case #H-04-076. 201 Old Santa Fe Trail.
Case #H-17-032A. 511 Camino Cabra.
Case #H-15-098. 802 Don Cubero Avenue.
Case #H-17-034. 530 East Alameda Street.
Case #H-17-035B. 621 and 621½ Canyon Road.
Case #H-17-033A. 514 Camino Cabra.

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

1. Case #H-16-097B. 914 Canyon Road. Downtown & Eastside Historic District. Will McDonald, agent for Carrie Rowland, owner, proposes to construct 144 sq. ft. of additions by enclosing portals, replace windows and doors on non-primary elevations, add wrought iron handrails, and restucco. (Nicole Ramirez Thomas)
2. Case #H-04-076. 201 Old Santa Fe Trail. Downtown & Eastside Historic District. Sommer, Karnes and Associates LLP, agent for Teme LLC, owners, proposes to construct a 30,988 sq. ft. mixed-use structure with a footprint of 13,247 sq. ft. to a height of 49' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section14-5.2(D)(9)). (David Rasch).
3. Case #H-17-038A. 715½ Manhattan Avenue. Westside-Guadalupe Historic District. Marc Naktin, agent for Jack Reese, owner, requests a historic status review with designation of primary elevations, if applicable, for a non-contributing residential structure. (Nicole Ramirez Thomas)
4. Case #H-17-039A. 457 Camino de las Animas. Downtown & Eastside Historic District. HPD staff requests designation of primary elevations of a contributing residential structure. (Nicole Ramirez Thomas)
5. Case #H-17-039B. 457 Camino de las Animas. Downtown & Eastside Historic District. Spears Horn Architects, agent for John Hansen, owner, proposes to remodel a contributing residential structure including replacing windows, construct a 180 sq. ft. 11'6" high pergola, a 4'6" high yardwall and a 6' high coyote fence and a 4' high gate. (Nicole Ramirez Thomas)
6. Case #H-08-043. 325 Delgado Street. Downtown & Eastside Historic District. James Kindgren, agent/owner, proposes to replace windows and doors on a contributing residential structure. (Nicole Ramirez Thomas)

7. Case #H-17-031A. 125 Quintana Street Unit 3. Westside-Guadalupe Historic District. HPD Staff requests primary elevation designation for a contributing residential structure. (David Rasch)
8. Case #H-17-031B. 125 Quintana Street Unit 3. Westside-Guadalupe Historic District. Jonah Stanford, agent for Laura Einstein, owner, propose to remodel a contributing residential structure by constructing 236 sq. ft. of additions, a 5'0" high yardwall and gate, and replace windows. Two exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and to change openings on a primary elevation (Section 14-5.2(D)(5)(a)). (David Rasch)
9. Case #H-16-074. 4 Placita Rafaela. Downtown & Eastside Historic District. Marc Naktin, agent for Mary Sanchez, owner, proposes to construct a 6' high coyote fence where the maximum allowable height is 4'9" high. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

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Agenda

CITY CLERK'S OFFICE

DATE 5.9.17 TIME 11:26am

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 23, 2017 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 23, 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: May 9, 2017
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

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Case #H-17-035A. 621 and 621½ Canyon Road.

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Case #H-17-033B. 514 Camino Cabra.

Case #H-17-034. 530 East Alameda Street.

Case #H-17-035B. 621 and 621½ Canyon Road.

Case #H-17-033A. 514 Camino Cabra.

Case #H-17-030B. 941 and 943 Don Cubero Avenue.

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4. Case #H-17-038B. 715½ Manhattan Avenue. Westside-Guadalupe Historic District. Marc Naktin, agent for Jack Reese, owner, proposes to replace windows and doors, change a shed roof to a flat roof with a parapet, replace the front portal and restucco a non-contributing residential structure. (Nicole Ramirez Thomas)
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10. Case #H-17-040. 610 Garcia Street. Downtown & Eastside Historic District. Jack Robinson, agent for Paula Huchison and Peter Gonzalez, owners, proposes to increase the height of a yardwall from the maximum allowable height of 5'3" to 5'11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Nicole Ramirez Thomas)
11. Case #H-16-074. 4 Placita Rafaela. Downtown & Eastside Historic District. Marc Naktin, agent for Mary Sanchez, owner, proposes to construct a 6' high coyote fence where the maximum allowable height is 4'9" high. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch)
12. Case #H-17-041. 324 West Houghton Street. Don Gaspar Area Historic District. Albert Romero, agent for Vicente Romero, owner, propose to construct a 72" high fence where the maximum allowable height is 58". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Nicole Ramirez Thomas)

I. MATTERS FROM THE BOARD

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Agenda

CITY CLERK'S OFFICE

DATE 5.4.17 TIME 2:00 pmSERVED BY McEnteeRECEIVED BY Charmelina Spears

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HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 23, 2017 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: May 9, 2017
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-042. 355 East Palace Avenue.Case #H-17-035A. 621 and 621½ Canyon Road.Case #H-17-036. 1523 Canyon Road.Case #H-17-033B. 514 Camino Cabra.Case #H-17-034. 530 East Alameda Street.Case #H-17-035B. 621 and 621½ Canyon Road.Case #H-17-033A. 514 Camino Cabra.Case #H-17-030B. 941 and 943 Don Cubero Avenue.

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SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
May 23, 2017

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1. Case #H-16-097B. 914 Canyon Road	Approved with conditions	10-16
2. Case #H-04-076. 201 Old Santa Fe Trail	Approved as submitted	16-26
3. Case #H-17-038A. 715½ Manhattan Avenue	Designated Contributing	27-30
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9. Case #H-16-074. 4 Placita Rafaela	Approved as submitted	42-44
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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

May 23, 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 5:37 p.m. in the City Council Chambers at City Hall, Santa Fé, New Mexico.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

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 amended with Case #6 postponed. Member Boniface seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES

1. April 25, 2017

Chair Rios clarified that these minutes exclude the 201 Old Santa Fé Trail case which is separately in the verbatim minutes. For the verbatim minutes, the Board members do have the option to state differences and then Mr. Boaz can listen to the audio of those proposed changes.

Member Roybal was not present for that meeting,

Chair Rios said he could recuse himself.

Member Biedscheid requested a change on page 55, two paragraphs before the motion where it said "Member Biedscheid asked if there was a denial of that." She said it should say, "The motion did not adjust that." And in the motion, itself, it said the first part of the application be denied but she actually moved that item 1 be denied on the basis of not meeting the exception criteria, and approve item 2 to retain the dog-eared fence.

Member Boniface requested a change on page 26 in the third paragraph from the bottom where "kind of intuitive" should read "counter-intuitive."

Chair Rios requested a change on page 4, under Business from the Floor to delete "said." Ms. Beninato referred to a house on Pino Lane and she was sure what she meant to say was on Halona.

On page 54, in the ninth paragraph, should say, "Chair Rios said this neighborhood is mostly low fences and low walls."

Member Boniface moved to approve the non-verbatim minutes of April 25, 2017 as amended. Member Biedscheid seconded the motion which passed by unanimous (4-0) voice vote with Member Roybal, Member Bayer and Member Katz abstaining.

2. April 25, 2017 - 201 Old Santa Fé Trail Verbatim

Chair Rios requested a change on page 49 in the second to last paragraph where "A" should be changed to "How." In other words, on the north elevation, how much space is there? And on the same line, "A" should be changed to "how" a second time.

On page 70, in the 3rd line from the top "end" should be changed to "can."

On page 71, in the sixth paragraph, it should read, "You are indicating that it is damaging the streetscape, if the streetscape is the issue."

Member Boniface moved to approve the verbatim portion of the minutes of April 25, 2017 as amended. Member Biedscheid seconded the motion and it passed by a 3-0 voice vote with Member Roybal, Member Bayer and Member Katz abstaining.

2. May 9, 2017

Member Biedscheid requested a change on page 42, 10th paragraph, last sentence where "downtown" should be "underground."

Member Katz requested a change on page 44, 2nd paragraph where it should say, "could" rather than "cold." And in the fourth paragraph to add at the end of first line, "standards for demolition."

Chair Rios requested a change on page 9, 6th paragraph should be Mr. Romero. And on page 40, 5th paragraph should say, "Chair Rios said even though this is not a formal application, the Board could go forward with the County's presentation."

Ms. Gheen requested a change on page 36, under Staff Recommendation, the fourth sentence should read, "Although the City has asserted jurisdiction over projects from the County as stated in Section N. The County has declined to recognize that authority." And in the next paragraph, it should read, "The County has brought a schematic design for input from the Board."

Member Boniface moved to approve the minutes of May 9, 2017 as amended. Member Roybal seconded the motion and it passed by unanimous voice vote except for Member Powell who abstained.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H-17-020. 719 Gregory Lane.

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Case #H-04-076. 201 Old Santa Fe Trail.

Ms. Gheen said since the Board is going to hear the actual substantive case for 201 Old Santa Fe Trail, Case #H-04-076, she requested that the Board wait to approve the Findings of Fact and Conclusions of Law for Case #H-04-076 at 201 Old Santa Fé Trail from the April 25th hearing until after hearing it at this meeting "because it would be most prudent to do so for that case."

Member Katz asked if those Findings for 04-476 wouldn't inform the case tonight.

Ms. Gheen said, "I think that the application is already here before us and if that is going to change the application somewhat, it is a little late to do that at this point."

Chair Rios was confused why she didn't want them considered. She said, "We had a meeting on this case and we made a motion. So, we do have findings and conclusions in reference to that particular case that was already heard. So, I am a bit confused in reference as to why you want to not approve them."

Ms. Gheen said, "I believe the actual findings of that particular case, that rather than have the discussion of what those Findings may or may not mean, that we avoid that discussion, and instead, look at the case tonight to see if that was actually going to be approved by the Board or rejected by the Board and then look at them. Because, if the application in front of you tonight is approved, then the importance of the findings of the previous case hearing are going to be lessened. And if it is rejected, they basically become moot. So, the findings of the previous case hearing would really become moot after the Board decides to have a final action tonight, if that's what it is going to do."

Member Katz asked, "Does that mean we are not bound by anything that occurred last time? Is it like it didn't happen?"

Ms. Gheen said, "No. No, that is not true."

Member Katz asked, "So, what are we bound by, then? I would assume we are bound by that motion that was made and the vote that was taken. If so, we should approve that, starting now, so we know"

Ms. Gheen interrupted and said, "The Board already has in front of them the verbatim minutes of that hearing. I mean, this is simply a recommendation. The Board does not have to abide by that. But, certainly the Board has in front of them the verbatim minutes of that hearing, including the motion that was approved by the Board."

Chair Rios asked the maker of the motion to indicate if they agree with Ms. Gheen's recommendation regarding 201 Old Santa Fe Trail; otherwise, the motion could agree to find all are correct and adopt them.

Member Roybal requested a roll call vote.

Member Katz suggested approving all Findings except for 201 Old Santa Fe Trail and consider it separately.

Member Bayer asked to consider all six of the April 25, 2017 Findings separately from the Findings from the May 9 meeting because several Board members were not at that the April 25th meeting.

Chair Rios said the first six Findings are from the April 25 meeting and 201 Old Santa Fe Trail is one of the six.

Member Biedscheid moved to approve all Findings of Fact and Conclusions of Law from the April 25, 2017 meeting except the case at 201 Old Santa Fe Trail. Member Boniface seconded the motion and it passed by a 4-0 voice vote with Member Roybal, Member Bayer and Member Katz abstaining.

Member Roybal moved to approve the Findings of Fact and Conclusions of Law from the May 9, 2017 meeting. Member Boniface seconded the motion and it passed by voice vote with all voting in favor except Member Powell and Member Biedscheid, who abstained.

Chair Rios went next to Findings of Fact and Conclusions of Law for 201 Old Santa Fé Trail for discussion.

Member Biedscheid stated for the record, "I just want to be clear for the record that I was the person who seconded the motion and when I did so, I probably used very inartful language. But I was trying to say that I just that it would be a conditional approval – that the motion was to grant the height exception based on meeting the criteria and to approve the submittal. And I seconded with a friendly amendment that we clarify that the condition on which the height was specified, that there are two conditions - to make the portal deeper on the southwest corner and to step back from the northwest corner – that those conditions were essential to meeting criterion number one, which requires harmony with the streetscape. So, my understanding of the motion that was made and the discussion that we had; harmony with the streetscape was only achieved with those conditions. Otherwise, I would have not voted for the motion. So, in light of that, I have a few. I think they are pretty minor changes. And it sounds to me like wordsmithing. So, I will rely on Legal Counsel to let us know if it changes the legal meaning of it. I just want to be clear for the record. And I can read my suggested revisions into the record and then we can possibly consider them.

"So, I would suggest in finding ... in the Findings of Fact, Finding #22, it reads: *The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.* And I would add "conditioned on moving back the diagonal wall on the southwest façade of the first story under the

portal so the depth of the portal shall match that of the first story portal on the west façade; and that the north façade of the second and third story be further set back."

"And then under Conclusions of Law, number two, it reads: *The Board approves the Application on the condition that the Applicant present a redesign on the date certain of May 23, 2017, which meets the following concerns: that the SW corner on the ground floor, specifically the diagonal wall and the south façade wall under the portal, be moved back and away from the Loretto Chapel to match the depth of the ground floor portal on the west side, and that the NW corner on the 2nd and 3rd stories be further stepped back.*

She suggested the word "conditions" instead of "concerns."

Chair Rios asked for comment from the City Attorney.

Ms. Gheen said she wanted to understand Member Biedscheid's request. "You are requesting that the Conclusion of Law exclusively state that the approval for the height exception is granted upon the two conditions being met."

Member Biedscheid agreed.

Ms. Gheen said, "I do want to say that the verbatim minutes as they stated, do indicate that Board Member Ed ... Boniface has stated that all exception criteria have been met. Is your interpretation substantially different than that?"

Member Biedscheid asked, "Are you talking to me? Yes. I agreed that they had been met, conditioned on the redesign conditions that we mentioned in the motion. So, with criterion number one, I thought that other than that, without those conditions, that I didn't think that harmony with the streetscape was not without those two items."

Ms. Gheen said okay. "Now, this is a question for Board Member Boniface. Correct me if I'm wrong. Board Member Boniface, when he made the motion, and then he accepted a friendly amendment – my understanding of the motion was that the exception criteria had been met. And that the approval of the application was conditioned upon the approval of the two conditions, as stated. So, there are two different issues. And I think that they would have a specific difference. One, my reading of the motion is that the exception criteria have been met – period. But that the approval of the application is conditioned upon those two conditions being met – versus, what now Member Biedscheid is suggesting which is that you conditioned your acceptance of those criteria only upon the condition of meeting those two criteria – those two conditions. Board Member Boniface, is my understanding correct?"

Member Boniface said, "Yes, your understanding is correct. My intent, as I said in the motion, was that I felt that the exception criteria had all been met for the height exception. Later, there was a friendly amendment and in the verbatim minutes, they correspond to what I heard, which was that the approval of the height exception supplements the meeting of criteria number one – no damage to the streetscape. Supplement is not – simply means 'in addition.' It does not exclude. It would not have been a friendly amendment if I was seeing it based on ... it wouldn't have been a friendly amendment. I wouldn't have

accepted it.

Member Biedscheid agreed that "supplement" was not the best word to choose. She said, "Because it has been an amendment, that says, *I'll second the motion with a friendly amendment to note that the condition upon which the approval is granted, supplements criterion number one – that prevent damage to the streetscape.* So, I think it can be read in more than one way and obviously, my intent was that it was a conditional approval."

Ms. Gheen said, "What we could do at this point, since Member Boniface does not appear to want to ... Member Boniface appears to substantially disagree with Member Biedscheid, we ... the Board could vote for approving the minutes, excuse me, approving these Findings as stated and if ... it is approved by a three to one vote, based on the four members that were there to hear all the evidence, then it would be approved. And, if not, then it is not approved and after ... excuse me?"

Member Powell asked where she was.

Ms. Gheen replied that she was in the verbatim transcript.

Chair Rios said, "With that being said, I will entertain a motion for ...

Member Powell said, "Excuse me."

Chair Rios recognized Member Powell.

Member Powell said, "Before you ask for a vote for what we discussed ... Since many of us are not lawyers, I think we should understand the implications between the two before we make the vote. Because, I understand the distinction, but would you explain the differences between the two so we can make an informed vote."

Ms. Gheen said, "So, if the Board approves the Findings as currently stated, then it would indicate that, in fact, the exception criteria have been met – period. And that would then, what was done before you tonight is not whether the exception criteria have been met or not, but whether the application, itself, otherwise meets the Code – the design. So, harmony would be a part of that."

Member Powell asked if the exception criteria included 14-5.2 – harmonious streetscape design.

Ms. Gheen said, "Does the exception criteria include that?"

Member Powell said, "It is at the heart of this."

Ms. Gheen said, "Let's look it up. Mr. Rasch is pointing to page 3 of the Staff Report." She indicated that the criterion is the first one – Do not damage the character of the streetscape.

Member Biedscheid said, "I guess I'm not clear. We're looking at the new case now. I'm not sure if the Findings of Fact are presented as written, that we should not have to consider the exception criteria, which

had already been met.

Ms. Gheen said, "That would be correct."

Member Biedscheid asked, "So, why are they part of our packet again?"

Ms. Gheen thought that was a prudent move on the part of Staff to make sure that the application in front of the Board is a complete application, which also includes the Staff's opinion as to whether or not, in this case, the exception criteria are met, since there are some changes.

Chair Rios said, "Okay. In reference to ..."

Member Biedscheid interrupted and said, "That doesn't make sense to me. If they ... Assuming that the Findings of Fact are printed out as is, that seems to indicate that the exception criteria are approved – period. No condition of the design – we shouldn't even have to see this case again. And certainly not for exception criteria again. Those have already been met, if we approve those Findings of Fact as written."

Ms. Gheen said, "The issues that are in front of you would then be a matter of design. So whether otherwise it meets the Code in 14-5.2. And the issue I not height; the issue would be design."

Member Powell said, "I've had time to think. I know where Member Biedscheid is coming front – that we wanted to assist the Applicant in approving the height to let them focus on some of those smaller issues. But harmonious streetscape design was not achieved and I think that's what we were aiming at – with the parts that we had talked about. So, if you are asking us to approve that and say it was achieved, I don't think we agree with that. Some of us that were present, myself included. That's part of what we asked for."

Member Biedscheid said, "I think that's what my suggestion was – an attempt to clarify. I'm not trying to be difficult. It is just that it's an important case. I want to feel like I've done everything I can correctly. So, I'm making a point of this. I know it is a difficult issue to work through. So, I appreciate that information."

Ms. Gheen said, "Well, we have the verbatim transcript; we have the maker of the motion state his intention and with the verbatim minutes, we will read as they read. And if the Findings, as stated, are not approved, then they are not approved. And the minutes will simply reflect what the final action is."

Mr. Karl Sommer came to the podium and stated that they understood that the Board had reserved the harmony issue as the condition to see that final product. That is what they understood for what was approved and what was reserved for the final design to achieve streetscape harmony for this part of your overall job in every case. That was what they understood.

Chair Rios said, "Okay. With all of this being said, are there other comments? With all of this being said, Case #H-04-076, 201 Old Santa Fe Trail, Findings and Conclusions – I need a motion for whether they are adopted this evening as stated in the packet. Are they adopted or are they not adopted?"

Member Biedscheid said, "Can I make a motion to adopt them with the revisions I've suggested?"

Chair Rios said, "Yes."

Member Biedscheid said, "Would you like me to read those into the motion?"

Chair Rios said, "Sure."

Member Biedscheid said, "I move to approve the Findings of Fact with the following revisions on Finding item number 22: At the end of the sentence, add *conditioned on moving back the diagonal wall on the southwest façade of the first story under the portal so the depth of the portal shall match that of the first story portal on the west façade, and that the north façade of the second and third stories be further stepped back.*"

Ms. Gheen said, "You are saying that I need to adjust that. I believe what you are doing is actually not revising the draft, but substantively changing the motion as I understand Member Boniface had made. Rather than do that, we certainly can get into this discussion now. Another option is to simply have the application – the substance of the application, is to table this issue to after the substance of the application to see if there is a final action – actual application tonight, rather than to go down this path which would just continue to raise [??] which will take more time and may be irrelevant at the end of this hearing of the actual substantive case might.

Member Boniface said, "Okay. I withdraw my motion."

Member Boniface said, "I move to table this and to approve all of the other Findings of Facts in all of the other cases and let's simply move on.

Chair Rios asked for a second. And, not hearing one, said, "I will second it.

The motion passed by 4-0 voice vote with Member Roybal, Member Bayer and Member Katz abstaining.

F. BUSINESS FROM THE FLOOR

Ms. Stefanie Beninato, P.O. Box 1601, addressed the Board. She complimented Member Powell and Member Biedscheid for standing their fortitude at the last meeting in the face of great pressure that was pretty obvious in their vote on the proposal at 201 Old Santa Fe Trail. "It seemed to me that it was coming from higher echelons through the City Attorney's insistence that you read the minutes, even though the minutes don't say much more than you should grant them a height exception. And I didn't think the minutes were particularly helpful but, again, it just felt like there was enormous amount of pressure to approve this project with the 49 feet, without considering things like 10.5' stories so people stated for the two feet and then the same height as the Drury, etc. And I have to say that the way the minutes were kept, with the exceptions being the only part that isn't actually verbatim, and there was a summary that was really distressing in terms of having due process, equal protection, and any kind of responsibility for keeping records. And then tonight's discussion again, about what was or wasn't agreed to. My understanding is that

the interpretation of Member Biedscheid really was what was discussed repeatedly last week.”

“And, again, there is just a lot of pressure to move forward. And when you do something in three different meetings and you keep making Findings of Facts, or you mix the points about, *‘Well, I could be behind this case* and rather than waiting to see the whole design and know the entire impact, again, I find that to be a model group process and, in this case, such a historic and important site and so that this has happened, and then we have a motel on Cerrillos Road that wants to be to a height of four stories. And soon, we will have four stories everywhere in our town and we will only be the City Different in that we gave away the unique characteristics that we have.”

There were no other speakers from the floor.

Chair Rios stated that the exceptions and responses are verbatim, per Staff’s Report that we adopted.

G. COMMUNICATIONS

Ms. Gheen announced that the Governing Body, on May 10th, heard the appeal for 547 Hillside Avenue, Case 2017-09, of Case #H-15-104 and they remanded it back to the HDRB.

H. ACTION ITEMS

1. **Case #H-16-097B. 914 Canyon Road.** Downtown & Eastside Historic District. Will McDonald, agent for Carrie Rowland, owner, proposes to construct 144 sq. ft. of additions by enclosing portals, replace windows and doors on non-primary elevations, add wrought iron handrails, and restucco. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the Staff Report as follows:

BACKGROUND & SUMMARY:

914 Canyon Road is residential structure current that is designated as contributing to the Downtown and Eastside Historic District. The home was built as a single-family residence in the Pueblo Revival style by 1928 according to a city directory. The home appears to have served as a duplex and triplex over the course of its history as is indicated in a directory from the 1950s. After 1960 the house became a single-family residence. Between the time of the initial construction of the building and the final construction episodes in 1967, the house appears to have had several additions. By 1967 the footprint of the house including the garage and second floor apartment is as it is seen today.

The current HCPI form indicates that changes in windows over time have also changed the massing of the structure. While the window openings have changed through time, the configuration and style of the home have been maintained. Details of the style of the home include its general configuration and footprint and the retention of the Spanish-Pueblo Revival style, and the retention of the footprint of the building since 1967.

In 2007 the Board heard a case for this house and it is noted in the case file that the windows on the house were changed in the 1970s and the 1980s. The 2007 case was a request for replacement of the windows on the north and west elevations with no window dimension changes. The windows on the south and east elevations of the home appear to have been replaced sometime in the late 1990s or early 2000s. Given the size and style of the windows it is likely that windows on the south and east elevations required opening dimension changes.

Elements of the home that contribute to the Downtown and Eastside Historic District are predominately associated with the north elevation of the home. The proximity of the property to the street front is characteristic of the homes along Canyon Road. The wall design and stairs at the front of the house offer unique character within the district, and while the windows have changed on the north elevation, the sense of massing that is characteristic of Santa Fe Style is still present. The north elevation of the property as indicated on the façade map is what was designated as primary in 2016.

For reference the Findings of Fact and conclusions of law have been provided.

The applicant proposes the following eight items.

- 1) Raise ceiling height of rooms on the first floor with the exception of the living room, dining room, and main entry hall. The parapet height will increase by 18" but no parapet height increase will occur along the primary elevation and the increase in parapet height will not result in an overall height increase that would exceed the highest portion of the building.
- 2) Removal of the room located to the south of the family room.
- 3) Enclosure of the portals on the south elevation.
- 4) Replacement of windows and doors. Window and door changes on the north (primary) elevation will not change in opening dimension. Window and door changes on non-primary elevations may change in size and dimension as indicated in the drawings provided by the applicant.
- 5) Add steel railings with filigree to the north elevation exterior stairs.
- 6) Install steel sconces to the north elevation.
- 7) Re-stucco the property in cementitious El Rey "Buckskin."
- 8) Windows and doors will be Marvin clad wood "Cascade Blue."
- 9) Exposed wood will be stained "dark brown."

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 the entire north elevation is primary.

Ms. Ramirez Thomas said no. The map on page 27 shows it includes the garage and above it on the north, the wall in front and front portion on the interior inside of the wall and the rest of the wall.

In the Findings of Facts & Conclusions of Law, however, the front door was included.

Chair Rios asked her to point out the elevations. She asked if the north portion where it stepped down is primary or not.

Ms. Ramirez Thomas clarified that the west part of the north façade is not designated primary and nothing that is proposed in this application will affect the primary elevations.

Member Biedscheid asked why the addition of the railing on the primary yard wall doesn't require an exception.

Ms. Ramirez Thomas said a railing is not permanent addition and, there is nothing in the code to prevent it.

Member Biedscheid asked if a detailed design of the railing was included in the application. She didn't see it there.

Ms. Ramirez Thomas said there is just the drawing on the elevation.

Member Powell understood that since the window width is not changed, the change is allowed. He asked for the date of construction of the window.

Ms. Ramirez Thomas said this window dated from 2000. Almost all windows except for those on the west side and back side of second story have been replaced in the 1970's and 1980's and most of them in the late 1990's. The door on the primary elevation dates from around 1967 but it is not on a primary elevation. The windows and doors on nonprimary elevations can be replaced.

Member Katz asked if Staff knew that the window Member Powell first referred to has the same as historic opening.

Ms. Ramirez Thomas said they don't.

Member Katz asked if they aren't removing historic materials that require an exception.

Mr. Rasch read the code citation from 14-5.2 9-D-5 which indicated that the code is silent on that issue. Windows and doors are only preserved on primary elevations.

Member Katz pointed out that lowering the opening means removing historic material. It doesn't say you can raise or lower the sill.

Chair Rios asked if any windows to be replaced have changed dimension

Ms. Ramirez Thomas said that in the 2007 case, no window dimensions changed but some of the other windows have changed dimensions.

Applicant's Presentation

Mr. Will McDonald, 488 Arroyo Tenorio, was sworn. He said regarding the railing that Member Biedscheid brought up, that his client, has now changed her mind about what she wants there.

Questions to Applicant

Chair Rios asked if he had drawings of that change.

Mr. McDonald said he had drawings but didn't have copies. He showed the drawing which showed vertical bent rods and said it has some elegance to it. He apologized and didn't mean to cause confusion.

Member Roybal asked what happens with the existing railing.

Mr. McDonald said since it is not to code, it will be removed.

Member Roybal asked if the design is for safety.

Mr. McDonald agreed. The one above the garage is also not high enough to meet code, so it is a safety issue.

Chair Rios asked about the windows on the primary façade.

Mr. McDonald said his client wants to change out all the windows. He showed a sample of the window color. The existing color is white.

Chair Rios asked if white was the historic color.

Ms. Ramirez Thomas didn't know, but the only historic windows are white now.

Member Katz had a problem with the railing only on one side so it is not balanced.

Mr. McDonald said having it on both sides would conflict with the window but thought he could figure out a way, if required. It is a safety issue there but he understood his point. This elevation is interesting with walls coming down. On the right is not a stair but just to create the harmony.

Member Powell wondered if it would be solved by raising the railing. It is one of the most interesting parts of the house. It is something for the Applicant to consider.

Mr. McDonald said he was very much in sympathy with preserving that look.

Member Powell noted a discrepancy on the door on the second floor and asked if the door is historic.

Mr. McDonald said that was a mistake on his part. He will keep the door that is there. It is behind a screen door.

Ms. Ramirez Thomas said that door is from about 1970.

Member Roybal referred to page 27 where it shows the primary elevation and asked if that was approved earlier.

Ms. Ramirez Thomas agreed. That was heard in the Fall.

Member Boniface asked if the light sconces on page 26 are the existing light fixtures.

Mr. McDonald said it is a light fixture that the person who does ironwork for him made.

Mr. Rasch added that the light fixture was part of what was added to the primary designation.

Member Boniface said he was not very enthused about the hand rail either. He understood the safety issue. The other alternative to meet the safety code would be to raise the stuccoed side wall to the appropriate height but that would drastically change the whole look. He didn't like the way the railing looks and felt it was confusing and takes away from the simple beauty of this façade.

Mr. Rasch asked if the building permit would require that or if that it is an existing condition that could remain.

Member Boniface understood it would be an existing condition and it could remain unless something it done to change the stairs. It would then need a guardrail along the side. And the code only requires one handrail. It would be done by raising the handrail to the correct height.

Mr. McDonald agreed that keeping the existing stairs would not require a permit. They would want one handrail to serve that function.

Member Powell asked for the height of the stucco wall.

Mr. McDonald said the height is from 22" to 24", so, they would need 9" more.

Member Biedscheid asked if they were going to paint all doors and windows the blue color.

Mr. McDonald said the blue sample is for the window cladding. The doors will be a natural wood color stained brown.

Member Roybal asked if they would consider having the railing on the inside wall and raising it.

Mr. McDonald said they did consider that. His client just thought it would be safer on the outside wall.

Public Comments

Mr. John Eddy, 227 East Palace Suite D, was sworn. He said the Board is "zeroing in on all the right stuff here. What is at stake here is a really beautiful fluidity and sculptural character. Putting a handrail across the top of that wall and a straight rail down completely ruins the fluidity. So, he strongly opposed that approach. Another option might be a railing on that garden wall attached to the inside of the wall and contours remain untouched. He commended Member Katz for being careful about the window openings. He cautioned the Board not to consider this house in isolation because it is adjacent to the Cassidy Compound (Placita) and home of Gerald Cassidy. That is a very important house in Santa Fe. Cassidy was the first painter of note here in Santa Fe. I think you are charged not to do anything that would affect the status of an adjacent significant house.

Ms. Stefanie Beninato, P. O. Box 1601, was sworn. She agreed with the concerns of the Board and Mr. Eddy. The characteristics are unique and she hoped they could keep that. On the question of removing historic material with a window height - That is not addressed in the ordinance. The practice has been you can keep the same width with door or window and make the door into a window or a window into a door. Everyone who worked on revising the ordinance clearly included that issue but it is not adopted.

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

Member Biedscheid asked if Mr. McDonald knew about the original windows. Except for their replacement, the HCPI report would have recommended significant status for this house.

Mr. McDonald said, "We did the HCPI and it was done professionally and she looked into a lot of areas but we don't know what those windows looked like. If you do decide the railing as proposed is prohibited, we would like to at least raise the wall over the garage a couple of inches to become 36" above for safety. So, if the rail should be on the wall next to the windows, we'd like to raise that wall."

Ms. Ramirez Thomas said that would require an exception

Chair Rios asked about hiding the railing by bringing it to the inside.

Mr. McDonald agreed that he could do that.

Action of the Board

Member Katz moved in Case #H-16-097B at 914 Canyon Road to approve the application with two exceptions: no railing at all on the wall but approving a railing on the inside wall of the house and approving the window on the north side with no changes to the dimensions.

Member Boniface seconded the motion and requested a friendly amendment to deny the color blue and keep the windows white as they exist now, based on the testimony heard from the Applicant and Staff and to clarify the existing handrail against the building (not on the exterior wall with the stair) could be raised as redesigned in the original wrought iron design as reviewed and approved by Staff.

Member Roybal asked that those changes go back to Staff for approval.

Ms. Ramirez Thomas said the drawings of the windows showed them enlarged but the letter and motion say they would not change dimensions. She asked if the windows need to come back to the Board.

Member Katz said no. **The windows can be submitted to Staff for approval.**

Member Biedscheid asked if the window approval by Staff is for all the windows or just on the primary façade.

Member Katz clarified it is just on the primary elevation. Member Katz accepted the amendments as friendly and the motion passed by unanimous voice vote.

- 2. Case #H-04-076. 201 Old Santa Fe Trail.** Downtown & Eastside Historic District. Sommer, Karnes and Associates LLP, agent for Teme LLC, owners, proposes to construct a 30,988-sq. ft. mixed-use structure with a footprint of 13,247 sq. ft. to a height of 49' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).

Mr. Rasch presented the Staff Report as follows:

BACKGROUND & SUMMARY:

201 Old Santa Fe Trail is a vacant 0.4352-acre parcel in the Downtown & Eastside Historic District. The maximum allowable height is 21' 11". A height exception is requested to build a four-story structure to 49' high (Section 14-5.2(D)(9)) and the required exception criteria responses are at the end of this report. On September 13, 2016, the Board denied the height exception request for a four-story structure which, on appeal, the Governing Body remanded back to the HDRB for final action.

On March 14 and April 25, 2017, the applicant made minor modifications in design and

readdressed the height exception criteria responses. The HDRB postponed action on these applications, pending redesign of the southwest and northwest corners.

Now, the applicant has addressed the last two concerns of the Board.

The 30,988-square foot (previously 30,821 and 25,536) four-story structure (13,247 square foot footprint) is designed in the Spanish-Pueblo Revival style with room block massing, floor stepbacks, rounded edges, exposed wooden headers and carved corbels at portals. Finishes will be cementitious stucco in "Buckskin", trim color "Mist Blue", a "Medium Walnut" wood stain, and a shale brick "Kiamichi" stone veneer base.

The revisions include: widening of the ground-floor portal at the southwest corner; modifying the stepbacks on the second and third floors at the northwest corner; and modifying the east façade at the rear of the building.

RELEVANT CODE CITATION

14-5.2(D)(9)(f) General Design Standards, Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

EXCEPTION TO EXCEED MAXIMUM ALLOWABLE HEIGHT (14-5.2(D)(9))

See attached criteria responses, the following responses are from the previous hearing

1) Do not damage the character of the streetscape:

The proposed building is in proportion to its setting and surroundings and completes the otherwise completely developed streetscape. The building is harmonious with the taller and more massive buildings to the north and south and its Spanish-Pueblo Revival style compliments the existing buildings within the streetscape as to style, form, color, proportion and material without replicating design elements. The design respects the sight line from the northwest agreed upon between property owner Jim Kirkpatrick and John Gaw Meem and, with an extreme second story stepback of almost 22 feet on the west façade, preserves views of the Chapel from the west and northwest, maintaining the Chapel's prominence from the west side of Old Santa Fe Trail and west along Water Street.

The building provides greater stepbacks than the underlying zoning requirement that wall stepbacks equivalent to 1 horizontal foot for every 2 vertical feet over 36' be provided. This zoning requirement applies because it is more restrictive than the Historic Overlay requirements. Also, the building is set back a minimum of 14' from the west property line along Old Santa Fe Trail, a deep portal is provided along the street frontage, which can accommodate vendors and preserving an important aspect of the area's

character, and parking is provided in an underground garage.

Approaching from the north along Old Santa Fe Trail, pedestrians turning east on Water Street will walk around the 72' tall La Fonda building and be greeted with a view of steps leading to open space along the east side of Old Santa Fe Trail backed by a deep portal and the view of a 3-story building. The initial view from the corner of Old Santa Fe Trail and Water Street is of a significantly tiered building corner, providing a "soft" feel. The 58' tall Chapel will be visible above the 15'6" first story and through the portal. The massing from the 72' tall La Fonda will tier down to the new building, which will, in turn, step down toward the Loretto Chapel, with a 23' 3"-wide open space between the new building and the Chapel. The setback and stepbacks down toward the Chapel will balance the pitch of the Chapel roof, creating a harmonious negative space between the two buildings. The wider 21' 7" stepback from the first story to the second story façade achieves a building that reads as a one-story building for pedestrians along Old Santa Fe Trail, providing consistency with the one story Loretto shops to the south (which are closer to the street) and preserving requested views of the Loretto Chapel.

Approaching from the south, the tiered building will help break up views of the massive south façade of the La Fonda building, providing a softer, livelier and more inviting greeting for visitors approaching the downtown district.

The shift in massing to the north and east provide ample air space around the Chapel, preserving views and access to the Chapel. However, with tiering on all sides of the building, placed farther away from the Chapel as the original Music Building (which did not have such stepbacks), will not crowd or otherwise negatively affect the significant status of the Chapel, and its design and massing will harmonize with the extremely tall buildings to the north and south, while achieving a building with a lower profile for pedestrians along Old Santa Fe Trail.

Staff response: Staff agrees with this statement. The proposed building harmonizes with the architectural style and the three tall structures on the north and south sides of this lot on the east side of Old Santa Fe Trail.

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

Approval of the requested height exception will further the purposes of the Historic District and the underlying zoning and will avoid injury to the public welfare. The City Council created the Historic Districts "in order to promote the economic, cultural and general welfare of the City and to ensure the harmonious, orderly and efficient growth and development of the City...." (§14-5.2) These purposes are reinforced by the underlying BCD zoning, which is intended to provide for a mixture of land uses, including residential uses, designed to promote the district's economic well-being while preserving the unique architecture, townscape and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the City." (City Code §14-4-3. E.1) The proposed building will further these purposes by providing a mixed-use building including residential uses that will contribute to the economic liveliness of the downtown.

In contrast, a building in compliance with the 21'11" height limit would injure the public welfare because it would not be harmonious with the buildings to the north and south that would be more than three times as

tall. A lower building would likely be built closer to the street and would obstruct views of the Loretto Chapel, as it would necessarily be closer to the sidewalk. Granting the requested exception would prevent the hardship and public injury, would fulfill the intent of the Historic Overlay and zoning, and would achieve a building that fits harmoniously within the streetscape.

Staff response: Staff agrees with this statement. A height limit of less than two stories on the third largest lot in the applicable streetscape in the heart of downtown Santa Fe would create a hardship to not build over two stories, as agreed upon by the HDRB in previous hearings.

3) 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

By addressing the concerns expressed during the HDRB and City Council review process, including provision of greater setbacks away from the Loretto Chapel and away from Old Santa Fe Trail, the proposed building will strengthen the unique heterogeneous character of the City. In addition, provision of 9 residential units will help ensure that residents can continue to reside within the historic districts and will facilitate shorter commutes and reinvestment in local businesses. The mixed-use nature of the building will enhance the unique heterogeneous character of the downtown.

During the long history of this project, the applicant proposed a range of design options with respect to architectural style, height and massing. The proposed design responds to the requests and concerns expressed during the review process and emphasizes protection of views of the Loretto Chapel from Old Santa Fe Trail and maintaining streetscape harmony.

Staff response: Staff agrees with this statement. The applicant has provided numerous design options for this property over the years in height, architectural style, and specific massing details. This is the best design of all that includes a mixed-use purpose.

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

The subject property is unique with respect to its location in that historically significant and extremely tall buildings exist adjacent to the property to the north and south. As addressed above, the existing buildings pose substantial design challenges; particularly the desire to harmonize and maintain proportion with the streetscape while preserving the status of the historically significant Loretto Chapel adjacent to the south. A building not requiring a height exception would not be harmonious with the streetscape along the east side of Old Santa Fe Trail.

In addition, the subject property is the third largest lot and the only undeveloped property within the streetscape. The relative size of the property and its location adjacent to tall and massive buildings compel a comparably-sized building to maintain streetscape harmony. While its setbacks, setback massing and height are sufficient to maintain proportion to its surroundings and to preserve the historic qualities of the adjacent significant buildings, the proposed building is lower than those adjacent buildings.

Finally, while the height allowed by the underlying zoning is not taken into account with respect to the

requested height exception, the buildings within the streetscape along the west side of Old Santa Fe Trail are in a different BCD Subdistrict. That Subdistrict calls for maintenance of the "small scale quality of buildings on the street" with a maximum height of 24 feet. Restricting the height of the proposed building based on the more numerous and lower buildings across the street would result in a building that is not in proportion with the historically significant buildings adjacent to the subject property, creating a disharmonious streetscape along the east side of Old Santa Fe Trail.

Staff response: Staff agrees with this statement. This is the last remaining vacant lot in the applicable streetscape which presents difficulty in achieving harmony with this disharmonious streetscape of tall and short buildings and large and small lot sizes.

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

The existence of the tall, massive and historically significant buildings within the streetscape is not the result of the actions of the applicant, who has devoted substantial time and expense to maintaining, repairing and protecting the Loretto Chapel. The disparity between the height of the existing structures and the allowable height per the Historic height calculation must be reconciled to maintain streetscape harmony. In addition, the close proximity to the Loretto Chapel requires special care. The desires to maintain harmony with the exceptionally large existing structures and to protect views and avoid crowding of the Loretto Chapel are not a result of the actions of the applicant, but are their shared objective.

The size of the subject property is fixed given that the adjacent properties are owned by others or in the case of the Loretto Chapel, is already developed. Finally, the existence of a different zoning Subdistrict across Old Santa Fe Trail, which requires maintenance of lower buildings, and in turn decreases the allowable height calculation for the proposed building, is not the result of the actions of the applicant.

Staff response: Staff agrees with this statement. The care that is needed to respect the adjacent historically significant structures on both sides of this lot (La Fonda Hotel and Loretto Chapel) provides additional challenges, so as to not impose upon their importance in downtown Santa Fe.

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

The purpose of subsection 14-5.2(A)(1) is:

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

The proposed building provides the least negative impact with respect to the purpose of this section by providing a viable project that will promote the economic welfare of the people of the city, consistent with the stated purposes of the Historic Overlay and BCD zoning, while maintaining streetscape harmony and exceeding the applicable design standard of the underlying zoning with respect to stepback massing. A building that does not require a height exception would not be harmonious with the existing streetscape along the east side of Old Santa Fe Trail and would not provide the same positive economic impact for the people of Santa Fe.

The setbacks and increased stepbacks away from the Loretto Chapel will create more space between the new building and the Chapel and the fourth floor will be less visible than the previous design. A lower building with no height exception would likely have no such setbacks, would likely encroach on the (uncodified) sight line that Jim Kirkpatrick and John Gaw Meem agreed on and would result in crowding of the Chapel, all in sharp contrast with the proposed building. Further, it is likely that such a building would include surface parking, which is not a desirable land use within the Historic District or the BCD.

The opportunity to request an exception is a means of maintaining streetscape harmony in a circumstance where the adjacent buildings in the streetscape are substantially taller than the height calculation would allow. The setbacks, stepbacks and design features described herein demonstrate the applicant's best efforts to achieve streetscape harmony, protect views of the Loretto Chapel and meet the various design criteria of the Historic District and the Loretto Block BCD Subdistrict.

Designed in the Spanish-Pueblo Revival style, the proposed building will maintain the historic styles of the Loretto block. It harmonizes with the massing, style, form, color, texture, material and proportion of the La Fonda hotel to the north, with the Inn at Loretto to the south and east, and with the pueblo style buildings to the west. As the Victorian style of the previously existing buildings within the Loretto Block is not allowed under current historic styles guidelines, the building has been designed to be subtle in nature to avoid detracting from the gothic style of the Loretto Chapel adjacent and south. The 23' 3" setback from the Loretto Chapel, the soft wedding cake tiering of the south façade and the lack of ornamentation ensures that the building will protect the prominence of the Chapel, providing the least negative impact.

Staff response: Staff agrees with this statement. The proposed building complies with the purpose of the historic districts overlay zoning code by its traditional design and by its harmonious massing to the historically significant Spanish-Pueblo Revival style of La Fonda Hotel.

Previous responses from longer ago

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

Response: The proposed building does not damage the character of the streetscape. With one of the important streetscape factors being structure height, the proposed building will be in harmony with and proportional to the neighboring buildings to its north and south: the 65'-0" height of La Fonda, the 73'-2" height to the top of Loretto Chapel's cross, 58'-0" height to the top of the existing metal roof, and the 63'-6" height of the Inn and Spa at Loretto. The traditional and historic streetscape of this portion of the Loretto property had tall buildings: the Academy building, the Loretto Chapel, the Loretto Convent. In addition, "The

Business Capitol District Handbook" describes the streetscape of the Loretto Subdistrict as having "large, tall buildings." The proposed building also has large step backs on each story so as to fit in with the character of the streetscape.

Staff response: Staff agrees with this statement.

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

Response: The parking requirements present a hardship for this particular lot. Since this lot is very small, above ground parking for any building would mean that the building footprint would have to be so small that it would require multi-stories to meet programmatic needs. The design of a building on the remaining portion of the lot that did not have parking would have to be too tall and skinny if it were over one story, and would not meet the step back requirements if it was two-stories. A small single story with enough ground floor parking would not allow for enough programmatic space to make the project worth developing. An enclosed parking lot on the ground floor with the useable space in the building constructed on top of it on the second floor means that the program for retail would not be an option for the owner. Also, the building would not be inviting or visually pleasing with enclosed parking on the ground floor.

Therefore, the underground parking resolves the hardship of not having enough above ground space on the lot for parking. The other hardship is that, with a parking lot underground, the owner needs enough programmatic space above ground to make up for the investment of installing parking underground. Since the building has to step back on each floor, the amount of square footage required needs to be spread over 4 stories to meet the necessary programmatic requirements. The 21'-11" height limit would pose a hardship by not allowing the client to construct enough programmatic space within the setback requirements on this site, and therefore eliminating the viability for the owner to develop the site.

Staff response: Staff agrees with this statement.

(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: Many different design options have been considered for this site; 1 and 2-story options with parking at grade and underground, that would be within the 21'-11" limit, and a 3-story option with parking underground. When looking at the scale of the surrounding buildings, a 21'-11" building, both the 1-story and 2-story options, appear dwarfed and out of scale. The building that steps back with a very small 4th story fits into the character of this portion of Old Santa Fe Trail providing the best design option. It also will provide living space for residents to continue residing within the historic district.

Also, the 21'-11" height limit along with the necessary setbacks does not provide enough square footage on this limited lot to make the building's program work. At smaller square footages, the client could not justify the construction of the underground parking on the project. Since the design is trying to comply with the large step backs required by code and additional step backs requested by the board, it was necessary to add a small 4th story to make up for the square footage lost to the step backs. At 3 stories, the mass of the 2nd and 3rd stories would have to have little or no setbacks and would be too massive because the square footage that is located on the proposed 4th story would need to be added to the 2nd and 3rd floors. So, the

small 4th story setback, so that it is not very visible from Old Santa Fe Trail, enables the 2nd and 3rd stories to be smaller and have step backs requested by the Board.

Staff response: Staff agrees with this statement.

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

Response: This property must meet code and the board requested setbacks that were discussed specifically in relation to this property. The lot is somewhat small and any structure on this lot needs to have an additional setback from Old Santa Fe Trail in order to preserve views of and not conflict with the adjacent Loretto Chapel. There are no other buildable areas on adjacent lots that are subject to the Loretto Chapel visibility issues that this corner lot faces. The step backs discussed at the HDRB meeting, the small lot size, the short height limit which is different from the tall buildings that surround this site, and the desire to preserve the views of the Loretto Chapel are all special conditions and circumstances which are peculiar to this lot. Also, on this exact location existed a building of the Loretto Academy that was +/- 70'-0" tall to the top of the cross and 45'-0" to the top of the third level. The proposed building would not be as tall as the building that existed on this site, next to the Loretto Chapel, for many years before. The city council recognized these special conditions and circumstances by creating the special BCD-Loretto Subdistricts.

Staff response: Staff agrees with this statement.

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

Response: The owner purchased the property in 1971 with the assurance from the City Council, and a subsequent ruling from District Court, that he would be able to build up to 65'-0". However, the City attorney has ruled that now the 1996 Historic Height Ordinance is applicable to this property and that the 21'-11" height limit is the maximum height for this location, even though the building is surrounded by tall structures. The recent condition of 21'-11" height limit was unexpected and not a result of the actions of the applicant. The height exception is requested due to the enactment of the Historic Height Ordinance which is contrary to the intended use of the property, the best use of the property, and the overall complimentary aesthetic of its streetscape. A consequence of the Ordinance is that it excludes every commercial and religious buildings next to the site when establishing height limitations, yet it is those other buildings that define the streetscape adjacent to this lot and determine feel of the site. If the height ordinance hadn't been enacted we would not be seeking the exception, so the exception request is not a result of the applicant's application.

Staff response: Staff agrees with this statement.

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

Response: The owner purchased the property in 1971 with the assurance from the City Council, and a subsequent ruling from District Court, that he would be able to build up to 65'-0". However, the City attorney has ruled that now the 1996 Historic Height Ordinance is applicable to this property and that the 21'-11"

height limit is the maximum height for this location, even though the building is surrounded by tall structures. The recent condition of 21'-11" height limit was unexpected and not a result of the actions of the applicant. The height exception is requested due to the enactment of the Historic Height Ordinance which is contrary to the intended use of the property, the best use of the property, and the overall complimentary aesthetic of its streetscape. A consequence of the Ordinance is that it excludes every commercial and religious buildings next to the site when establishing height limitations, yet it is those other buildings that define the streetscape adjacent to this lot and determine feel of the site. If the height ordinance hadn't been enacted we would not be seeking the exception, so the exception request is not a result of the applicant's application.

Staff response: Staff agrees with this statement.

Mr. Rasch explained that he included all the responses for the height exception in case the Findings of Fact and Conclusions of Law were not approved as written. So, if the Board approves the Findings of Fact as written exception criteria are not required. But if the Board alters the Findings of Fact as Member Biedscheid suggested, then he supplied the new exception criteria applicable for this hearing.

STAFF RECOMMENDATION:

Staff finds that the height exception criteria been met and 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 much widening the portal on the southwest corner would have.

Mr. Rasch said he would leave that for the applicant to answer.

Member Katz said he read that the exception was granted (at the meeting when he was absent) and the design was approved with two conditions. So, the only thing before the Board tonight is if those two conditions have been fulfilled because there was a motion to approve it.

Mr. Rasch agreed with that. But there is one snag. Since the maximum allowable height is 21' 11", the second and third floor also need the height exception. So, if the redesign was contingent on the height, anything above 21' 11" is applicable to the height exception. He always thought the height exception was for 49'. But it is anything above 21' 11", technically.

Member Powell noted there is a new model and asked if the Board could take a moment to examine it.

The Board took a brief recess to review the model at 7:09 p.m. until 7:14 p.m.

Applicant's Presentation

Ms. Maggie Anderson, 207 Old Santa Fe Trail, Mr. Eric Enfield, 612 Old Santa Fe Trail, and Mr. Jim Kirkpatrick 207 Old Santa Fe Trail, were sworn.

Ms. Anderson said, in answer to the question, the depth is now 14' as requested. "We did just exactly what we were told to do and on the northwest corner, we tried to give that some more dimension, as requested. And we did find it was broken up a little on the back so we found a way on the east side to tier it a little bit more between the fourth and third floors. Those are the only changes we made."

Public Comments

Ms. Beninato (previously sworn) emphasized the process was really horrible and that things were given away and agreed to before the whole design was submitted. She didn't believe the exception for height was met - especially the hardship criterion. All the public heard was how they need more space for their wedding business and how they could not do it economically without the fourth story. Economics are not supposed to be taken into consideration. If there are to be condos there, she asked how many affordable housing units would be included.

She found the indentation on the north side to be minimal, at best. And the southwest corner doesn't look much different. She didn't think it would increase the view of the chapel. She also thought no one took into consideration the fact that there will be vendors there and they would impede the view. All of that will interfere with the view of the chapel.

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

Questions to Applicant

Member Roybal said the Board walked along Old Santa Fé Trail from La Fonda across and he thought this design would definitely work. There have been significant changes to make this work for the community and the Board.

Chair Rios asked Ms. Anderson if there would be vendors there.

Ms. Anderson said yes, but didn't know which will be where.

Member Roybal asked if the 4th floor is just a little visible from Water Street.

Ms. Anderson agreed. The measurements done tow iterations before showed it was only visible from 186 feet away. They have now reduced that visibility more, as requested.

Member Roybal said there was also concern about the large garage opening is on that east side at Water Street.

Member Katz was heartened when reading the April 25 minutes that the applicant understood his concern about balancing the streetscape. But the model shows the very attractive one-story shops at the Inn at Loretto - low shops that give a complete view of the Chapel, from the corner at Alameda and Old Santa Fe Trail (west corner). You could see the entire façade except maybe the bottom third of it down. So, he thought that would be the same on the northeast side. But he saw the story poles were nowhere near set back enough. He was saddened and wished the Board would disapprove it but it is already approved with conditions that have been met.

Member Powell said it is easy to be a critic when something is designed. There are a lot of programmatic requirements. He understood the applicants have had a hardship and lots of concessions on both sides. All parties have to give up something. The middle model is the last one proposed.

The building went backward a little bit on the northwest corner with the softening of that corner. He wanted it to address the streetscape a little more friendly way. The new model progressed in that direction but the first model was a little more handsome. In the most recent model, he saw refinement and positive direction toward what the Board requested. He felt enough has been done and this case has been around since July 2015. He was ready to give it his blessing. Unless there are glaring errors, he didn't think it would move much further unless they started over and that is not an option.

Member Roybal said La Fonda is a beautiful building in its own way and this application harmonizes very well with La Fonda.

Member Bayer agreed with Member Katz that the verbatim made evident the Board already approved the height exception with conditions and this does address those conditions so she would like to hear from the members who were present last time if they believe the Applicant has met them satisfactorily.

Member Biedscheid said the Applicant did exactly what the Board asked for. She didn't know if the Board asked for the right thing. It didn't achieve the harmony she was hoping for.

Action of the Board

Member Boniface said this has been a very long process and he commended everyone – Board members, Applicant, Owner. There has been a lot of give and take and maybe this isn't the perfect design but the evolution is at a point where we are not going to make substantive changes. We could keep at it for a long time but this is a good design.

Member Boniface moved in Case #H-04-076 at 201 Old Santa Fe Trail, to approve this application as submitted, recognizing the height exception has been met. Member Roybal seconded the motion which passed by majority voice vote with all voting in favor except Member Katz, who dissented.

3. Case #H-17-038A. 715½ Manhattan Avenue. Westside-Guadalupe Historic District. Marc Naktin, agent for Jack Reese, owner, requests a historic status review with designation of primary elevations, if applicable, for a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report for this case as follows.

BACKGROUND & SUMMARY:

715 ½ is a vernacular style residential structure currently designated as noncontributing to the Westside-Guadalupe Historic District. The existing inventory is from 1985 and at that time the structure was listed as having a post-1945 construction date, making it less than 50 years old at the time of the inventory. The house is now more than 50 years of age and staff is requesting an evaluation of the status of the structure in advance of the application for remodel of the property.

The 1960 and 1967 aerial photographs indicate that the footprint of the property is relatively the same as is seen today. The only addition to the footprint appears to be a portal to the south elevation which must have been added after 1967. The character defining features of the home are its simple massing which has been retained as the windows and most doors on the property are historic. The windows are wood double-hung 3/1 and 4/4 lite. The front door appears to have been replaced, though the opening seems to have remained the same. The one car garage is attached to the house on the west and to the yardwall on the east. The garage door is on the south elevation at the driveway and there is a door on the north elevation that enters the backyard. The roof has areas where there is a parapet and other areas are a shed roof with a slight pitch and overhang.

STAFF RECOMMENDATION:

Staff recommends the historic status of the house be upgraded from noncontributing to contributing to the Westside-Guadalupe Historic District per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts, and that the south elevation of the structure, including the garage and excluding the portal, be designated as primary (façades 1, 2, and 3).

Questions to Staff

Member Roybal had a problem making this home Contributing. He asked if there is a specific reason other than being over 50 years old. Not every house that is over fifty years old is Contributing. He asked what other factors make it Contributing.

Ms. Ramirez Thomas explained that we must evaluate now because it is over 50 years. The windows and its footprint are the same. Those are original. She contrasted it with a case on Jimenez Street that had many changes and couldn't be considered Contributing.

Member Roybal asked then if a percentage of these homes this old and in this condition, go from Non-Contributing to Contributing strictly as a Board function.

Mr. Rasch said the first criterion is age and the second is integrity. Maintaining the building in good condition is not entirely tied to the status of the building. But it does inform the Board's decision.

Member Powell noted it has the original 3 over 1 windows and is relatively intact. It has the original front door. The size and opening of the garage is original. He agreed with the Staff recommendation.

Member Katz read the six possible requirements. In addition to being in a historic district, it must help establish and maintain the character of the district; add to the historic association or historic design qualities. So, he agreed with Member Roybal. Yes, it has a nice window, but does that mean it is Contributing? More than that was required. Making it Contributing limits what the owner can do with it. This one is hardly visible. He was having real trouble with this.

Member Boniface asked if all windows are original.

Ms. Ramirez Thomas said one or two have been replaced, which is not uncharacteristic of homes on that street.

Member Boniface said one unique thing was the corners. They are very crisp with a very thin coat of stucco on concrete blocks. It has no rounded corners or inset windows. It is a rather plain building. And he agreed with Member Roybal and Member Katz that it doesn't warrant being Contributing.

Member Powell asked if the home would it be eligible for tax credits.

Ms. Ramirez Thomas didn't know. It would require more than just the elements on the primary elevation.

Member Powell said it was built of block and that was very popular in the 1950's when crisp corners were popular. The roofline has no parapet but long horizontal lines. It is just a little vernacular house.

Chair Rios said simple vernacular homes need to be retained. People didn't have a lot of money in that period. It is very simplistic - probably built by the people who built it and are representative of it is time and place.

Member Roybal said there are other homes on that street that he would consider Contributing.

Ms. Ramirez Thomas read the definition of Contributing and Non-Contributing.

Member Bayer thought it does contribute to the character of this district but asked how it meets the characteristics.

Ms. Ramirez Thomas read the Westside-Guadalupe Historic District standards.

Member Biedscheid disagreed that just because it can't be seen that it should be excluded. It might be characteristic of this neighborhood to maximize the number of family members who could have a home.

She said she did not see the garage door and asked if it is included in the primary designations.

Member Powell said there are plenty of 50-year-old buildings the Board has not considered due to lack of character or integrity.

Applicant's Presentation

Mr. Marc Naktin was sworn and started to provide some history but Chair Rios stopped him and said this case deals only with status.

Questions to Applicant

Chair Rios asked if he agreed with Staff recommendations.

Mr. Naktin said he disagreed. The history is that the owner bought this house because it is Non-Contributing. He did his research at the Historic Preservation Office and found out that it was Non-Contributing but was never told that it was up for a status review. So, he purchased the house.

Mr. Naktin said he understood the desire to preserve the old fabric of its time. This house is not actually original. It has an added portal on the back of the house that obviously didn't exist when it was built. There are also some windows that have been replaced on it. This is a house that would benefit from not being Contributing because the owner does have visions of restoring the house but giving it a little more character. There is no earlier glory to restore. This is a concrete block building, not pueblo style and it has sharp corners so he proposed it be kept Non-Contributing. It is Non-contributing until the Board decides otherwise.

Member Bayer asked about the garage door.

Mr. Naktin said it has a metal garage door that will be maintained on the house. It flips up rather than rolls up. It was in poor condition so it was taken down but still on the site. It is sheet metal.

Public Comments

Ms. Beninato (previously sworn) said when people buy a home in a Historic District, they may rely on the designation but they are always subject to review. It is a vernacular house and typical of houses in that neighborhood. As Member Powell pointed out, not everything needs to be adobe or look like adobe. The footprint is intact and most of the windows are intact. Life is change but regarding historic preservation, we have to preserve these simple buildings. There is nothing wrong with these homes.

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

Action of the Board

Member Katz moved in Case #H-17-038A at 715½ Manhattan Avenue, to retain noncontributing status, finding that while it is a reasonable building, it does not significantly add to the character of the district. Member Roybal seconded the motion which resulted in a 3-3 tie vote. Chair Rios voted against and the motion failed.

Member Bayer moved in Case #H-17-038A at 715½ Manhattan Avenue, to designate the house as Contributing with the south elevation, except the portal, as primary. Member Biedscheid seconded the motion and it resulted in a 3-3 tie vote. Chair Rios voted yes and the motion passed.

4. **Case #H-17-039A. 457 Camino de las Animas.** Downtown & Eastside Historic District. HPD staff requests designation of primary elevations of a contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report.

BACKGROUND & SUMMARY:

457 Camino de las Animas is a single-family residence built in the Spanish Pueblo Revival style and Territorial Revival style. The estimated date of construction is 1920s according to the current inventory form, though the applicant has found through their research that the house was built between 1941 and 1948. The residence is 1,613 square feet and is designated as contributing to the Downtown and Eastside Historic District. The house, at the time of the 1984 Inventory, was characterized by wall dominated elevations, corbels at the portal, protruding vigas, and double hung windows with surrounds and pediments, and pediments exist around the doors. The current look of the house is slightly modified in that the porch has undergone some modifications and no longer retains the corbels or protruding vigas as is noted on the HBI form photo. Otherwise all other character is retained.

The applicant has provided some aerial photos which show the main part of the house and a small addition on the north existed by 1958 and was unchanged until sometime after 1976. After 1976 another addition took place on the north elevation of the house. Staff requests a designation of primary elevations.

STAFF RECOMMENDATION:

Staff recommends the south elevation (façades 1, 2, and 3) be designated as the primary elevation, including the portal.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. James Horn, 1334 Pacheco Street, was sworn. He agreed with façades 1, 2, and 3 as primary and that it remain Contributing.

Questions to Applicant

There were no questions to the Applicant.

Public Comments

There were no public comments and the public hearing was closed.

Action of the Board

Member Roybal moved in Case #H-17-039A. 457 Camino de las Animas to approve as recommended for 1, 2, 3, on south elevation including the portal be primary. Member Boniface seconded the motion and it passed by unanimous voice vote.

5. **Case #H-17-039B. 457 Camino de las Animas.** Downtown & Eastside Historic District. Spears Horn Architects, agent for John Hansen, owner, proposes to remodel a contributing residential structure including replacing windows, construct a 180-sq. ft. 11'6" high pergola, a 4'6" high yardwall and a 6' high coyote fence and a 4' high gate. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report for this case as follows:

BACKGROUND & SUMMARY:

457 Camino de las Animas is a single-family residence built in the Spanish Pueblo Revival style and Territorial Revival style. The estimated date of construction is 1920s according to the existing inventory form, though the applicant has found through their research that the house was built between 1941 and 1948.

The residence is 1,613 square feet and is designated as contributing to the Downtown and Eastside Historic District. The house, at the time of the 1984 Inventory, was characterized by wall dominated elevations, corbels at the portal, protruding vigas, and double hung windows with surrounds and pediments, and pediments exist around the doors. The current look of the house is slightly modified as the in that the porch has undergone some modifications and no longer retains the corbels or protruding vigas as is seen on the HBI form photo. Otherwise all other character is retained. The main part of the house and a small addition on the north existed by 1958 and was unchanged until sometime after 1976. After 1976 another

addition took place on the north elevation of the house. Staff requests a designation of primary elevations. The south elevation is primary.

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

- 1) Addition of 180 square foot pergola to 11'-6" in height. The pergola will be constructed of tube steel posts, a steel header beam, and rectangular steel beams and "latillas." A concrete step and slab are proposed underneath the pergola.
- 2) Remodel the existing yardwall to set it back 12'-0" from the existing street front (south) property line. The wall will be reconstructed to a maximum height of 4'-6" where the maximum allowable height is 5'-6". The yardwall portion along the west side of the property will be raised to 4'-6".
- 3) Construct a 6'0" coyote fence along the west property line.
- 4) Addition of a driveway gate. The gate will be steel and have a sliding mechanism. It is proposed to be 4'-0" in height.
- 5) Restore windows on the south elevation. A window evaluation was conducted and it was recommended that the south elevation windows could be repaired.
- 6) Replace the windows on the east and west elevations.
- 7) Infill the existing non-historic windows and add a door to the north elevation.
- 8) Wood trim will be painted Dunn Edwards "White Heat."
- 9) Re-stucco the house and yardwall with El Rey cementitious "Madera."
- 10) Addition of gravel to the front yard. The gravel will be "Santa Fe Brown."
- 11) Addition of a wall sconce on the north elevation of the building under the pergola. No design was proposed in the application.

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 the location of the proposed wall is different than the existing wall.

Ms. Ramirez Thomas agreed. They would like to set the wall 12' back. She was not sure if that was just a design choice or because of the gate or for traffic visibility.

Chair Rios asked if the proposed pergola would be publicly visible.

Ms. Ramirez Thomas said it would not be visible.

Member Boniface referred to item #3 – the 6' coyote fence, and asked if that would be in conflict with the allowable 5 6" wall height.

Ms. Ramirez Thomas said no because it is on a side lot line.

Member Boniface thought that six feet high only went into effect at a certain distance back from the street. He thought it was 20'.

Ms. Ramirez Thomas agreed and this application proposes it only back 12'.

Mr. Rasch commented that this Board has not been very consistent on that issue and could limit it to the allowable height for the first twenty feet back and go up to the zoning height. In other cases, the Board has allowed the zoning height all the way up to the street.

Member Boniface asked if no exception would be required.

Mr. Rasch agreed.

Applicant's Presentation

Mr. James Horn was previously sworn and made no presentation.

Questions to Applicant

Member Boniface asked where the coyote fence begins.

Mr. Horn said the 6' height starts at 12' back – where the stucco wall is.

Member Boniface asked if there would be no fence from 12' back to the street.

Mr. Horn said it would only be the existing fence on the property now.

Mr. John Hanson, 457 Camino de las Animas, was sworn. He said from the southwest corner for approximately 20-30' in, there are shrubs and landscaping, neighbors' trees that define the property line there. There is also an existing four-foot-high t-post and wire fence.

Member Boniface asked about materials and color of the gate.

Mr. Horn said, like the pergola, they would use rusted metal and the applicant would like it at the same height as the wall at 5' 6".

Member Boniface asked if it would have clear openings.

Mr. Horn agreed.

Member Katz asked if the front wall is going away.

Mr. Horn agreed. They are rebuilding it 12' back and the entire front wall would be removed.

Member Biedscheid noted in the history, a reference to the front wall being remodeled some time since 1976 and describes the front gate being moved and a portion of the wall being demolished, a side wall and driveway added and the wall restuccoed. She asked if there was a similar wall and how old it was.

Mr. Horn said from aerial photos, it was a different configuration and that was in the 70's when the new wall appeared.

Member Bayer asked why they are moving it back.

Mr. Horn said it was for a more intimate feeling behind it.

Member Bayer pointed out that the other walls on the street are up at the street. Pushing it back 12' might not be harmonious with the streetscape.

Member Boniface applauded them for pushing it back instead of out to the street. This goes more back to a more friendly streetscape. He liked the idea. It is counter to what the Board usually gets.

Chair Rios agreed with Member Bayer because they are disturbing the harmony of the streetscape and losing front yard space.

Mr. Horn said they will restore all the windows in the front and they will bring them back much better.

Chair Rios asked if they used an evaluator to inspect them.

Mr. Horn agreed and the report should be in the packet. They would be restored in-kind.

Mr. Rasch said the report starts on page 11.

Public Comments

Ms. Beninato (previously sworn) was happy they don't want to go over '6" but agreed with Member Bayer that it doesn't harmonize. She suggested building a second wall 12' back but retain the front fence.

She would also encourage the coyote fence be kept low and go back to 6' where it is allowed.

She also thought the metal gate is not in harmony with that street. It doesn't have much redeeming quality with the design.

Mr. Horn said the Applicant is willing to put the wall a little closer to the street such as ten feet back, if the Board desires.

Action of the Board

Member Katz moved in Case #H-17-039B at 457 Camino de las Animas to approve as recommended by Staff with the condition that the existing wall not be demolished so they could have a second wall serving as the place with the gates. Member Boniface seconded the motion.

Member Biedscheid said moving the vehicle gate back would also be more harmonious with the streetscape.

Ms. Ramirez Thomas clarified the motion would retain the existing wall along the street at 4' 6" and create a wall back at a distance to be decided for intimacy at 5' 6" and the gate there also at 5' 6" rather than 4' 6".

The motion passed by majority voice vote with four members voting in the affirmative and Member Biedscheid and Member Powell dissenting.

Mr. Jansen said if that is what is recommended, he would not build the second wall. He thought it would look ridiculous to have two walls there and still make it possible to back out of the driveway without crashing into someone on the street. There is no other home on that street with a double wall. He asked if the Board could revoke. We also found out that the wall has been changed. It has been modified a lot.

Chair Rios briefly explained why the motion was made that way – to be in harmony with the streetscape - and believed that voting again would not change the vote.

Chair Rios said he could appeal to the City Council within 15 days after the Findings and Conclusions were approved or come back with another design, unless the maker of the motion would ask to make another motion.

Ms. Gheen said the testimony that is provided by the Applicant is not considered within the approved motion. The motion actually stated that everything requested was approved except the demolition of the existing wall. And there is no requirement that he build an additional wall.

6. **Case #H-08-043. 325 Delgado Street.** Downtown & Eastside Historic District. James Kindgren, agent/owner, proposes to replace windows and doors on a contributing residential structure. (Nicole Ramirez Thomas)

This case was postponed by the applicant.

7. **Case #H-17-031A. 125 Quintana Street Unit 3.** Westside-Guadalupe Historic District. HPD Staff requests primary elevation designation for a contributing residential structure. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

BACKGROUND & SUMMARY:

125 Quintana Street Unit 3 is a single-family residence that is part of the Elena Quintana Compound that was constructed during the first half of the twentieth century in the Spanish-Pueblo Revival style. Historic windows have been replaced and the 1985 building inventory states that the inset portal woodwork has also been replaced. The building is listed as contributing to the Westside-Guadalupe Historic District.

Staff requests a primary elevation designation. Since the west elevation offers the only public view of the structure and the windows and portal woodwork are not historic, then the remaining character-defining features are the massing.

STAFF RECOMMENDATION:

Staff recommends that all elevations on the west façade shall be designated as primary, excluding the windows and the portal woodwork in compliance with Section 14-5.2(C) Regulation of Contributing Structures.

Questions to Staff

There were no questions to Staff.

Owner's Presentation

Mr. Mark Vigil, 125 Quintana Street, was sworn and said he agreed with the staff recommendation.

Questions to Applicant

There were no questions to the owner.

Public Comments

There were no speakers from the public and the public hearings was closed.

Action of the Board

Member Katz moved in Case #H-17-031A at 125 Quintana Street Unit 3, to follow the recommendation of Staff and designate west as primary excluding the nonhistoric portions (portal and windows). Member Biedscheid seconded the motion and it passed by unanimous voice vote.

- 8, **Case #H-17-031B. 125 Quintana Street Unit 3.** Westside-Guadalupe Historic District. Jonah Stanford, agent for Laura Einstein, owner, propose to remodel a contributing residential structure by constructing 236 sq. ft. of additions, a 5'0" high yardwall and gate, and replace windows. Two exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and to change openings on a primary elevation (Section 14-5.2(D)(5)(a)). (David Rasch)

Mr. Rasch provided the staff report for this case as follows:

BACKGROUND & SUMMARY:

125 Quintana Street Unit 3 is a single-family residence that is part of the Elena Quintana Compound that was constructed during the first half of the twentieth century in the Spanish-Pueblo Revival style. Historic windows have been replaced and the 1985 building inventory states that the inset portal woodwork has also been replaced. The building is listed as contributing to the Westside-Guadalupe Historic District. Primary elevation(s) were designated in the previous hearing, i.e., all elevations on the west façade.

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

1. A 197 square foot addition will be constructed on the west, primary elevation. The addition will match adjacent height with two-lite paired French doors and two-lite paired casement windows. An exception is requested to place an addition on a primary elevation (14-5.2(D)(2)(c)) and the required exception criteria responses are at the end of this report.
2. An existing door on the south elevation under the inset west portal will be removed and replaced with a two-lite paired casement window over a fixed wooden panel in the same location and opening dimensions, thus not requiring an exception. However, opening locations and dimensions on the west elevation under the inset west portal will be altered. An exception to change openings on a primary elevation (14-5.2(D)(5)(a)) has been requested and the required exception criteria responses are at the end of this report.
3. All windows and doors, which are non-historic, will be removed and replaced with windows and doors like those proposed in the addition.

4. A 39 square foot storage addition will be constructed at the southeast corner with sliding wooden doors.

5. A 5' high yardwall with a wooden pedestrian gate will be constructed at the south side of the street frontage with the maximum allowable height is 4' 11". The one inch difference is a minimis amount and not requiring a height exception. An associated 2' 6" planter will be constructed with the yardwall.

EXCEPTION TO PLACE AN ADDITION ON A PRIMARY ELEVATION (14-5.2(D)(2)(c)) AND TO ALTER OPENINGS ON A PRIMARY ELEVATION (14-5.20(D)(5)(a))

(i) Do not damage the character of the streetscape

Response: The proposed changes to the residence will not result in a disruption of the character of the streetscape. A mass dominated adobe style reinforced with strong horizontal architectural lines will remain and will continue to support the character of the area. The addition is consistent with the surrounding massing, scale, and primary facade's.

Staff response: Staff agrees with this statement that the addition and the opening changes are harmonious to the structure and the streetscape.

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

Response: After many years of ownership the Owners have decided to reside in our community full time during their retirement. The proposed alterations are needed to make the residence truly functional in terms of ageing-in-place. The primary facade is the only facade that an addition is possible.

Staff response: Staff does not agree with this statement that this is the only location for an addition which could be constructed at the east courtyard on non-primary elevations. However, the applicant has not provided statements regarding the hardship of not being allowed an addition or not altering opening locations and dimensions.

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

Response: The proposed design allows the Owners to reside within our historic community while maintaining a balance between architectural scale and utility. The proposed design is consistent with the growing needs of our community by providing healthy and comfortable housing to aging residents while maintaining a strong sense of Santa Fe culture and architectural heritage.

Staff response: Staff does not agree with this statement which does not provide other design options and why these options were chosen.

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

Response: The existing property is unusually shaped and extremely limited in terms of space. The only area within

the property that an addition is possible resides within the street facing portion of the property. Shared walls and closely placed adjoining yard walls serve to restrict available natural daylighting. The proposed design attempts to address the needs of the Owner while working within the existing perimeters of this unusual shaped property.

Staff response: Staff disagrees with this statement. There are other properties in the streetscape with very limited options for additions.

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

Response: The height, scale, massing, and setbacks are existing conditions which have not been altered by the current owners. Maturing adjacent trees and surrounding neighborhood growth has impacted natural daylighting.

Staff response: Staff agrees with this statement.

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

Response: The proposed design is consistent with the existing architecture. It provides the least impact possible through maintaining the existing height, scale, and colors. The scale of the addition is conservative and in-line with existing architectural massing.

Staff response: Staff does not agree with this statement. There is no argument regarding the need to alter primary elevation openings and why an addition cannot be placed on the rear of the building.

STAFF RECOMMENDATION:

Staff finds that the exception criteria have not been met to place an addition on a primary elevation and to alter primary elevation openings. The HDRB may find that the exception criteria for one or both exceptions have been met with additional information provided by the applicant. Otherwise, this application complies with Section 14-5.2(D) General Design Standards and Section 14-5.2(i) Westside-Guadalupe Historic District. He said the architect provided additional information which he handed out at the field trip.

Questions to Staff

Chair Rios asked, with the added information, if he still felt the exception criteria have not been met.

Mr. Rasch said he felt four of the six criteria were not met – 2, 3, 4, and 6 and the additional information is three paragraphs, that he was not certain which criteria were addressed in that information. He said the Board would need to clarify that with the Applicant.

Applicant's Presentation

Mr. Jonah Stanford, 928 Shoo Fly, was sworn. He said he understood that three of the criteria didn't meet the Staff's acceptance and the reason given by Staff was the same for all three. Criterion 3 was about

other options and he responded with other options that were considered. Primarily on evaluating the eastern portion of the property, there was not enough space for an addition. The first two paragraphs apply to questions 2, 3, and 4. The third paragraph applies to sixth criterion aspects – provides the least negative impacts. He then said it applies to the fourth criterion. He offered to articulate them further.

Questions to Applicant

Member Katz understood it was not only lack of space on the east side for the addition but what the addition was meant to contain is the public area of the house.

Mr. Stanford agreed. It was intended just to address the common living area and it is on the primary façade by the front door. The entrance is only moved four feet.

He said, "We could find other design solutions that didn't change the footprint but require that the entire interior be gutted and rebuilt. That is at the root of our design solution. The request for exception for an addition on the primary façade is a requirement for the applicant. The changes that trigger the exception are the addition of the two small windows on the west at the end. We are comfortable trying to set that exception aside but we do want to encourage public accessibility to secondary spaces within the home – to the courtyard, to the street, etc. Those are positive impacts to our neighborhood.

Chair Rios asked if the windows are not historic.

Mr. Stanford agreed.

Mr. Rasch commented that the building is really minimally contributing.

Public Comments

Ms. Beninato (previously sworn) didn't know why the Board even bothered to designate the west as primary. She asked what the point is. She thought there were historic openings to change. There are other solutions but maybe they are more expensive, requiring interior demolition. But they are still possible. Either the Board should never have designated that elevation as primary and the Applicant should never have agreed, or have a better justification for the exception.

Ms. Veronica Angriman, 126 Quintana, was sworn. She said she supported the application. This property is hard to see because there is a high wall. Her only concern was for keeping the trees.

Ms. Terrie Ives, 127 Quintana was sworn. He said he lives directly next door and saw no problem so long as the trees remain.

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

Action of the Board

Member Bayer said she had not heard enough to accept the criteria responses.

Mr. Rasch asked if she was talking about the addition or the window alteration.

Member Katz moved in **Case #H-17-031B at 125 Quintana Street Unit 3** to approve and make a finding that the criteria have been met with the additional testimony about lack of space and desire to have this space be public space and relate to the people on the street with more visibility. Member Roybal seconded the motion but it failed on a vote of 2-4.

Mr. Stanford asked if there are specific exception criteria that he might address.

Member Bayer felt hardship or injury to the public welfare needed more.

Mr. Stanford said the amount of additional work and impact on the building would be three or four times as much cost versus making this addition.

Member Bayer said the Board usually doesn't consider the financial hardship which here can be done internally.

Mr. Stanford said the intent is to have the common open space have a public orientation toward the west and other neighbors.

Member Bayer said the design option given doesn't impact the exterior.

Mr. Stanford said they couldn't go up and the only way to address it would be to add a basement or add on to the primary façade.

Member Bayer said the response doesn't say why more space is required for the owner's needs.

Mr. Stanford said the woman who owns it needs to retire here. ADA thresholds, etc are very real needs to live in this house.

Member Boniface said the reason he voted against Member Katz's motion was that he found it hard to understand the responses. Typically, the Board gets responses to each of the criteria individually. This jumps all over the place and he had a problem tying this to the four criteria that Staff felt were not met. He urged the Applicant to zero in on each criterion individually and stay away from finances altogether. This is not turning down the application but giving a chance to come with clearer responses.

Member Bayer moved to postpone Case #H-17-031B at 125 Quintana Street Unit 3 for revision of criteria or redesign. Member Boniface seconded the motion and it passed by unanimous voice vote.

9. **Case #H-16-074. 4 Placita Rafaela.** Downtown & Eastside Historic District. Marc Naktin, agent for Mary Sanchez, owner, proposes to construct a 6' high coyote fence where the maximum allowable height is 4'9" high. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch)

Mr. Rasch gave the staff report for this case as follows:

BACKGROUND & SUMMARY:

4 Placita Rafaela is a single-family residential structure that is listed as contributing to the Downtown & Eastside Historic District and the east façade consisting of three elevations and the portal is designated as primary. On September 22, 2016, the HDRB granted approval to remodel the property including an exception to infill the portal on the front elevation.

Now, the applicant proposes to amend the previous approval by constructing a coyote fence along the street frontage to a height of 6' where the maximum allowable height is 4' 9". An exception is requested to exceed the maximum allowable height (14-5.2(D)(9)) and the required exception criteria follow this paragraph. At the north end of the fence, it will jog to the west to meet the portal. This section will have a 42" wide latilla pedestrian gate. The fence elevation drawing does not show irregular latilla heights.

EXCEPTION TO EXCEED MAXIMUM FENCE HEIGHT (14-5.2(D)(9))

1) Do not damage the character of the street scape

The applicant only seeks to maintain the character. The property and neighborhood already display coyote fencing and walls which are 6'-0" high.

Staff response: Staff agrees with this statement. Although, there are most likely walls and fences not on the street frontage that are 6' high; our records indicate only one wall or fence on the applicable street frontage that is at 6' high or higher.

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

The applicant's portal and front yard is literally on the street. She has no privacy. She lives alone and safety and security is a major and real concern to her. Passer-byers can observe all of her goings on through her windows and her portal.

Staff response: Staff agrees with statement. The other street facing walls or fences are of varying heights. Some do not create privacy, but they do separate the public way from the private property.

3) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residences can continue to reside within the historic districts.

While no coyote fence or stucco wall necessarily strengthens the character of the city, it is completely in tune with the

local vernacular. There are technically no options that would look better or suit the neighborhood. Putting bars over windows or doors only provides security not privacy and the accepted 4'-6" high limitation as currently dictated by Historic covenants only provides a border to the front yard as it neither provides screening nor security.

Staff response: Staff agrees with this statement. The other design options do not meet both privacy and security.

- 4) **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 related streetscape.**

Yes, the house is virtually on the street. There is zero buffer for the owner from traffic or pedestrians.

Staff response: Staff agrees with this statement. This is a special condition on this street.

- 5) **Are due to special conditions and circumstances which are not the result of actions of the applicant**

The house is just as the applicant purchased it. It has been on the edge of the street since the day it was built.

Staff response: Staff agrees with this statement. A former wall or fence did not exist in this location.

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

Subsection 14-5.2(A)(1) calls for the buildings in historic districts to maintain a "harmonious outward appearance" which includes "a general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design." The proposed coyote fence and additional 18" of height will meet these requirements, as they will harmonize with the design of the existing house and neighborhood in general.

Staff response: Staff agrees with this statement. The property is near the end of the street, so the public does not regularly drive down the street and wish to view the contributing residence.

STAFF RECOMMENDATION:

Staff finds that the exception request to exceed the maximum allowable fence height has been met and staff recommends approval of the application which complies with Section 14-5.2(E) Downtown & Eastside Historic District with the condition that the fence shall have irregular tops.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Naktin (previously sworn) agreed that they want irregular tops on the coyote fence. He brought letters from neighbors who have no issue with the project. (A copy of the letters is attached to these minutes as Exhibit 1).

Questions to Applicant

There were no questions to the Applicant.

Public Comments

There were no comments from the public and the public hearing was closed.

Action of the Board

Member Bayer moved in Case #H-16-074 at 4 Placita Rafaela, to approve the application as recommended by Staff and noting that the criteria for the exception were met. Member Boniface and Member Roybal seconded the motion and it passed by unanimous voice vote.

I. MATTERS FROM THE BOARD

Member Katz pointed out that the City HDRB is to work collaboratively with the County. He asked if a subcommittee would work better with the County. He requested that to be put on the next agenda.

Mr. Rasch thought that could be on the next agenda.

J. ADJOURNMENT

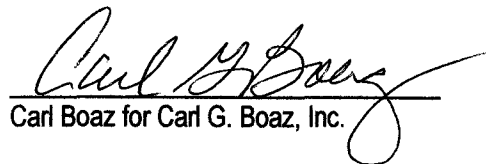
The meeting was adjourned at 8:52 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.