



# Agenda

CITY CLERK'S OFFICE

DATE 7/3/18 TIME 2:45 PM

PREPARED BY J. K. [Signature]

REVIEWED BY [Signature]

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 10, 2018 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 1<sup>st</sup> FLOOR CITY HALL

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 10, 2018 at 5:30 P.M.

CITY COUNCIL CHAMBERS

\*\*\*AMENDED\*\*\*

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: June 26, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-039, 367 and 367 ½ Hillside Avenue.

Case #H-18-053A, 906 Canyon Road.

Case #H-18-061, 918 Acequia Madre Unit G.

Case #H-18-058, 257 Las Colinas Drive.

Case #H-18-068, 618 Don Felix Street.

Case #H-17-098A, 122, 124, 125, 126, and garages/carports south of 126 Camino Santiago.

Case #H-17-098B, 122, 124, 125, 126, and garages/carports south of 126 Camino Santiago

Case #H-17-003, 1405 Paseo de Peralta.

Case #H-18-060A, 310 Otero Street.

Case #H-18-066, 1673 Cerro Gordo.

Case #H-18-067, 355 Hillside Avenue.

Case #H-18-065, 1400 Cerro Gordo Road Unit C.

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

1. Case #H-18-024, 451 Arroyo Tenorio. Downtown and Eastside Historic District. Martinez Architecture, agent for Jill and Ray Weeks, owners, proposes to remodel a contributing garage by changing the east elevation doors and the operation of the doors. (Nicole Ramirez Thomas)
2. Case #H-17-107B, 233 West Manhattan Avenue. Downtown and Eastside Historic District. Shaw Architecture, agent for Virgil and Linda Armer, owners, proposes to remodel two non-contributing residential structures by changing windows and doors, re-stuccoing, and adding portals and constructing a 431 sq. ft. addition to a height of 13' where the maximum allowable height is 15'9". (Nicole Ramirez Thomas)
3. Case #H-18-019B, 518 Alto Street. Westside-Guadalupe Historic District. Scott Cherry, agent for Historic Santa Fe Foundation, owner, proposes to remodel a contributing residential structure by replacing a non-historic sunroom with a 162 square foot addition at the back of the structure and other minor alterations including windows, doors, and skylights. (David Rasch)
4. Case #H-18-074, 652 Old Santa Fe Trail. Don Gaspar Area and Downtown & Eastside Historic Districts. Bard Edrington, agent for Mike McLaughlin, owner, proposes to construct an approximately 200 square foot, 8' high ramada, install a banco firepit with a brick paver walk and driveway, and restucco a non-statused residence. (David Rasch)
5. Case #H-18-069A, 130 – 132 West Berger Street. Don Gaspar Area Historic District. David Smith, agent for the Estate of Joe Richard Baca, Linda Jeffers, Personal Representative, requests a historic status review and designation of primary elevations, if applicable, on a non-contributing residential structure. (Nicole Ramirez Thomas)
6. Case #H-18-070, 505 Don Gaspar Avenue. Don Gaspar Area Historic District. Architectural Alliance, agent for Taurus Group, owner, proposes to remodel a non-contributing residential structure by changing windows and doors and adding 874 sq. ft. to the existing 560 sq. ft. structure. (Nicole Ramirez Thomas)

7. Case #H-18-072, 479 Camino de las Animas, Downtown and Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman, owner, proposes to remodel a portal and patio and add a 450 sq. ft. pergola on a non-contributing residential structure to a height of 12'4" where the existing parapet is 13'10". (Nicole Ramirez Thomas)
8. Case #H-18-073, 411 West Water Street Units A and B, Westside-Guadalupe Historic District. Antoine El-Khoury, agent for Victor Sherman and Leo Rashein, owners, proposes remodel a non-contributing mixed use structure by changing doors and windows and raising the height of the roof from 23' to 26'11" where the maximum allowable height is 13'10". An exception is requested to exceed the maximum allowable height (14-5.2(D)(9)). (Nicole Ramirez Thomas)

1. **MATTERS FROM THE BOARD**

2. **ADJOURNMENT**

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



## Agenda

DATE 6/21/18 TIME 11:17SERVED BY Nicole Ramirez ThomasRECEIVED BY NEW

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2. Case #H-17-050B, 335 Camino Cerrito. Downtown and Eastside Historic District. Martinez Architecture, agent for Robert Brady, owner, proposes to amend a previous approval for a non-contributing residential structure by reconfiguring portals and increasing a parapet by 16" to a height of 13'6" where the existing height of the structure is 13'6".
3. Case #H-17-107B, 233 West Manhattan Avenue. Downtown and Eastside Historic District. Shaw Architecture, agent for Virgil and Linda Armer, owners, proposes to remodel two non-contributing residential structures by changing windows and doors, re-stuccoing, and adding portals and constructing a 431 sq. ft. addition to a height of 13' where the maximum allowable height is 15'9". (Nicole Ramirez Thomas)
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7. Case #H-18-070. 505 Don Gaspar. Don Gaspar Area Historic District. Architectural Alliance, agent for Taurus Group, owner, proposes to remodel a non-contributing residential structure by changing windows and doors and adding 874 sq. ft. to the existing 560 sq. ft. structure. (Nicole Ramirez Thomas)
8. Case #H-18-071. 225 Montoya Circle. Downtown and Eastside Historic District. Michael Bodelson, agent for Randy Brown, owner, requests a historic status review and designation of primary elevations, if applicable, on a non-contributing residential structure. (David Rasch)
9. Case #H-18-072. 479 Camino de las Animas. Downtown and Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman, owner, proposes to remodel a portal and patio and add a 450 sq. ft. pergola on a non-contributing residential structure to a height of 12'4" where the existing parapet is 13'10". (Nicole Ramirez Thomas)
10. Case #H-18-073. 411 Water Street. Westside-Guadalupe Historic District. Antoine El-Khoury, agent for Victor Sherman and Leo Rashein, owners, proposes remodel a non-contributing mixed use structure by changing doors and windows and raising the height of the roof from 23' to 26'11" where the maximum allowable height is 13'10". An exception is requested to exceed the maximum allowable height (14-5.2(D)(9)). (Nicole Ramirez Thomas)

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**HISTORIC DISTRICTS REVIEW BOARD**

July 10, 2018

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D. Approval of Minutes - June 25, 2018		
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2. <b>Case #H-17-107B.</b> 233 West Manhattan Avenue	Approved as recommended	10-15
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8. <b>Case #H-18-073</b> 411 West Water Street	Postponed after hearing	30-35
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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**

**July 10, 2018**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Cecilia Rios, Chair  
Mr. Frank Katz, Vice Chair  
Ms. Meghan Bayer  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

Ms. Jennifer Biedscheid  
Mr. Edmund Boniface  
[one vacancy]

**OTHERS PRESENT:**

Ms. Nicole Ramirez Thomas, Senior Planner  
Mr. Carlos Gemora, Senior Planner  
- Ms. Theresa Gheen, Assistant City Attorney  
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department and available on the City of Santa Fe web site.

**C. APPROVAL OF AGENDA**

Chair Rios suggested postponing the approval of the minutes because there was a lot of verbatim in them and two members were not present.

**MOTION:** Member Roybal moved, seconded by Member Katz, to approve the agenda, as amended, postponing the approval of the June 25<sup>th</sup> minutes and item 7, Case 18-072, as amended.

**VOTE:** The motion passed by unanimous voice vote with Members Bayer, Katz, and Roybal voting in favor and none voting against.

Ms. Gheen asked if the Board also wanted to postpone the Facts and Conclusions of Law, although not necessary it might make sense in regard to the postponement of the minutes.

**MOTION:** Mr. Katz moved to amend the agenda as amended, seconded by Ms. Bayer, to postpone the Findings, Facts and Conclusions of Law on Case #H-18-098 A and B.

**VOTE:** The motion passed by unanimous voice vote with Members Bayer, Katz, and Roybal voting in favor and none voting against.

**D. APPROVAL OF MINUTES** - Postponed until the next meeting.

**1. June 25, 2018**

Ms. Gheen requested the stenographer note in the minutes that a communication from the public was received from Stephanie Beninato and provided to the Board in the inconsideration of the approval of Findings Facts and Conclusions of Law for Case H-17-003, 1405 Paseo de Peralta.

Member Katz said the communication suggests a motion to rescind and two of the people who were active in discussing that case are not present. He asked if the Board did not make findings and conclusions today, could they make the motion to rescind at the next meeting.

Ms. Gheen replied the motion to rescind can be made at any point. Mr. Katz may be thinking about the motion to *reconsider* which is a different procedure.

Member Katz asked to confirm that a motion to reconsider would have to be made tonight, and a motion to rescind could be made at the next meeting.

Ms. Gheen explained the motion to reconsider has to be made by a member who voted on the prevailing side and no later than when the minutes and/or findings of fact and conclusions are approved, but before the approval of the findings.

She thought a motion to reconsider could be made at the next hearing for this case if the Board also postpones the approval of the minutes for the case as well as the facts and conclusions of law.

**MOTION:** Mr. Katz moved to postpone the consideration of the findings and conclusions in Case #H-17-003 at 1405 Paseo de Peralta, seconded by Mr. Roybal.

Member Roybal asked that Ms. Gheen comment on Chair Rios voting tonight since there were only four members present.

Chair Rios explained three members constitute the majority and she could break a tie.

**VOTE:** The motion passed by unanimous voice vote with Members Bayer, Katz, and Roybal voting in favor and none voting against.

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

Case #H-18-039. 367 and 367 ½ Hillside Avenue.

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**MOTION:** Member Roybal moved to approve the 9 Findings of Facts as previously discussed, seconded by Member Katz, to approve the Findings of Fact and Conclusions of Law as amended with Case #H-17-003, 1405 Paseo de Peralta, Case #H-17-098A, and Case #H-17-098B postponed.

**VOTE:** The motion passed by voice vote with Members Bayer, Katz, and Roybal voting in favor and none voting against.

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

Mr. Richard Martínez asked if postponing one of the findings of fact would affect putting in a permit and if postponed would there be another public hearing, or would it be reconsidered.

Ms. Gheen asked Ms. Ramirez Thomas to speak to the Land Use Department policy regarding permitting and the process when the findings of fact have been postponed.

Ms. Ramirez Thomas explained with postponement the Board has the opportunity at the next meeting to hear the case and approve, deny or change the findings and at that point the time period for the case would begin. The Board action letter allows the applicant to start the permit process, but the permit will not be released until the appeal period is completed.

Mr. Martinez asked is there would be a public hearing once the case has been decided but is being reconsidered.

Ms. Stefanie Beninato asked if she would have an opportunity to speak next time and if they would



provide opportunity for public input.

Member Katz replied there would not be public input on a motion to reconsider or rescind and if there is a reconsideration, the Board would have no new evidence and there would be no input from the public.

Ms. Beninato thanked him for the clarification noting that she is retitling what she had submitted through the Assistant City Attorney to the Board members. She wanted the record to show that she has communicated in writing to the Board and wants the Board to take action and have discussion about it.

She indicated the communication explains her reasoning and it is not personal but has to do with the ordinance and preservation of harmony within the downtown and historic zones. It also has to do with the idea that art when used to attract attention to an art space, is really a sign and should be treated as a sign. Having private art as an advertisement – “really that is what it is” - is a dangerous precedent and all of it is very subjective.

Mr. Brant Mackley introduced himself as the owner of 1405 Paseo de Peralta. He asked for clarification of what had just transpired.

Chair Rios explained the Board has Findings and Conclusions of Law to adopt and in his case they were postponed until the next hearing. There has been no motion to reconsider or rescind acted upon in reference to his case and the case will move forward at which time there *might* be a motion to reconsider or rescind. She noted if Mr. Mackley needed further clarification on his case he could talk with the City Staff.

## **G. COMMUNICATIONS**

Ms. Ramirez Thomas explained the setup was different and the stenographer had lent his computer to them to provide better viewing for the audience. She asked that everything is spoken clearly and recorded because the stenographer would rely on the recording for the minutes.

Chair Rios asked that Ms. Ramirez Thomas inform the applicants in the audience when it is appropriate to remove the sign once upon receiving H-Board approval.

Ms. Ramirez Thomas indicated the sign that noticed the hearing could be removed immediately after approval and is required to be removed within 30 days under penalty of a fine.

## **H. ACTION ITEMS**

Chair Rios announced that anyone wishing to appeal a decision of the Board to the Governing Body has up to 15 days after the Findings of Fact and Conclusions of Law have been approved.

- 1. Case #H-18-024. 451 Arroyo Tenorio. Downtown and Eastside Historic District. Martinez Architecture, agent for Jill and Ray Weeks, owners, proposes to remodel a contributing garage by changing the east elevation doors and the operation of the doors. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

451 Arroyo Tenorio is a 3,310 square foot main house, a 939 square foot guest house, and 552 square foot garage that are located within the Downtown and Eastside Historic District. The house and accessory buildings are built in the Spanish-Pueblo Revival style and is contributing to the district. The east and west elevations are designated as contributing on the main house. The guest house is noncontributing. The garage is listed as contributing. The east elevation is primary on the garage.

The applicant is re-requesting approval of a design for the garage doors which was previously disapproved by the Board.

- 1) Replace the non-historic garage doors, replacing doors installed in 2011 removed in the remodel of the property. The proposed garage façade with wood carriage doors with one window in each door panel. The center post will remain stucco instead of being wood. The garage has been modified and the applicant is requesting a unique, but historic style for re-facing the garage. The Board may require an exception if they think one is required.
- 2) Stucco will be cementitious "Adobe."

**STAFF RECOMMENDATION:**

Staff defers to the Board to determine if an exception is required for the remodel of the east elevation of the garage. Otherwise, staff recommends approval of the application as it complies with 14-5.2(D) Design Standards for All H Districts and 14-5.2(E) Downtown and Eastside.

**Questions to Staff**

Chair Rios pointed out the report indicates "*replace the non-historic garage doors installed in 2011*". She asked what portion of the garage is contributing and noncontributing.

Ms. Ramirez Thomas replied in the previous hearing this style of garage door was presented and staff established that very little historic material is in the garage other than elements of the roof and garage size. The garage had been substantially remodeled prior to the advice. The garage is contributing, and no downgrade was requested by Staff, the Board or the applicant.

Chair Rios asked if the application made has any difference with the garage doors from the previous case other than for the second portion for the stucco center portion.

Ms. Ramirez Thomas showed the design on screen. She explained the proposed design carriage doors are identical to the previous proposal and the only change is the column that will remain cement. The drawing that was approved previously and the drawings proposed today were shown.

Chair Rios asked if the Board had approved the previous case with the new garage doors.

Ms. Ramirez Thomas replied yes, and new openings.

Member Katz asked to confirm that because the garage doors are not historic an exception was not needed to change them.

Ms. Ramirez Thomas replied they would not need an exception but could ask the Board to consider an exception if they thought the style was not in keeping with Santa Fe style.

Member Katz indicated the Board had made their thoughts clear at the last meeting and the applicant is asking them to change their mind. But it is not an exception.

### Applicant's Presentation

Mr. Richard Martínez PO Box 925 Santa Fe was sworn.

Mr. Martinez said in his prior case there were Findings of Fact and #7 stated: *"Asymmetrical windows in the current doors emphasized that the garage was remodeled, while three smaller windows at the top third of each of the doors do not"*.

Mr. Martinez said that is not fact, that is an *opinion*. He noted the doors that the Board was considering that had symmetrical, but the house is also symmetrical. He showed symmetrical openings and windows and doors in other houses.

Spanish Pueblo houses such as this, are asymmetrical. He showed the Board an article that states these are both symmetrical and asymmetrical and give Santa Fe façades an infinite variety. The Santa Fe Planning Department in 1976 says: *"Perhaps the greatest surprise in our survey data was the richness and variety of design elements and beams in historic Santa Fe. it mentions a movement in the streetscape"*.

Another article from the Planning Department from 1997, defines Pueblo Revival design and says that the building plan is usually asymmetrical.

There are many reasons why openings in garage doors are asymmetrical. The position of the street may be on one side or the other and may therefore influence the position of the windows and the doors, and in this case it does. The interior plan where you enter and need to walk may be symmetrical and influence the position of the windows. The sun and light outside the building may be asymmetrical and you may want the windows more toward the south, or more toward the north to take advantage of the light.

Regarding this house the findings of fact is not true.

Mr. Martinez continued in Santa Fe Land Code Development Section 145.2c1a states *"Each structure is to be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development such as the addition of contextual features or architectural elements from other buildings shall not be undertaken."*

He noted that as a false sense of it not being renovated. This is an old plan that originally had a garage as part of the house. Speaking the garage in question, that was added in the late 40s and the door is shown in a different location.

Mr. Martinez said given these facts, his layout proposed in his drawings eliminates four out of the six windows in the garage door and moving the light from between the garage doors to over the right one only.

#### Questions to the Applicant

Chair Rios asked what the interior need was for the windows proposed.

Mr. Martinez explained the location of the street, the layout of the interior plan and the location of the sun.

Chair Rios asked if this is being used as a garage.

Mr. Martinez said these are being used as a studio as he presented in the prior case.

Chair Rios asked if he did not think his client might need more light.

Mr. Martinez replied not from this façade. There are skylights and windows in the back that were approved and already under construction.

Member Katz asked if the doors that were just removed were installed in 2011 and what were they like.

Mr. Martinez said there was not a record of what the doors looked like.

Member Katz asked if he had photos of garage doors in Santa Fe with asymmetrical windows.

Mr. Martinez said he does, but those are garage doors from another house and had been shown to demonstrate that there were others like that in Santa Fe. He offered to show them the pictures again and put them on the screen.

Ms. Bayer asked where the house being shown was in relation to his site.

Mr. Martinez explained it was the Gaye Wagner house located behind Santa Fe Prep by the same architect.

#### Public Comment

There was none.

Member Katz asked Staff if when a façade is primary, and things cannot be changed, when is a reason to change things; because the door has rotted out and can't be repaired, etc. and to what extent does the

item have to replace the item removed.

Ms. Ramirez Thomas replied it would depends. If something is beyond repair it can be replaced in-kind or not and depends on what was there and if it was historic. In this case there wasn't anything historic in material because of modern garages. The openings are being preserved, so, there is no requirement to match what was there previously.

There was a large report on the house in 2011 but no information about what the doors looked like in 2011. In the previous hearing it was plain wood panel doors and the expectation is they would be an old lift-up, non-electrical garage door seen on similar garages in the 1940s.

Member Bayer asked if correct that the openings are historic.

Ms. Ramirez Thomas replied they are to the best of their knowledge and even in the interior, it appears they are the original openings.

Chair Rios noted this was a John Gas Meem project.

Mr. Martinez explained John Begat did all the buildings behind this structure, but he did not do this house and garage. He added the plan he showed with the garage etc. was not done when Morley owned it.

#### **PUBLIC COMMENT:**

Ms. Stephanie Beninato, PO Box 1601, Santa Fe was sworn.

Ms. Beninato said Mr. Martinez went to a lot of trouble to cite policies and guidelines but all of them are fairly subjective, no matter what. The idea of having windows across the top making it look like a garage is a craftsman bungalow-type garage. She sees validity in the argument.

She would ask if this is going to be in harmony with the house and the details in the house and therefore in harmony with what is on the lot. She thought that should be considered.

Mr. John Eddy, 227 E Palace, Suite D, was sworn.

He said he was confused. He was there to talk about asymmetry and if he perceives it correctly it's an incorrect use and appears that one window on the right door at the top is central.

Mr. Martinez was asked to put his design back on the monitor.

Mr. Eddy said there is one fenestration on the right door centered on the door toward the top and the fenestration on the left door at the top right corner. That is obvious asymmetry, which from the streetscape makes no sense from a design point of view. He thought it throws the streetscape into confusion.

He would suggest that windows on these doors, because they are garage doors from the streetscape, this is a garage. It is also garage on the historic structure and they should continue to perceive it as a

garage. He would suggest if they want light coming into the structure specifically on the inside, they can put fenestrations that match symmetrically to be perceived from the outside but block them on the inside, so the light does not come into the garage.

He would vote to maintain some symmetry on the garage doors because this application does not make any sense.

Chair Rios asked Ms. Ramirez Thomas what the public visibility is of the project.

Ms. Ramirez Thomas replied it is completely visible from Arroyo Tenorio as you drive down.

Chair Rios confirmed the doors look like they are garage doors, but they are not being used as a garage.

Mr. Martinez said that is correct; one is fixed, and one is hinged.

He added he was glad compatibility was brought up because the house also has an asymmetrical floorplan and front façade and the garage doors do that with the house. It's the symmetry that does not fit with the house and this would also more represent the passage of time. In the other case, the windows came after the doors were built and was something that morphed over time. The windows are intended to show the natural Spanish Pueblo design of the house and that people have lived in Santa Fe a long time and is intended not to be so finished and symmetrical and looked like an American colonial house instead of the Spanish Pueblo Revival house.

Chair Rios asked what is asymmetrical in the front of the house.

Mr. Martinez explained there is a central portal flanked on one side with windows and doors and the other side by a dining room, both with different masses that stick out. And the whole house is asymmetrical.

Chair Rios asked Ms. Ramirez Thomas if she knew the year of construction. The house itself is contributing and is over 50 years, as is the garage.

Ms. Ramirez Thomas explained the garage is from the 1940s and the house around 1920 and she could research that in the case file.

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

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Bayer, in Case #H-18-024 at 451 Arroyo Tenorio, to deny the application and retain the design previously approved by the Board a few weeks ago.**

**VOTE: The motion to deny failed by tie vote with Members Bayer and Katz voting in the**

**affirmative and Member Roybal and Chair Rios voting against.**

Chair Rios explained in years past, people would have asymmetrical things, particularly in vernacular buildings because they would add a room, etc. and the need was for the room to have a window. The windows would be of different sizes and styles and asymmetrical.

Member Bayer explained in her opinion that the building has been a garage since the 1940s, the openings are historic, and it reads as a garage. The application of asymmetry is a lot different on the façade of a building than it is. Placing windows on the garage doors would not look harmonious and she thought it would not be appropriate.

She agreed with Member Katz and his motion and the discussion from the previous hearing and thought the Board's previous approval was appropriate.

Member Roybal said to him the applicant made a good case of bringing information on what he was trying to accomplish and that was why he voted for approval of the new windows.

Chair Rios said the comments by Member Bayer made a lot of sense and she thought there should be another motion.

**MOTION: Member Katz moved in Case #H-18-024 at 451 Arroyo Tenorio, to deny the application. Member Bayer seconded the motion.**

**VOTE: The motion to deny passed by 3-1 voice vote with Members Bayer, Katz, and Rios voting in the affirmative and Member Roybal voting against.**

Chair Rios noted that Mr. Martinez was approved for the two windows.

- 2. Case #H-17-107B. 233 West Manhattan Avenue. Downtown and Eastside Historic District. Shaw Architecture, agent for Virgil and Linda Armer, owners, proposes to remodel two non-contributing residential structures by changing windows and doors, re-stuccoing, and adding portals and constructing a 431 sq. ft. addition to a height of 13' where the maximum allowable height is 15'9". (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

233 West Manhattan Avenue consists of two unoccupied residential structures located at the southwestern edge of the Downtown and Eastside Historic District. The structures were constructed in a simple vernacular style after 1940 and were occupied by a single owner until 2009. The buildings have sat unoccupied since that time. Over the course of their life the buildings were poorly maintained, and changes occurred to the property as needed. Some windows are still wood while others are aluminum sliding windows and the openings to the buildings have also changed through time.

Both buildings were designated as noncontributing at the end of 2017.

The applicant requests the following items for remodel.

- 1) Addition of 431 square feet to the existing 784 square feet. The house is currently two separate units, but the applicant wishes to create a main residence with an accessory structure. The proposed height of the buildings will be 13'-0" where 15'-9" is the maximum allowable height.
- 2) Addition of a 6'-0" coyote fence with an antiqued wood gate will be added at the back of the driveway.
- 3) Skylights and roof mounted HVAC will not be publicly visible.
- 4) Stucco will be cementitious El Rey "Buckskin."
- 5) Windows will be aluminum clad "White."
- 6) Sloped roof accents over portals will be "Mill Finish" which is a grey color.

#### **STAFF RECOMMENDATION:**

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

#### **Questions to Staff**

Chair Rios asked about the part of the building in disrepair. She indicated she was delighted this is coming forward with a project to make this a better building. She asked about the roofing material.

Ms. Ramirez Thomas agreed it was in extreme disrepair. She would have the applicant talk about the roofing material, but the roof would be flat with a parapet and over the portal.

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

Mr. Steve Shaw at 1061 Bishop's Lodge Road was sworn.

Mr. Shaw said they are fortunate to have an owner who would not try to maximize square footage on the lot for a commercial venture. The real intention is to take things back to the original use of the property and abide by historical precedent in the process.

He said they were thinking the roofing material would be a nonreflective standing seam.

#### **Questions to the Applicant**

Chair Rios asked if Mr. Shaw is using true-divided lights on windows.



Mr. Shaw said they were. He showed on-screen the as-builts on the left and the proposed construction on the right, noting the two portal roofs are perpendicular to the streetscape. The south elevation drawing is visible from the street and will be shielded by a six-foot coyote fence. It is over 20 feet from the sidewalk.

Chair Rios asked if the application proposed a wall also.

Mr. Shaw noted the long rectangular opening where they would put a coyote fence at the end of the portal to secure the property from the street.

#### Public Comment

David Smith, 331 West Manhattan was sworn.

Mr. Smith said he agreed it is high time this property was restored. He restored 231 West Manhattan next door, around 12 years ago and he is a neighbor to the property and happy to see the way it is being done and particularly the use, since they developed 231 to be residential.

He said he is speaking for two people because he currently owns the house and the house is under contract for sale and if all goes well there will be a new owner in less than two months. The new owner had asked that he make comments in his behalf and sent a letter.

The letter is from Douglas Bowers, currently under contract to buy the property. He read the letter into the record as follows: *"Historic Review Board of Santa Fe, I am currently under contract to buy 231 West Manhattan, the eastern neighboring adjacent property. I grew up in Santa Fe and very much appreciate the preservation and maintenance of these historic structures. However after viewing the plans and drawings I have two concerns. First I am concerned about the significant reduction in passive solar gain my house will suffer by raising the roof parapet walls facing our courtyard and would like to suggest that the interior walls facing my property remain the current or same height.*

*"Second I am concerned about the visual noise pollution and the placement of air-conditioning units near our only outdoor space courtyard. I would like to request that if installed on the roof that they be placed furthest away, as far away from our courtyard as possible. Best regards Douglas Bowers."*

Mr. Smith said he seconds the comments were he remaining in the property and balances that against restoring the property. Bringing a structure up to date involves much more than historic once you start the permitting process.

He showed on screen the location of the courtyard and noted two things that came about regarding raising the parapet; raising the roof in the front building. Also when the roof is changed, and the project is completed, the city code requires the installation of a parapet about 30 inches above the roof height.

The raising of the roof is not a particular issue, but they are looking for a solution and are working with the city, the owner, and the architect. There is indication that the height of the parapet on the courtyard side may be decreased as much as a foot to 15 inches, along with things regarding the fire code.

Mr. Smith said the parapets are not visible from the street, only from their courtyard and although the Board is not involved in accepting that, he wanted that on the record since it was mentioned in Mr. Bowers' letter.

He said the location of the air-conditioners is within the Board's purview and he was told the units will be out of public view but the private view within the courtyard is important to the owners. They would like to work with the applicants to solve the problem of not only the historical, but noise and visibility from the courtyard.

Mr. Smith indicated, except for the parapet issues and the air conditioner, which do not necessarily have anything to do with tonight, he is glad to see the addition to the "historic" corner.

Chair Rios asked to confirm that Mr. Smith and his wife are the present owners of this property.

Mr. Smith said he is the owner of the property next door.

Chair Rios confirmed his issues with visibility from his courtyard and what would be put on the roof and the noise.

Mr. Smith explained the height of the back parapet is a design issue. The location of the air-conditioners is one he hopes to work out with the owners as well as the mechanical to minimize the noise. Anything located close to the courtyard might actually be amplified by the courtyard.

Chair Rios asked Ms. Ramirez Thomas to comment on the issues Mr. Smith brought forward.

Ms. Ramirez Thomas explained that the current height of the parapets is not to code and have to be raised. Secondly, the applicant's request is well below the maximum height. In addition another comment to address is the issue with the wall at the courtyard. She has talked with Mr. Greg Smith in Current Planning, and the height proposed does not require the same fire rating as if the parapet was lower. She did not want to discuss that much because she did not know much about it.

She added as long as the mini-split unit is not publicly visible, the Board has no purview over its location.

#### Public Comment

Ms. Stephanie Beninato said she lives next to someone with an air conditioning unit and she has a six-foot wall and can hear their unit going all night long when she has her window open. So she appreciates the location of the air-conditioning unit as a problem for a next-door neighbor.

She also wanted to say that the City does have a Solar Access Ordinance Act and people who want to preserve their solar should file a solar access right with the County.

Ms. Beninato indicated her concern is although happy someone is doing something with the building, she has heard an addition would go on as a guest unit.

Ms. Beninato added it makes it more difficult that the public does not see the plans. She asked for an explanation of how the layout would work.

She also wanted to express concern that parking is a major issue and if two units require three parking spaces she wondered how that could happen.

Mr. Shaw, architect came forward to address the issues.

Mr. Shaw said he understands on the first issue of solar gain that if someone is going to file for solar access they would do a cross-section study to indicate the angle of the sun on the 21<sup>st</sup> of December.

He provided background noting there was a zero-lot line, so walls and parapet had to be raised to get 30 inches above the highest adjacent roof, partially because there are openings in the existing structure next door within 4 feet of the wall.

Mr. Shaw added that he would be curious on the solar issue, to see what that cross section would look like and how much sun would truly come through the door.

He thought that the owners were willing to work with the next-door neighbor on all of the issues for the courtyard and the issues raised and would also be sympathetic to the noise issue. The lot is tight and left over from many lot splits and has little room to work with and the applicant's intention is to get any noise abated with the wall as high as possible. The height of parapets is safe to shield and bounce noise up instead of down to the courtyard.

Chair Rios confirmed she thought noise would be minimal.

Mr. Shaw said that it is minimal to someone on the ground with parapets as high as they are, and they have to construct one-hour fire rated parapets but would be happy to throw in insulation, etc. They are on a solid wall and the intention is for the sound to go up, not down and the indication is in this lot this is the best option for everyone.

Mr. Shaw explained the primary residence is the one closest to the street and the accessory structure is in back. Zoning code requires one parking place and the owner has a parking lot within 600 feet of this site. If short-term rental was deemed an option etc., the requirements would go up and the owners are ready to provide parking in the other lot within the required distance of the site.

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

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Katz, to approve Staff's**

**recommendation for approval items one through six of the application in Case #H-17-107B at 233 West Manhattan Avenue.**

**VOTE: The motion to approve passed by 3-0 voice vote with Members Bayer, Katz, and Roybal voting in the affirmative and none voting against.**

3. **Case #H-18-019B. 518 Alto Street.** Westside-Guadalupe Historic District. Scott Cherry, agent for Historic Santa Fe Foundation, owner, proposes to remodel a contributing residential structure by replacing a non-historic sunroom with a 162 square foot addition at the back of the structure and other minor alterations including windows, doors, and skylights. (David Rasch)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

518 Alto Street, known as the Donaciano Vigil House and The White-Gilbertson house, is a single-family residence that was originally constructed in the late 18<sup>th</sup> century in a vernacular manner. The building represents a romanticized Spanish Colonial past and has undergone numerous architectural campaigns that have resulted in a Territorial Style, including a front zaguan entry, and interior courtyard with a well, and the reuse of historic materials from the Loretto Academy, bringing a French influence, and a portal on the east side of the courtyard. Non-historic alterations include the rear portal and southwest addition. The building is listed as contributing to the Westside-Guadalupe Historic District and the north and south facades of the front wing (aka sala) and the east portal are designated as primary elevations.

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

1. A 162 square foot addition will be constructed in place of the non-historic sunroom on the south elevation of the south building. The addition will be constructed with mud-plastered adobe and it will feature simulated divided-lite windows and doors that will be clad in a white color.
2. A door at the interior of the south zaguan will create an entry into the south building where currently there is no entry. The east portal will be enclosed at two locations to align with the rear wing. The existing south wooden door will be replaced with a 3-lite door and the open north area will be closed with a 3-lite door flanked with 3-lite sidelites.
3. A fireplace will be constructed in the south building with a roof penetrating chimney.
4. A window on the north elevation of the south building will be removed and infilled with wall.
5. A door on the north elevation of the building will be replaced with a 12-lite window in the same location and opening dimension will remain and retain the decorative window surround.
6. The windows in the non-historic bedroom addition on the southwest corner will be replaced.

7. The south building will be replaced in-kind at the existing height and the north parapet will be finished with a bronze flashing.
8. Skylights will be installed, which shall not be publicly-visible.

### **STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2.(D) General Design Standards and (I) Westside-Guadalupe Historic District, with the condition that the skylights shall not be publicly visible.

### **Questions to Staff**

Chair Rios asked to confirm that all proposed alterations to the addition are being proposed to the non-historic portion of the building; and the historic building is currently mud plastered. She asked if the non-historic building was mud plastered or stucco.

Ms. Ramirez Thomas replied there are no alterations to other primary elevations or to the historic portion of the house. She said it is correct that the historic building is mud plastered. She thought the non-historic portion was stucco but will have the applicant respond to that.

### **Applicant's Presentation**

Mr. Scott Cherry, 2351 Fox Rd., Suite 800, Santa Fe was sworn.

Mr. Cherry started by answering the question regarding the mud plaster. The entire structure is mud plastered and the north building called the sala and the south building is all mud plaster. Aside from that they are fortunate the owner wants to restore and add to the building in keeping with the historic nature of structure.

In the front which has three primary elevations, they have tried to follow the structure in the back by adding brick coping in keeping with the building in the front. The new addition will also have earth stucco as well as the entire structure.

### **Questions to the Applicant**

Chair Rios noted in this district true divided lites do not have to be used but would he be using that.

Mr. Cherry responded they are using simulated divided lites. There are muttons on both sides with the divider in between the IG units and it does look like true divided lites.

### **Public Comment**

Mr. Eddy (previously sworn) asked to verify something staff mentioned in the report. He commented that he had no problem with the proposed program on the building and is happy the owner is sensitive to the building.

He noted that Ms. Ramirez Thomas had mentioned that the windows on the north elevation were from the Loretto School.

Ms. Ramirez Thomas responded that she took over this case and that was written in the staff report so she could not confirm or deny that.

Mr. Eddy recalled the windows came from the original St. Michael's School. He asked if she could elucidate.

Ms. Ramirez Thomas said she could not respond.

Mr. Eddy suggested that could be included in the record.

Chair Rios asked if the applicant knew where the windows came from.

Mr. Cherry referred the Board to the Catherine Colby report. He recollected that the windows came from the Loretto School but was not sure if it was just the actual glass or the treatments around the building. Some of the buildings have windows that were built in with those treatments and others were put into the exterior treatments.

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

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Roybal, in Case #H-18-019B at 518 Alto Street, to approve the application as recommended.**

**VOTE: The motion to approve passed by 3-0 voice vote with Members Bayer, Katz, and Roybal voting in the affirmative and none voting against.**

4. **Case #H-18-074. 652 Old Santa Fe Trail.** Don Gaspar Area and Downtown & Eastside Historic Districts. Bard Edrington, agent for Mike McLaughlin, owner, proposes to construct an approximately 200 square foot, 8' high ramada, install a banco firepit with a brick paver walk and driveway, and restucco a non-statused residence. (David Rasch)

Ms. Ramirez Thomas presented the staff report as follows:

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

652 Old Santa Fe Trail is a single-family residence that was constructed at an unknown date. There is no inventory for the property, and the building is non-statused in the Downtown & Eastside Historic District. The rear of the property is located within the Don Gaspar Area Historic District.

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

1. An approximately 200 square foot ramada was constructed to a height of 8 feet in the vacant area behind the residence without approval. The wooden structure will be oil finished.
2. A firepit and banco will be constructed beside the ramada. It will feature a flagstone seat and the remainder will be finished with El Rey cementitious stucco in "Adobe" with the firepit in "Colonial White".
3. The principal residence will be re-stuccoed with El Rey cementitious "Adobe" to match the existing finish.
4. The driveway, parking area, turnaround area, and patio area under the ramada will be surfaced with tumbled bricks in "Inca" and "Charcoal".

#### **STAFF RECOMMENDATION:**

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

#### **Questions to Staff**

Chair Rios asked if everything on the proposed project had already been done.

Ms. Ramirez Thomas thought it had been but was not certain whether the main house actually been stuccoed or is still pending. The ramada has been built, the patio has been put in and there may be more brick work to do along the driveway.

Chair Rios asked the difference between a ramada and a pergola.

Ms. Ramirez Thomas said her understanding as an archaeologist, was that a ramada is more a thatched structure and may be more covered and have more sides than a pergola, which is very open. She would characterize this structure as a pergola.

Mr. Roybal asked if the ramada met the City codes regarding construction.

Ms. Ramirez Thomas understood that after the Board's approval, the applicant will be required to go for a permit and at that time may be required to have an engineer stamp the plans stating the structure is sound.

Chair Rios asked about public visibility of the project.

Ms. Ramirez Thomas explained it is visible walking south on old Santa Fe Trail and might be somewhat visible from Buena Vista but minimal.

Member Bayer pointed out the building is non statused and they do not know the date of construction and there is no inventory. She thought it unusual to consider a case that relates to a building the Board knows nothing about.

Ms. Ramirez Thomas said the consideration here is that the structure built is not touching the property and the only consideration about the main house is the stucco. As long as they use cement stucco they would approve that as maintenance and repair and that is probably why this came forward without status.

#### Applicant's Presentation

Mr. Bard Edrington, 9-A Old Dog Run, Santa Fe, was sworn.

Mr. Edrington said one question was what has been done. The stucco has not been done or the brick driveway and both are proposed improvements. He had been under the impression he did not need permits when this was done and is present to try to get that corrected.

Chair Rios asked if he was an architect.

Mr. Edrington said he was a landscape installer and does design.

Chair Rios asked if neither he nor his clients were aware that anything done in the historic district would have to come through the Board.

Mr. Edrington said he was not aware but is now.

Chair Rios asked if he was characterizing the structure as a pergola or a ramada.

Mr. Edrington said it is not a covered roof; it is just peeled latillas on about 4-inch centers and dappled light comes through.

#### Public Comment

Ms. Sara Reisbeck, 656 Old Santa Fe Trail, was sworn.

Ms. Reisbeck said she lives next door to the property and is a long-term renter and the neighborhood is



either owners or long-term renters. "This one" is going to be short-term rentals with out-of-state owners.

She wanted to talk about the neighborhood because she has been there about a year and five months and knows her neighbors and they are good friends. She said having the whole neighborhood turn into short-term renters in a gradual process and is a destruction of the neighborhood.

Some of the Board may have grown up in a neighborhood and might know the values of that compared to having strangers stay for a few days. She could understand the desire of the owners to make the maximum amount of money from the property, but the short-term rentals mean teachers, firemen, workers in the County, etc. could not afford to live in Santa Fe.

Historically there were neighborhoods in Santa Fe and they are losing the neighborhoods.

Chair Rios explained this Board does not have purview over short-term rentals, etc. The Board's purview is to the design and alteration of the building.

Ms. Reisbeck was aware of that. She said she wanted to testify and pursue with the proper board because they need to do something to protect Santa Fe.

Chair Rios suggested it appropriate for Ms. Reisbeck to give her comments before the City Council.

Stephanie Beninato (previously sworn) said she appreciated the comments because short-term rentals are a problem. She said her first concern is the person is out of state and did not bother to find out...they must have gotten a short-term rental permit. That would mean they received a land use permit and that means it is upon the owner to know what they are doing when undertaking certain projects.

She addressed Ms. Ramirez Thomas and said she did not understand if the applicant came in before the stucco or after the fact and whether they were asking permission rather than forgiveness.

In the case of the pergola they are asking forgiveness and she found it hard to believe people do not understand when they are building, that they do need a permit, especially if that is their profession. Even a landscape designer has an obligation to know the law they are designing to, including permitting.

Ms. Beninato hoped the Board would find that it is in some sort of harmony if partially visible from the street, and at least that they do not see much of it. There is another structure like this just erected that does not look anywhere as nice as this structure and that structure has sheets hanging to provide shade. She would hope someone notices that because it obviously did not have a permit or come to the Board.

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

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Bayer, in Case #H-18-074 at 652 Old Santa Fe Trail, to approve the application as recommended.**

**VOTE: The motion to approve passed by 3-0 voice vote with Members Bayer, Katz, and Roybal voting in the affirmative and none voting against.**

5. **Case #H-18-069A. 130 – 132 West Berger Street.** Don Gaspar Area Historic District. David Smith, agent for the Estate of Joe Richard Baca, Linda Jeffers, Personal Representative, requests a historic status review and designation of primary elevations, if applicable, on a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

130 and 132 West Berger Street is a residential duplex located in the Don Gaspar area Historic District. The property is composed of three buildings, the duplex, the garage and a small out-building or shed. The duplex and shed should have an existing status of contributing, the garage has the status of noncontributing. Applicant is requesting the definition of primary elevations for the contributing structure and a status review for the noncontributing structure. Elevation drawings were provided. The duplex was constructed in the Pueblo Revival style by 1936. The walls are adobe covered with stucco on a concrete foundation. The duplex retains its historic footprint massing in details even with enclosures of the portals. The creditable changes include the enclosure of the portals and the removal of the viga tails of both portals. The portal enclosures appear to have been done prior to 1969 based on the windows used for the enclosure.

**STAFF RECOMMENDATION:**

Staff recommends that the north elevation including both portals and the openings under both portals and the east elevation of the property, be designated as primary elevations.

Ms. Ramirez Thomas showed the east elevation on the screen and noted there was no front or north elevation, but it is shown in the picture. The shed may have been the original garage for the property; a door and a window were added to the north elevation at some time. The roof may at one time have been a simple parapet but presently has a shed roof. The shed is constructed with adobe and covered with stucco and is in very poor condition, but the applicant did not request a downgrade.

Staff has recommended the north elevation of the shed as contributing.

The garage was built at a later date than the home and is constructed of CMU block and is stucco. Two walls are adjacent to the east and south property line. The west wall has no fenestration. The north elevation has a garage door and a pedestrian door and two window openings. The exact data description of the garage is unknown but appears to have been built sometime after 1950 based on the materials.

Staff believes that the structure predates 1969 and has recommended that the building be upgraded to contributing.

Ms. Ramirez Thomas said she thinks that because it meets the age, the footprint is original, and the openings appear to be original as well.

Staff recommends a historic status of the garage be upgraded to contributing with the north elevation recommended as primary and north and east elevations including the portals and openings under the portals, recommended as primary for the duplex. And the north elevation is recommended as primary for the shed.

#### Questions to Staff

Chair Rios asked if she knew whether the owners are in agreement with her recommendations.

Ms. Ramirez Thomas stated the house is currently under contract and the owner not present, but the person buying the property was present. The applicant did not ask for a downgrade on the two already contributing structures but does not want the large garage structure to be upgraded to contributing.

Chair Rios confirmed the shed they saw today is the long structure. She asked what the character defining features are of the garage.

Ms. Ramirez Thomas explained the garage is constructed of CMU block, a sign of its time, and it has a Pueblo Revival parapet.

Chair Rios asked if the entire house is CMU block.

Ms. Ramirez Thomas thought the house is adobe.

Chair Rios asked if the house has cement sills.

Ms. Ramirez Thomas replied it does have cement sills (she directed the Board to pages 9 and 10).

#### Applicant's Presentation

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

#### Questions to the Applicant

Chair Rios asked if he agreed or disagreed with the Staff recommendation.

Mr. Smith said he disagreed with part of it. He asked if there was a picture in the packet of the façade of the garage to put on the overhead. He thought the garage was constructed as a shop and the façade natural light was not important. Three sides are essentially untouchable, two are on the property line and

one backs up to a separate garage structure. The only façade that can be changed is the north façade and there are two high windows and the door. The door is in bad disrepair and plywood was put over it.

He also wanted to show the high window and the original window, which was built with the security bars in it, not added later and was drilled through the sash and built as a security window for a shop.

Mr. Smith thought designating this as historical would essentially cause a hardship of not being able to convert the building into any other type of use other than storage, and there is plenty of storage.

Mr. Smith explained what the Board is talking about on the outbuildings is actually two structures being called the garage. The structure was built at two different times. One is out of adobe and one out of concrete block and each side of the duplex has a drive by with a single car garage built out of adobe at approximately the same time the house was built. The block structure is two different structures; there is not a common wall.

He had no problem with the garage doors because they may or may not be used as garages. Primarily the problem was he could not make changes on the façade. He pointed to a building on screen indicating there was no way to add fenestration and if historic, would be no way to build protection from the rain over the doors, etc.

Mr. Smith that in addition he wanted to comment on what they call the shed. He did not request to downgrade he did not have a reason not to keep it as it is. The parapets were removed on three sides, so a tin roof could be installed, and the tin corrugated metal roof is wrapped over the front façade and is there to simply shed water off the original roof, which is flat with parapets on all sides. It matches the garage and also was built with the house.

The front window on the shed is glazed with asbestos glazing material and identified as an asbestos hazard and is to be remediated and involves another window of similar or the same size.

He asked Ms. Ramirez Thomas about the back greenhouses and porches he enclosed in his packet.

Ms. Ramirez Thomas explained the applicant was referring to the aerial photo from 1966 on page 15 but it is difficult to see but the portals are visible. They may or may not have been enclosed at that point in the cutoff point at this date is 1969.

Mr. Smith offered to provide staff with an aerial photo that shows the same thing.

Ms. Ramirez Thomas said other than the east elevation, the portals at the back are not named as anything marked for preservation.

Chair Rios asked Mr. Smith if he would be okay with the adobe portion of the part block, part adobe building having an historic status.

Mr. Smith thought that made sense and it would not be an issue. The garage doors are just plywood and are hand-built and would have to be proposed at some point in the future.

Ms. Ramirez Thomas pointed out that the building is structured in a way where there is no distinction that there these are actually two buildings and there is a sense of continuity even if built at different times. They can designate a primary elevation and exclude non-historic material, but all of it is historic.

Mr. Roybal addressed Ms. Ramirez Thomas and stated the age meets the criteria for contributing, but he was not totally convinced that the design meets the criteria. The shape and being so long does not make sense to him as contributing.

Ms. Ramirez Thomas replied that would be the purview of the Board to decide if the garage structure that has no status is contributing or not.

Ms. Bayer asked if the applicant had requested a downgrade on the shed that was recommended as contributing, would Staff's recommendation have been different. She thought the integrity of the shed had been compromised enough that it may not warrant status as contributing.

Ms. Ramirez Thomas agreed the shed is dilapidated. She explained usually if the applicant is not interested in downgrading, staff does not make that request.

Mr. Smith clarified that he was under the wrong impression that downgrading involved notification and would be a much longer process.

#### Public Comment

Ms. Beninato (previously sworn) said she is happy someone has bought this house but is surprised that someone who already owns a building in the historic zone does not know what status means and that they can ask for exceptions. The fact that something functions as a shop opposed to a residence, does not mean it is not a contributing building on that property.

She said it can be designated as contributing and when Mr. Smith owns the property, he can come in and present a design and ask for exceptions, rather than anticipating what he wants to do, which has gone on for a while in the meeting, rather than being interrupted. She said the Board should not be considering that tonight.

Ms. Beninato noted that the small garage when looking down the driveway, is a simple building, but it is typical of what is found in South Capitol with the garage set way back and the driveway close to lot lines.

She added that she had forgotten, when speaking earlier, that for her pergolas are structures with logs or beams across and no real protection from elements or interrupting sunlight, opposed to actually shading. A ramada is as Ms. Ramirez Thomas stated, a brush structure with brush on the top and is designed for shade.

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

## Board Discussion

Mr. Smith said that he wanted to echo what Staff mentioned and the key word was continuity. When looking at the building taking superficial views from the context of the museum, he sees an intact vernacular building in the neighborhood. He encouraged the Board to maintain the contributing status on the building throughout.

Chair Rios asked Mr. Smith to specify which building because there were several buildings the Board was considering.

Mr. Smith indicated he was talking about the entire property. The whole property should be considered in terms of status as a whole rather than broken up. As a vernacular building it appears to be intact as its original owners intended.

Chair Rios addressed the owner and noted having a building that has historic status he would have options to make changes, but they may have to come before the Board.

Mr. Smith added that it is more than a passing interest and the closing date is in about 10 days. He will be continuing with the project. He added the garage which has no status, is considered noncontributing at this point, but if it were contributing and he wanted to downgrade, he now understands what he needs to do.

Ms. Ramirez Thomas explained there is a difference between having non-status and noncontributing; non-status is just without a status. Noncontributing means it does not contribute to the district.

Mr. Smith said he understands.

Member Katz asked Ms. Ramirez Thomas what made two buildings; if the buildings were completely separate buildings but they touch, would that make them one building.

Ms. Ramirez Thomas said she and Ms. Gheen discussed that and she was not sure she had a good answer. She asked Ms. Gheen to offer context.

Ms. Gheen recalled that if there is an interior door that connects two units/structures it is then considered one continuous structure. She thought that came up in the San Busco status case.

Chair Rios asked if Mr. Smith had indicated that the adobe and the block building were separated.

Mr. Smith explained yes, one is an adobe wall that abuts up against a concrete block wall, and it does touch the block wall and the roof comes over the parapet. There are two walls forming one parapet and no interconnection between the adobe garage and the other.

Ms. Bayer asked if the façade of the building looked like one building.

Mr. Smith explained there is a crack in the plaster where the two buildings come together, but when

plastered last, the block building almost lines up enough to look like it is all one building; but it is two. He asked staff if when she considered the building as no status, she thought the adobe a separate building.

Ms. Ramirez Thomas replied Staff does not consider the structures to be separate, however if they discuss them as separate there are a couple of ways to look at that. One, there is a double wall separating the original structure from the later structure, both are historic. If the discussion is about doors between the bays and the main part of the building and whether they have three structures. The question would be does one roof make one structure or can you have more than one structure under one roof.

Mr. Smith pointed out the roof is at different levels.

Ms. Bayer suggested considering this as one structure; it reads as one structure and the façade looks like one structure.

#### Action of the Board

**MOTION:** Member Katz moved, seconded by Member Roybal, in Case #H-18-069A at 130-132 East Berger, to maintain the contributing status on the main building [duplex and the shed] and identify the north façade as primary on the shed and on the duplex the north façade and the east façade as primary with the exception of any portion of the east façade that is non-historic. The status on the garage would be designated as non-contributing.

**Ms. Bayer suggested one of the contributing architectural features of the main house is the cement sills on the windows and those should be retained.**

**Member Katz accepted the friendly amendment.**

Chair Rios said the Board looked at the buildings today and, in her view, and in all of her years on the Board she did not see a lot of character defining features of the building.

**VOTE:** The motion to approve passed by 3-1 voice vote with Members Katz, Roybal and Rios voting in the affirmative and Member Bayer voting against.

**6. Case #H-18-070, 505 Don Gaspar Avenue.** Don Gaspar Area Historic District. Architectural Alliance, agent for Taurus Group, owner, proposes to remodel a non-contributing residential structure by changing windows and doors and adding 874 sq. ft. to the existing 560 sq. ft. structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

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

505 Don Gaspar Avenue is a non-contributing accessory structure located in the Don Gaspar Area Historic District. The building is constructed of brick and was at one time a carriage house for the significant

property known as the Salmon-Greer House. A 1969 aerial photo shows the intact carriage house. Since that time a large portion of the structure has been demolished, changing the footprint, massing, and character of the structure and the status review for that reason is not requested.

The applicant requests the following for remodel.

- 1) Addition of 874 square feet to the existing 560 square foot structure. The addition will include a living area, a dining area, kitchen area, and portal. The addition will be stuccoed and have brick parapets. The portal overhang at the south courtyard area will be covered with asphalt shingles.
- 2) The existing brick structure will be remodeled by infilling the existing window opening on the north elevation and adding two windows. Addition of French doors to the east elevation. The west elevation window opening will be retained but the window will be replaced. The existing brick at the parapet will be preserved where possible, repaired in other areas, and capped with metal. The metal will be painted to match the brick.
- 3) Construction of a stuccoed yard wall to 6'-0".
- 4) One skylight will be added to the structure and it will not be publicly visible.
- 5) Stucco is proposed to be El Rey elastomeric "Ivory."
- 6) Window clad will be "Watercolor Blue."
- 7) Exterior stain will be "Cotton."
- 8) Brick metal cap color will be "Rembrandt Ruby."

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards for All H Districts and 14-5.2(I) Don Gaspar Area Historic District.

#### **Questions to Staff**

Chair Rios asked the height of the highest portion of the project.

Ms. Ramirez Thomas replied 14'3" at the tallest as shown on page 22.

She asked Ms. Ramirez Thomas to describe the public visibility of the project.

Ms. Ramirez Thomas explained the building is technically publicly visible because there is no gated driveway. However in its current state there is very little public visibility, but what remains of the carriage house would be slightly more visible from Paseo de Peralta with the addition.



### Applicant's Presentation

Mr. Eric Enfield, 612 Old Santa Fe Trail, was sworn.

Mr. Enfield said there was a previous project the Board approved which is the building on the site that was done after the Greer mansion. They had always planned to look at the carriage house but had not had a chance until now. What they are proposing will complement the style of different buildings in the neighborhood; brick buildings, the Greer mansion with the asphalt shingles and Mansard shed roofs.

There is an aerial from 1969 showing the original footprint and a portion of the carriage house was demolished but it was basically due to the roof collapsing. They removed the roof and the front brick wall that had fallen with the roof structure. Fortunately they saved the storage area on the side that is there now and the brick wall on the back that separates this property from the adjacent property to the south on Santa Fe Ave. The building status is noncontributing, and he proposes to repurpose the building into a single-family residence.

They looked at many options for design, but the required setbacks/zoning must be met with new construction. The other design consideration was that the structure is in the Don Gaspar area Historic District that allows more varied design options than Downtown Eastside. Taking that to heart they kept the existing brick exposed and insulated the walls on the interior versus the exterior, to keep the feel of the brick carriage house. The extent of the proposed brick is on the west façade, part of the North façade, and a part of the east façade. Also the court yard wall will be retained.

The six-foot section is the return where the gate is. He showed the location on the map and said they are showing stucco so as not to confuse people about what was historic brick and what was not. The other wall, the existing brick wall is about 7 to 8 feet high, but 6 feet is the maximum that can be done internally. They will do a six-foot stucco wall with a gate and also utilize brick on the new addition to create a Territorial style to complement the brick structure adjacent. They did similar portals and overhangs on the new building constructed next to the Greer mansion and that works well with the Territorial.

Mr. Enfield said he failed to note a second window on the west elevation and did not realize it conceals another window exactly the same size with the sill detail. The window had rotted out. There are two windows on the west façade. The overhangs and portals are similar to the Mansford detail used on the new building and the Greer Mansion. They are trying to use features that combine the site.

He hopes the Board would consider including the west window that is about 7 feet off the brick corner on the southwest side. They are doing brick sills on the windows to add details because all the other buildings have sill details.

Ms. Ramirez Thomas noted the photo Mr. Enfield referred to is on page 16 and he was stating he wants to keep both openings for the two windows and the same dimensions.

### Questions to the Applicant

Chair Rios asked if the total square footage of 1,734 includes portals.

Mr. Enfield replied it does include the portals of 100 square feet and there is a 1,300 sq. ft. unit with 100 sq. ft. portal on the front entry portal.

Chair Rios confirmed the west elevation is the only elevation with existing exposed brick.

Mr. Enfield said it is the west, north, and partial east façade and if they go into the courtyard they see the brick section behind it; the court yard wall will remain brick.

Chair Rios asked if there was anything on the roof that would be publicly visible.

Mr. Enfield said one, maybe two skylights that will be below the height of the parapets.

Chair Rios asked that be stated in the motion because she thought Mr. Enfield was the architect to the east of the mansion. She said unfortunately there was a lot of public visibility to the rooftop pertinences and they had to build something around them and she thought that did not look good.

Mr. Enfield acknowledged that Chair Rios referred to and said he tried to do as much as he could. They wanted to build two stories and that has a parapet with a fake mansard roof all the way around.

Chair Rios indicated they could not discuss that.

Mr. Roybal asked what is behind the courtyard on the south side of the property.

Mr. Enfield thought there was a two-story apartment building that goes into an open space and what appears to be a parking lot to the east side of the brick wall. The west side of the brick wall is a two-story apartment building. Going down Don Gaspar nothing could be seen because in front of it is the Tapia House.

### Public Comment

Ms. Beninato (previously sworn) said she thought you could not add on so much to an existing building that is not contributing. However, in her opinion when you add on to a building she thought they were supposed to at least somewhat, replicate the existing style of the mansard roof or an Italian design.

The structure to the east echoes some of the original house but does not replicate it and is clear they go together but are not of the same time period. She can understand it is a lot harder, it is made out of brick and appreciates that they are preserving because of the historic nature of the building, but it does not really fit in with the actual design of the main building. She wanted to point that out although not a huge problem, because there is no architectural consistency there.

Mr. Philip Larragoite at 116 West Houghton was sworn.

Mr. Larragoite said he did not have facts to attest to other than there is a lot going on in his neighborhood on the agenda tonight and he appreciated the thoughtfulness of the Board. He supports this application and has been in all of the structures in the neighborhoods and backyards and in the back of the Greer Mansion. He thought this will be an improvement.

He noted that the last application property is not contributing at all, and he was not saying that in the legal sense, but he was glad they are working on it.

Mr. Enfield added that a lot of the brick is exposed on the whole wall of the inside because he wanted to use as much of the brick as possible.

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

#### Action of the Board

**MOTION:** Member Bayer moved, seconded Member Roybal, in Case #H-18-070 at 505 Don Gaspar Avenue to approve the application as recommended with the following conditions: Item # 2 on the west elevation, the two window openings will be retained, and the drawings will be changed to reflect that before the construction permit is issued, and that there will be no publicly visible rooftop pertinences.

**VOTE:** The motion to approve passed by 3-0 voice vote with Members Bayer, Katz, and Roybal voting in the affirmative and none voting against.

7. Case #H-18-072. 479 Camino de las Animas. Downtown and Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman, owner, proposes to remodel a portal and patio and add a 450 sq. ft. pergola on a non-contributing residential structure to a height of 12'4" where the existing parapet is 13'10". (Nicole Ramirez Thomas)

This case was postponed.

8. Case #H-18-073. 411 West Water Street Units A and B. Westside-Guadalupe Historic District. Antoine El-Khoury, agent for Victor Sherman and Leo Rashein, owners, proposes remodel a non-contributing mixed-use structure by changing doors and windows and raising the height of the roof from 23' to 26'11" where the maximum allowable height is 13'10". An exception is requested to exceed the maximum allowable height (14-5.2(D)(9)). (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

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

411 West Water Street is a noncontributing commercial structure located on the west side of the Guadalupe Historic District. The structure was built in the 1940s and heavily modified in the 1980s. They can be characterized as being built in the vernacular style. The original building was more of a Pueblo Revival style vernacular building, but the current structure is a western style that includes wood paneling, a pitched roof, a faux balcony and two little towers, one on east and one on the west side of the building. Given the number of changes to the building, a status review was not requested.

The applicant is requesting to raise the existing roof to 26'11" where the current height is 23 feet. And exception is requested to exceed the maximum allowable height. The relevant code citations and exception responses are provided at the end of the memo and supplied later.

The applicant would like to remove the wood siding on the east, west and north elevations and replace with stucco and elastomeric El Rey "Hacienda" to match the existing color of the building.

Replace windows on the north and south elevations with plaid windows in dark bronze.

Add low profile sky lights to match the existing skylights on the west elevation.

Add an HVAC unit which will not be publicly visible on the north side and completely enclosed in the courtyard.

#### **STAFF RECOMMENDATION:**

Staff did not agree with all of the exception responses however the Board may find that the applicant is capable of answering those at hearing. Otherwise the project complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing, (E) Downtown & Eastside Historic District, and (I) Don Gaspar Area Historic District Design Standards.

#### **Questions to Staff**

Chair Rios asked out of the six criteria how many Staff agreed with and disagreed with and why they disagreed.

Ms. Ramirez Thomas said she agreed with #1: the proposed height change does not damage of the streetscape and that #2, the hardship is that the attic space is not very usable and adding additional height might make it usable.

Ms. Ramirez Thomas said she did not agree with #3 because there are other design options provided as well as she did not agree with the special conditions and circumstances. She does acknowledge there is already a partial second story on the building that is not usable and that the applicant cannot build out on the property.

On #5, Staff does agree there needs to be a replacement of the trusses, but the special circumstance is that the building was constructed to its current height in the 1980s and did not account for a second

story.

On #6 she agreed in part with the response that the increase in height will not have, mostly she agrees because the increase in height will have a negative impact on the historic district. She does not think it would be a significant change in the building to add 3 feet to the existing height.

Member Katz asked if this structure was always two stories or became two stories in the 80s.

Ms. Ramirez Thomas understood from the HCPI report it became two stories in the 80s and even the buildings behind which are contributing are one-story buildings and all are a part of the same property.

Member Katz said he could understand the desire to have a taller second story, but to say it is a hardship when it is a self-created hardship on some level - they built it that way - and there could then be a third story on top of that, and maybe a fourth story, etc. He has problems with the

He questioned the sign violations; too many signs, too high, etc.

Ms. Ramirez Thomas explained there are many sign violations which was brought up with the applicant and she will have him respond. The violations include the Caveman Coffee emblem on the center window on the second story. The design does not appear to violate any issue but would require a height exception if approved.

The Caveman coffee signs located below the portal are noncompliant material of corrugated plastic and the wine shop signs have too many colors and violate underlying zoning, although not the H-code. There are too many signs for the building and for Caveman Coffee and the bar. The only sign in compliance is the one for the salon.

The signs were brought to the attention of the owner at the site visit.

Chair Rios noted although not part of the application the signs are part of the building the Board is addressing.

#### Applicant's Presentation

Mr. Antoine O'Khoury, 31 Paseo Vista, was sworn.

He explained the owners purchased the building a few months ago and are aware that some of the signs are nonconforming. People were leasing the building and the owners wanted the tenants to take care of the issue instead of having to remove the signs without the knowledge of whether the tenants had permits, etc.

#### Questions to the Applicant

Chair Rios thought it is the obligation of the owners to have proper signs and they can confer with the

renters but is the owner's obligation to come before the Board to address the signs.

Ms. Ramirez Thomas agreed but said from a different perspective, the owner's permit is provided for the remodel of the building and their project could be red-tagged and prevent the remodel. The City does not separate the owner and those they rent to.

Member Roybal said raising the height from 23 to 26 would not give them enough ceiling height.

Mr. O'Khoury agreed. He explained there is access stairs to that level and in order to get the head room the hallway ceiling has to be raised to 8 feet. Also to create the different bedrooms and living spaces they need 8 feet and that can only be introduced with the trusses.

Chair Rios confirmed that the second floor would be living space.

Member Katz asked if the existing floor plan is for the second story not the first.

Mr. O'Khoury said it was. There is nothing on the first floor.

#### Public Comment

Ms. Beninato (previously sworn) asked that the Board deny the application to raise the height to 26 feet because this is a hardship created by the person who asked to raise the ceiling from 13 to 23 feet.

She is also distressed by the fact that this is a short-term rental situation of three units and the owner would not be living there. There is not enough parking as it is, and they are asking for an exception to make more money for Air BnB. That does not come close to hardship.

Ms. Beninato strongly urged the Board not to allow the extra height.

Mr. Eddy (previously sworn) said he is familiar with the building having spent a lot of time in it in its early incarnations and for the Board to approve any request of a building in such serious noncompliance on many levels, with serious land use issues - which is not the Board's purview - would put the Board in a precarious situation and would be inappropriate.

He urged the Board to deny the request

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

#### Questions to the Applicant

Mr. Roybal was concerned that the applicant did not have enough time to answer the questions on the exception criteria. He recommended the case be postponed allowing the applicant time to address the exception criteria.

Chair Rios said the applicant could answer them this evening. Staff had not agreed in some situations with the applicant's response. She addressed the applicant and asked if he had considered other design options.

Mr. O'Khoury replied the only other option was to go with a flat roof, but that would result in an increase in height request. They opted to keep the character of the building with the pitch roof and the exterior character with the wood boarding and aged siding.

Chair Rios [reading] *"are due to special conditions and circumstances which are peculiar to the land or structure involved of which are not applicable to other lands or structures in the related streetscape"*.

She noted that Mr. O'Khoury had said, *"The new height is needed in order to create enough headroom for the proposed residential opportunity. This opportunity presents itself only in this building along the street"*.

Chair Rios pointed out that Staff did not agree with this response but had acknowledged there is already a partial second story on the building which was not usable, and the applicant could not build out on the property.

She asked Mr. O'Khoury if he had anything more to add in his response.

Mr. O'Khoury said no- there is no way to add to the building. The owners are interested in creating living units downtown and that is their approach to the project and there is not much else to add.

Chair Rios confirmed that this building is noncontributing and built in the 1940s and modified in the 1980s. She asked if any part of the building looked like anything from the 1940s.

Ms. Ramirez Thomas was not aware of anything in the front, but in the back buildings walking down a zaguan ends up in a courtyard, where the wine place and two other businesses are located.

Mr. O'Khoury said part of the farmers market is there and a physical therapist.

Chair Rios asked if the south façade looked like anything that was in the 40s.

Ms. Ramirez Thomas replied it looks substantially different than in the 40s based on the buildings in the back, but she guessed it would have been a simple Pueblo Revival style structure. When this was built it could have been that the buildings were not part of that historic district, but she was not sure the steps that had been taken on the height or permitting, etc.

Regarding the parking, there is a large parking lot to the west side of the building, although that is not the Board's purview.

Member Katz supported Mr. Roybal's suggestion to postpone but would like the applicant to come back with "clean hands" and fix the sign violations. He agreed they should not rule on applications where the building is in violation.

### Action of the Board

**MOTION: Member Katz moved, seconded by Member Roybal to postpone Case #H-18-073 to the next meeting.**

**VOTE: The motion to postpone passed by 3-0 voice vote with Members Bayer, Katz, and Roybal voting in the affirmative and none voting against.**

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

Member Katz said he was incredibly upset and distressed about the two-story portal on Manhattan and perhaps Ms. Gheen can help. The Board's decision made it clear it was a one-story portal and now it is a two story and he wanted to know how to fix that.

Ms. Ramirez Thomas provided background for Ms. Gheen. The Chabad Center is located on Manhattan across the street from the case they just heard at 233 W. Manhattan. Three years ago the case had been approved by the Board. They have a massive portal with very tall posts and the Board approved the portal to be lower so that it was under the second story windows. Currently it is above the second story windows.

When it came through the Historic Preservation Division during permit review it was approved but should not have been and according to the discussion that they proposed the portal above the second story windows, but never brought the appropriate revisions in and there was a misunderstanding in what the Board required.

The second scenario is that the plans were misread and just did not match what was there.

Ms. Ramirez Thomas said that while the plans were on file as approved by the H-Board were correct, but the permit that came through was incorrect; had been changed or was not the proper modification and the person looking at the permit versus the H-Board approval did a bad job of comparing.

Ms. Gheen thought the correct process would be for the Land Use Department to determine whether to issue a red-tag or some sort of violation, potentially a Land Use Director's decision.

Ms. Ramirez Thomas the question is that staff appears to have made a mistake in approving the permit when it came through the Division. Now the applicant built based on that mistake and the current standing of the Interim Director who is only there until Monday, is if the City made a mistake why should the cost be passed on to the applicant.

Ms. Gheen said at this point the City has been made aware of the problem and they will look into that.



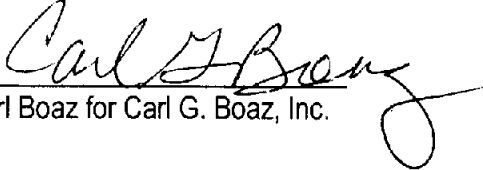
**J. ADJOURNMENT**

The meeting was adjourned at 7:30 p.m.

Approved by:

  
Cecilia Rios, Chair

Submitted by:

  
Carl Boaz for Carl G. Boaz, Inc.