



Agenda

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 24, 2018 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 1st FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 24, 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 and July 10, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-024. 451 Arroyo Tenorio.

Case #H-17-050B. 335 Camino Cerrito

Case #H-17-107B. 233 West Manhattan Avenue.

Case #H-18-019B. 518 Alto Street.

Case #H-18-074. 652 Old Santa Fe Trail.

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

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-18-069A. 130 – 132 Berger Street.

Case #H-18-070. 505 Don Gaspar Avenue.

Case #H-18-071. 225 Montoya Circle.

Case #H-18-072. 479 Camino de las Animas.

Case #H-18-073. 411 West Water Street Units A and B.

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

1. Case #H-18-071A. 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)
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5. Case #H-18-075. 335 Gormley Lane. Downtown and Eastside Historic District. Scott and Maika Wong, agents/owners, propose to construct a 4123 sq. ft. residential structure on a vacant lot to 14'6" where the maximum allowable height is 15'8". (Carlos Gemora)
6. Case #H-18-076. 32 Montoya Circle. Downtown and Eastside Historic District. Christopher Purvis, agent for George B. Chelius, III, owner, proposes to construct a storage room, a bedroom, and a portal totaling 470 sq. ft as additions to a non-contributing residential structure. (Carlos Gemora)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 7/19/18

TIME: 11:43 am

7. Case #H-16-002. 814 Camino Atalaya. Downtown and Eastside Historic District. Doug McDowell, agent for Joseph Esposito and Elizabeth Lillehoj, proposes to construct a 4195 sq. ft. residential structure on a contributing property to a maximum height of 16'2" where the maximum allowable height is 17'8". (Carlos Gemora)
8. Case #H-18-077. 416 Agua Fria Street. Historic Transition District. Architectural Alliance, agent for the Archdiocese of Santa Fe requests a historic status review and designation of primary elevations if applicable. (Nicole Ramirez Thomas)
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14. Case #H-18-082. 1469 Canyon Road. Downtown and Eastside Historic District. Douglas Maahs, agent for Megan Hill, owner, proposes to construct a 330 sq. ft. second floor addition and addition of an elevator shaft to 22' where the existing height is 22' on a contributing residential structure. An exception is requested to not meet the 3' corner rule (14-5.2(E)(2)(b). (Nicole Ramirez Thomas)
15. Case #H-18-030. 401 Old Taos Highway. Downtown & Eastside Historic District. Jenkins Gavin, Inc., agent for Presbyterian Church Corp., requests approval for a 203,799 sq. ft. 3-story residential structure at 36' high, where the maximum allowable height is 23'10" on a sloping site. A height exception is requested (Section 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 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.



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TIME: 2:50 PM

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CITY CLERK'S OFFICE
Agenda DATE 7/5/18 TIME 4:20
SERVED BY [Signature]
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SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD

July 24, 2018

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I. Matters from the Board	None.	63
J. Adjournment	Adjourned at 10:40 p.m.	63

MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

July 24, 2018

A. CALL TO ORDER

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

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

[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

Ms. Ramirez Thomas announced the seven cases postponed for tonight will be on the August 14 agenda.

MOTION: Member Boniface moved, seconded by Member Katz, to approve the agenda as amended with seven cases postponed.

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

D. APPROVAL OF MINUTES

1. June 26, 2018

Ms. Gheen requested a change to the summary index (page 0) for Case #17-098B to say that the action taken was “to deny demolition of all that were considered” instead of “Denied demolition of some.”

Member Bayer requested a change on page 12, third paragraph, where it should say that she was not inclined to make it noncontributing.

On page 91, 2nd line from the bottom, where she voted no on the motion to make 122 Camino Santiago a non-contributing structure.

MOTION: Member Roybal moved, seconded by Member Boniface, to approve the minutes of June 26, 2018 as amended.

VOTE: The motion passed by voice vote (3-0-2) with Members Bayer, Boniface, Katz, and Roybal voting in favor and none voting against. Member Biedscheid abstained.

2. July 10, 2018

Chair Rios requested the following changes to these minutes:

On page 3, the second paragraph should read, “Chair Rios explained that three members constitute a majority. The Chair votes only if there is not a majority vote either to create a majority vote or to tie.”

On page 18, sixth paragraph, it should read, “John Gaw Meem.”

On page 10, 4th paragraph, it should read, “Chair Rios noted that Mr. Martínez was previously approved for two garage doors with three symmetrical windows on each door.”

On page 25, 4th paragraph, should read, "Chair Rios addressed the owner, noted having a building that has a historic status that you would have actions to make changes, but it would have to come before the Board with any changes."

On page 29, 7th paragraph, the word should be "appurtenances."

MOTION: Member Katz moved, seconded by Member Roybal, to approve the minutes of July 10, 2018 as amended.

VOTE: The motion passed by voice vote (3-0-2) with Members Bayer, Katz, and Roybal voting in favor and none voting against. Members Biedscheid and Boniface abstained.

E. FINDING OF FACT AND CONCLUSIONS OF LAW

Case #11-17-003. 1405 Paseo de Peralta.

Case #H-18-074 652 Old Santa Fe Trail

Case #H-18-024. 451 Arroyo Tenorio.

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

Ms. Ramirez Thomas said the following four cases (listed on the agenda) are not to be approved at this meeting and are postponed:

Case #H-17-050B. 335 Camino Cerrito

Case #11-18-071. 225 Montoya Circle

Case #11-18-072. 479 Camino de las Animas

Case #H-18-073. 411 West Water Street Units A and B

Ms. Gheen said, "The only really minor change would be for the three cases that have been ... the three findings that have been postponed from a prior meeting will just change it so that the order is not the... the order of approval is [inaudible] is not the sixteenth; it is July the 21st. That's it."

MOTION: Member Bayer moved, seconded by Member Katz, to approve the remaining Findings of Fact and Conclusions of Law as amended.

VOTE: The motion passed by voice vote (3-0-2) with Members Bayer, Katz, and Roybal voting in favor and none voting against and Members Biedscheid and Boniface abstaining.

F. BUSINESS FROM THE FLOOR

Ms. Stefanie Beninato said at the meeting before the last meeting, she made a request to reconsider the mural at 1405 Paseo de Peralta. We were told there was going to be a Board discussion on it, but there has been no public hearing. That was unclear to her.

Chair Rios said if the Board was going to rescind that decision or we consider it, that would have to have been done prior to the approval of the Findings of Fact and Conclusions of Law, which now have been adopted. So the Board is not going to rescind that approval.

Ms. Beninato said, "so you just did that right now. So you didn't even bother to talk about it, even though it was in front of you. So you didn't either approve it or disapprove it. You did it by not doing anything. And that's okay. Because I know it was an unusual motion, but it really bugs me that you don't actually care. But you have just allowed every piece of art that wants to go on a wall and it will happen in our downtown and it will look like shock."

Chair Rios said that case came before the Board and the Board took action on it. We made a motion to approve it with the Findings of Fact and Conclusions of Law. And when I asked about changes to the agenda, I didn't hear a word from one of the Board members. So that's why that was approved.

Ms. Beninato made other comments from her seat that were not audible.

Ms. Gheen reminded everyone of the opportunity to appeal to the Governing Body is appropriate at this time and up to 15 days hence.

Chair Rios agreed.

G. COMMUNICATIONS

Ms. Ramirez Thomas announced that Will Powell will no longer be on the Board. There is an open seat and she didn't find out which seat it is, but believed it was the Old Santa Fe Association seat. She also announced that Carol Johnson is the new Land Use Director and is attendance at this meeting. She has been here for one week now and we are very happy that she has arrived.

Ms. Gheen announced appeal hearings before the Governing Body: Case #H-12-030, the Camino Don Miguel Case, was to have been heard on July 25 but that date has been vacated for district court hearing and a date will be set after the district court ruling on it.

Secondly, Case #H-05-007B at 815 East Alameda, is set for September 12 before the Governing Body.

Thirdly, Case #H016-101, at 76 E. San Francisco Street regarding the elevator, will be heard before the Governing Body on October 10.

H. ACTION ITEMS

Chair Rios announced to the public 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-18-071A. 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)

This case is postponed to August 14, 2018.

2. **Case #H-18-071B. 225 Montoya Circle.** Downtown and Eastside Historic District. Michael Bodelson, agent for Randy Brown, owner, proposes to remodel a non-contributing residential structure by constructing a 570 sq. ft. addition and other minor alterations. (David Rasch)

This case is postponed two August 14, 2018.

3. **Case #H-17-040. 610 Garcia Street.** Downtown and Eastside Historic District. Architectural Alliance, agent for Paula Huchison and Peter Gonzales, owners, proposes to infill a portal on a non-contributing residential property. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

610 Garcia Street is a single-family residence built in the Spanish Pueblo Revival style

in 2010. The house is noncontributing to the Downtown and Eastside Historic District. No remodel to the house is proposed. The applicant is NOT requesting an increase in the wall height of the yard wall.

1. The applicant proposes to infill a portal on the west elevation of the home. The infill will create 148 square feet of additional heated space.
2. Replacement doors will be divided lite and be clad in the color "Bronze."
3. Stucco will be a cementitious El Rey "Buckskin" and "Adobe" mix to match existing stucco.

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 Ms. Ramirez Thomas to describe public visibility.

Ms. Ramirez Thomas so it is very visible from the street but has a wall. She showed a picture of the corner of the building.

Member Bayer I asked regarding the wall we see with vigas and coyote wall on top, if that his part of this property.

Ms. Ramirez Thomas said yes.

Member Bayer notice the coyote fence has the infrastructure on the outside. Usually we don't allow that.

Ms. Ramirez Thomas agreed that it is required to be on the inside.

Member Katz asked if that was approved as coyote on top of the wall.

Ms. Ramirez Thomas said she would have to look to see if it was changed. She explained that she had not had time to look at the minutes for that case. It is possible the applicant may wish to comment. She thought it was approved as a wall.

Applicant's Presentation

Mr. Eric Enfield, 612 Old Santa Fe Trail, was sworn. He said he came to the Board

with the raising of that wall height. And we also came to the board requesting that coyote on top. So it was approved by the Board last year.

Member Boniface said he might have been the motion to approve the submittal and the submittal was a coyote fence and I asked that tops be irregular, and the structure be on the interior. Neither of those occurred on this fence. He mentioned that on the site visit when he noticed that neither had occurred. He was sure both of those were conditions of his motion.

Mr. Enfield said, "They were conditions of the motion. I heard about it and called my client because I talked with Ms. Ramirez Thomas before this hearing. I asked her if the board had any issues with this and she said they did with the coyote fence. I called my client. I told her the Board was expecting the coyote fence to be on the outside. I explained to her that the metal poles on the outside and they wanted them on the inside. And she replied, 'What difference does it make? I don't really see a difference.' That's what she told me on the phone. If there is something you want us to do, we can - like another set of coyotes on the outside."

Member Boniface thought that is a good solution.

Mr. Enfield said he would like to limit it to the visible portion.

Member Boniface said that would be on the entire north side.

Chair Rios said that Staff does need to verify it.

Mr. Enfield said okay. He explained that the sunroom is unheated space. They can't sit outside because of noise on Garcia. On the photo of the west elevation - could you put that up?

Ms. Ramirez Thomas said she didn't have that photo.

Mr. Enfield pulled out and shared his photo. He pointed out that the openings are behind the trees, if you look at the elevation.

Ms. Ramirez Thomas said he could put that photo on the projector.

Mr. Enfield pointed out that people could only see the top of each window with the six-foot wall in front. His client enjoys that portal because of the noise.

Questions to the Applicant

There were no questions.

Public Comment

Ms. Stefanie Beninato, P. O. Box 1601, was sworn. She said she was not concerned about the portal being enclosed but with vegetation. She reminded the Board that the long-standing approach is that those can come down. That was her biggest concern and not really understanding the bracing of the fence being on the wrong side. "How is staff administratively changing these things? If it was 4' I could understand but it is 6'. And you also discuss these things without public present on the site visits in the van and no public record of the discussion being made. It is rather distressing with a staff member showing up and not the public..."

Chair Rios replied that the City Attorney has told the Board many times that they are not to discuss the case. Otherwise, the Board would be in violation.

Ms. Gheen agreed. The consideration waits until the Board meeting at night.

Member Boniface commented, since it was brought up and blown out of proportion, that what they discussed about the fence is not part of this case. The discussion was about an observed violation.

Ms. Ramirez Thomas added that if it is compliant material, it is often administratively approved, if not higher than four feet, both stuccoed walls and coyote. But stone walls always come to the Board. Here, there was a final inspection on the wall and it was approved, so if it was administratively approved, she could check it to make sure it went through the appropriate process. She added that the ramp of the fence could be added as a condition of approval.

Mr. Enfield said he was not involved in the construction of that fence, or he would've told them about not cutting off the tops.

Member Katz said they did approve an extension of a solid stuccoed wall and that is not what was built, and it is rather upsetting. This is just another example. At the Chabad Center on Manhattan Street, very explicitly, Member Boniface made a motion that the board shall be one story, the portal in front of the entry. We drove by and lo and behold it is a two-story put. That was very clear, and it seems like the Board makes clear decisions and then they are not carried out. We deserve some explanation. Why is it ignored by Staff?

Ms. Ramirez Thomas said she would pay attention. If the material is compliant, administrative approval can be done. But she offered to bring them to the Board and she could offer that. It should be discussed, and it is on the radar.

Chair Rios said in this case, the Board still has to clarify from Staff whether the decision was a wall only or wall be and coyote that was going to go up.

Action of the Board

Member Boniface is going to take Mr. Enfield at this word and he said he had talked with his client about the coyote fence and she had no problem and she would agree with whatever the Board wanted.

Mr. Enfield agreed.

MOTION: **Member Boniface moved, seconded by Member Biedscheid, in Case #H-17-040 at 610 Garcia Street, to approve the application as recommended by Staff with the understanding it is non-contributing, and the wall observed today (coyote on the Garcia side - north side) that the owner has agreed to put coyote on the outside to hide the metal structure with the top varied in height.**

VOTE: **The motion to approve passed by 5-0 voice vote with Members Bayer, Biedscheid, Boniface, Katz, and Roybal voting in the affirmative and none voting against.**

- 4. 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". (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

335 Camino Cerrito is a 3,955 sq. ft. vernacular style home and guesthouse that are designated as noncontributing to the Downtown and Eastside Historic District. The main house was constructed by 1955 and only one wall and two 3/1 lite windows are retained. That was why the Board downgraded its historic status to noncontributing. A portal on the south elevation was enclosed in the 1970s and an addition was added to the north elevation in 1985. In the 1990s a portal was enclosed to create a sunroom and a guesthouse was added. Since the hearing in August of 2017 the house has undergone the construction for the approved remodel.

The applicant is requesting approval of changes the following items to the main house.

1. Increase the south elevation parapet height by 16 inches. The parapet will not

exceed the existing height of the structure.

2. Lengthen the front entry portal by 10 feet.
3. Reconfigure the rear portal to accommodate the apricot tree in the backyard.

STAFF RECOMMENDATION:

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

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Richard Martinez, P. O. Box 925, was sworn. He apologized that the changes were made by the contractor and owner without approval.

There are three changes he is asking for approval. One is to increase the front portal. It will have the same details but make it longer for outdoor firewood storage and it won't take away from aesthetics of the building.

The second changes to increase the back parapet of the main house to hide the redirected and reframed roof that will stick over the parapet and to give space for solar panels on the roof, that would lie flat and not be over the parapet. This Board has already approved the rear addition to the height and the parapet more easily integrates that addition.

The third change is a reconfiguration of the rear portal. He had originally had it deeper in one part and less in another part to preserve the apricot tree. But it is larger than in the survey, so he will make it four feet deep all across and a bit lower, so it is it doesn't interfere with the tree and will be beneath the branches of the tree.

Questions to the Applicant

Member Biedscheid notice that on the south elevation that the approved elevation shows a chimney and asked if it is being removed or will remain.

Mr. Martinez explained that it is integrated into the new parapet, so it won't be seen.

Member Biedscheid asked if solar panels are part of this case.

Mr. Martinez said that was presented in the first hearing and he proposed higher parapets on the guest house. So the solar panels will be put in the rear of the main house instead and come right up to the parapet.

Chair Rios concluded that it is not part of this application.

Mr. Martinez agreed.

Member Boniface asked if the contractor as already done some of this work/

Mr. Martinez said yes.

Member Boniface asked which part had been completed.

Mr. Martinez said the parapet in the rear has been raised.

Member Boniface asked if that is the only thing not approved.

Mr. Martinez agreed.

Member Boniface liked what was done from a design standpoint and he is making the portal lower and smaller. He was disappointed the contractor did not get approval.

Public Comment

Ms. Beninato (previously sworn) said, "It is really disappointing when there are architects on the project and the regulations don't get communicated to come for approval. She didn't know what to do about it. Next time, the Board should deny the case until the contractor comes the to the Board. It happens all too frequently. It is the same with the previous case which shows it is part of what you were considering in the last case. That even then, why doesn't the owner know what was in the plans and what was approved? If they get a communication from the Board, then they cannot say they didn't know."

Action of the Board

MOTION: **Member Bayer moved, seconded by Member Roybal, in Case #H-17-050B at 335 Camino Cerrito, to approve the application as submitted.**

VOTE: The motion to approve passed by 5-0 voice vote with Members Bayer, Biedscheid, Boniface, Katz, and Roybal voting in the affirmative and none voting against.

- 5. Case #11-18-075. 335 Gormley Lane.** Downtown and Eastside Historic District. Scott and Maika Wong, agents/owners, propose to construct a 4123 sq. ft. residential structure on a vacant lot to 14'6" where the maximum allowable height is 15'8". (Carlos Gemora)

This case is postponed to August 14, 2018.

- 6. Case #11-18-076. 32 Montoya Circle.** Downtown and Eastside Historic District. Christopher Purvis, agent for George B. Chelius, III, owner, proposes to construct a storage room, a bedroom, and a portal totaling 470 sq. ft as additions to a non-contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

BACKGROUND & SUMMARY:

32 Montoya Circle is a Spanish-Pueblo revival single family residence located in the Downtown and Eastside Historic District, built in 2003, and with additions in 2013.

The applicant proposes to construct the following four additions:

- 1) A 100 square foot storage area to a height of 10' infilling a rear portion of the building.
- 2) A 270 square foot bedroom and bathroom addition to a height of 10'8" high which will be approximately 11' lower than the surrounding building's parapet and 6' lower than the existing building's floor.
- 3) Enclosing an existing portal/mudroom area, adding parapets, and relocating windows.
- 4) A 100 square foot portal to the south side of the building.

The applicant proposes to use dark antiqued bronze window and door cladding for the additions with an El Rey "Palomino" colored cementitious stucco to match the existing building.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and has determined that this application complies with Section 14-5.2(D)9 General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

Member Boniface said on the cover page there seems to be some confusion. It says non-contributing, but later says it is non-statused.

Mr. Gemora said it is non-contributing, so the non-status checkbox is incorrect.

Member Boniface asked if the additions are not visible publicly.

Mr. Gemora agreed.

Applicant's Presentation

Mr. Christopher Purvis, 200 West Marcy, was sworn and had nothing to add to the Staff report.

Questions to the Applicant

There were no questions to the applicant.

Public Comment

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

Action of the Board

MOTION: **Member Roybal moved, seconded by Member Boniface, in Case #H-18-076 at 32 Montoya Circle, to approve the application.**

VOTE: **The motion to approve passed by 5-0 voice vote with Members Bayer, Biedscheid, Boniface, Katz, and Roybal voting in the affirmative and none voting against.**

- 7. Case #11-16-002. 814 Camino Atalaya.** Downtown and Eastside Historic District. Doug McDowell, agent for Joseph Esposito and Elizabeth Lillehoj, proposes to construct a 4195 sq. ft. residential structure on a contributing

property to a maximum height of 16'2" where the maximum allowable height is 17'8". (Carlos Gemora)

This case is postponed to August 14, 2018.

8. **Case #H-18-077. 416 Agua Fria Street.** Historic Transition District. Architectural Alliance, agent for the Archdiocese of Santa Fe requests a historic status review and designation of primary elevations if applicable. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

416 Agua Fria is a non-residential structure located in the Historic Transition Historic District. The building was formerly the home of the Convent of Our Lady of Guadalupe and one of Santa Fe's favorite restaurants, La Tertulia. The 1996 building survey designated the building as significant to the district. Why the historic status of the building was designated as significant is unknown, but it is known from some discussions associated with the Sanbusco case that historic status designations in the Westside-Guadalupe and Historic Transition districts were done somewhat differently than the way they are done today. This is the case because the districts were expanding, and a historic building survey was conducted by City of Santa Fe staff for approval by the City Council. The applicant has provided a revised inventory of the property and is requesting a status downgrade.

The building is owned by the Archdiocese of Santa Fe and a building was constructed in that location around 1900. Subsequent remodels and additions to the property occurred in 1925, 1953, and after 1975. Door and window changes occurred at unknown times. The building is constructed of adobe in some areas and frame and concrete in other areas. Little historic material remains on the building, with the north elevation being the most intact.

STAFF RECOMMENDATION:

Staff recommends the historic status of the building be downgraded to contributing and that the north elevation along Agua Fria Street be designated as the primary.

Questions to Staff

Chair Rios observed, as Ms. Ramirez Thomas indicated, numerous changes to the building. Some of the changes are historic.

Ms. Ramirez Thomas agreed. Some are over 50 years old or older. The north elevation,

that is recommended as primary. She did not believe there were eyebrows over the windows, but the windows and the door openings are historic. The entrance to La Tertulia has a smattering of windows that are not historic openings and some massing has changed over time. And the large mass added in 1970. Behind it is another large massing as a second story.

Member Boniface did not remember and asked if there was any clay tile on the building.

Ms. Ramirez Thomas believed Father Dennis could speak to that. She said there is a building that has a metal shingle roof and one has a Territorial and another a Mission style roof. The church, itself, may have clay tile on it.

Member Boniface surmised there is no direct connection with the church style. He asked if that was why she had said they were not historic.

Ms. Ramirez Thomas thought that was added as part of the restaurant.

Chair Rios said the entry for La Tertulia was on the west side.

Applicant's Presentation

Mr. Enfield (previously sworn) said he was honored to represent the archdiocese this evening but the potential client to buy it is worried that nothing can be done to alter the building.

He stated that for the last 46 years, it has been a restaurant. Right now, it has been empty for a long time and desperately needs help. The west side is rotting, and the adobe walls are impacted by moisture and an old, old roof. The significant status was applied to the whole building, which would include the 1975 CMU addition. There are also numerous additions to the interior for enclosing portals on the west and south and east side that were extensive. If you look at the history, the actual photograph was a residence; a large compound. In the report is the copy of the 1921 insurance map. It was a traditional adobe home with an interior courtyard. Half of it was torn down for the school. And then half of the nunnery was demolished to add the CMU portion. So that shows how much alteration has happened over the years.

Just from the cultural aspects and the number of nights he spent at La Tertulia, he saw a lot of cultural history in that building. The building still shows as La Tertulia. His client wants to replace the windows but not the openings. People keep putting up awnings to protect people as they came into the building. He has asked them to respect those parts of the building. The floor plan reveals the original portion.

He went to the large monitor and spoke from there. None of those comments were

audible to the recorder. He basically told how it had been butchered.

Member Boniface said the Board doesn't need to hear what is happening in the future.

Mr. Enfield pointed out the original part and identified the locations of additions to the building over the last 30 years. He pointed out the part that is rotting.

Fr. Garcia was sworn and said he was happy to be here for the Archdiocese for what they call Santo Domingo. He said they haven't used it in recent years because of its deterioration. They had to start using it for some classes, but it is unsafe and not safe currently. The church is not able to do any maintenance or make improvements. They pray a lot that the roof will not come down and have sought tenants and had several, but they walk away when they see what work is needed. He said, "We are very excited with possible tenants who can put a substantial amount of money into the building, but it requires a change in status. There had been significant changes to the neighborhood and thanks to this Board for approving some changes for us.

"We now have a coffee shop and yoga studio and changes in the neighborhood because of that activity. I live on the property right across from the eyebrows and see them every morning. It is an up and coming neighborhood and we are very happy about that. And we humbly request approval of historic status as contributing so we can do something to it. Many others have walked away. But we have a tenant now who will make the changes needed, not only for our church community but the whole neighborhood. He is going to put a substantial amount of money into the building.

Questions to the Applicant

Member Roybal asked if the eyebrows historic.

Ms. Ramirez Thomas said, in her opinion, they are not. The Board could exclude non-historic materials in the status change.

Member Bayer asked her to describe the public notice regarding downgrading.

Ms. Ramirez Thomas said they advertised the case and agenda as a status review. By code, the applicant must notify neighbors within 100 feet of the building. The applicant sends a form letter the City produces, including that code section and send a certified letter, giving them a chance to comment.

Member Biedscheid said she did not disagree with the recommendation but was curious about the old significant status we have currently. The new HCPI reports are from August 1995 and September 1996. She asked if Staff have copies of them.

Ms. Ramirez Thomas said she did and also documentation of what happened in the 1990's. There was a drive-by survey that happened to designate status for the buildings in the new historic district. The criteria for how significance was determined was just a drive by. The Historic Preservation Division was very new at that time.

Member Biedscheid asked about the north elevation as primary. Could the Board talk about the west elevation from the HCPI. That report says the front façade was primary and seemed to indicate the openings were primary. That is on page 8.

Ms. Ramirez Thomas explained that this is in John Murphy's report on the HCPI at the fourth page.

Chair Rios asked Ms. Ramirez Thomas to read the first sentence. Ms. Ramirez Thomas read it aloud.

Chair Rios asked Mr. Enfield if he considered the west elevation as primary.

Mr. Enfield said the north elevation seems to be the most intact.

Ms. Ramirez Thomas read further. She was not sure it represented a viable historic contribution to the district. It has a lot of additions which overwhelm the most historic part.

Member Biedscheid asked, on the eyebrows, if it is known that they are not historic.

Ms. Ramirez Thomas said we do not.

Member Boniface took a different tack on it. It was a great place for people to meet at La Tertulia. He had very fond memories. But reading the HCPI report, he didn't see there is much left of the historic part. The only significance seems to be that it was La Tertulia. He asked Staff to read the statement on page 16.

Ms. Ramirez Thomas read that the building was cut in half in the late 1930s. Additional alterations changed the overall massing. It has no particular historic association and does not retain a high degree of historic integrity required for Significant status. The recommendation is to downgrade either to Contributing or Noncontributing. John Murphy did not recommend contributing status.

Member Boniface thought it might be downgraded to non-contributing, based on what he read in the HCPI report. In the photo of the north elevation, the only thing that stands out are the nonhistoric eyebrows.

Mr. Enfield said Member Boniface hit the nail on the head that it is only the memory of La Tertulia as a restaurant.

Member Biedscheid asked what the street wall referenced in that evaluation.

Ms. Ramirez Thomas said it was a wall along Agua Fria.

Mr. Enfield said it is attached to the corner of that elevation and is not historic.

Public Comment

Ms. Beninato (previously sworn) totally agreed to contributing and didn't see why it would retain significant status. Just because it was cut in half in the 1930's doesn't make it non-historic. Even if cut in half, it could still be deemed significant. It is historic, and it was a frivolous comment. This building has significance because it was part of the Guadalupe church and she hoped the Board would keep it contributing. Having the tile eyebrows reminds me of Mexico and Mexico Saint Lady of Guadalupe.

She was most concerned about "demolition by neglect" here. The Catholic Church should have saved money to redo the roof. They never saved money for maintenance on the building. And they have had commercial tenants for over 46 years. She found it incredible that the owner comes crying about mold when they have had it over a hundred years and not reroofed it for decades.

Chair Rios felt it should not be non-contributing. There is a lot of history and a lot of the footprint remained to consider a downgrade to non-contributing.

Ms. Ramirez Thomas referred to page 25 where it shows the eyebrows were not there in 1969.

Mr. Enfield added that they are actually plastic tile and date after WW II.

Member Bayer said for the record the aerial on page 24 is inconclusive about the eyebrows being there in 1969.

Ms. Ramirez Thomas said, based on the other one on page 22 was earlier.

Member Boniface said page 23 bolsters that argument.

Mr. Enfield said the wood might be historic but not the plastic tile.

Action of the Board

MOTION: Member Boniface moved, seconded by Member Roybal, in Case #H-18-077 at 416 Agua Fria Street, to downgrade from Significant to Non-contributing, based on the HCPI report.

DISCUSSION ON THE MOTION:

Member Biedscheid commented that most non-contributing structures don't have this kind of history. She thought it is contributing with Agua Fria frontage to maintain as primary.

Chair Rios said the HCPI does reveal a lot of its history that is over 50 years old.

VOTE: The motion failed on a 2-3 voice vote with Members Boniface and Roybal voting in favor and Members Bayer, Biedscheid and Katz voting against.

MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-18-077 at 416 Agua Fria Street, to downgrade the status from Significant to Contributing, with the north elevation as primary.

VOTE: The motion passed on a 3-2 voice vote with Members Bayer, Biedscheid and Katz voting in the affirmative and Members Boniface and Roybal voting against.

9. **Case #H-18-078A. 66 — 70 East San Francisco Street.** Downtown and Eastside Historic District. Jeff Seres, agent for G.E. Plaza Galeria, LLC, owner, requests a historic status review of the portal on the north side of the building. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

66-70 East San Francisco Street is a non-residential building and is designated as contributing to the Downtown and Eastside Historic District. The building is currently the Plaza Galeria and houses several retail and business suites. The building was the J.C. Penny building before the retailer moved to the De Vargas Mall in the early 1980s. Since that time, the lower portion of the storefront has undergone significant changes but the Mission Revival detail that is iconic to the plaza streetscape has been retained. The north elevation of the property is designated as primary.

At the front, and attached to the building, is a portal that was constructed in the 1960s as part of a plan by the City of Santa Fe to put portals around the plaza. These portals have no historic status and are now being brought one-by-one to the Board for a status review. The portals are owned by the City of Santa Fe and are available for lease to business owners that wish to utilize them.

Staff is requesting a status designation for the portal at the above address, with primary elevations is appropriate.

STAFF RECOMMENDATION:

Staff recommends the portal be designated as contributing per 14-5.2(C) Regulation of Significant and Contributing Structures, and that the north elevation be the primary elevation.

Questions to Staff

Member Bayer said Staff indicated that the portals on the Plaza are coming one-by-one. She asked which ones.

Mr. Ramirez Thomas said the Catron Building and the Komis Building came forward recently.

Member Bayer asked if they were designated Contributing.

Ms. Ramirez Thomas agreed.

Member Roybal was concerned about the portals being over the sidewalk. It appeared the City has no control over them and asked if that was true.

Ms. Ramirez Thomas said, technically, the City controls the structure of the portal and the right-of-way of the sidewalk. Individuals that wish to use them have to sign a lease agreement with the City. They pay a yearly rent fee.

Member Roybal understood, but they have no control over maintenance, or do they?

Ms. Ramirez Thomas thought it was a grey area. Technically, they don't have any control over maintenance because it is City property. But they can be granted authority over maintenance if it is needed.

Applicant's Presentation

Mr. Jeff Seres, P. O. Box 9308, was sworn.

Questions to the Applicant

Chair Rios asked if he agreed with Staff's recommendation.

Mr. Seres said yes – they had no issue with the recommended status. But he wanted to clarify for Member Roybal that they are in active discussions with Matt

O'Reilly, the City's asset manager, and he would provide either a lease agreement or a license for the use of the portal. That is based on whether the City built the portal, or the owner built the portal. That is not known and is being researched. A lease agreement would be required if the City owns the portal. And a license agreement would be required if the building owner built the portal. That is for air rights, rather than the actual building. Mr. O'Reilly has stated but in getting either the license or the lease agreement, there would be stipulations regarding maintenance, and indemnification, of the City for the use of that, including insurance.

Member workable as if there is an existing lease on the news right now.

Mr. Seres said there is not. He is unaware of any agreements with other portals on the puzzle.

Ms. Ramirez Thomas said there are agreements on several others.

Mr. Seres said he misspoke. Mr. O'Reilly did point out several others including the Draft Station and the Ore House. They are similar uses.

Mr. Seres said he had nothing else to add to the presentation.

Public Comment

Mr. John Eddy, 227 E. Palace Ave., was sworn. Mr. Eddie said, "I see where this is going. I don't like it. I believe Harley that the Board needs to maintain the status of this portal. Where it is going is not necessarily what happens under the portal, but what happens above the portal. The Draft Station has a patio above the adjacent portal. Yes the Board please maintain the status of the portal."

Chair Rios said the Applicant has already agreed with the Staff recommendation.

Ms. Beninato (previously sworn) said, "I would like this to be designated as contributing. We've only done that in couple of others. So having consistency there would be good. She thought an application for this property came a few years ago to the Board and was rejected. It wasn't of the actual sidewalk, but was under the portal, which would, in her opinion, because congestion and people hanging out on the sidewalk without using sidewalks on San Francisco St. for a commercial purpose. She supported the status change to your contributing.

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

Member Biedscheid asked Staff about the primary elevation designation recommendation. She asked how many façades a portal has. In this case, it appears

there is only the North façade. Some portals have an end that can be considered.

Member Bayer asked if underneath the portal it would seem to be a façade of the building.

Ms. Ramirez Thomas said that was a good question. She did not think that has been addressed in the other discussions about these portals. In the structure underneath, it might have been embellished over time. But all of the structure underneath is part of the portal.

Member Bayer asked if she meant the façade that has windows on it

Ms. Ramirez Thomas said that is part of the building, where it starts with storefront windows and goes all the way back.

Member Bayer said that is not contributing.

Ms. Ramirez Thomas said it is contributing. The lower portions were storefront windows and that has been significantly altered over time. The features of the primary elevation of the building are mission style details with viga tails, the symmetry, etc. that you see at the top.

Member Bayer surmised that the front is still contributing behind the portal.

Ms. Ramirez Thomas said that is correct. There are two structures: the building and the portal. The building already has a designation of contributing with the north being primary. Now, they are asking for status with a designation of contributing for the portal with the north elevation being primary.

Member Bayer asked what that included.

Ms. Ramirez Thomas explained that it would be the front but not anything under the portal. There is historic material and other things that could be referenced.

Mr. Seres said the 2013 case action was to upgrade the historic status of the building from noncontributing to contributing with the north elevation designated as primary with the doors and storefront windows on the ground floor excluded as non-historic material.

Action of the Board

MOTION: **Member Boniface moved, seconded by Member Roybal, in Case #H-18-078A at 66-70 East San Francisco, to follow Staff's recommendation and make the portal contributing with the condition – due to the unique construction under the portal,**

that the structure on the underside of the portal be designated as part of the primary north elevation, as well.

VOTE: The motion to approve passed by 5-0 voice vote with Members Bayer, Biedscheid Boniface, Katz, and Roybal voting in the affirmative and none voting against.

10. Case #H-18-078B. 66 — 70 East San Francisco Street. Downtown and Eastside Historic District. Jeff Seres, agent for G.E. Plaza Galeria, LLC, owner, proposes to alter a primary elevation on a contributing building and requests exceptions to change windows to doors, create an opening where one does not exist, raise the parapet, create an addition to a primary elevation, and to not meeting the 3' corner rule ((14-5.2(D)(5)(i) & (ii), 5.2(D)(3), 14-5.2(E)(2)(b), (14-5.2(D)(2)).(Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

66-70 East San Francisco Street is a non-residential building and is designated as contributing to the Downtown and Eastside Historic District. The building is currently the Plaza Galeria and houses several retail and business suites. The building was the J.C. Penny building before the retailer moved to the De Vargas Mall in the early 1980s. Since that time, the lower portion of the storefront has undergone significant changes but the Mission Revival detail that is iconic to the plaza streetscape has been retained. The north elevation of the property is designated as primary.

The applicant is proposing the following remodel. All work proposed will occur to the north elevation. Relevant code citations and exception responses are provided at the end of the memo.

- 5) Remove four historic windows and replace them with doors. An exception is required to remove historic material and not replace in-kind (14-5.2(D)(5)(i) & (ii)). The applicant is proposing to change the wood windows to aluminum clad doors with transoms in the color "Bronze."
- 6) Removal of the north elevation wall to create pass through's for food and beverage service. An exception for removal of historic material is requested (14-5.2(D)(5)(ii)).
- 7) Increase the north elevation parapet at the portal and add railing to create a balcony area. An exception is requested to raise the height of the parapet on a primary elevation (14-5.2(D)(3)).

- 8) Addition of a staircase and egress door on the ground level at the north elevation. An exception is requested to add to a primary elevation. (14-5.2(D)(2)(c)).
- 9) Reconfiguration of the storefront window at the east of the main entry. An exception is requested to not meet the 3' corner rule for windows (14-5.2(E)(2)(b)).
- 10) Addition of an elevator more than 10 feet from the primary elevation and to a height not to exceed the front height of the north elevation. The shaft is also set back significantly from the Water Street elevation of the building and will not be publicly visible. No exceptions were requested for the elevator.
- 11) Stucco will be El Rey cementitious stucco in "Adobe."

RELEVANT CODE CITATIONS

14-5.2(D) General Design Standards for All H Districts

(2) Additions

(c) Additions are not permitted to *primary façades*.

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

(3) Remodeling to Increase Height; Rooftop Appurtenances

(a) For *remodeling* of existing significant and *landmark structures*, no increase in height of the *structures* is permitted. (For standards relating to additions to existing *structures*, see paragraph (2) above.)

(b) For significant and *landmark structures*, *publicly visible* roof top appurtenances, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, shall not be added nor shall the parapet be raised to conceal the *rooftop appurtenances*. For contributing *buildings* solar collectors, clerestories, decks, or mechanical equipment if *publicly visible* shall not be added.

5) Windows, Doors, and Other Architectural Features

(a) For all facades of significant and *landmark structures* and for the primary facades of contributing *structures*:

(i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

14-5.2(E)(2) Downtown and Eastside, Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic *buildings* by *retention* of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of *adobe* construction, prescribed as follows:

(b) The combined door and window area in any *publicly visible* façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a *portal*. No door or window in a *publicly visible* façade shall be located nearer than three (3) feet from the corner of the façade;

EXCEPTION RESPONSES

EXCEPTION TO REMOVE HISTORIC MATERIAL AND NOT REPLACE IN-KIND (14-5.2(D)(5)(i))

The application before you, includes **removal of the windows to the left and right of the center façade** element on the second floor. An exception is required to section 14-5.2(D)(5)(i). The removal is to allow for four new doors with transoms on either side of the center façade element to be placed in the existing window locations for access to a proposed rooftop deck over the existing street portal.

(1) *Do not damage the character of the streetscape.*

Response: The existing windows proposed to be removed are currently set back approximately 1'-0" from the façade center element and are painted dark brown. There are false viga ends protruding from the walls above. There are 2 windows in each wall. The character defining element of this façade is the center wall with its higher curved parapet and centered window which will remain. The windows to be removed are proposed to be replaced with new 3'-0" x 6'-8" doors with 3'-0" x 1'-9" transoms above. Both doors and transoms will have divided lites. The new windows and transoms in the existing window locations and re-use of the headers and corbel elements are in character of the pueblo revival style of the streetscape. Keeping the center portion of the existing façade will maintain the predominant character defining element of the

existing façade, and the proposed changes are harmonious with other buildings along the plaza, therefore no damage will occur to the streetscape.

Staff Response: Staff agrees with this response. While the windows will be changed to doors the overall appearance of the north elevation will not. The symmetry will be retained as well as the mission details.

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

Response: The applicant seeks to provide expanded amenities along the south side of the plaza for community members and visitors to enjoy their visit to the downtown. The second-floor mezzanine space, due to its present configuration as it was built to meet the JC Penny's store needs, is substantially underutilized, which is a hardship related to the physical condition of the property not created by the applicant. Removal of the windows and installation of four doors on each side will allow access to a proposed rooftop deck will add to the liveliness and a new way to experience the Plaza. Santa Fe citizens and visitors will obtain substantial enjoyment from viewing the Plaza and experience the charm of Santa Fe. This new rooftop deck will encourage more people to use the downtown and the Plaza which will benefit the public welfare and economic vitality of the downtown. Granting the exception is necessary to avoid the existing hardship addressed above.

Staff Response: Staff agrees that the second floor of the building is underutilized and that as a business/property owner of a historic building on the plaza the applicant may suffer a hardship in regard to maintenance of dead space.

(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.

Response: The existing Plaza Galeria is commercial / retail use. The proposed alterations will allow for new commercial uses that add to and create a full range of options for expanded uses. The design options include the new doors and transoms within the existing window locations to minimize character defining changes. A previous application to provide access to a new rooftop deck on this site thru the existing window locations was **approved** by the HDRB in 2013. New and expanded commercial use opportunities will help to ensure that residents can continue to reside within the Downtown historic district.

Staff Response: Staff does not agree with this response but does agree that the applicant has considered and presented other design options to the Board. The applicant may provide a response that satisfies the Board at the hearing.

(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.

Response: The Subject Property comprises a less than one-half acre (.408 Ac.) parcel that accommodates a large building: The Plaza Galeria. The building covers the entire site. There is no space to expand and create new uses except as described in this application. The portal along E. San Francisco Street was added in the late 1960's. Although other buildings in the streetscape have portals, not all are conducive to creating rooftop decks and would require substantially greater alterations to provide access.

Staff Response: Staff does not agree with this response. There are other buildings around the plaza that are also shotgun style buildings.

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

Response: Neither the size of the Subject Property, the building coverage, or the addition of portals to the streetscape are the result of actions by the applicant. There is no space to expand and create new uses except as described in this application. This application seeks to utilize the existing portal and expand public use for Santa Fe citizens and visitors.

Staff Response: Staff agrees with this response. The configuration of the property is not the result of the actions of the applicant.

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

Response: As discussed above, the existing site is built out to the maximum allowed extent. Providing access thru new doors at the location of the existing windows minimizes the changes to the façade. A previous application to provide access to a new rooftop deck on this site thru the existing window locations was **approved** by the HDRB in 2013. This application is similar to what was approved then.

The use of the portal rooftop as an outdoor deck will have a harmonious outward appearance, preserve property values, and attract tourists and residents to the downtown. Style, form, color, height, proportion, texture and materials will be harmonious with the context of the site and will have a positive effect on the surrounding streetscapes.

Staff Response: Staff agrees that the changing the windows to doors, while not preserving historic material, does preserve the aesthetic seen from the plaza.

EXCEPTION TO REMOVE HISTORIC MATERIAL (14-5.2(D)(5)(ii))

The application before you, includes **removal of wall material to create pass throughs at the center façade** element on the second floor. An exception is required to section 14-5.2(D)(5)(ii). The removal is to allow for two new 1'-6" x 2'-6" pass throughs on either side of the center façade existing window element for service access

to a proposed rooftop deck over the existing street portal.

(1) Do not damage the character of the streetscape.

Response: The proposed pass throughs will remove a minimal amount of wall material from the façade center element and will be recessed and painted dark brown. The character defining element of this façade is the center wall with its higher curved parapet and centered window which will remain. Keeping the center portion of the existing façade will maintain the predominant character defining element of the existing façade, and the proposed changes are low and minimal in size, therefore no damage will occur to the streetscape.

Staff Response: Staff agrees that the visibility of the pass throughs will not be very visible along the streetscape due to the fact that the portal prevents a great degree of visibility from San Francisco Street, with greater visibility being noted as one moved toward the plaza side of the street. Should the balcony over the portal be approved, the pass throughs will have lower visibility.

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

Response: The applicant seeks to provide expanded amenities along the south side of the plaza for community members and visitors to enjoy their visit to the downtown. The second-floor mezzanine space, due to its present configuration as it was built to meet the JC Penny's store needs, is substantially underutilized, which is a hardship related to the physical condition of the property not created by the applicant. Removal of a minimal amount of wall material and installation of two pass throughs on each side will allow service access to a proposed rooftop deck. Santa Fe citizens and visitors will obtain substantial enjoyment from the deck to view the Plaza and experience the charm of Santa Fe. This new rooftop deck will encourage more people to use the downtown and the Plaza which will benefit the public welfare and economic vitality of the downtown. Granting the exception is necessary to avoid the existing hardship addressed above.

Staff Response: Staff does not agree with this response but does think that the pass throughs offer more space on the balcony, should it be approved. It offers more efficiency in the space in that the doors are not continually used by the business's staff and the customers. The pass throughs may offer a safer, more collision free environment for customers.

(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.

Response: The existing Plaza Galeria is commercial / retail use. The proposed alterations will allow for new commercial uses that add to and create a full range of options for expanded uses. The design options include new pass throughs within the

existing wall to minimize character defining changes. Service to users of the rooftop deck will be facilitated by the pass throughs. New and expanded commercial use opportunities will help to ensure that residents can continue to reside within the Downtown historic district.

Staff Response: Staff does not agree with this response as other design options and their challenges were not discussed.

(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.

Response: The Subject Property comprises a less than one-half acre (.408 Ac.) parcel that accommodates a large building: The Plaza Galeria. The building covers the entire site. There is no space to expand and create new uses except as described in this application. The portal along E. San Francisco Street was added in the late 1960's. Although other buildings in the streetscape have portals, not all are conducive to creating rooftop decks and would require substantially greater alterations to provide access.

Staff Response: Staff does not agree with this response though staff other than that the applicant, in order to preserve the north elevation,

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

Response: Neither the size of the Subject Property, the building coverage, or the addition of portals to the streetscape are the result of actions by the applicant. There is no space to expand and create new uses except as described in this application. This application seeks to utilize the existing portal and expand public use for Santa Fe citizens and visitors.

Staff Response: Staff does find that the applicant addressed the criterion.

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

Response: As discussed above, the existing site is built out to the maximum allowed extent. Providing service access thru new pass throughs at the location proposed minimizes the changes to the façade.

The use of the portal rooftop as an outdoor deck will have a harmonious outward appearance, preserve property values, and attract tourists and residents to the downtown. Style, form, color, height, proportion, texture and materials will be harmonious with the context of the site and will have a positive effect on the surrounding streetscapes.

Staff Response: Staff agrees that the pass throughs are small, however the presentation of other design options may justify the need for them.

EXCEPTION TO RAISE THE PARAPET AND ADD RAILING TO A PRIMARY ELEVATION (14-5.2(D)(3))

The application before you, includes **increasing the parapet height and adding a new railing** on the rooftop of the existing portal. An exception is required to section 14-5.2(D)(3). The additional height and railing will allow for safe use of a proposed rooftop deck over the existing street portal.

(1) Do not damage the character of the streetscape.

Response: The existing parapet is too low for safe use of the portal roof as an outdoor deck. The combination of solid and open railings is consistent with other railings and parapets along the streetscapes of the plaza. Keeping visibility through the open railing to the center portion of the existing façade will maintain the predominant character defining element of the existing façade. The proposed changes are harmonious with other buildings along the plaza, therefore no damage will occur to the streetscape.

Staff Response: Staff agrees with this response and finds that the greater alteration of this design is to the portal, not the building. The railing detail does seem sufficiently open to allow the primary elevation of the building to be viewed from the streetscape.

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

Response: The applicant seeks to provide expanded amenities along the south side of the plaza for community members and visitors to enjoy their visit to the downtown. The second-floor mezzanine space, due to its present configuration as it was built to meet the JC Penny's store needs, is substantially underutilized, and the height of the existing parapet on the portal is too low for public safety, which are both hardships related to the physical condition of the property not created by the applicant. Raising the height and adding a railing to the existing parapet will allow safe use of a proposed rooftop deck and will add to the liveliness and a new way to experience the Plaza. Santa Fe citizens and visitors will obtain substantial enjoyment from viewing the Plaza and experience the charm of Santa Fe. This new rooftop deck will encourage more people to use the downtown and the Plaza which will benefit the public welfare and economic vitality of the downtown. Granting the exception is necessary to avoid the existing hardship addressed above.

Staff Response: Staff agrees with this response. The railing is necessary to prevent injury to the public.

(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.

Response: The existing Plaza Galeria is commercial / retail use. The proposed alterations will allow for new commercial uses that add to and create a full range of options for expanded uses. The design options include either a solid parapet or combination solid parapet and open railing to minimize character defining changes. A previous application to provide access to a new rooftop deck on this site included a raised solid parapet that was **approved** by the HDRB in 2013. This application presents the combination solid parapet and open railing as the preferred option. New and expanded commercial use opportunities will help to ensure that residents can continue to reside within the Downtown historic district.

Staff Response: Staff agrees with this response. Design options were considered and the option with the open railing seems most appropriate.

(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.

Response: The Subject Property comprises a less than one-half acre (.408 Ac.) parcel that accommodates a large building: The Plaza Galeria. The building covers the entire site. There is no space to expand and create new uses except as described in this application. The portal along E. San Francisco Street was added in the late 1960's. Although other buildings in the streetscape have portals, not all are conducive to creating rooftop decks and would require substantially greater alterations to provide access and safety.

Staff Response: Staff agrees with this response but acknowledges that it is not the only property with the benefits and challenges of the roof.

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

Response: Neither the size of the Subject Property, the building coverage, or the addition of portals to the streetscape are the result of actions by the applicant. There is no space to expand and create new uses except as described in this application. This application seeks to utilize the existing portal and expand public use for Santa Fe citizens and visitors.

Staff Response: Staff agrees that the configuration of the building is not the result of the applicant.

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

Response: As discussed above, the existing site is built out to the maximum allowed extent. Providing safe use of the roof over the existing portal as an outdoor deck minimizes the changes to the façade. A previous application to provide access to a new

rooftop deck on this site with a raised parapet was **approved** by the HDRB in 2013. This application is similar to what was approved then.

The use of the portal rooftop as an outdoor deck will have a harmonious outward appearance, preserve property values, and attract tourists and residents to the downtown. Style, form, color, height, proportion, texture and materials will be harmonious with the context of the site and will have a positive effect on the surrounding streetscapes.

Staff Response: Staff agrees with this response. The rooftop portal meets the objectives of 14-5.2(A)(1).

EXCEPTION TO NOT MEET THE 3 FT. CORNER RULE (14-5.2(E)(2)(b))

The application before you, includes **glass storefronts within 3'-0" from the corner of the facade** on the expanded storefront at ground level under the existing portal. An exception is required to section 14-5.2(E)(2)(b). The glass storefront will maintain the existing character and allow greater visibility into the retail spaces under the existing street portal.

(1) Do not damage the character of the streetscape.

Response: The existing storefront was remodeled in 1994 and includes glass corners. The proposed expanded storefront includes glass corners that will match the existing. Ground level storefronts along the plaza are varied and no two are alike. The proposed changes are harmonious with other buildings along the plaza, therefore no damage will occur to the streetscape.

Staff Response: Staff agrees with this response. There are a variety of storefront windows around the plaza.

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

Response: The applicant seeks to expand and reconfigure the storefront to match in character the existing which will provide expanded amenities along the south side of the plaza for community members and visitors to enjoy their visit to the downtown. The large expanses of glass and glass corners are the character of the storefronts. By requiring the new corners to be solid walls will change the character and reduce visibility into the retail spaces. Granting the exception is necessary to avoid the potential hardship addressed above.

Staff Response: Staff does not feel that a hardship is presented but does consider that the viability of the space and the attractiveness of the space to a retailer is important.

(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.

Response: The existing Plaza Galeria is commercial / retail use. The proposed alterations will allow for commercial uses that add to and create a full range of options for expanded uses. The design option proposed maintains the character of the existing storefront (large expanses of glass and glass corners). Allowing glass corners will minimize character defining changes. A previous application that included a reconfigured storefront and kept the existing glass corners was **approved** by the HDRB in 2013. New and expanded commercial use opportunities will help to ensure that residents can continue to reside within the Downtown historic district.

Staff Response: Staff does not agree with this response. No design options were presented.

(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.

Response: The Subject Property comprises a less than one-half acre (.408 Ac.) parcel that accommodates a large building: The Plaza Galeria. The building covers the entire site. There is minimal space under the portal space to expand as described in this application. The storefront along E. San Francisco Street was added in 1994. All buildings along the plaza streetscape have storefronts that are unique to themselves.

Staff Response: Staff does not agree with this response. This question is challenging to answer for buildings around the plaza as they all have similarity in that they are all unique and are all bound by the same conditions. The existing storefront is maybe most unique in its setback from the streetscape.

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

Response: Neither the size of the Subject Property, the building coverage, or the addition of portals to the streetscape are the result of actions by the applicant. There is minimal space to expand under the portal and create new space except as described in this application. This application seeks to utilize additional space under the portal and expand public use for Santa Fe citizens and visitors.

Staff Response: Staff agrees with this response. The applicant purchased a building with its current conditions.

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

Response: As discussed above, the existing site is built out to the maximum allowed extent except under the portal. Adding a small amount of square footage to the retail spaces with access thru new doors with glass corners minimizes the changes to the character of the façade. A previous application to provide a reconfigured storefront was **approved** by the HDRB in 2013. This application is similar to what was approved then.

The continued use of retail spaces under the portal will have a harmonious outward appearance, preserve property values, and attract tourists and residents to the downtown. Style, form, color, height, proportion, texture and materials will be harmonious with the context of the site and will have a positive effect on the surrounding streetscapes.

Staff Response: Staff agrees with this response. The style requested is seen in other areas on the streetscape.

EXCEPTION TO ADD TO A PRIMARY ELEVATION (14-5.2(D)(2))

The application before you, includes **an addition of walls and door to enclose the new egress stair from the second floor** at the west side of the storefront at ground level under the existing portal. An exception is required to section 14-5.2(D)(2). The enclosure will allow secure egress from the second floor directly to grade outside of the building under the existing street portal.

(1) Do not damage the character of the streetscape.

Response: The existing second floor is proposed to be expanded to provide for new public use. A second egress stair directly to grade outside of the building will be required. The proposed redesign of the existing stair achieves this requirement. The new door and walls (with the existing display case relocated) to enclose the stair are the minimum required. The proposed changes are harmonious with other buildings along the Plaza, therefore no damage will occur to the streetscape.

Staff Response: Staff agrees with this response. The stair and door are discrete in their design and placement.

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

Response: The applicant seeks to provide expanded amenities along the south side of the plaza for community members and visitors to enjoy their visit to the downtown. The second-floor mezzanine space, due to its present configuration as it was built to meet the JC Penny's store needs, is substantially underutilized. Adding the required egress stair for public safety is a hardship related to the physical condition of the property not created by the applicant. Granting the exception is necessary to avoid the existing hardship addressed above.

Staff Response: Staff agrees with this response. The additional egress is a safety requirement.

(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.

Response: The existing Plaza Galeria is commercial / retail use. The proposed alterations will allow for new commercial uses that add to and create a full range of options for expanded uses. The location of the required egress stair is the only way to get to grade outside of the building. The door and walls are the minimum required. New and expanded commercial use opportunities will help to ensure that residents can continue to reside within the Downtown historic district.

Staff Response: Staff does not agree with this response because other design options were not presented. However, staff does agree that the option presented is practical.

(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.

Response: The Subject Property comprises a less than one-half acre (.408 Ac.) parcel that accommodates a large building: The Plaza Galeria. The building covers the entire site. The required stair exits to grade at the only available area on the site. Other land and structures in the related streetscape are all unique and meet required egress from second floors in varied ways.

Staff Response: Staff agrees that for the purposes of this application, the location of the stairs is appropriate.

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

Response: Neither the size of the Subject Property, the building coverage, or the addition of portals to the streetscape are the result of actions by the applicant. There is no space to meet the required second floor egress except as described in this application.

Staff Response: Staff agrees in that should a portal patio be allowed at this building; the stairs and door would need to be near the area proposed in order to have proper egress.

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

Response: As discussed above, the proposed expanded second floor will require a second means of egress. Providing required egress at this location minimizes the changes to the façade.

The addition of the door and walls will have a harmonious outward appearance, preserve property values, and attract tourists and residents to the downtown. Style, form, color, height, proportion, texture and materials will be harmonious with the context of the site and will have a positive effect on the surrounding streetscapes.

Staff Response: Staff agrees with this response. The door and wall are discrete elements of the design.

STAFF RECOMMENDATION:

Staff does not find that the exceptions have been met but the Board may find that the exceptions are met with testimony from the applicant. Otherwise, staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for All H Districts and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

Chair Rios asked her to tell the Board more on the elevator location and stem wall.

Ms. Ramirez Thomas showed the second-floor drawing for reconfiguration of the store space and the elevator location. It cannot be seen publicly.

Chair Rios asked about the stem wall.

Ms. Ramirez Thomas showed the left-hand corner of the bottom drawing where the little window is on the right side.

Chair Rios asked about the material.

Ms. Ramirez Thomas said it is stucco with a metal door.

Chair Rios observed that the applicant has requested four exceptions.

Ms. Ramirez Thomas clarified that it is actually five. There are two primary additions.

Chair Rios noted that Staff did not agree with all exception criteria but recommending that additional testimony could bring approval.

Member Katz, on the elevator, saw that although it is not higher than the mission detail in the top picture, it is obviously visible. He was reluctant to approve without a story pole. He appreciated the need for it and wondered about not having the overrun.

Ms. Ramirez Thomas said there are ways to do that and if the Board wishes, there is discussion on it and the Board could postpone that part of it.

Member Biedscheid as if the existing storefront meets the 3' corner rule now.

Ms. Ramirez Thomas said not really. Perhaps the applicant could describe that.

Member Boniface said the windows under portals don't meet the 3' rule.

Member Bayer asked Staff to describe the metal to be used.

Ms. Ramirez Thomas pointed out the detail on the bottom right that shows what it looks like.

Applicant's Presentation

Mr. Seres (previously sworn) said it is similar to an approved application in 2013 that included raising the parapet on an existing portal and afterward was upgraded to Contributing. In 2013, the railing along the portal was approved and changing the windows to doors and alterations to the ground floor storefront. The difference is raising of the portal with railings with two solid pieces in the center. The windows now have transoms above them. The elevator at the second floor is now 9' further back and at the same height as in 2013, which was a condition in 2013.

The ground floor changes deal with the 3' rule and stairs on right hand side - for egress off of the second floor. Those are the differences from 2013.

Chair Rios explained that the 2013 case lapsed.

Mr. Seres agreed.

Questions to Applicant.

Chair Rios asked him to describe the railing.

Mr. Seres said, it is just above the three canales and has two solid sections. It is approximately 11' deep and has a decorative railing for that piece with every fourth vertical member and it is 42" high. He clarified that they are not proposing to change the other side of the existing portal but are putting a new member above. It will be structurally sound.

Chair Rios ask about the color.

Mr. Seres said it will be black.

Chair Rios as if he would entertain replication of the window pattern for those doors.

Mr. Seres explained that the windows are six over six and mullions are different than what doors require. That is an issue, going from window to a door.

Member Roybal asked if Ms. Ramirez Thomas could go through the exceptions, so the applicant can address what she didn't agree with.

Ms. Ramirez Thomas read the exception to not replace in kind. She disagreed with the other options criterion and didn't agree with special circumstances criterion. The fifth criterion, due to special conditions, she agreed with.

Mr. Seres said regarding #3 that the original case in 2013 had recessed doors. It is similar to #6. The transoms were added and the will reduce the scale of the doors and more closely match the upper sills of the windows.

Member Roybal asked if we are sure they are historical windows.

Ms. Ramirez Thomas referenced the photo with the J.C. Penney Building.

Member Roybal thought when J.C. Penney left they would have replaced those windows.

Chair Rios didn't think so.

Mr. Seres said that was in 1994. Part of it included changing windows to doors but it was not done.

Mr. Seres said for #4, we responded that not all have portals that are conducive to a rooftop area. The floor goes back 20'. This application allows greater flexibility of use of the second floor.

Ms. Ramirez Thomas went to the next exception - to remove historic material. Staff didn't agree with criteria #3, #4, #5.

Mr. Seres said for #3 - pass-throughs are minimal. We believe this is the most minimal change. In #4, these changes are minimal changes as part of the north façade. Some portals require a great deal of change to make them accessible.

Member Biedscheid would consider that ledge as a character-defining feature.

The next exception had all responses agreed with. Next was 3' corner rule exception where #2 and #4 were not agreed.

Mr. Seres pointed out there are large expanses of glass. They are increasing the size of storefronts by 3' with doors and glass. They are not as apparent as they would be on the exterior and not on the portal. For criterion #3 - design options, they are either solid or glass or a combination of both. The existing glass storefronts don't go to the ground. For #4 - special conditions, the buildings around the plaza are all unique in their setback with the street.

Member Biedscheid added for #4, the setback to the main door.

Ms. Ramirez Thomas said there are other spaces under the portal that come out further.

Member Boniface referenced the photo on page 5. What the applicant proposes is very similar to the lower photograph. The only difference is the bump out which will disappear.

Mr. Seres agreed. The return will have two panes of glass.

Member Boniface said what exists is in violation and you continue that.

Mr. Seres agreed.

Ms. Ramirez Thomas said she only disagreed with #3 on the final exception - stairwell.

Mr. Seres said they could put the stairs on the other side but that is the only other option. There could be a stairwell inside which is not part of this application. The second floor does not extend all the way to the south, but we could put something there. Those are the only possible options.

Chair Rios asked what the dimensions are for second floor windows.

Mr. Seres said they are 3' wide and 5'4" off the floor to 8'. The doors are 36" wide so 40" wide for frame and door. The height is 8' to existing headers. That is the reason for the transom above the 6'8" doors.

Chair Rios asked if, on the middle one, there would be a visual change.

Mr. Seres said no. It is the same.

Member Katz asked if there is an option for no overrun on the elevator.

Mr. Seres said he researched it but had no other option.

Member Boniface suggested that a hydraulic elevator is possible. It would only be about 18" to 2' above the roof.

Mr. Seres said they did put up a story pole in 2013 and it only had a minimal visibility, which was a reason for moving it further back where it is now. It would completely eliminate it from public view.

Ms. Ramirez Thomas gave the dimensions that she measured.

Public Comment

Mr. John Eddy (previously sworn) had a couple of difficulties with this project, based on the history of the building. "This building has suffered incredible changes in development in its time. This proposal just adds to that. You should consider the proposal by completely ignoring any previous approvals. Their projections of the elevator are a complete non-starter. I have strong objection to the pushed-out stairway. Is that correct?"

Mr. Seres said the stairway addition is within the property under the portal but within the property. It is outside the building but within the property of the building.

Mr. Eddy said, "I leave it with you to wrestle with the exceptions. A project cannot be approved unless all exceptions are approved. The history of this property is relevant here. There is a plaque on the building.

Mr. Eddy said it was the site of a military chapter by Mexico when General Kearney came in and took over their offices. A custodian of that building was Domaciano Vigil who became Governor after the revolt in Taos. "When we look at the Plaza, it is not just a piece of real estate. The H Board is first step in dealing with Land Use and it is a cultural adaptation we've enjoyed for many years with an empty portal above it. It will match the brewery next to it. What happens to the rest of the Plaza if we go down this road? At what point do we stop and ask if more is better for us? Is more always better or can we hold up on it without putting more development on top of it? I urge you to deny or postpone this case. I'm talking about the second floor. You are opening up with doors instead of windows at the top of this building as proposed. The impact to the streetscape is considerable here and I urge you to be cautious."

Chair Rios asked about any others that have a visible stairwell.

Ms. Ramirez Thomas mentioned one on Don Gaspar. It is inside the building but is the same concept. She commented on that caution on pages 19- 20 and 21.

Ms. Beninato (previously sworn) said, "I am opposed to this project. I'm concerned that we are changing a very important block on the Plaza. I know everyone wants to make more money by having full use of the space. They probably would have options of other retail spaces that would not require such changes. It was not used as a restaurant before like La Tertulia was. And zoning requirements are not hardships that all need to comply with and they should have known about those requirements. The presentation of those windows and the ledge are characteristics of that building. If they can't make it work with four that are there. Maybe next door was different. I am also concerned about the elevator and think it will be visible. There is already an appeal on another elevator.

The staircase doesn't look anything like San Francisco Bar and Grill. I understand the fire code requirement but maybe it could be done inside coming out someplace else. This changes the downtown area. Putting transoms over the doors makes it less overwhelming but it is also fake history. I thought the fire code didn't allow transoms any longer. It is not historic use of the building. We have enough alcohol being served downtown and don't need more.

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

Mr. Seres said the egress stair is fully enclosed and the solid door is only for egress. He asked to show the historic images.

Ms. Ramirez Thomas said she did not have them in the packet but had printed copies. She gave them to Mr. Seres to show. It showed access from second floor along the sidewalk. The first image was from 1868 and another was from turn of the century - with second story balcony with a roof over it and in 1950 - showed a third change on this building along the plaza. A 1965 photo showed the JCPenney store. It now has a portal there.

Member Katz asked about the stairs.

Mr. Seres said they use the stair in the enclosed area. Working within the enclosed area and the number of risers, it comes down to a landing and turns right to another landing and then two steps more and it meets the requirement.

Member Katz thought the first landing could be more to the center of the building. Those two steps go out the door. You could have two coming down but not to the front.

Mr. Seres didn't understand what he was saying.

Ms. Ramirez Thomas clarified that in the drawing, it says up. You walk in the door toward the west and then go up and it is inside the building.

Mr. Seres said they can't put the door on the first two steps.

Member Katz suggested they put the risers on the corner to get down to the ground floor.

Member Boniface asked if he could put the risers at the top. It would certainly take the bump out off the sidewalk. On page 25 upper photograph of the display case, the wall would be pulled closer to us in the photograph and the display turned into a door. It is actually set back from the row of columns and expanding the vestibule and removing that last window. He agreed with Member Katz - "You wouldn't have to lose that

window and could shorten the vestibule and go straight out to the sidewalk. It would require more risers at the top."

Mr. Seres pointed out that at the southwest corner, the display case is on that short wall and he is proposing to move it out, but it could remain with that suggestion.

Member Bayer noted that five exceptions are a lot for this project and perhaps Mr. Seres could revise it to minimize the exceptions needed.

Mr. Seres said they could move the doors back to eliminate the exception for an addition.

Member Bayer said he could minimize the openings to four, which would eliminate that exception on removal of historic materials and the three-foot corner rule.

Member Bayer asked if the four doors are required for people.

Mr. Seres said no but having only two would look odd to have two windows right there by the doors.

Member Boniface asked if he was not raising the lintels and as far as width is concerned - are you widening the openings? He asked if the openings are 2' 8".

Mr. Seres said they would keep the lintels and would have to widen the wall opening for the new doors.

Member Boniface asked Ms. Ramirez Thomas about an updated HCPI.

Ms. Ramirez Thomas said there was not one.

Member Biedscheid pointed out that with the amount of change, we don't have enough history on the building. She suggested a new HCPI is needed and we have a historic portal and the character of the portal is in changed significantly with this proposal. She echoed what Member Bayer said. It has lots of exceptions on a contributing building, so it would help to reduce the number of exceptions.

In response to Mr. Seres, Member Biedscheid said the status might consider other historic associations per Mr. Eddy. She was also concerned with parapet raising, and the use of metal in the railing and grill on the window. It needs further consideration.

Member Roybal asked if there is a rooftop right next door and when that was done.

Ms. Ramirez Thomas said yes. It was done in early 2000's maybe 2006. The Woolworth's store front used to extend there and the Five and Dime shortened it. So several changes occurred.

Member Roybal thought the rooftop enhanced the plaza.

Member Biedscheid didn't think all criteria were met.

Action of the Board.

MOTION: Member Katz moved, seconded by Member Boniface, in Case #H-18-078A at 66 — 70 East San Francisco Street, to approve #1 - to allow windows to become doors. He agreed with the Applicant that it should be all of them. He would not approve #2. He would allow the increase in parapet and railing in #3. He would not allow the change in the exterior structure. The stair case is fine but not the bump out. He would approve #5, reconfiguration of storefront windows under the parapet and quite a bit back of the store windows and allow the 3' exception and in #6 to not approve an elevator that goes above 2' above the roof. And approve the stucco color.

Member Biedscheid asked about the exception criteria for that.

Member Katz said regarding changing the windows to doors, Staff agreed with #1 and #2. Staff did not agree with #3 but he disagreed with Staff. You can't do this project without the roof deck over the portal. For reasons stated earlier to symmetry of having them all look alike; the special condition is that each building on the plaza is unique and some cannot support a roof deck but here it works. So it is appropriate to have a roof deck.

We are not doing "pass throughs. For the raising of parapet, he would adopt staff's agreement. And on the 3' corner rule, preventing hardship or injury to public, it is not a strong response, but it is not changing the nature of all the windows on the front. It is very deep into the alcove and allows them better able to use the retail space there without a major change to the nature of that alcove and helps to prevent a hardship to the applicant. He didn't think there are any other options So that is the alternative to adopt. It is unusual to have those display cases.

Mr. Seres said they are moving the display cases.

Member Katz didn't think there are other display cases out front. And Staff agreed with #5 and #6. The next exception is eliminated and that covers all of them.

Chair Rios felt this case has gone overboard by making so many changes to the second floor, by losing historic windows, by adding a railing, etc. Slowly but surely, we are making a lot of changes to the Plaza.

Member Bayer said it is a contributing building and understood the changes to the first floor, but the second-floor changes do degrade the status as proposed right now.

Member Biedscheid agreed with Member Bayer and disagreed with 1 - conditions that are not expected to change. She felt the design options were not thoroughly investigated. So she didn't agree all criteria are met with #1.

VOTE: The motion resulted in a 3-2 voice vote with Member Roybal, Member Katz and Member Boniface voting in favor and Member Bayer and Member Biedscheid voting against. Chair Rios voted against the motion, resulting in a tie vote and that motion failed.

Member Bayer was inclined to postpone the case, rather than deny it. Mr. Seres had indicated that he was willing to make changes to reduce the exceptions. And it could have better responses and options for changes to the second floor.

Member Katz appreciated her suggestions, but he didn't see anything changing - either you will have a restaurant and the deck or not. He asked where this leaves the applicant.

Ms. Ramirez Thomas said the Board must vote to approve or deny or postpone.

Member Katz said it might await a full Board.

The Board discussed the options for this applicant.

Member Boniface asked if the Board wanted to see a restaurant there or not. The applicant, by using the existing openings, would be the best way to approach this. Ten it would not approve any new openings. The Board has changed windows to doors many times.

He didn't see a more creative design. It is a sensitive design and creative use of that space. To him, it is either yes or no. He asked what alternative there is to Member Katz's motion. He has already agreed to address the other exceptions.

Member Boniface thought a postponement would just lead to the same conclusion.

Member Katz respected the position of the three opposing.

MOTION: Member Katz moved to postpone this case indefinitely and didn't have any illusion that would make anyone happy. They might just take some time to come back. He explained that he didn't want to deny it. We are not going to pass any motion here. Is that correct?

Ms. Gheen agreed, unless someone changes their mind.

Mr. Seres said he would offer what was approved in 2013 - a raised parapet for the deck with a solid railing.

Member Katz pointed out that only he and Chair Rios were on the Board then.

Mr. Seres pointed out that it would be less of a visual change and more unique to what is next to it with a solid wood railing.

Member Boniface said a solid railing is much less appealing to me. What you offered are nice proportions and people could see through. It is not as massive. "I like your current design. It is better than what was proposed in the past."

Chair Rios said what troubled her was making the doors more like the windows. They come wider than what the windows are.

Mr. Seres said a door is a door and has a different vocabulary. It isn't good.

MOTION: Member Katz moved, seconded by Member Bayer, in Case #H-18-078A at 66 — 70 East San Francisco Street, to postpone the case.

Ms. Gheen asked if it would be appropriate to ask the Applicant if they want to work with a postponement.

Mr. Seres asked if they have a right to an opinion.

He checked with his client, and said his client wants a vote up or down.

Member Katz withdrew his motion to postpone.

Member Roybal moved to deny the application but it died for lack of a second.

Member Biedscheid thought the first exception was not met but a railing is preferable to a solid wall.

Mr. Seres said it creates some distinction with what is next door. Wood requires more solid material. Our first thought was to create a distinction with what is next door.

MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-18078B at 66-70 East San Francisco Street, to postpone.

VOTE: The motion to postpone passed by 4-2 voice vote with Members Bayer, Biedscheid, Katz, and Rios voting in the affirmative and Members Roybal and Boniface voting against.

11. Case #H-18-079. 853 East Palace Avenue. Downtown and Eastside Historic District. Tom Lechner, agent for Ted Lusher, owner, proposes to remodel a contributing non-residential property by replacing windows, reconstructing a portal, re-roofing, re-stucco, add ADA access, rebuild retaining walls, and adding security grills. (Nicole Ramirez Thomas)

This case was postponed to August 14, 2018.

12. Case #11-18-080. 640 Galisteo Street. Don Gaspar Area Historic District. Gary and Linda Williams, agents/owners, propose to construct a pergola and deck, add a fireplace, and replace windows on a noncontributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

640 Galisteo Street is a non-contributing residential structure located in the Don Gaspar Area Historic District. The house was at one time a 600 square foot pentile structure but was added onto in 1995. The addition was 1000 square feet and included the sloping roof, wood windows, and other finishes that are seen today.

The applicant requests the following items for remodel.

- 1 Addition of a deck and pergola. The deck and pergola were added without a permit and a red tag was issued. The applicant is now asking for approval from the HDRB to bring the structure into compliance. Prior to the current construction, there was a 600 square foot deck. This was removed and replaced with a 200 square foot deck. A pergola was built over the deck. All elements are wood and are stained "Mission Brown." The height is lower than the existing parapet.
2. Replace existing window sashes. The sashes are currently of wood and the applicant is asking to replace them with wood clad windows in "Bronze." The window style will not change.
3. Replace the decorative ladder where the mailboxes are hung for the main house and the studio. The ladder will be of wood and stained "Mission Brown."

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(H) Don Gaspar Area Historic District.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Gary Williams was sworn and had nothing to add to the Staff Report. He said the Staff was very easy to work with through this process.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Adrian was sworn and said he is the neighbor that sees this property most directly and stands in support. The neighbors have been a wonderful addition.

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

Chair Rios noticed that some of the work is already done.

Ms. Ramirez Thomas agreed. The pergola was constructed.

Action of the Board

MOTION: Member Biedscheid moved, seconded by Member Katz, in Case #11-18-080 at 640 Galisteo Street to approve the application as recommended by Staff.

VOTE: The motion to approve passed by unanimous (5-0) voice vote with Members Bayer, Boniface, Biedscheid, Katz and Roybal voting in the affirmative and none voting against.

The Board took a brief recess from 8:52 to 8:56.

- 13. Case #11-18-081. 114 Old Santa Fe Trail.** Downtown and Eastside Historic District. Ileana Franco, agent/owner, proposes to replace a non-historic portal with a 680 sq. ft. portal to match adjacent parapet height and to install a metal security gate on a non-contributing commercial structure. (David Rasch)

This case is postponed to August 14, 2018.

- 14. Case #H-18-082. 1469 Canyon Road.** Downtown and Eastside Historic District. Douglas Maahs, agent for Megan Hill, owner, proposes to construct a 330 sq. ft. second floor addition and addition of an elevator shaft to 22' where the existing height is 22' on a contributing residential structure. An exception is requested to not meet the 3' corner rule (14-5.2(E)(2)(b)). (Nicole Ramirez Thomas)

This case is postponed to August 14, 2018.

- 15. Case #H-18-030. 401 Old Taos Highway.** Downtown & Eastside Historic District. Jenkins Gavin, Inc., agent for Presbyterian Church Corp., requests approval for a 203,799 sq. ft. 3-story residential structure at 36' high, where the maximum allowable height is 23'10" on a sloping site. A height exception is requested (Section 145.2(D)(9)). (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

401 Old Taos Highway is a vacant lot at the corner of Old Taos Highway and Paseo de Peralta. The lot was cleared in 2017. The current application has come before the Board once as a preliminary hearing and another time as a final design. The Board provided feedback to the applicant regarding the final design at their May 22nd hearing. The applicant is returning with a revised design that addresses the statements made by the Board.

The applicant seeks approval for the following construction.

- 12) Construct a three-story Santa Fe Style structure with underground parking.
- The total footprint with portals and corridors is 60,319 square feet.
 - The second story will be 45,170 square feet including portals and corridors.
 - The third story will be 33,778 square feet with portals (ramadas) and corridors.
 - The underground garage will be 59,787 square feet and will provide parking for residence and employees.
- The stepbacks and massing are different at each level. The proposed height is 36'-0" where the maximum allowable height is 23'-10". Due to the slope of the lot,

the applicant is requesting an additional four feet of height per the provision in 14-5.2(D)(9)(ii)(F). The total slope of the lot is 9 feet over the course of the footprint of the building. The applicant is requesting a height exception of 8'-2" per 14-5.2(D)(9). Relevant code citations and exception responses are provided at the end of this memo.

13) Stucco will be cementitious El Rey "Buckskin."

14) Window, door cladding, and fences will be "Medium Bronze."

15) Stain for wood elements will be "Danish Walnut."

16) Yard walls will be 3'-0" to 3'-6" and constructed of stuccoed walls and pilasters and sections of wrought iron.

Changes from the Initial Design

- Reduction of units from 73 units to 69 units.
- Lowering parapet heights at the port cochere, the lobby, the living room, the multi-purpose room, the offices, the fitness room, the service area, and the garage entrance.
- The revised design provides more vertical relief on the north elevation.
- Removal of portals on the third story which are now ramadas.
- Narrowing of the third story units to pull them back from the streetscape.
- More open appearance and publicly visible open space.
 - o Visible southside courtyard from sidewalk.
 - o More open southwest corner.
 - o Yard walls along the south and west were lowered to for more visibility.
 - o Landscape strip on the south and southwest corner property line created by setting back further from the property line.
 - o Changes to exterior have increased the open space by 2,114 square feet.

RELEVANT CODE CITATIONS

14-5.2(D) (9) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, *scale*, and massing of any *structure* in an historic district, as defined in this section, shall be limited as provided for in this section, unless further restricted within this chapter.

(ii)F. The board may increase the allowable height for proposed *buildings* and additions located on a sloping site where the difference in the natural *grade* along the *structure's* foundation exceeds two (2) feet. In no case shall the height of a *façade* exceed four (4) feet above the allowable height of the applicable *streetscape* measured from natural or finished *grade*, whichever is more restrictive. This increase in height shall be constructed only in the form of *building* stepbacks from the *street*.

EXCEPTION RESPONSES

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

The requested height exception will be consistent with the character of the streetscape as the surrounding streetscape contains several structures that are equal to or exceed the requested 36'-0" height. Our streetscape is dominated by significant multi-story structures that include the Scottish Rite Temple at 40'-4", the Federal Building (Post Office) at 35'-8" and the Federal Courthouse at 57'-0". However, the applicable streetscape for the purpose of calculating height is not representative of the actual streetscape. The proposed three-story building harmonizes with the actual streetscape. Although the Federal Building and the Federal Courthouse are excluded from the maximum height calculation despite the fact that they themselves are historic structures, the two buildings are part of the reality of the subject property's streetscape and should be taken into consideration in the height exception evaluation in the interest of preserving harmony in the streetscape. It is worth noting that if these buildings were included in the average height calculation, it would result in an average height of 28'-5", with a maximum height of 30'-5", plus the additional 4 feet for the grade change on the site, for a total allowable height of 34'-5". This would result in an exception request of an additional 1'-7" if the federal structures were included. Scottish Rite Temple is included.

Please note that the highest point of the Scottish Rite Temple is the tower measuring at 67'-4". Per the above comparisons, the proposed building height will not damage, and actually harmonizes quite well with, the character of the district.

In addition, key design elements ensure that the building sensitively relates to the adjacent streets and neighboring properties, including: (1) significant, publicly accessible open space at the southwest corner of the property; (2) lower building heights on the west elevation in order to harmonize with the single story buildings on the west side of Old Taos Highway; and (3) lowering the finished floor elevation six feet below natural grade at the northeast corner, creating the perception of two stories from the north and east.

Staff Response: Staff agrees with this response. The height of the building does not put it out of sync with the surrounding buildings on this block of Paseo de Peralta between Washington Avenue and Old Taos Highway. The Federal Courthouse, the Scottish Rite Temple, and the U.S. Post Office buildings are not included in the height calculation because institutions and government buildings are excluded from calculations.

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

In order to develop a senior housing project on a downtown site that will accommodate the needs of senior residents and provide the requisite parking (160 spaces provided, 135 are required), the program mandates that the parking be placed underground. An

underground parking garage provides a safe and secure parking environment that is in close proximity to the building's elevator entry, which is critical for seniors. A surface parking lot would present unacceptable security and accessibility challenges. Furthermore, surface parking is not consistent with the City's objectives for downtown and does not promote historical integrity. Therefore, the district, the public welfare, and our senior residents are served by investing in underground parking. This significant investment necessitates an associated increase in floor area of the building in order to compensate for that subterranean improvement.

Staff Response: Staff agrees with this response; outdoor surface parking may cause a hardship to the occupants of the building. Staff also agrees that subterranean parking is encouraged by the City.

(iii) Strengthens 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.

El Castillo is exemplary of a project that strengthens the unique heterogeneous character of the City, ensuring that residents can continue to reside within the historic districts. Granting of this height exception will support diverse and heterogeneous living options within the historic districts, creating the opportunity for locals to reside downtown year-round, enjoy the walkable environment, support downtown businesses, and greatly enhance the vitality of downtown.

During the preliminary design phase, we explored a variety of design options, as described below:

1. Construct a surface parking lot, which presents security issues as described above. In addition, surface parking conflicts with the character of the historic districts.
2. Construct an at-grade parking structure adjacent to the residential building (similar to the Drury Plaza Hotel). This was not desirable due to the inherent challenges in articulating the massing, providing proper setbacks, etc. Furthermore, this layout eliminates the option to provide a series of courtyards that enhance access to natural light and fresh air for the residences. This option also presents similar proximity and security concerns as a surface parking lot.
3. Construct a first floor or a rooftop parking structure, with the residences on the second and third floors. This option would still require a height exception, would not be architecturally desirable, and would limit opportunities for the outdoor courtyards.

Downtown residential development is a balance between fulfilling housing needs within the limitations of smaller parcels, while accommodating the required parking. The proposed design accomplishes this in a sensitive, historically harmonious manner. The character of the historic districts is not limited to buildings; it is about people and people living downtown. The vibrancy and economic vitality of the downtown is greatly enhanced through the creation of new housing opportunities.

Staff Response: Staff agrees with this response. The applicant has provided a variety of design options.

(iv) Is 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 special circumstance peculiar to the land is the adjacency to several large, institutional buildings, with which the proposed building must harmonize. In addition, the property is surrounded by asphalt on three sides – two roadways and a parking lot. Therefore, it is highly desirable to avoid the addition of yet more asphalt with the construction of surface parking. The special circumstance peculiar to the proposed structure is the unique nature of senior housing in contrast to the other buildings in the streetscape. Multi-unit senior housing has a specific set of programmatic requirements that are not shared by the neighboring uses or buildings. Furthermore, this is the only residential project in the streetscape, which has unique design and development constraints.

Staff Response: Staff agrees with this response. A lower building would require a surface parking area. A non-residential structure might be able to accommodate surface parking and lower buildings, however, any residential structure proposed for this lot would find the same constraints.

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

The special circumstances and conditions of this project that are not a result of the actions of the applicant is the City mandate to ensure that new buildings harmonize with the existing streetscape, which is dominated by large, multi-story institutional buildings in this case. Furthermore, senior housing communities inherently necessitate proximity of parking facilities and associated access for residents due to limited mobility. The underground parking allows residents to easily access their respective residences from the garage via elevators. In addition, the parking must be secure to ensure residents' safety. The vertical connection of services and communal and private living spaces accommodates the required senior housing program.

Staff Response: Staff somewhat agrees with this response in that the application for senior housing does require safe and accessible parking for the residents.

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

As opposed to negatively impacting the stated purpose of this section, this proposal upholds the intention of §14-5.2(A)(1) through the harmonious design of the proposed building in relation to its surroundings with respect to height, proportion, and massing.

In addition, the building shall be constructed in the Recent Santa Fe style serving to preserve the historic character of the neighborhood. Furthermore, the increase in the availability of downtown housing in and of itself promotes the economic, cultural and general welfare of the City. The positive economic impact of downtown housing, especially within walking distance to the downtown core, cannot be overstated. Culturally, local residents have ready access to Santa Fe's museums, art galleries, and the performing arts. More importantly, the cultural experience of Santa Fe for visitors is greatly enhanced by the vibrancy and vitality that local residents bring to the downtown.

Staff Response: Staff agrees with this response in that the project meets the objectives of livability and harmony in the Downtown and Eastside.

STAFF RECOMMENDATION:

Staff finds that the exception criteria have been met and 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 Historic District.

Questions to Staff

Chair Rios asked if Ms. Ramirez Thomas agreed with the responses.

Ms. Ramirez Thomas said yes but one is pretty challenging, and she somewhat agreed with the response – is due to special circumstances which are not the result of actions by the applicant.

Chair Rios asked if the present application indicates the majority is three-story.

Ms. Ramirez Thomas said the third story is pushed toward the interior. This first picture shows the most third story from the original design. The second shows some less and the third design still has blocks of 3-story massing, but it is reduced. And it has more open space around the perimeter of the building to mimic more like across the street and respects the surrounding buildings. Much is two-story with significant setback of the third floor.

Member Katz said there never was a massive wall along Paseo.

Ms. Ramirez Thomas agreed

Member Roybal asked if she felt, with all the changes made, the applicants have complied with the wishes of the Board from the previous hearing.

Ms. Ramirez Thomas agreed. "But the Board should decide that. In my recollection. A lot was about more open space and public visibility. They did reduce the units' total size and the applicants can talk about that. The biggest was narrowing the upper units.

Member Bayer had two questions on height. In response #1, they referenced the Federal Building and Post Office which, because they are federal, don't comply with our code.

Ms. Ramirez Thomas said the applicant is trying to address the reality of the streetscape that it is more larger buildings instead of residential. And thus is not out of proportion.

Member Bayer asked how old the federal buildings are.

Ms. Ramirez Thomas said the Post Office might have been built after code, but the courthouse was built long before the code. They are historic buildings but because of institutional nature are not included in height calculation. Also, anything above 16' that is not contributing is excluded and none that are less than 50 years old, schools and churches are also excluded.

Member Roybal understood, but they do exist.

Member Bayer asked if she could explain the height calculation on page 9.

Ms. Ramirez Thomas said she just inherited this case but would try.

There was a little disagreement with the calculation. The Applicant has a right to survey the heights and their calculations be considered. The site map the City has was created in the 1990's and people can challenge the map. That is where these different numbers come from. The City calculation was a bit higher and Jenkins/Gavin's calculation is on page 10.

On page 12 is what was submitted. The Old Taos Highway average is at 22' 8". Page 13 is the Paseo maximum height which was 29' 5". And page 14 has wall height calculations.

Member Bayer asked about page 15.

Ms. Ramirez Thomas said that actually shows two columns with averages and she was not sure which is the City's. Slope gives 2' added and might have been included. In all three cases - the maximum allowable height was 23' 10". If you add four for slope, the maximum height is 27' 10". Their proposed height is 36' to the third story.

Applicant's Presentation

Ms. Jennifer Jenkins and Ms. Collen Gavin, 130 Grant Avenue, were sworn.

They briefly walked through the changes from the last meeting and revisited the height ordinance and reported they held an ENN meeting last week. It was conducted, and City staff was present.

Ms. Jenkins said, "We respectfully request a decision tonight and worked hard to address every issue raised last time.

Ms. Gavin went over the changes at the large monitor. She said, "We had costs for more open space and more visible landscaping." She showed part of the neighborhood. The most significant change was to completely remove the two-story on the east and took the corner unit two residences back for one story there and took the yard wall back 10' on the property for a buffer and pointed out the distance with four feet at the SE area. The changes will provide for more interaction between our residents and the neighbors as well as walking to and from downtown. She pointed out the new location of the Sequoia. They also changed on the west side in response to west neighbors to reduce the heights of all parts of the west side.

in the view from the southwest corner, they opened it up for visual connection along the south elevation.

From the northwest corner rendering, she pointed out the entrance to the garage was lowered with a landscape buffer and on the north, took out to provide for a step back at single story. From the northeast corner you can see the north elevation and stairwell down here. Along the east elevation it is opened up more in the center.

From the southeast corner, you can see two-story elements set back about 18-20' from the property line and two to three story elevation

She showed the floor plan with colors to show the transitions made and changes from the original design.

Questions to the Applicant

Member Roybal thanked them for all the changes. He appreciated all the openness on the west side. This extra work for the neighborhood will help with those walking by.

Chair Rios also thanked them for the entire presentation; everything in the packet. "You work well together, and you know your stuff. All the color renderings are very clear for us and audience. You reduced by four units. That translates to what in square footage?

Ms. Gavin said it is 5,200 sq. ft.

Chair Rios asked how many units will face Paseo.

Ms. Gavin showed them the six units, which are all two-story and redesigned.

Chair Rios asked how far back.

Ms. Gavin said they are as much as 28' 3" at this location and here at 18' 4", and at the southwest they are 42' back

Chair Rios asked how much the back units are pulled back

Ms. Gavin said from 12' to 16'.

Chair Rios asked about lot coverage.

Ms. Gavin said it is below 55% and the total open space is over 60,000 sq. ft. There is private pen space totaling over 23,000 square feet.

Member Katz asked about parking spaces reduced.

Ms. Gavin said they took out just one. There are 160 spaces in the underground garage and 39 surface spaces, some for handicapped.

Ms. Ramirez Thomas said page 8 discusses the parking spaces. 146 were required.

Member Katz thought that made no sense. Parking is expensive and that was the excuse for 3-story design. But why not get rid of some parking space to cost less.

Ms. Gavin explained the parking garage size was set for the entire piece. She described how they formed the design to meet ADA requirements.

Member Biedscheid asked if the single-story corridor on the southwest is enclosed or open air.

Ms. Gavin said it is open air with a cover but not heated.

Member Biedscheid asked about the yard wall in front on the street side.

Ms. Gavin described it. It is three feet high and going to 4.5' on the lower slope.

In response to Ms. Biedscheid, Ms. Gavin said the southeast corner is blocked by vegetation and where they had public spaces with high ceilings is not residential space. From the northwest corner, you can see the entrance to the parking garage and the

multi-purpose room. On the north elevation is vertical open-air space. At the southeast view, our original design used the vertical opening on the west elevation.

Chair Rios asked on the Old Taos Highway to the west, how much open space was between it and the building.

Ms. Gavin said at the single-story units, it is about 17' 3" and at the garage entrance is about 42'.

Chair Rios assumed there would be no rooftop appurtenances.

Ms. Gavin said they are all shielded.

Public Comment

Chair Rios gave each speaker two minutes maximum.

Mr. Jeffrey Lewis said density is probably the biggest issue. All up and down Old Taos Highway and Paseo are one-story buildings. The height exception is not met appropriately. Two-story has very little argument and without 3 stories, the owners said the project would not be profitable and we don't need to deal with that. That speaks for itself. Traffic is the other issue, adding about 182 cars daily.

Chair Rios explained that the HDRB has no jurisdiction over traffic.

Mr. Lewis said it is a dangerous intersection there and will add a huge amount of pedestrian traffic. People don't stop at that street corner and it is just too dense.

Mr. Kurt Hill said he lives within a thousand feet. He liked this design the best and the openness of the corner and having the Sequoia more prominent. "I walk downtown and drive by with kids to school and walk to the Post Office. I like this design a lot and it is good to have sidewalks. My kids are teens now but had no sidewalks before. At the previous meeting, people said a huge shadow will be created. But it won't with this design. I hope to live there one day."

Ms. Penelope Perryman said, "Please oppose a 3-story structure as not harmonious with the street at the west side and one-story office buildings and one-story on the east side and one-story on the south. Because I live to the north of it, I can't see any vegetation or wall to separate the northern portion from the Plaza del Monte section.

Mr. John Scott, 2845 Plaza Amarilla, said, "I am a new resident in Santa Fe and on the waiting list for El Castillo. I'm really impressed by the changes I've seen here. Much more visually appealing. I don't think residents want to live in a block house and this

addresses many concerns to make it more appealing to everyone and I personally endorse these changes.”

Nancy Armbruster said, “I’ve lived at Plaza del Monte for the past 20 years and prior to that at El Castillo - El Castillo is a beautiful place with a lot of space and the food was super. From my own experience I’m opposed to the building. The space is too small. We need to wander amid grass and trees for our bodies and inside room to keep our books and our casts. What are the interior spaces in the units? There is very dangerous traffic right outside the windows and I’ve been almost hit twice. I also am opposed personally. In 2007, El Castillo became too costly for us. Our daughter Jean looked over our finances and said we could no longer stay there

Probably wealthy inhabitants will be able to afford it. And what about those of us at Plaza del Monte, the more they begin demolishing. We had 40 seniors living together and this will give us 70 wealthy newcomers to Santa Fe. Coming from afar and maybe liking it or maybe not. Is it fair to move 40 old Santa Feans out with 70 new ones as we seniors have cherished Plaza del Monte?

Ellen Armbruster said, “I’ll try to summarize my written comments. I’m not in favor as presently proposed. Too massive and needs to have two-story if at all. It is unsafe at the corner. It was not considered by El Castillo developer. I have crossed with my mother many times. Having 3 stories increases the density and therefore, the traffic. That was also an issue at the public meeting last week and El Castillo right of way of Plaza del Monte. The residents must enter from Old Taos Highway, which means they have to cross El Castillo property. I asked Mr. Jahner about it and he was concerned about it. As I understand it is not clear and if there were other developers. Please consider the solar rights act whether the properties are being impacted by the 3-story height. The rest is an exhibit.

Madeline Pryor said, “El Castillo is on the property for a good addition, but I am opposed to a third story and have a question on page 15. Are all the heights listed? Why don’t they mention Plaza del Monte which is one-story? Why isn’t it included? I don’t know anyone who would want to live in them backed up to El Castillo/ Maybe someone can tell me why all of them were excluded from the height calculation.

John Eddy read a letter written by Randall Bell. “The letter mostly addresses the height exception criteria and debunks the statements by developers. I urge you to consider that. I believe they have done a lot of work on this design and it is nice aesthetically. Massing and density equal traffic. The Porte cochere has two openings onto Old Taos Highway and one of those entrances is piggy-backed by Plaza del Monte so there is a lot of traffic onto Old Taos Highway there.”

Richard Halzea spoke about height and density. He said, “El Castillo is nonprofit and subject to constraints. It was a surprise to me and it needs the extra height to be financially viable. I am glad for the southwest corner. For the last 20 years ago, I’ve

worked in the art field. That beautiful tree is the focal point described and into which the viewers eyes are drawn. It is a 30-foot open area and the Sequoia is joined by other trees as cast members. This will serve to break up and distract from the massing. You won't see a massive building first. They did a superb job on the landscaping and I think we will all be pleased. On May 20, I went there. There were lots of delivery vehicles and this is much more attractive. Thank you.

Mr. Jahner, CEO of El Castillo, had a couple of brief comments. "Over the past 3 times, we've had a variety of commenters and we have nothing to do with Plaza del Monte. Some have personal concerns and I appreciate that.

We've been on Alameda for 47 years. This project reason is to contain costs over the next 40 years and need some elements to do that. People don't want 600 sq. ft units. These are about 900 and a majority are 1,200 to 1,300 sq. ft. 85% of our residents are from Santa Fe and our surrounding vicinity. So we are not bringing in a bunch of rich people. The Board has the authority to look at this property for aesthetics and also for the community benefit. We would ask for a decision to approve tonight. All of our money stays right here in this community.

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

Chair Rios thanked everyone for speaking tonight. You waited until the last case. You want to make your voice heard and I thank you all for that. She asked for applicants to respond the questions raised. One was separation from Plaza del Monte.

Ms. Gavin said it is about 40' away. She pointed out the property line. There is a shared easement here. It is an emergency fire lane and will be maintained as such. On the northwest corner is a six-foot retaining wall with open railing for safety there. It will be at grade and a single-story structure to the garage. It is somewhat below grade. She showed the open rail - guard rail is required for a six-foot drop.

Chair Rios said that makes sense. Also someone asked if you took into consideration Plaza del Monte.

Ms. Ramirez Thomas explained that it was not counted because it is not part of the streetscape.

Chair Rios said someone asked about Solar Rights. There are no solar panels at this time.

Ms. Ramirez Thomas said that was raised at the ENN meeting - concerns with shading Plaza del Monte units. There is a significant space between the properties. The Solar Rights Act has a process with State and District Court and people need to apply for them.

Chair Rios said the CEO answered the question about size of units.

Ms. Jenkins added that they are fully equipped and designed as homes.

Member Roybal said this is a great design and thanked Ms. Jenkins and Ms. Gavin for their hard work. The property is vacant now. Vegetation is wonderful.

Member Katz also appreciated the changes very much made and it has moved a great deal and the southwest corner is wonderful. He didn't know why they have the wall there since they have the covered walkway wall there.

He said, "My problem remains with the area along Paseo - lot coverage and setback. I fully agree the streetscape is important. The Federal Building, Post Office and Temple are large buildings on very large lots. In a big city, you are crushed by buildings, but we don't have that here. You did move away from the road at the southwest, but you added to the third floor that is not far back. The first renderings might have been misleading but along Paseo you reduced the heights and stepped the back part back but then realized they were two-story buildings. but it is >> can't accept three story buildings close to the street. You did give up a few but you need to give up more.

Ms. Gavin showed the only 3-story units that faced Paseo. They are set back. There are two-story units also facing Paseo. She pointed out where the entire section was 2-story.

Member Katz said there are now more 3-story units facing Paseo.

Ms. Gavin pointed out they have three courtyards there.

Member Katz explained that by adding the D unit adds one 3-story on Paseo. There seems to be a reluctance to reduce units.

Ms. Gavin said they reduced units from 73 to 69 and pushed the design as best they could while maintain the design.

Member Biedscheid asked if that 3' wall along Paseo could be eliminated for openness on the corner.

Ms. Gavin clarified that the covered walkway is a freestanding portal and without it, anyone could wander into the courtyard. It says this is my private space there. A three-foot wall is not a visual obstruction. Having the three-foot wall provides visual into the courtyard.

Member Biedscheid asked if that is the only stuccoed wall.

Ms. Gavin pointed out where the stuccoed walls are located. The guard rail is open for light on the northeast.

Member Biedscheid asked why not have wrought iron on the street side or consider some openings in the stuccoed wall.

Ms. Gavin said they could introduce some wrought iron. This delineates the front yard to the sidewalk. Pilasters help break it up.

Member Biedscheid suggested it might be better with some fenestration.

Ms. Gavin said they were just trying to keep it simple there.

Member Biedscheid said it is a big building but obviously, they have listened to the Board and tried to address all of it. She thought it is going to be developed and is probably the best we can do there.

Member Boniface had only two things to discuss. "At the last meeting I expressed my concern with the density at the southwest corner with two blank walls. I like what the architects have done here. You responded to my concern. It also deals with the yard wall and I'm glad it is low and sometimes, keeping it simple makes it go away. It is low enough that it allows people to see through and I like the landscaped area in front of it on that corner.

Secondly, I agree with Member Katz about the density of the three-story. By removing the D building - it would help break it down. One thing that bothers me is the way that building terminates - like a slice of bread almost. If you got rid of the D building - it would have a more stepped effect there. The density- the parking - it is a good job. You have come a long way working with us."

Member Bayer noted she wasn't at the last presentation but had the impression that you have moved more toward what the Board requested last time. I like it. You have done a nice job. On Paseo, traveling along it, it would work well. I don't have a problem with the three story which is right next to the parking lot. I am struggling a bit with the exception criteria. The two I'm having hard time are #2 and #5. With #2 - the necessity of investment and investment in subterranean. And in #5 where you talk about the code you have to follow - those are the two I am struggling with there."

Ms. Jenkins replied regarding #2, "We believe strongly that the public welfare is served by this location and design. Surface parking is not in the best interest of historic district, so underground is for aesthetics, for public at large and public is also served by people living downtown. One of the criteria deals with people living in the district. So the City should encourage residential development downtown and people going to the restaurants and the galleries downtown. The hardship we are trying to avoid is surface parking and those with limited mobility to access their homes. That is unique to senior

housing in this location. Re #5 - it touches on how designs for senior needs and proximity. One of our mandates is about harmony. With this building, we are shorter than lots of buildings in the streetscape. And, on the west, to harmonize with what exists on Old Taos Highway. "

Chair Rios said, "When you have a lot with nothing on it and propose something with one, two, and three-story buildings, it does impact the streetscape and people living there are impacted. But the applicant has every right to bring what they feel is appropriate there. And this Board has an obligation to uphold the ordinance. So a big plus is the underground parking. And you did not put in six-foot walls and left it open. Three-foot to four-foot, six walls are very appropriate. And I don't oppose keeping them simple. You have provided lots of renditions, elevations, etc. So we are not lost in it."

Action of the Board

MOTION: Member Roybal moved, seconded by Member Boniface, in Case #H-18-030 at 401 Old Taos Highway, to approve the application per staff recommendation with all exceptions met.

Member Katz proposed a friendly amendment to eliminate the third floor of Section D along Paseo.

Member Roybal accepted the amendment as friendly.

Member Bayer requested a condition of no rooftop appurtenances.

Member Roybal agreed the condition was friendly.

Member Biedscheid added that with additional testimony, all exception criteria were met.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Bayer, Biedscheid, Boniface, Katz and Roybal voting in the affirmative and none voting against.

MOTION: Member Katz moved, seconded by Member Bayer, to reopen the approval of minutes for July 10, 2018 and Findings of Fact and Conclusions of Law in order to have a majority affirmative vote since Member Biedscheid and Member Boniface abstained on both motions and for Case #H-18-077, which had a vote of 3-2.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Bayer, Biedscheid, Boniface, Katz and Roybal voting in the affirmative and none voting against.

VOTE: The motion to approve the minutes of July 10, 2018 passed by (4-0-2) voice vote with Members Bayer, Katz, Roybal and Chair Rios voting in the affirmative, none voting against and Members Biedscheid and Boniface abstaining.

VOTE: The motion to approve the Findings of Fact and Conclusions of Law passed by (4-0-2) voice vote with Members Bayer, Katz, Roybal and Chair Rios voting in the affirmative, none voting against and Members Biedscheid and Boniface abstaining.

VOTE: The motion in Case #H-18-077 at 416 Agua Fria Street, to downgrade from Significant to Non-contributing, based on the HCPI report, passed by (4-2) majority voice vote with Members Bayer, Biedscheid, Katz and Chair Rios voting in the affirmative and Members Boniface and Roybal voting against.

I. MATTERS FROM THE BOARD

There were no matters from the Board

J. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Approved by:


Cecilia Rios, Chair

Submitted by:


Carl G. Boaz for Carl G. Boaz, Inc.