



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, September 11, 2018 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, September 11, 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: August 28, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-075, 335 Gormley Lane.

Case #H-17-079, 1120 Canyon Road.

Case #H-18-090, 301 East Palace Avenue.

Case #H-18-091, 524 Johnson Lane.

Case #H-18-093, 303 Rodriguez Street Unit A.

Case #H-18-085B, 820 Don Cubero Avenue.

Case #H-18-088, 217 East Berger Street.

Case #H-18-073, 729 Canyon Road.

Case #H-18-092A, 1150 Camino San Acacio.

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

1. Case #H-18-103, Discussion of the guidelines for use of barrel tiles in the Historic Districts. (Nicole Ramirez Thomas)
2. Case #H-18-072, 479 Camino de las Animas. Downtown & Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman and Hank Coleman, owners, proposes to construct a 830 sq. ft. portal, remove portals and a courtyard wall, install hardscaping, skylights, and exterior lighting on a non-contributing residential structure. (Nicole Ramirez Thomas)
3. Case #H-16-002, 814 Camino Atalaya. Downtown & Eastside Historic District. Doug McDowell, agent for Joseph Esposito and Elizabeth Lillehoj, proposes to construct a 4,195 sq. ft. residential structure on a contributing property to a maximum height of 17'2" where the maximum allowable height is 17'8". (Carlos Gemora)
4. Case #H-17-108, 100 North Guadalupe Street. Downtown & Eastside Historic District. Descartes Labs, agent for Firestone 100, LLC, owner, requests verification of the illumination of sign at a contributing non-residential property complies with the HDRB condition. (Nicole Ramirez Thomas)
5. Case #H-18-095, 309 West San Francisco Street. Downtown & Eastside Historic District. Lloyd and Associates, agent for Heritage Hotels, proposes to construct a rooftop deck including an addition and pool area, replace windows with French doors and construct screening and pergolas, and install exterior lighting on a non-contributing non-residential structure. (Nicole Ramirez Thomas)
6. Case #H-18-096, 664 Camino del Monte Sol. Downtown & Eastside Historic District. David Cofrances, agent for Kathy and Berl Brechner, owners, proposes to replace windows and doors and install railing on a non-contributing residential structure. (Nicole Ramirez Thomas)
7. Case #H-18-097A, 613 Garcia Street. Downtown & Eastside Historic District. HPD Staff requests a historic status review with designation of primary elevations, if applicable for a non-statused residential structure. (Carlos Gemora)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 09/05/2018

TIME: 1143 AM

8. Case #H-18-097B. 613 Garcia Street. Downtown & Eastside Historic District. Christopher Purvis, agent for Pat Tangora, owner, proposes to replace windows on a non-statused residential structure. (Carlos Gemora)
9. Case #H-18-099A. 521½ Calle Corvo. Downtown & Eastside Historic District. Liaison Planning, agent for Roddex Burdine, owner, requests a historic status review of a non-statused yardwall structure. (Carlos Gemora)
10. Case #H-18-092B. 1150 Camino San Acacio. Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Gabe and Sonia Salazar, owners, proposes to construct a 650 sq. ft. addition on a contributing residential structure. (Nicole Ramirez Thomas)
11. Case #H-18-102. 124 Quintana Street. Westside-Guadalupe Historic District. New Mexico Investments, agent/owner, owner, proposes to construct a 72" high coyote fence and a 72" high wrought iron gate with reed screening where the maximum allowable height is 61", repair a yardwall, and redesign driveway curbs on a non-contributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora)

**I. MATTERS FROM THE BOARD**

**J. ADJOURNMENT**

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check [http://www.santafenm.gov/historic\\_districts\\_review\\_board\\_hearing\\_packets](http://www.santafenm.gov/historic_districts_review_board_hearing_packets) for more information regarding cases on this agenda. 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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## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, September 11, 2018 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: August 28, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-075. 335 Gormley Lane.

Case #H-18-083B. 606 East Palace Avenue.

Case #H-18-078B. 66 – 70 East San Francisco Street.

Case #H-18-088. 217 East Berger Street.

Case #H-18-090. 301 East Palace Avenue.

Case #H-18-091. 524 Johnson Lane.

Case #H-18-092B. 1150 Camino San Acacio.

Case #H-18-085B. 820 Don Cubero Avenue.

Case #H-17-079. 1120 Canyon Road.

Case #H-18-081. 725 Old Santa Fe Trail.

Case #H-18-089. 546 Canyon Road.

Case #H-18-073. 729 Canyon Road.

Case #H-18-092A. 1150 Camino San Acacio.

Case #H-13-095. 321 West San Francisco Street.

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

1. Case #H-18-072. 479 Camino de las Animas. Downtown & Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman and Hank Coleman, owners, proposes to construct a 830 sq. ft. portal, remove portals and a courtyard wall, install hardscaping, skylights, and exterior lighting on a non-contributing residential structure. (Nicole Ramirez Thomas)
2. Case #H-16-002. 814 Camino Atalaya. Downtown & Eastside Historic District. Doug McDowell, agent for Joseph Esposito and Elizabeth Lillehoj, proposes to construct a 4,195 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)
3. Case #H-16-036. 841 West Manhattan Avenue. Westside-Guadalupe Historic District. Bruce Cebell, agent for Westminster Presbyterian Church, owner, proposes to replace windows on a contributing non-residential structure. An exception is requested to remove historic material and not replace in kind (Section 14-5.2(D)(5)). (Nicole Ramirez Thomas)
4. Case #H-17-108. 100 North Guadalupe Street. Downtown & Eastside Historic District. Descartes Labs, agent for Firestone 100, LLC, owner, requests verification of the illumination of sign at a contributing non-residential property complies with the HDRB condition. (Nicole Ramirez Thomas)
5. Case #H-18-083B. 606 East Palace Avenue. Downtown & Eastside Historic District. Thomas Gonzales agent for Jennifer and David Ramo, owners, proposes a deck extension to a contributing residential structure. An exception is requested to construct an addition to a primary façade (Section 14-5.2(D)(2)). (Carlos Gemora)
6. Case #H-18-095. 309 West San Francisco Street. Downtown & Eastside Historic District. Lloyd and Associates, agent for Heritage Hotels, proposes to construct a rooftop deck including an addition and pool area, replace windows with French doors and construct screening and pergolas, and install exterior lighting on a non-contributing non-residential structure. (Nicole Ramirez Thomas)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 8/23/18

TIME: 4:00 PM

7. Case #H-18-096, 664 Camino del Monte Sol. Downtown & Eastside Historic District. David Cofrances, agent for Kathy and Berl Brechner, owners, proposes to replace windows and doors and install railing on a non-contributing residential structure. (Nicole Ramirez Thomas)
8. Case #H-18-097A, 613 Garcia Street. Downtown & Eastside Historic District. HPD Staff requests a historic status review with designation of primary elevations, if applicable for a non-statused residential structure. (Carlos Gemora)
9. Case #H-18-097B, 613 Garcia Street. Downtown & Eastside Historic District. Christopher Purvis, agent for Pat Tangora, owner, proposes to replace windows on a non-statused residential structure. (Carlos Gemora)
10. Case #H-18-098, 1258 Canyon Road. Downtown & Eastside Historic District. Veronica Angriman, agent for Kachuen Yeung and Gan Keeton Yeung, owners, proposes to increase height of parapet by 16", replace roof, change skylights and canals, replace windows and doors on a non-contributing residential structure. (Nicole Ramirez Thomas)
11. Case #H-18-099A, 521½ Calle Corvo. Downtown & Eastside Historic District. Liaison Planning, agent for Roddex Burdine, owner, requests a historic status review of a non-statused yardwall structure. (Carlos Gemora)
12. Case #H-18-100, 878 East Palace Avenue. Downtown & Eastside Historic District. Reliable Tech Heating and Cooling, agent for Marilyn Halla, owner, proposes to install visible rooftop HVAC on a contributing residential structure. An exception is requested to install publicly visible rooftop appurtenances (Section 14-5.2 (E)(1)(d)). (Carlos Gemora)
13. Case #H-18-102, 124 Quintana Street. Westside-Guadalupe Historic District. New Mexico Investments, agent/owner, owner, proposes to construct a 72" high coyote fence and a 72" high wrought iron gate with reed screening where the maximum allowable height is 61", repair a yardwall, and redesign driveway curbs on a non-contributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora)
14. Case #H-18-092B, 1150 Camino San Acacio. Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Gabe and Sonia Salazar, owners, proposes to construct a 650 sq. ft. addition on a contributing residential structure. An exception is requested to construct within 10 feet of a primary elevation (Section 14-5.2(D)(2)). (Nicole Ramirez Thomas)
15. Case #H-18-103, Discussion of the guidelines for use of barrel tiles in the Historic Districts. (Nicole Ramirez Thomas)

**I. MATTERS FROM THE BOARD**

**J. ADJOURNMENT**

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**HISTORIC DISTRICTS REVIEW BOARD**  
September 11, 2018

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4. Case #H-17-108. 100 North Guadalupe Street	Approved with conditions	15-22
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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**

**September 11, 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:**

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

**MEMBERS EXCUSED:**

Ms. Cecilia Rios, Chair  
[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**

**MOTION: Member Roybal moved, seconded by Member Boniface, to approve**

the agenda as published.

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

#### **D. APPROVAL OF MINUTES: August 28, 2018**

Ms. Gheen requested the following changes to the minutes:

On page 3, she asked to table the first case, not communications.

On page 12 - last paragraph, it should say, "I just wanted to provide an answer before we got too further along. The appeal period is within 15 days of the date of the final action. The date of the final action is either the date that the body adopts the written decision, continues the Findings of Fact and Conclusions of Law, or, if the body has not adopted the Findings of Fact and Conclusions of Law within 31 days, then the date of the final action shall be the 31<sup>st</sup> day after that decision. So it is the date of final action +15 days."

Member Boniface requested the following changes:

On page 8, 2<sup>nd</sup> paragraph from the bottom, "ways" should be "says."

On page 21, 6<sup>th</sup> paragraph from the bottom, it should say, "Member Boniface assumed his client wouldn't be putting animal skins or fruit there."

Member Biedscheid requested the following changes:

On page 22, in the motion, "I believe I said **the application is disharmonious with the streetscape and to the building.**"

On page 29, 4<sup>th</sup> paragraph, her intent was to say, "Member Biedscheid said she was very pro preserving this style and its contribution to the district. If Contributing, the Board would require that some elements remain." And her intent was to say that this method of preservation to contributing status might stifle the preservation of vernacular style."

Vice-Chair Katz said that was his memory also that the Board wishes to allow the family who created this house to continue to determine its fate.

Vice-Chair Katz asked for a change on page 27 where "Dave Salazar" should be "Gabe Salazar."

Member Boniface requested a change on page 33, 5<sup>th</sup> paragraph, where it should say, "I think other design options would not be harmonious with other buildings or within the immediate neighborhood.

**MOTION: Member Boniface moved, seconded by Member Roybal, to approve the minutes of August 28, 2018 as amended.**

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

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

Case #H-18-075, 335 Gormley Lane.  
Case #H-17-079, 1120 Canyon Road  
Case #H-18-090, 301 East Palace Avenue.  
Case #H-18-091, 524 Johnson Lane.  
Case #H-13-093, 303 West Rodriguez Street, Unit A

Case #H-18-085B 820 Don Cubero Avenue  
Case #H-18-088, 217 East Berger Street.  
Case #H-18-073, 729 Canyon Road  
Case #H-18-092A, 1150 Camino San Acacio

Vice-Chair Katz said there were nine findings.

Ms. Gheen noted a minor change in Case #H-18-088, 217 East Berger Street which was a typo on Finding of Fact #9 in the first paragraph, second line where it should say to maintain.

Member Biedscheid said she had suggested a change in Case #H-18-094 (which was not shown on the revised agenda.

Ms. Gheen asked to postpone that one until she figured it out. She asked for the case number again.

Member Biedscheid said it was Case #H-18-094 at 729 Canyon.

**MOTION: Member Boniface moved, seconded by Member Biedscheid, to approve the Findings of Fact & Conclusions of Law as amended.**

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

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

Ms. Stefanie Beninato said, "I'm concerned about what went on with the Board. At the last meeting, you had a change from 820 Don Cubero Avenue. When they

[applicants] came in,- they said it was maintenance and repair and they were talking about changing the garage door side of the building and perhaps replacing some material on the other opening. When they came back in, they were actually asking you for a demolition. And demolition is different from maintenance and repair and demolition is under a different subsection of the ordinance and it does require certain findings, which none of you made. You didn't even discuss it as a demolition. Demolition is taking down all or part of a structure. And I know Mr. Katz told me at one point that you didn't have anything to do with demolition. But in 14-5.2B is all about demolition of buildings in historic zones. So, it concerns me because, when the applicants went out of there, they were yelling and screaming about, 'We did it. We did it.' And obviously, they thought they got away with something. And taking down 3 walls on a contributing building, I think qualifies as demolition. They did state 'demolition' when they were up here and none of you actually discussed it and I know sometimes you allow people to say things after the public hearing is closed, so it is not like I could not point that out to you.

The other thing I want to say is on the house on Camino San Acacio. I think at some point, you will have to recognize that 1950's and 1960's buildings are actually historic and, although you really have asked applicants if they are in agreement with nothing and if somebody isn't, that is controlling criteria to deny status to a building. And I really feel that if the Staff would explain what a contributing building was, that more people... people would not just reject it out of hand. Because I don't think they understand. First of all, it is the contributing façade that is going to be somewhat restricted. But they can always come in and ask for a modification, exceptions that you grant with great liberality. So, again, on the sides of the building that were being considered on that house, were two sides that they probably wouldn't develop at all. So, I just feel that if that was explained to people, that there are... You know, it is not like you can't do anything. It could actually give you money. People can get a loan to do some of what you want to do. All of that might be a way of having people buy into historic preservation. And maybe get you over the edge of 1950's and 1960's buildings actually being historic. Thank you."

There were no other speakers from the floor and the public comment portion was closed.

## **G. COMMUNICATIONS**

Ms. Ramirez Thomas said at the meeting concerning the sign illumination. There was no quorum present and no discussion of the sign but just a viewing of the sign at certain percentages of brightness that will be presented in the case.

## **H. ACTION ITEMS:**

Vice-Chair Katz provided information for applicants regarding appeals to the

Governing Body and pointed out that after the Board makes a decision, the sign posted at the property must be removed.

**1. Case #H-18-103. Discussion of the guidelines for use of barrel tiles in the Historic Districts. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas said this case is a guideline written to discuss barrel tile in historic districts. It has come up several times and she offered to read the entire guideline or just take questions.

Vice-Chair Katz asked her to read the entire guideline.

She read as follows:

Purpose and Intent: these Board – created guidelines are established to provide consistency in scope and practice in the use of clay barrel tiles in the Downtown and Eastside Historic District. The guidelines are also established in an effort to create continuity and harmony of character within the district. These guidelines are consistent with the purpose, intent and character within the district. These guidelines are consistent with the purpose, intent and standards of City of Santa Fe Historic Districts design code Subsections 14 – 5.2(A) and (E).

Context: the use of clay barrel tile in the District is an accent to walls, gate entry details, and grooved areas. The use of clay barrel tiles is closely associated with the Mission Revival style architecture which, while not absent from the District, is not the predominant architectural style asserted in the design requirements for the District. Clay barrel tile and, on occasion, metal barrel tile are present on structures within the District that have other Mission Revival characteristics that are associated with construction of residential and nonresidential buildings of the 1930s and 1940s.

Material: a main intent of the District design standards (SFCC 14-5.2€) is to promote materials and styles used in the construction of buildings in the “Santa Fe” style just after statehood. Those materials include materials such as wood versus metal, divided lite windows versus single lite windows, and cement stucco rather than elastomeric stucco. Similarly, the use of barrel tile should be clay and not that of metal and not of other materials that are not of a traditional style.

Permissible Uses: The use of clay barrel tile in the Downtown and Eastside Historic District is permissible when applied as a design accent. Accents include the use of the tile for small stylistic details (e.g., over entryway eyebrows) and over portal areas that are less than one third the square footage of the proposed or existing structure. Should clay barrel tile not be of the approved material type or aforementioned design elements, the applicant must apply for an exception to the Santa Fe style as outlined in subsection 14-5.2€ Downtown and Eastside Historic District.”

Ms. Ramirez Thomas said Staff defers to the Board for comment or approval or disapproval of the guideline.

### Questions to Staff

Vice-Chair Katz thought the guideline was good. He said, "The problem I have is the portals and size of the area permitted. That doesn't seem like an accent any more but a substantial part of the house. He proposed on the third line of the permissible uses, that it read, "over small portals totaling less than one tenth of the square footage of the structure." That would mean that the total of all portals would be less than 1/10 of the area. "My suggestion would be that that's how it read. I would be anxious to hear the thoughts of other members of the Board."

Member Biedscheid said, "Just a comment on that particular line - I also agree with your suggestions but I also find that it should say that the proposed or existing structure – and I think you are probably intending that a propose to replace or I think a new structure but if it is an addition or something, I think that that language could be difficult to interpret. Is it one-tenth of the new structure, or one-tenth of the existing?"

Vice-Chair Katz said, "My understanding – the way I would interpret that would be one-tenth of the entire structure." "Maybe I would need to word-smith that a little bit. I think that is what it means."

Member Biedscheid said she would be comfortable with that.

Ms. Ramirez Thomas suggested it be "one-tenth of the square footage of the structure."

Member Boniface agreed with that also. "I feel strongly that it should not overwhelm the building. And what is deceiving is that the total footprint includes the clay tile. In a way, I feel that should be separate from the rest of the structure. So, in other words, in tonight's application, for instance, we have a total roofed area heated; total portal area separate. Those two numbers are combined, and I feel somehow, that you could really put a lot of tile onto the house, if it is part of the total heated. That opens up another can or worms because then – does that mean that you can put tile on a heated area, as well? So, I guess the short answer is, I'm inclined to make it a smaller percentage, such as ten percent. For a 4,000 square foot building that includes the clay tile on portals, then I think that really tips it in the wrong direction."

Vice-Chair Katz asked, "Do you think in that circumstance that 400 square feet of the structure being tiled would be too much?"

Member Boniface thought if it was 4,000 square feet total and 1,000 square feet was tile on top of portals that are not heated and a 4,000 square foot footprint for the whole

building, including the portals, but the portals make up 25% which would be 1,000 square feet of tile, you are saying that is allowed right now under the one-third. And I think that is just too much. That would be included in the total roofed area.

Vice-Chair Katz asked if he was comfortable with 10%.

Member Boniface agreed that would address his concerns.

Member Bayer asked if the intent here would also include roofed area. Under permissible uses, it just small stylistic materials and that it was just over portal areas.

Ms. Ramirez Thomas agreed. She intended to limit it to details. And anything that gets into the full roof would become a style change, rather than just an accent. There are tons of ways that stylistic details we see – clay barrel tile on top of walls. And we see it over (el guys?) and we see small use of materials and occasionally on portal roofs. “Portals can end up being pretty significant. Do we want to say, ‘excluding other portions of the house’?”

Vice-Chair Katz said, “The way I am reading it, is that the ten percent limitation would be on portals. If you have a wall and it has clay tiles on it, it may well be more than ten percent, but that’s a wall or a gate, which would be a number of (??) like a main house, like a portal off the main house, then you have the entire square footage of that structure, heated or not heated, on the roofed area. And the tiles would be permitted on only allow 10% of that square footage.”

Ms. Ramirez Thomas said, “If you have a thousand square foot home, including portals, one hundred square feet of that could be allowed for tiles.

Vice-Chair Katz agreed.

Ms. Ramirez Thomas said it would be allowed only on the portals.

Member Bayer thought we should clarify that we are talking about a building because, to me, structure is about a building and not walls. We could have another part on walls.

Ms. Ramirez Thomas said actually, she intended to include walls.

Member Bayer reasoned that “we are talking about buildings and walls.”

Ms. Ramirez Thomas agreed. “Or we can limit it to no walls. But we did do that detail relatively recently – more than we do like entirely roofed tile roofs. We have areas in the Downtown and Eastside Historic District where you see the clay barrel tile as a common element, like over here on McKenzie. We don’t want that style to be pervasive. Most frequently, we see it as accents.”

Member Biedscheid asked if the code for the Downtown and Eastside calls out barrel tiles specifically.

Ms. Ramirez Thomas said it doesn't actually. In the Don Gaspar area we see metal barrel style tile used because that was a common material. But the Downtown and Eastside ordinance leans on traditional materials.

Member Biedscheid asked if it was more about the design of the tile and the material? So the other districts might allow those materials with more lenient design criteria.

Ms. Ramirez Thomas agreed.

Member Biedscheid had a few questions about the way we are discussing the materials. In the materials section, we have allowed metal elements in the Downtown/Eastside as historic material. And I'm worried about making that comparison and it should have been made clear that it is not allowed. And we have allowed that. And the same with elastomeric stucco because it is allowed on noncontributing buildings.

Ms. Ramirez Thomas said okay. "So the intent on this section was to kind of similar discussions we have had are when metal portals or pergolas are brought to the Board. They are often approved by exception. There was at least a discussion about the difference between metal vs. wood material. In some cases I can think of, a house off of Cerro Gordo Road where I don't believe they asked for an exception for metal elements on their portal. But it was a post and beam. And for windows, single lite vs divided lites, we do allow single lite windows under portals or by exception. And then, cement stucco over elastomeric stucco. Noncontributing buildings are allowed to have elastomeric stucco. So what I was trying to express in that was to give a sense of why clay is preferred over any kind of barrel tile. We could just remove that sentence."

Member Biedscheid said, "I thought of it as problematic, but the windows make sense to me. I guess also I'm looking to barrel tile and clay as things that are really clear terms." She asked if terra cotta is the same thing.

Ms. Ramirez Thomas said yes. Clay is usually terra cotta.

Member Biedscheid asked if they are allowed in other districts or if it is specific only to the Downtown and Eastside District. I'm not sure how to interpret that. We just need to be consistent in the code and not making this like an exception.

Ms. Ramirez Thomas said this is a guideline for the use of barrel tile much in the same vein as you have the wall and fence guidelines. You can consider that and how you want it.

Member Biedscheid said she had one last comment along those lines. In principal uses, we need to be clear about the kind of tile. For material, it is clay and for design, it is about barrel tile.

Ms. Ramirez Thomas agreed.

Vice-Chair Katz thought for design elements, it would be an entryway eye brow or small portal. It needs to be clay and limited to those kinds of design accents.

Member Biedscheid asked if it should say "design applications" or "elements."

Member Boniface said yes.

### Public Comment

Mr. Doug McDowell said, in listening to the way it is written, his reaction was that it isn't really precise for the Board and doesn't really give the Board a good guide for what to approve and what not to approve. "For example, if you look at the picture on the screen, you've got one-piece or two-piece tiles, traditional style laid in concrete and the other is S-shaped, which is not a traditional tile but much smoother and you can have bright glazing. From my point of view, I would encourage you to wait and look at it harder for the way it is used and more important. I think it is open to all kinds of interpretation."

Mr. John Eddy echoed Mr. McDowell's comments. "He is right on. It is not detailed enough (not restrictive). Three things: The S-tile is completely inappropriate as an example for something that might be permissible. It is way too straight, flat and not organic. And bright glazed tiles are a red flag. The colors need to be muted and earth-toned. I commend Staff for putting it together. The wording in the introduction needs to be included in the guides and it needs to translate down for permissible uses. That is that of buildings that have associated Mission Revival elements already would be more permissible for tile to be added onto a house. For a case in point, is the Hinojos House on Palace Avenue. They have applied this type of tile because there was no other mission style on a building like that. I think that wording needs to work down into that code."

Ms. Beninato echoed what the other two speakers have said. "In the beginning of the 20<sup>th</sup> century, there was a lot of discussion about whether they were going to do Mission style or a Moorish thing. They were going to do a more traditional Santa Fe Style which is much earlier design. And the traditional Santa Fe style has won out. I would agree with John Eddy that unless the building already has Mission Revival style elements to it or is being proposed to be done in Mission Revival style, that you shouldn't be allowing these elements. I'm concerned also because I really don't like the

idea of piecemeal efforts in the ordinance. Again, I hope these things are published on line and would ask that the guidelines be published on-line so everyone could see when and who did it. The guidelines are a problem when they are just written, and nobody knows who did it.

I also want to point out that even 10% can be quite a large area. If you think about a 4,000 square foot structure, and you were to allow a 400 square foot piling, that could be a ten-foot deep by 40' long portal. That is a very big space to have tile on. I would say you should limit it to ten or 20% of the portal area rather than ten percent of the building because this way, it truly would mean an accent on the portal. However, I am really with John Eddy that if it's not a Mission Revival style on the house already, it should not have mission at all."

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

Vice-Chair Katz said the Board would take no action on it tonight and continue to work on it.

- 2. Case #H-18-072. 479 Camino de las Animas.** Downtown & Eastside Historic District. Sibylle Mueller, agent for Kathryn King-Coleman and Hank Coleman, owners, proposes to construct an 830 sq. ft. portal, remove portals and a courtyard wall, install hardscaping, skylights, and exterior lighting on a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

479 Camino de las Animas is a residential structure built in the Territorial Style. The house is 3,930 square feet in size and was constructed in 2004. The house is non-contributing to the Downtown and Eastside Historic District.

The applicant requests the following for remodel.

- 1) Remodel and removal of a 310 square foot patio and pergola to be replaced with the addition of a 717 square feet portal to a height of 12'-3" at the north elevation. The posts and details will be painted "White" to match the Territorial details of the home. The roof over the patio will be a metal shed roof. The color of the roof was not stated in the proposal letter.
- 2) Remodel the existing portal by moving an existing structural post, adding two skylights, adding LED lights to select posts inside the patio, and adding a copper downspout. The portal is located on the north side of the home and is not publicly

visible.

- 3) Remodel of the patio hardscape to include removal of a low wall.
- 4) Stucco will be elastomeric El Rey "Pottery."

#### **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 Historic District.

#### **Questions to Staff**

Member Roybal asked about the color of the metal shed roof.

Ms. Ramirez Thomas said no color was submitted.

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

Ms. Sibylle Mueller, 130 Candelario Street, was sworn.

Ms. Mueller said, "We submitted a package for approval and when it was introduced, it was a little mixed up. To explain, on the north side of the proposed structure, there is now a portal covered with a tin roof and it is completely screened from public view. It is surrounded with coyote fences. We propose to remove the entire portal and to make it deeper and raise the height, although the height will not be higher than the existing parapets surrounding the portal. The roof currently is going to be a brai roof. So it's going to be tan. The roof, itself, is raised high enough that from a standing viewpoint, the roof will not be publicly visible. And then the Territorial details - we would like to match the existing beam and details the house has. It has portals and trellises with detail that we would like to adopt to keep it the same. The portal will not be different but just larger. We have proposed three 2x2 skylights and one 15' by 2' skylight along the façade where the portal abuts into the façade for light into the living area. That is what we propose. The skylights will be flat panel skylights and not visible from the standing ground for anybody to see it within the enclosed back yard.

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

Vice-Chair Katz said the application says the height of the portals is 12' 3". He asked if that is correct.

Sybille - yes.

Vice-Chair Katz are the LED lights down focused?

Ms. Mueller said it is the new height.

Vice chair Katz asked if the LED lights would be down focused.

Ms. Mueller said yes. They will be recessed into the joist and we have two options from the same company. One is a one-watt and the other is a three-watt light. They just give a glow and not intended to be lighting up the space. We have 15 of them.

#### Public Comment

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

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Boniface, in Case #H-18-072 at 479 Camino de las Animas, to approve the application as recommended by Staff.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

3. **Case #H-16-002. 814 Camino Atalaya.** Downtown & Eastside Historic District. Doug McDowell, agent for Joseph Esposito and Elizabeth Lillehoj, proposes to construct a 4,195 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)

Mr. Gemora presented the staff report as follows:

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

814 Camino Atalaya is a contributing residential property in the Downtown and Eastside Historic District with a single-family residence and a detached garage. In August 2018, the Historic Districts Review Board approved the construction of a 4195 sq. ft. detached residential structure with the exception of the portal roof material.

The applicant proposes the following design elements which differ from the previous approval:

1. Most parapet heights would rise by 12"-18". The garage height would remain at 14'-0" but the central parapet would be constructed to 17'-2" instead of 16'-2" where the maximum allowable height is 17'-8". The entry and western parapets would rise from 14'-0" to 15'-6".
2. Portal roofing material would be "clay-barrel" tile and pitched at a sharper angle than previously proposed (4:12 versus 3:12).
3. Garage width would shrink from approximately 19'-6" to 16'-8".
4. Building footprint would move closer to the street from 83'-0" to 74'-6".
5. Canales would be closed above their penetrations rather than open.
6. The rear, pedestrian garage door would be placed to the outside wall with an overhang or eyebrow, rather than inset into a recessed doorway.
7. The window on the south side of the garage would shrink in size and change from four lites to two.
8. The windows on the side of the entry portal area would change from two lites to three to match the front façade.

The total will shrink by about 130 square feet to 4,065 total roofed area, which is constituted from 2,600 heated, 600 square foot garage, and 900 square feet of portals.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project as the 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.

But without approval of clay barrel tile, it would not be an approved material for the roof material for the portal.

#### **Questions to Staff**

There were no questions to Staff.

### Applicant's Presentation

Mr. Doug McDowell, 1317 B Cerro Gordo Road, was sworn. He asked the Board to consider an application to change the roof from barrel tile to standing seam metal roof in grey flat matte color, only because I can see that the more we get into the clay tile, it is a big question. In talking about earlier, I started thinking if it is really roof area or is it wall area? Is it a percentage of what we see as opposed to what we don't see? And should we add the words "publicly visible?" And would it cover portals that are not publicly visible? In the interim, it would serve my clients better to make that change.

Vice-Chair Katz said it was no problem. As you gathered, we would be unlikely to approve it.

Mr. McDowell said that even listening to you tonight, it made me think more about it.

### Questions to the Applicant

There were no questions to the Applicant.

### Public Comment

Ms. Stefanie Beninato, P.O. Box 1601, was sworn. She said, "I'm happy Mr. McDowell realizes how important this issue is (tile). The last time this project was discussed, he stated he would bring something else forward if clay tiles were not approved. She didn't understand why everything had to be raised a foot higher. I understand his under the height limitation but I'm curious about why. And I'm concerned the garage is coming forward rather than placed back from the street."

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

### Action of the Board

**MOTION: Member Bayer moved, seconded by Member Boniface, in Case #H-16-002 at 814 Camino Atalaya, to approve the application as submitted with the substitution of a standing seam roof in grey for item #2 instead of clay barrel tile.**

Member Boniface asked for a friendly amendment to submit revised drawings to Staff.

Member Bayer accepted the amendment as friendly to the maker.

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

- 4. Case #H-17-108. 100 North Guadalupe Street.** Downtown & Eastside Historic District. Descartes Labs, agent for Firestone 100, LLC, owner, requests verification of the illumination of sign at a contributing non-residential property complies with the HDRB condition. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

100 North Guadalupe is a non-contributing non-residential structure located in the Downtown and Eastside Historic District. Descartes Laboratories will occupy the building in the near future. In March of 2018 the Board approved the design of the signs and an exception for the height of signs on the building. The applicant is returning to the Board to comply with the condition that the Board approve the brightness of the illuminated sign.

Last night after dark, there was a viewing of the sign illumination of the logo and lettering which are controlled individually. The 0 to 100% applies to the logo and the 0 to 100% applies to the lettering. A motion needs to be made that will specify the percentage. During the day, the sign is at 100% and at a certain time, the illumination would be turned down in brightness.

**STAFF RECOMMENDATION:**

Staff defers to the Board for comment and approval of the sign brightness.

**Questions to Staff**

Member Roybal was pleased with the size and colors. The sign is not overpowering. He came up with 33% on the logo and 50% on lettering that he felt would work well.

There were no other questions to Staff.

**Applicant's Presentation**

Mr. Luke Areno Baker, 1043 Bishop's Lodge Road, was sworn. He thanked the Board for working with us and meeting with us on-site. The client is very happy. I hope

you are happy with it, too. Just to reiterate, we will keep logo at 33% and lettering at no more than 50% at night.

### Questions to the Applicant

Vice-Chair Katz asked if he had a suggestion for a specific time.

Mr. Baker said they could leave the signs on at that level all the time. They are LEDs and have a very low wattage.

### Public Comment

Mr. Bill Deutsch, 211 North El Rancho Road, was sworn. He said, "God bless you Member Roybal. I know you saw the wattage that it was. Am I allowed to ask who the applicant works for?"

Vice-Chair Katz said he is not allowed to ask. He is representing the Applicant.

Mr. Deutsch said, "I think I know the applicant. This is over commercialization. That is what I don't like about the whole wattage of the signs. He wants to commercialize it there. It is contrary to Santa Fe and what Santa Fe represents. Santa Fe represents individualism. He wants everyone to see it. If he had his way, it would be big bright neon signs pointing toward his commercial business. That isn't what people coming to Santa Fe want to see. They want to see something different and with these signs it would be the same old thing they saw back home. That is why I'm against it. It diminishes the individualism of Santa Fe."

Member Boniface asked Mr. Deutsch if he went and looked at the signage last night.

Mr. Deutsch said he did not.

Mr. John Eddy, 227 E. Palace, Suite D was sworn. Regarding the photograph on the right, what percentage is presented in it?

Vice-Chair Katz said it was 33% and 50%.

Mr. Eddy said the previous speaker makes a good point and was emotional. What happens if you overlight a sign? You point to commercialization and institutionalization. If I am driving through Santa Fe, and I have an emergency and want to take my wife or partner to the hospital, I want to see a sign that bright on a hospital but not on any other building. But if I am driving through Santa Fe on my way to dinner, I don't want to see a sign that bright on any building in town. It is completely inappropriate. If you bring the wattage down to the degree that the energy coming off that sign is no brighter than the

window that is on the extreme right, I think it might be workable. But I agree with the previous speaker, that this does scream commercialization. I don't think we need to bring that kind of attention to a building at night when there is no activity that you are trying to draw to the building. Thank you.

Ms. Beninato (previously sworn) agreed with the other two speakers. "I saw the sign while driving by on Alameda and thought it was a nice small design and now we're talking about an LED lighted sign. There are already many signs in Santa Fe and all interfere with the Night Sky Ordinance which is a drawing point – even in town, have dark skies and you can see a lot of stars. There is no reason to have a Descartes Lab sign brightly lit up at night when nothing is going on there at night. You already made a concession to the building across the street, because, oh my gosh, Descartes Labs are big and powerful and have three condos up at the top. So what are we doing? We are bending over backward just because Descartes Labs decided they like Santa Fe and want to be here. They have already received some incentives.

I think that with lighting on this sign, it will detract, and others will want a sign just like it. There should be no special treatment of any business as far as I am concerned.

Mr. Raymond Herrera, 357 Hillside Avenue, was sworn. He felt we don't need any more lighted signs, and this will open a can of worms on Guadalupe Street if you allow this one. It will bring more of this lighting on Guadalupe Street, in that section of town. Next thing you know, maybe Our Lady of Guadalupe might want to have a neon sign in front of the building. Thank you.

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

### Board Discussion

Member Roybal said the light stays within the sign and it has no other illumination at all. I was impressed with that.

Vice-Chair Katz agreed with him. The picture makes it look brighter than it was when they were there.

Member Boniface agreed. The photograph on the right is very misleading. There are more than just the 3 windows above the light. There are windows all over the place. And I asked a very pointed question last night about when the windows would be illuminated. I wanted to know that to be able to compare window light with the sign light. The light from windows is far brighter than the proposed logo and letters. In fact, the logo just looks like a big washed out something. It actually got better, the more it was dimmed. We started with 100% and everyone, including the applicant, agreed that having the light turned down was actually better.

Vice-Chair Katz said also we don't see in the picture that there are portals all along under the sign that also have lights and with those on, it would make it much different.

Member Biedscheid asked in terms of streetscape, she believed that on that stretch along Alameda, from Guadalupe to Galisteo, has several signs that are lit at night. And how does it compare with this sign?

Ms. Ramirez Thomas said in her recollection, many of the existing signs there are lit with up-light that illuminates a logo or something. This sign is actually a contained kind of light and not up-light. Everyone agreed that 100% was much too bright and everything looked better at lower wattage.

Vice-Chair Katz asked Attorney Gheen about limits on signs there that the Board should be aware of in this discussion.

Ms. Gheen conferred with Ms. Ramirez Thomas before responding. She explained that she wanted to look at the night sky ordinance before answering.

Vice-Chair Katz asked if there had been any discussion about the lights being on at 10:00 p.m. I thought we talked about that. It makes sense to have the building identity available when people are going there for meetings. When the building is closed, no one is looking for it.

Member Roybal said there are a lot of bright street lights and traffic lights in that area compared with this sign. This sign is amazing how muted it was there.

Vice-Chair Katz agreed. and it is interesting. Between the restaurant (Bistro) right next to it all the way to Paseo on Alameda is commercial and even beyond Paseo. It is the commercial part of down town. It is not being pushed anywhere. That is something we need to consider. It is between 1 watt and 3 watts and that is not a great deal of wattage.

Ms. Gheen said for outdoor lighting. the code says in the night sky ordinance, "14-8.9 talks about outdoor lighting and she read from it that lights require shielding, could not be focused up; should not produce glare onto other property on the street; should be directed onto the building or object and not to the sky or adjacent properties.

Vice-Chair Katz didn't think that ordinance implicated these signs.

Ms. Gheen read further and didn't think there are any specific points that apply.

Vice-Chair Katz said he trusted her judgment on it.

Member Biedscheid noted that in that section, Ms. Gheen read that it defines a

higher level of illumination and asked about a qualification of that.

Ms. Ramirez Thomas said 14-8.9-2(E) talks about maximum illumination standards for parking area, building entrances, building grounds and public safety which are measured in foot candles. For public spaces, it says 3.0-foot candles which is less than building entrance (5.0) and parking lot (1.0). The Code doesn't address LED lights and she was not sure how the foot-candle illumination standard applies.

Mr. Gemora said it was more for a spotlight and all of that light must be contained within the property.

Vice-Chair Katz added that the lights for letters shine to the building instead of coming out.

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Bayer, in Case#H-17-108 at 100 North Guadalupe Street, to approve the sign at 33% for the logo and 50% for lettering and could be 100% during the day.**

#### Discussion on the Motion:

Member Bayer suggested the percentages be for 24 hours per day. It would be easier for everyone.

Member Roybal disagreed. In daylight, the difference would be different.

Ms. Gheen referenced Subsection 14-8-10(H) which she believed was reviewed four months ago. She didn't want to speak for Staff.

Mr. Gemora said this sign complies with the H Code sign restrictions.

Vice-Chair Katz said that makes the decision easier. The motion was made with a friendly amendment that was rejected by the maker of the motion.

Member Bayer asked Member Roybal about what he proposed for times.

Member Roybal explained his motion was to have the lights on at 100% during the day and reduced wattage at night.

Member Boniface asked how we determine what time of day the percentage should change. The applicant said they would be willing to keep it the same all day long. But he didn't see any need to have it on at 2:30 a.m. He proposed a friendly amendment that they have the sign on at 33% and 50% during the day and turn it off at 10:00 p.m.

and turn it back on at daylight with a photometer used for time of daylight to turn it on.

Member Roybal accepted that as a friendly amendment.

Ms. Gheen suggested the motion read “up to 33% and up to 50%” and more concrete than daylight to use “sunrise.”

Vice-Chair Katz restated the motion that the illumination be turned off at 10 pm and come on at sunrise.

Mr. Baker asked if he could comment.

Vice-Chair Katz said it is not allowed in the midst of a motion.

Member Biedscheid asked if the Board has determined that maximum percentages do not apply.

Ms. Ramirez Thomas said the height and location of the signs met the sign requirements.

Member Biedscheid asked if maximum light did not apply to this case.

Ms. Ramirez Thomas said Mr. Gemora reported that all of those standards were already met but for night sky, LEDs did not apply.

Member Biedscheid wondered if foot-candles were converted for that. The passage read said 5 foot-candles was the limit.

Ms. Ramirez Thomas said one challenge is trying to measure the illumination of the sign. It is not wattage in the calculation.

Member Biedscheid said she heard 1-3 watts.

Vice-Chair Katz pointed out that the foot-candle is a specific amount of light that can be measured. In light of what Member Biedscheid raised, his suspicion is that .

Member Roybal said foot-candle is old technology vs new technology and he didn't think it applies to this.

Mr. Gemora for less than 50 watts, by the ordinance, don't have to be shielded. It is the amount of light at the street and this light does not shine onto the sidewalk or entry. You could use foot-candles directly behind the sign, but it does not create light that would violate the night sky ordinance. They are measured in a different way.

Vice-Chair Katz said he heard 5 foot-candles from a certain distance.

Mr. Gemora said lights that are less than 50 watts don't have to be shielded and the sign code is always more restrictive than the night sky ordinance. For illumination standards, the maximum illumination is at the street or the sidewalk. The maximum light is 5 foot-candles at the entry and 1 at the sidewalk. This shines onto the back of the building and is not regulated by the night sky ordinance. He clarified that there is no measurable light at the sidewalk or the perimeter.

Vice-Chair Katz was not comfortable with the comparison with the night sky ordinance.

Member Bayer was comfortable that it would meet the Night Sky ordinance.

Member Boniface agreed with Member Bayer that it definitely would comply. He thought it would come back way under.

Ms. Gheen observed that this particular code section has a table. She proposed that the Board could approve the application with a contingency that the Land Use Director also approve and not having to postpone.

Member Biedscheid was comfortable that but the table seems to only deal with light amounts above the maximum.

Ms. Gheen understood. But if the Board approves and the Land Use Director approves it would be in conformance.

Vice-Chair Katz suggested a motion on condition that if it meets those standards, and if it doesn't meet those standards, that the Land Use Director could approve it. The power appears to be given to the Land Use Director to be able to approve a higher level.

Ms. Gheen said that is correct. However, if the Board approves it without the conversion being done so the Board doesn't know if the level of illumination exceeds the level indicated in the table. So if the Board approves on condition that the Land Use Director approves, then in either scenario, below or above the appropriate level, it would be approved.

Member Roybal was concerned with that because this sign has no illumination to the bottom and to the top. It is contained within itself. That was the point of going last night.

Member Biedscheid said if the night sky ordinance applies at all here, it is not a discretionary decision. We are limited by the ordinance. If it less than the ordinance limits, a light meter could tell us if that is the case.

Ms. Ramirez Thomas read definitions of foot-candle. Lumens is the metric

equivalent of foot-candle and measured at an object you wish to illuminate.

Vice-Chair Katz was not comfortable doing this on the fly. There were comments and he completely agreed with Member Roybal. But it is a guess and we should have Staff and the applicant gather the facts for a subsequent meeting .

Member Bayer asked if we couldn't approve it on condition that it does meet those requirements. Then the tests would determine that it meets the requirements. She was trying to be thoughtful about future meetings and not listening to this case again.

Member Biedscheid said the measurement of the light is key for this application.

Ms. Ramirez Thomas suggested that we could determine whether or not the night sky ordinance applies in this instance. If it does, then we can quantify the 33% and 50% if you wish to postpone.

Ms. Gheen conferred with Staff on it. She said this is the first case in which the question has been asked if the night sky ordinance applies. It is within authority of the Land Use Director for other parts of the code. So Ms. Ramirez Thomas or Mr. Gemora could state where in the Land Use Division that would be applied.

Vice-Chair Katz suggested the motion be on the condition that the Land Use Director decides either that it applies to the night sky ordinance or is compliant with the Code.

Member Roybal accepted that.

Vice-Chair Katz restated that the motion is to approve the illumination at 33% for the logo and lettering at 50% between sunrise to 10:00 pm and off from 10:00 to sunrise, if the Land Use Department determines the Night Sky Ordinance applies and if it applies, that the sign is compliant with the Night Sky Ordinance. If it isn't, the Land Use Department would tell the Applicant that they cannot have their sign.

Ms. Gheen said it is specifically the Technical Review Committee of the Land Use Department that would determine whether it applies or not.

**MOTION:**     **Member Roybal moved, seconded by Member Bayer, in Case#H-17-108 at 100 North Guadalupe Street, to approve the sign at 33% for the logo and 50% for lettering and could be 100% during the day and not illuminated from 10:00 p.m. until sunrise, on condition that if the Land Use Department Technical Review Committee determines the Night Sky Ordinance applies and if it applies, that the sign is compliant with the Night Sky Ordinance.**

**VOTE:**     **The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting**

against.

5. **Case #H-18-095. 309 West San Francisco Street.** Downtown & Eastside Historic District. Lloyd and Associates, agent for Heritage Hotels, proposes to construct a rooftop deck including an addition and pool area, replace windows with French doors and construct screening and pergolas, and install exterior lighting on a noncontributing non-residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

309 W. San Francisco Street is the location of the Eldorado Hotel. The hotel is located on 2 acres in the Downtown and Eastside Historic District and is a total of 170,000 square feet. It was constructed in the 1980s.

The applicant proposes to create an outdoor pool area on the second floor of the hotel. The following items are proposed:

1. Addition of a pool. The pool will not be publicly visible.
2. Replace the windows on rooms surrounding the patio with French doors. Screening will be placed around each of the patio rooms. The screening will include perforated metal walls/screens to match other metal perforated panels at the hotel. The pergolas over what will be the screened area are existing. The rooms are not visible from the streetscape.
3. An existing storage structure will be used for a bar, storage, pool equipment and restrooms. The doors of the storage room will change to match the ballroom doors on the same elevation at the first floor. The east elevation of the bar structure will have sconces mounted on the wall. The applicant is requesting staff approval for the design as it has not yet been chosen.
4. Addition of pergolas constructed of tube steel to match the color of the existing wood pergola elements on the patio surrounding the pool.
5. Addition of a wrought iron rail at the parapet overlooking Palace Avenue. The railing will match the detail of the wrought iron doors on the first floor of the same elevation.
6. Installation of pavers to the rooftop patio floor. The style of the pavers has not been chosen and the applicant requests that staff be able to approve the pavers once they are selected. The applicant will speak to the styles that are being

considered.

7. The stucco will be a custom blend. The applicant will state the type and El Rey color nearest to the existing at the hearing.

### **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 Historic District.

Ms. Ramirez Thomas added that in addition to drawings, there are renderings in the packet.

### **Questions to Staff**

There were no questions to Staff.

### **Applicant's Presentation**

Mr. Wayne Lloyd, 321 West San Francisco Street, Suite A, was sworn. Mr. Lloyd used his computer to show 360-degree views to show public visibility of the pool from the traffic light to the Eldorado and showed the new pergola that was to be added. Six inches above the parapet would be a railing at all four gates that are in the drawings already. Then he showed a 360 degree of non-visible materials.

He explained the intent for the future with the pergola all the way around. He pointed out the bar and fireplace to be built with food storage and two ADA bathrooms. The pool at its highest point is at the same height as the parapet wall. The bar is higher than the new pergola.

Vice-Chair Katz asked why it has to be higher.

Mr. Lloyd explained that they wanted to show it as different and they didn't show behind that area in the view.

He had nothing else to add and noted that about 95% is not visible to the public.

Mr. Lloyd used the overhead to show the rendering.

### **Questions to the Applicant**

Member Roybal asked if a person could tell the difference of metal from wood.

Mr. Lloyd said at the Starbucks, they put an oxidizer on the metal that increases rusting and then seal it when it gets to the right oxidation level. From 30', you won't see a difference. He said, "Cecilia told me that she couldn't even tell that it was metal. She made it a point to get back to me and she said, 'You know, I don't know what we are complaining about, but it looks great.' From 30 feet below, I don't think people would know whether it is wood or whether it is metal."

#### Public Comment

Ms. Beninato (previously sworn) asked how much coverage it can have in downtown. It would be nice if the portal was the same height as the other portals. "I think you are going to approve this. I think it is a total waste of water and don't think they would cover those pools at night to avoid evaporation of water out of it. It would be nice to know if they are doing that. The comment about Starbucks was rather distracting. I assume Cecilia is Ms. Rios and Ms. Rios is telling someone about how it is okay on a project. That kind of remark is wrong somehow. I don't think Starbucks is a very harmonious building in the Downtown. It sticks out like a big sore thumb. I hate the walls around it. And I have never liked the exterior of the Eldorado either. It may be because it blocks the mountains from view. It is really high, and they got away with that. There is probably nothing here you could disapprove except perhaps the height of the pergola. Other than the County Courthouse, this is one of the most hated buildings in the downtown area."

Mr. Raymond Herrera (previously sworn) didn't think we need another pool downtown with our water situation. He thought when the portal was enclosed, that the applicant said nothing would be added onto the building at that point. His next concern was whether they were going to cover this pool area next and go up another story in the future.

Mr. Lloyd asked if he could make one correction.

Vice-Chair Katz said yes.

Mr. Lloyd said they didn't "get away with anything." The original unanimous approval by the Board met every zoning and historic criteria that existed. That was why it was approved.

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

Vice-Chair Katz said that didn't erase the fact that the building was despised by many people in Santa Fe and that the 300' distance measured (for public visibility)

doesn't even begin to get close to the Plaza in front of the portal over the Inn of the Governors. A lot of people regretted its approval. It is not a best loved building.

Mr. Lloyd said he did not disagree.

Member Biedscheid asked if all of the sides would have the same treatment and if there was a metal element being proposed that would match what is on the building.

Mr. Lloyd agreed. He said these will match the wood pergolas on the building. There is no metal pergola now.

Member Biedscheid asked if these match the details that exist.

Mr. Lloyd said these are simpler - just straight metal. The existing pergolas have a lightning cut on each end. They chose metal over wood for longevity. Wood will eventually rot and have to be replaced.

Member Bayer asked if the metal pergola that was higher was just the one at the fireplace.

Mr. Lloyd said no and pointed them out on his rendering. The ones that go all the way around are wood and not metal. The steel will be the same color as existing wood.

Mr. Adrian Perez, President for Heritage Hotels and Resorts, was sworn. He said he understood and was saddened that the Eldorado is one of the most hated buildings in the City. "We didn't build it. We purchased the building and we own five other hotels in the City and we continue to try to improve our community. For every dollar we make, we give back a percentage to keep culture and heritage alive in the State. While we didn't build the Eldorado, we continue to try to improve it for our community. We provide hundreds of jobs for this community to continue to allow people to live here. We wanted to keep it in New Mexican hands. We are a locally owned company. We have been around for 30 years, based in Albuquerque. We feel this project will improve the hotel.

It saddens me to hear that some people feel that way. Our objective in Heritage Hotels is to give back to the community. Over the 18 years we based our company here, we have given millions of dollars to cultural causes to keep our heritage alive. I'm 13<sup>th</sup> generation New Mexican. The assets are owned by New Mexicans - we are not taking like a lot of hotel companies do.

Ms. Ramirez Thomas said because of her misunderstanding that they intended to put more than what was existing, the Board might want to clarify the square footage.

Vice-Chair Katz asked if that does make a difference. "It is a large hotel. My sense is that the proposal is not going to be visible at all. If I were making the motion, I would ask them to match the wood with wood and keep it all at the same height."

Member Biedscheid agreed with that. We have to acknowledge that it is a very sensitive building in downtown Santa Fe at a very prominent location. The Board should be considerate of a large public opinion about this hotel. We should minimize to the extent we can the changes being made that are visible. Most of it is not visible. Aside from that, we don't have a lot to consider. But the large metal pergola is very visible from 300 feet to thirty. They should use a wood treatment that would match the style the style of existing pergolas and be reduced in height to the height of the existing pergolas for what we are seeing today.

#### Action of the Board

MOTION: Member Roybal moved to approve items 1-7 as recommended by staff. The motion died for lack of second.

**MOTION: Member Biedscheid moved, seconded by Member Roybal, in Case #H-18-095 at 309 West San Francisco Street, to approve the application as recommended by Staff, with the following conditions - that the pergola be constructed of wood and match existing pergolas in color, style, and height, that the drawings be revised for that condition and submitted to Staff.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

- 6. Case #H-18-096. 664 Camino del Monte Sol. Downtown & Eastside Historic District. David Cofrances, agent for Kathy and Berl Brechner, owners, proposes to replace windows and doors and install railing on a noncontributing residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas presented the staff report as follows:

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

664 Camino del Monte Sol is a non-contributing residential structure located in the Downtown and Eastside Historic District. The house was constructed in 1934 and has undergone several remodels over the year. The remodels include additional massing that has consumed the original home and changes to the fenestrations. The house has maintained the Spanish-Pueblo Revival style on most elevations and is stylistically similar to the historic homes found along Camino del Monte Sol. A case that came before the Board in 1995 established the status as non-contributing to the district and approved remodel of the home.

The applicant requests the following for remodel:

1. Replace windows and doors on the home with Pella Architectural Series divided lite windows in "Putty".
  - a. Window will be replaced on the north elevation second story;
  - b. a window will be changed for a door on the east elevation second story;
  - c. a window will be shifted in position and replaced on the west elevation.
2. Addition of a walkway and railing off of the east elevation. The railing will be black wrought iron and the walkway will be constructed of IPE decking. The walkway will lead from one roof deck to another on the east elevation.
3. Re-roof with spray foam roofing material. No roofing material will be visible at the parapets.
4. Re-stucco in cementitious El Rey "Buckskin".

### **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 Historic District.

### **Questions to Staff**

There were no questions to Staff.

### **Applicant's Presentation**

Mr. David Cofrances, 1519 Upper Canyon Road, was sworn. He said this application is all for changes on the second floor which we are remodeling. It was chopped up and we are moving some of the rooms around and replacing windows. It will have a library on the north and we are reducing two baths to one bath.

### **Questions to the Applicant**

Member Boniface asked him to please describe the railing.

Mr. Cofrances said it will be 3' high, made of wrought iron with verticals, similar to the one on the second floor at the master bedroom. There are other types on the property.

Member Boniface said it appears to be simple with verticals.

Mr. Cofrances agreed.

### Public Comment

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

### Action of the Board

**MOTION: Member Boniface moved, seconded by Member Roybal, in Case #H-18-096 at 664 Camino del Monte Sol, to approve the application as recommended by Staff.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

- 7. Case #H-18-097A. 613 Garcia Street.** Downtown & Eastside Historic District. HPD Staff requests a historic status review with designation of primary elevations, if applicable for a non-statused residential structure. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

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

613 Garcia Street is a compound of four Pueblo Revival condominiums within the Downtown and Eastside Historic District. One of the condominiums is designated contributing (Unit 2), one as non-contributing (Unit 3), and two are without status (Units 1 & 4). The applicant requests a historic status be assigned to Unit 1.

The approximate date of construction is 1925 and staff finds that Unit 1 is generally in good condition. Considering the floor plan and wall construction, staff agrees with the 1991 historic building inventory that Unit 1 has likely endured only minor non-historic remodeling. Additions that have been determined to be non-historic are a steel trellis attached to the west façade and a storage building on the east façade.

While the floor plan is considered to be historic, windows and doors are an eclectic mix of different styles and materials. A 2018 window assessment finds that many of the windows were replaced in the 1980's. Due to the mix of window styles, both staff and the 1991 historic inventory speculate that many of the older windows may be recycled.

#### **STAFF RECOMMENDATION:**

Staff recommends the historic status of the house be designated contributing per 14-5.2(C) Designation of Significant and Contributing Structures, and recommends the southern elevation excluding non-historic material, be designated as primary.

#### Questions to Staff

There were no questions to Staff.

#### Applicant's Presentation

Mr. Christopher Purvis, 200 West Marcy, was sworn and said he agreed with Staff's report and recommendation.

#### Questions to the Applicant

There were no questions for the Applicant.

#### Public Comment

Mr. John Eddy (previously sworn) said he heard today that this was built by Rapp & Rapp and wondered if applicant knew about that.

Ms. Ramirez Thomas said she didn't know.

Mr. Purvis said he didn't either.

Mr. Eddy suggest perhaps it is hearsay.

Mr. Gemora said Staff has no record of that.

Mr. Purvis said he didn't think it was a Rapp & Rapp structure but had no information about it.

Mr. Herrera (previously sworn) said that property was built by Frank Alitas who owned all the property there and on up and was his great uncle. He said in his concern that it is a unique little compound and one of the few that should be preserved as much as possible. It has original windows; it was probably built at turn of the century, from what he remembered. He played in that compound as a kid. Any changes to it will change Garcia Street.

Mr. Eddy commented, that is why public comment is so important. The more we

know about them, the more we can make informed decisions.

Ms. Beninato (previously sworn) would like to see the Board move on the recommendation. It is a unique property and to preserve the compound is important. She liked Mr. Herrera's comments.

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

### Board Discussion

Member Biedscheid asked if the west gate is attached to the house at Unit 4.

Ms. Ramirez Thomas said it is attached on the west wall and you walk back on a long brick pathway and all the units are north of that pathway.

Mr. Gemora said Unit 4 is attached to the wall, but you have to walk into the compound. It is also attached to three walls and coyote fences but those are not attached to a building.

Member Biedscheid asked if the gate is part of this consideration.

Mr. Gemora said no. This is looking only at Unit #1. We saw some of Unit 4, but it is not under consideration. We saw nothing connected to #1.

Member Boniface said, in reading the window assessment from Ra Patterson, he talked about windows B, C, and E that the sills were rotted. That led him to believe the openings might be original. Staff recommended making the south elevation primary but to exclude nonhistoric material. He asked if the window openings be appropriately needing to be maintained.

Mr. Gemora agreed.

Vice-Chair Katz said that is the default position. If approved, they couldn't change the openings without an exception.

Member Boniface agreed it is the default position. He was just seeking clarification.

### Action of the Board

**MOTION: Member Boniface moved, seconded by Member Biedscheid, in Case #H-18-097A at 613 Garcia Street to designate Unit 1 as Contributing and designating the south elevation as primary, recognizing that nonhistoric material is excluded from the designation.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

- 8. Case #H-18-097B 613 Garcia Street.** Downtown & Eastside Historic District. Christopher Purvis, agent for Pat Tangara, owner, proposes to replace windows on a non-statused residential structure. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

**BACKGROUND & SUMMARY:**

613 Garcia Street Unit 1 is a residential building within a compound of four Pueblo Revival condominiums located in the Downtown and Eastside Historic District. The applicant proposes the following:

1. Replace some of the non-historic windows and doors as follows:
  - a. Replace a non-historic, 1980's deteriorating vinyl clad window with a TDL wood window to match existing windows (labeled "A" in the window assessment and on the proposed elevations).
  - b. Replace a non-historic 1980's horizontal slider and aluminum screen with an "egress-sized" casement wood window to match existing windows (labeled "D" in the window assessment and on the proposed elevations)
  - c. Replace the non-historic front and side doors with Dutch doors.
  - d. Replace the non-historic rear storage door with the side door removed from the south elevation.
2. Remove a non-historic steel trellis on the west elevation.
3. Relocate the electrical box.
4. Reroof the building with a tan TPO or Brai.
5. Relocate skylights (not publicly visible).
6. Place a condenser on the ground to the rear of the structure (screening not identified).

**STAFF RECOMMENDATION:**

Staff recommends approval as the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts and 14-5.2(E) Downtown and Eastside Historic District.

Mr. Gemora added that, based on the last action, it might need an exception for window opening change.

Member Biedscheid said it might need an exception as a larger sized window.

Mr. Gemora agreed, and an exception had not been requested. In the past, the Board has allowed lowering the sill for egress. That is up to the Board.

Vice-Chair Katz thought it needs an exception. He wondered about window A. Clearly an exception would be needed for window D for removal of historic material.

#### Questions to Staff

There were no questions for Staff.

#### Applicant's Presentation

The presentation was not made in light of the necessity to postpone for submission of a request for an exception.

#### Questions to the Applicant

#### Public Comment

In light of the need to postpone, no public comment was invited.

#### Action of the Board

**MOTION: Member Bayer moved, seconded by Member Boniface, in Case #H-18-097B at 613 Garcia Street to postpone to October 9, 2018, for the Applicant to come back with a request for exception to change window openings and remove historic material.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

9. **Case #H-18-099A. 521½ Calle Corvo.** Downtown & Eastside Historic District. Liaison Planning, agent for Roddex Burdine, owner, requests a historic status review of a non-statused yardwall structure. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

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

521½ Calle Corvo is a non-statused property with a residential structure which was originally part of a much larger Canyon Road complex located to the north & east of the wall. The applicant requests a historic status review of a 74' cobble stone & stucco wall extending along Calle Corvo from the vehicular gate opening to the SW corner of the property.

A historic inventory from August 2018 describes a wall of arroyo/cobble stones of unknown origin and with a high lime content indicating older construction. Courses of CMU brick were likely added between the 1940s and 1960s, probably to shield the original property from Calle Corvo and the Hughes Subdivision of "little homes" built following World War II. Sometime after 1973 a vehicular gate was added and at an unknown time, a pedestrian gate was created.

The historic inventory cites the disparate construction, the CMU addition, and the gate alterations as diminishing historic integrity, thus recommending a status of noncontributing. Staff disagrees and finds the wall represents both a conglomerated evolution of historic styles and also a historic border separating an old compound on Canyon Road from a post-World War II subdivision. The presence of this wall and the compound that previously existed are what gave Hughes Street, later renamed Calle Corvo, its awkward alignment.

#### **STAFF RECOMMENDATION:**

Staff recommends the historic status of the yard wall be designated Contributing per 14-5.2(C) Designation of Significant and Contributing Structures due to its demonstration of evolving historic materials and the demarcation between an older Canyon Road complex and the post-World War II Hughes Subdivision.

#### **Questions to Staff**

There were no questions to Staff.

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

Ms. Dolores Vigil, PO Box 1835, was sworn.

She said, "We disagree with the Staff Report and the conclusions that recommended a Contributing status, on a few different points that came out in the HCPI report. Based on the consultant's finding and the aerial photographs indicating that the structure was in place in 1958. She and the consultant agreed that the top of the handmade cobblestone wall with machine fabricated CMU block is not traditional historic material. "And we go to the original wall's integrity. Also, we disagree with Staff that the wall demonstrates the conglomerated elevation of historic styles. A CMU wall showing block lines is not a style but a negative addition. Not only does the consultant mention that the addition of the CMU wall, the demolition of north side of the wall, the probable addition

of a pedestrian gate, etc. He also showed that a good portion of the wall has been encapsulated in recent times with the treatment of rough cement stucco. Approximately 16 linear feet, the alteration of the older arroyo stone construction which has affected approximately 22% of the wall's historic surface. We do not feel the Mexican construction harmonizes with or contributes to the Calle Corvo streetscape, which is lined mostly with low stucco walls. In conclusion, we don't believe the wall has sufficient historical associations, significance, or integrity to be considered a structure that deserves contributing status to the Downtown and Eastside Historic District.

So she asked that the wall be considered noncontributing. We are working on lot line adjustment. She stood for questions.

#### Questions to the Applicant

Vice-Chair Katz asked if she had any idea when the CMU block was put on top of river rock.

Ms. Vigil said she didn't.

#### Public Comment

Ms. Beninato (previously sworn) hoped the Board would designate the wall historic. A wall on Garcia looks very much like this one and has block on top of it. In the property on Galisteo was an adobe wall with CMU on top by 1960. The aerial would not tell you the material used, just the location. She would be happy for the applicant to provide that information.

Mr. Eddy (previously sworn) thought he was familiar with this wall and because of the stock used, that it is definitely historic. "I seem to remember that the CMU was put in to allow more privacy. It is a classic arroyo stone wall and needs to stay there.

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

#### Board Discussion

Member Boniface said, "I'm in the same boat as Mr. Eddy. I feel like the lower part of the wall appears to be historic. The upper part does not appear to be historic. I'm familiar with the neighborhood and it is as Mr. Eddy described it. I believe the rock wall is historic but not sure about the CMU. He asked the staff if it is possible to designate the lower part as historic and exclude the upper half?

Mr. Gemora said the Board has decided things like that before. It still provides the same constraints for the Applicant, but it is possible.

Member Boniface said that if the Applicant wanted, if the lower half is contributing and the applicant wanted to remodel the CMU wall, would they have a problem with doing that? What is the deal there?

Ms. Ramirez Thomas said if the rock wall is the most historic part and the rest nonhistoric. By removing the CMU part, you could consider it restoring to the original wall.

Member Boniface reasoned that they would have to come back. But what if they wanted to remove and replace it?

Ms. Ramirez Thomas said they would have to come back for that.

Member Bayer said Mr. Gemora, in the Staff Report, said the CMU was between 1940 and 1960. So could be considered part of contributing status.

Vice-Chair Katz said if it is older than 50 years, and John Murphy believed it was there in 1966, it is historic and is part of its history now.

Member Biedscheid said the calculation covers part of the wall. There is something unknown about the wall. She was unsure that part could be removed.

Vice-Chair Katz recalled the Board drove by another one with such a wall.

#### Action of the Board

Unanimous.

**MOTION: Member Boniface moved, seconded by Member Biedscheid, in Case #H-18-099A, 521½ Calle Corvo to follow the Staff recommendation and designate the wall as Contributing.**

#### Discussion on the Motion

When asked about a primary elevation, Ms. Ramirez Thomas said the west side could be primary.

Member Boniface modified his motion to make the west publicly visible side as primary elevation. Member Biedscheid agreed with the amendment.

**VOTE: The motion, as amended, passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

**10. Case #H-18-092B. 1150 Camino San Acacio.** Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Gabe and Sonia Salazar, owners, propose to construct a 650 sq. ft. addition on a contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

1150 Camino San Acacio is a single-family bungalow built in the vernacular style. The house was built sometime after 1950. It is a unique style of home for San Acacio Street and retains its original footprint and much of the original windows. The house has aluminum sliding windows that appear to be original, a simple porch, and a low-pitched roof. In addition to the house a stacked stone retaining wall is located at the streetscape on the north property line. At their hearing on August 28, 2018 the Board voted to maintain the historic status of the building as non-contributing and to designate the historic status of the stone wall as non-contributing.

The applicant proposes to the following for remodel:

1. Addition of 494 square feet to the existing 768 square foot home. The applicant proposes the addition on the south elevation of the home. It will be of frame construction to match the existing home and the height of the addition would be 16'-0" to match the existing structure height. An exception was not requested to use non-divided lite windows on the addition. Currently the windows on the home are non-compliant to the district but are an original style to the home.

**STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards for All H Districts. Staff defers to the Board to determine if an exception is required to use non-divided lite windows on the addition.

**Questions to Staff**

There were no questions to Staff.

**Applicant's Presentation**

Mr. Joseph Bransford, 3000 Governor Mechem Road, was sworn. He said there was a mistake at the last hearing. He brought and showed a Marvin Integrity sample of the double-hung window. These are Ultrix fiberglass on the outside and wood on inside. It is bronze, but they are proposing white.

Vice-Chair Katz asked if they are non-divided lights on the slider.

Mr. Bransford said yes. He couldn't find a white single lite sample. The owner just wanted a slider window.

The owner, Mr. David Salazar, was sworn. He said they want to go with Staff recommendations but with the slider window they wanted to use with divided lites on it.

Vice-Chair Katz said that is important because it is required in the district to have divided lights.

Mr. Salazar said divided light windows are around the neighborhood anyway. The rest of the application is straightforward.

#### Questions to the Applicant

Vice-Chair Katz asked if they are not replacing the windows in front.

Mr. Salazar said they want to replace all of them and they would all be divided lites.

Member Boniface noted on the east are French doors or perhaps just blank doors, but with no indication of what they are. It just shows two rectangles. That is on page 13.

Mr. Bransford said the door is the same Ultrix style and is a sliding door and it can have divided lites as well.

Member Boniface was hesitant to approve this with not much information. The drawings don't show the details for it. We might approve the case with new drawings, but these drawings are on the cusp of unacceptable.

Vice-Chair Katz asked Staff about that point. "If we voted to approve, it would be unclear what we are approving and I'm curious if Staff worked with the applicant or could work with them to get complete drawings."

Ms. Ramirez Thomas said Staff could definitely work with applicant to get complete drawings. There were some questions about the status of the building and since then, not much discussion on the windows. They could come back with that.

Vice-Chair Katz said what they want to do is probably just fine, but it must be done with complete drawings.

Ms. Ramirez Thomas said they could come back.

Vice-Chair Katz - we might not have public hearing if we postpone it.

Mr. Salazar said, "We brought the sample and came here last time to get the status as noncontributing. We brought the sample. We will soon be into winter months. There is mold there now and we need to get it moved on before winter. We are trying to get it done and not doing anything out of the ordinary. It would be nice to get a vote and work with Staff on the drawings that our contractor would provide."

Vice-Chair Katz said we will have the public hearing and then figure out how to handle it.

#### Public Comment

Ms. Beninato (previously sworn) asked the Board to postpone the application for the real drawings so the public and the Board can see exactly what they are requesting. Whatever the law requires, the drawings need to be complete. They have a contractor who professionally should know what he is doing before submitting drawings. They need to be complete, so it is not good to just allow Staff to approve it. It is the Applicant's duty to submit what is required.

Mr. Herrera (previously sworn) thought this young couple should be complimented for staying in their neighborhood and under hardship part of the deal, should be approved. From what I saw, everything is there except the divided windows which they agreed to. For them, a delay is a hardship for them.

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

#### Action of the Board

**MOTION: Member Boniface moved, seconded by Member Roybal, in Case #H-18-092B at 1150 Camino San Acacio to postpone this case to a date certain of October 9, 2018, and have the Applicant return with drawings that accurately reflect the doors and windows and lite patterns and light fixture designs with photos of what they are proposing.**

**VOTE: The motion passed by 3-1 majority voice vote with Members Bayer,**

**Biedscheid, and Boniface voting in favor and Member Roybal voting against.**

**11. Case #H-18-102 124 Quintana Street. Westside-Guadalupe Historic District.**

New Mexico Investments, agent/owner, owner, proposes to construct a 72" high coyote fence and a 72" high wrought iron gate with reed screening where the maximum allowable height is 61", repair a yardwall, and redesign driveway curbs on a noncontributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

**BACKGROUND & SUMMARY:**

124 Quintana is a non-contributing residential property in the Westside-Guadalupe Historic District. The property has a single residential structure of approximately 1600sf with a central courtyard/parking area and a 5'-0" non-historic masonry wall along the streetscape. A 14'-0" wide wooden vehicular gate, painted turquoise, currently exists along with a 13'-0" wide break in the masonry wall.

The applicant proposes the following:

1. Construct a coyote fence and wrought iron gate to a maximum height of 6'-0" where the maximum allowable height is 5'-1". The proposed fence will be located behind the existing 5'-0" masonry wall and 4'-0" existing gate. The proposed gate will be in the existing break in the masonry wall and would have a black reed privacy cover. An exception is requested to exceed maximum height. An exception has not been requested regarding the use of reeds to screen the gate.
2. Repair the end caps of a fallen portion of CMU wall to match the existing adobe brown stucco.

**RELEVANT CODE CITATIONS:**

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

(c) Height

(ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

(C) Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.

**EXCEPTION CRITERIA (SEE ATTACHED APPLICANT RESPONSES)**

- (i) Do not damage the character of the streetscape;  
*Staff agrees that multiple surrounding properties have 6-8' high walls and fences. Staff additionally recognizes that coyote fences are less massive than masonry walls.*
- (ii) Prevent a hardship to the applicant or an injury to the public welfare;  
*Staff agrees that privacy and security can present a hardship to the applicant and that a 6' coyote fence can provide more privacy and security than a 5' masonry wall.*
- (iii) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;  
*Staff agrees with this response. The applicant has considered multiple design options and other exception responses mention fence height to better allow certain residents to continue to reside on the property.*
- (iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;  
*Staff disagrees with this response. Vehicular damage to gates and walls is not related to this exception request. Staff recognizes, however, that other responses mention being across from a unique residence on the streetscape and thus is in a position different than surrounding neighbors.*
- (v) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and  
*Staff disagrees with this response. Wall damage is not related to this exception request. Staff recognizes, however, that other responses mention fence height as a way to screen a neighboring residence and achieve increased privacy and security; neither of which are the result of the applicant's actions.*
- (vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).  
*Staff agrees with the minimal amount of modifications proposed. The proposed material and height are common in the surrounding neighborhood and the proposal preserves most of the property's streetscape. Staff additionally recognizes that coyote fencing has less visual impact than masonry walls.*

**STAFF RECOMMENDATION:**

The curb cut, and visibility triangle has been approved.

Staff does not find that all the exception criteria have been met but the Board may find that they have upon further testimony. Otherwise, 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(I) Westside-Guadalupe Historic District.

He noted that while the Board considers harmony with the surrounding

neighborhood in design elements, aspects of the parking code, easements, access to ROW either have been or shall be addressed through external processes. And Staff has worked with applicant extensively to try to complete the application and get approval on those processes.

#### Questions to Staff

Vice-Chair Katz thought that work was already done and asked if that was correct.

Mr. Gemora said that is correct.

Member Biedscheid asked if everything the Board saw today on the field trip was proposed for tonight.

Mr. Gemora said it was except for the repairing the end caps of the CMU. They also need to do some concrete work for the curb cuts. But that was all required through the curb cut process.

Member Boniface asked Mr. Gemora to clarify what he meant about the exception to screen the gate with reeds.

Mr. Gemora said in the past, the Board has said reeds are not Santa Fe style, so it is unclear if an exception is needed or not, but the Board could propose other materials that could work if you don't like that material.

#### Applicant's Presentation

Ms. Gina Casbergen, with New Mexico Investments, 3600 Zia Road, suite 301A, was sworn. She said, "This is a coincidental situation. The cracks in the wall got greater and I observed them at the end of the street and knew that wall would come down. The gap got big and it could endanger tenants or pets and we knocked it down and had a gate that could get four cars in that part of the wall and we did it. I always wanted to do it for the parking situation. So I could get four cars in the lot but didn't want to. The tenant now can just drive in on the east side and park on the property and not park on the street. It gives more security. The renters are all female and feel comfortable with a coyote fence. I could jump over a wall. The coyote is Santa Fe style and the new tenant loves it. That is all I want to do to the property - just repairing it with gate and coyote fence. I can put a nice yard in the triangle. If it is not permitted, we can take it off.

#### Questions to the Applicant

Vice-Chair Katz surmised that she has other properties.

Ms. Casbergen said this is the only one she has downtown.

Member Bayer asked if where it was taken down is where you put in the wrought iron gate.

Ms. Casbergen agreed.

Member Bayer asked if Ms. Casbergen got a red tag.

Mr. Gemora said she did and that was part of the red tag.

Member Bayer understood it was not already an opening.

Mr. Gemora agreed.

Member Bayer asked why she didn't use the opening where the turquoise gate is.

Ms. Casbergen said it was because of the privacy issue. It is much more secure at the very end. And, because the wall came down or was going to come down, it had a big gap already. It was banged up and at a dead end. People turned around at the end and banged into the gate, so I wanted to leave it in place there. They are going to turn around there anyway. So I didn't want to repair that gate. It is already banged up. They park illegally there, and it is not going to change.

#### Public Comment

Ms. Carrie Ives, 127 Quintana Street, was sworn. She had a few questions. She asked, "The new gate that is now at the end of the property only goes into for parking for the smaller unit. There are two units there. So my first question is, when it is not an owner-occupied property, and there is a main house and a second house. If it is owner-occupied, the second house becomes an accessory dwelling and three parking spaces are required. I'm not sure how many are required when both units are being rented. That is a question because, as it exists now, there is a 2-bedroom unit with no parking and a studio unit that was accessed by the turquoise gate that is now closed off. There is no space for a visibility triangle because it abuts the property at 126 Quintana where there are three houses. And the tenant opens the gate and parks her car in middle of the street, gets out and closes the gate. And, to me, that is not very safe. It would be much safer at the turquoise gate, so it needs parking there.

Vice-Chair Katz explained to her that the Board has no authority over parking.

Ms. Ives said she understood but thought the rules had to be met for aesthetics. I thought preliminary zoning had to be met before coming here to the H Board. Those are my questions. Has preliminary zoning been met?

Mr. Gemora said yes. It was approved before coming here.

Ms. Ives said that now there is parking for the bigger unit with a fence between the two units and now the other tenant has to park on the street. "Where do I get the information on the visibility triangle?"

Vice-Chair Katz said she could talk with Staff after the meeting.

Vice-Chair Katz asked Staff if there is a rule that renting out a property with two structures is prohibited - that you can't rent them out separately.

Mr. Gemora said that was not outright true. There are complexities that involve nonconformities. This is one structure, but whether the structures are primary or accessory is at issue. If it came as an accessory dwelling unit, the owner must live on the property and those legal nonconformities are a very different process.

Vice-Chair Katz thought it could be a duplex.

Mr. Gemora said that a new duplex would require 4 parking spaces off-site. But most of them in a historic district don't provide enough and along Quintana, one space is provided for each one.

Vice-Chair Katz said they show 4 spaces here.

Mr. Gemora agreed.

Ms. Ives said it was a single unit when Ms. Casbergen purchased it and she made it into two units and there never was parking for the large one. There is a wall in between that might not have been visible on the drive-by today. There is space in the courtyard for cars but there is no access to the large unit from that courtyard.

It is not owner-occupied. Also, within it, where she relocated the driveway, there was a very useable parking space on the east side that borders on my property. It was always painted yellow but was not in anybody's way. So a perfectly good parking space is now gone.

Ms. Beninato (previously sworn) said there are complexities, but you have to get it zoned before making it a duplex. If there is a guest unit, she was not sure the owner must live there or not.

Here we have a commercial property owner who apparently didn't care about coming to get a permit. A permit is needed to make changes there. What I see is a gate up and the turquoise gate is already there and out of harmony with anything. The second gate is very high but visible. She would really like to know if it has four parking spaces. She hoped the Board would make the applicant undo some of this stuff. You let it fall over a little more and then feel you would be justified in knocking it down. We women don't need higher walls to be protected but just conscious of our surroundings.

Ms. Veronica Gondriman, 126 Quintana, 128 and 128a, manager of West Quintana, LLC, which owns the property. The wall was collapsing and actually one of my water meters was under that wall. You could see that with a Google map. However, the wall that you see there is not in good shape and sooner or later will collapse. I know she went to a lot of work but didn't go to the Board. It would collapse on their side and not onto the street. I like the coyote fence. I have property and spoke before on a higher wall. I like the gate. I spoke with Ms. Casbergen and she assured me it would not interfere with traffic. I manage the three houses and sometimes it is hard to open the locked gate. She is making the best of it.

Ms. Casbergen said, in her defense, that she bought the property as is. I take responsibility to bring it up to code. I promise you that. The only reason for moving the gate over is to fill the open space. I know the little part Veronica mentioned. I don't think it is going to fall. It won't go anywhere. I could cut it down to six feet. I hope you will let me finish it and the driveway. There is lots of parking and don't need to go into that with you. The line of sight was approved. Nobody comes speeding down that street and people park everywhere.

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

Member Biedscheid knew Quintana Street is a mixture of lots of different styles and she was just not sure on the changes of the turquoise fence and stucco wall. It is what the streetscape portrays. What would look better? It now has four styles. Two styles might be better and remove the stucco wall for a coyote fence. There is a little too much going on there in the historic district.

Member Boniface thought Member Biedscheid hit the nail on the head and he agreed 100%. The testimony concerns nothing in our purview. So I'll do the same. I read a survey that actually creating high walls gives a false sense of security. If they get in, no one can see them breaking down the door and a window. So high walls are not logical.

Member Bayer agreed. And the proposal you came up with would meet your suggestion and maybe the applicant could comment on the best option for her. If it was a new application.

Ms. Casbergen agreed about walls, but a coyote fence is something else.

Vice-Chair Katz said the Board agrees there is too much going on here. It is your choice if you want a concrete stucco wall or a sliding fence or a coyote fence or an iron gate. You need to come back and tell us what design you want. What is there now is not consistent.

Ms. Casbergen said she was good with the iron gate and coyote fence.

Member Roybal said she needs to bring back a design that will work.

Vice-Chair Katz said coyote would be fine, but you need to bring it back to us.

Member Boniface said he was concerned with the design of the gate and asked her to look at that as well. You could bring back drawings and convince me.

Mr. Gemora asked if the Board had additional suggestions on the gate.

Member Boniface said he was hesitant to redesign it. What we have seen before is a gate made of coyote. And the Applicant said no one would climb over a coyote fence.

Member Bayer said regardless of security is the design.

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Bayer, in Case #H-18-102 at 124 Quintana Street, to postpone the case to give the Applicant a chance to comply with the Code and bring a whole design back to the Board.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in favor and none voting against.**

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

Member Biedscheid said she won't be here for the October 9<sup>th</sup> meeting.

Member Bayer said she would not be at either October meeting.

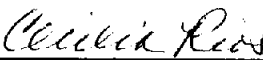
Member Roybal said he would not be at the September 26 meeting.

Ms. Ramirez Thomas said okay.

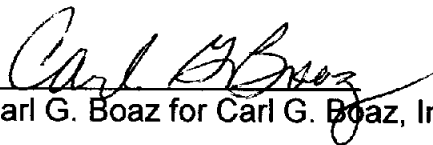
## J. ADJOURNMENT

The meeting was adjourned at 9:08 p.m.

Approved by:

  
Cecilia Rios, Chair

Submitted by:

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