



Agenda

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 8, 2019 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 1ST FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 8, 2019 at 5:30 P.M.

CITY COUNCIL CHAMBERS

AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 11, 2018
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-139. 1184 Cerro Gordo Road.

Case #H-18-142B. 110 Delgado Street Unit D

Case #H-18-143. 627 Camino de la Luz.

Case #H-18-136B. 525 Camino Cabra.

Case #H-18-140. 828 Allendale and 338 Don Cubero Place.

Case #H-18-142A. 110 Delgado Street Unit D.

Case #H-18-137. 100 East Water Street.

Case #H-18-144. 1413 Paseo de Peralta.

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

1. Case #H-18-102. 124 Quintana Street. Westside-Guadalupe Historic District. New Mexico Investments, agent/owner, owner, proposes to replace a 60" high masonry yard wall and wooden gates with a 72" high double-sided coyote fence, wrought iron gate, and a wooden pedestrian gate where the maximum allowable height is 61" on a non-contributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)
2. Case #H-18-126A. 247 Rodriguez. Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary façades, if applicable, for two contributing residential structures. (Carlos Gemora)
3. Case #H-19-002. 675 Alto Street. Westside-Guadalupe Historic District. Shane Williams agent for John Utton, owner, proposes to construct a 273 sq. ft. freestanding accessory structure to the height of 10'6", a 517 sq. ft. addition to a height of 12'0", a portal, and install HVAC and hardscaping on a non-statused residential property. (Carlos Gemora)
4. Case #H-19-003A. 1330 F Cerro Gordo Road. Downtown & Eastside Historic District. Gayla Bechtol, agent for EA Dugan, owner, request a historic status review with designation of primary façades, if applicable, for a contributing residential structure (Carlos Gemora)
5. Case #H-19-003B. 1330 F Cerro Gordo Road. Downtown & Eastside Historic District. Gayla Bechtol, agent for EA Dugan, owner, proposes to construct a 17 sq. ft. addition, replace roofing, stucco and other minor maintenance on a contributing residential structure. (Carlos Gemora)
6. Case #H-19-005. 211 Delgado Street. Downtown & Eastside Historic District. Jenkins Gavin, agent for Jerry Meyer and Nina Zingale, owners, proposes to construct a 380 sq. ft. carport, replace garage doors, and restructure a portal on a contributing residential structure. (Carlos Gemora)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 2, 2019

TIME: 11:37 AM

7. Case #H-19-001, 212 Barela Street. Westside-Guadalupe Historic District. Robert Duran, agent for the Estate of Ernest Barela, owner, proposes to demolish a contributing residential structure and a non-contributing residential structure. An exception is requested to demolish a contributing structure (Section 14-5.2(D)(1)). (Carlos Gemora)
8. Case #H-19-004, 401 Apodaca Hill. Downtown & Eastside Historic District. Emily Goldman, agent/owner, proposes to construct a 61" high coyote fence where the maximum allowable height is 61" on a non-contributing residential property. (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 https://www.santafenm.gov/historic_districts_review_board 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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- G. COMMUNICATIONS
- H. ACTION ITEMS

1. Case #H-18-102. 124 Quintana Street. Westside-Guadalupe Historic District. New Mexico Investments, agent/owner, owner, proposes to replace a portion of a 60" masonry yard wall and wooden gate with a 72" high double-sided coyote fence and a 72" high wrought iron gate where the maximum allowable height is 61" on a non-contributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)
2. Case #H-18-126A. 247 Rodriguez. Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary elevations, if applicable, for two contributing residential structures. (Carlos Gemora)
3. Case #H-18-077. 416 Agua Fria Street. Historic Transition District. Architectural Alliance, agent for the Archdiocese of Santa Fe, owners, proposes to construct a 289 sq. ft. pergola to a height of 18', an 858 sq. ft. roof deck with 42" high railing, a 123 sq. ft. portal to a height of 12', a 72" high yardwall, and a 42" high fence; install windows and doors; refurbish windows; and install an A.D.A. ramp, and skylights on a contributing non-residential structure. (Carlos Gemora)
4. Case #H-19-002. 675 Alto Street. Westside-Guadalupe Historic District. Shane Williams agent for John Utton, owner, proposes to construct a 273 sq. ft. freestanding accessory structure to the height of 10'6", a 517 sq. ft. addition to a height of 12'0", a portal, and install HVAC and hardscaping on a non-statused residential property. (Carlos Gemora)
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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 12/20/18

TIME: 9:11 AM

7. Case #H-19-005. 211 Delgado Street. Downtown & Eastside Historic District. Jenkins Gavin, agent for Jerry Meyer and Nina Zingale, owners, proposes to construct a 380 sq. ft. carport, replace garage doors, and restructure a portal on a contributing residential structure. (Carlos Gemora)
8. Case #H-19-001. 212 Barela Street. Westside-Guadalupe Historic District. Robert Duran, agent for the Estate of Ernest Barela, owner, proposes to demolish a contributing residential structure and a non-contributing residential structure. An exception is requested to demolish a contributing structure (Section 14-3.14 (C) and (G)). (Carlos Gemora)
9. Case #H-19-004. 401 Apodaca Hill. Downtown & Eastside Historic District. Emily Goldman, agent/owner, proposes to construct a 72" high coyote fence where the maximum allowable height is 61" on a non-contributing residential property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora)

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HISTORIC DISTRICTS REVIEW BOARD
January 8, 2019

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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

January 8, 2019

A. CALL TO ORDER

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

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

[two vacancies]

OTHERS PRESENT:

Mr. Carlos Gemora, Senior Planner
Ms. Theresa Gheen, Assistant City Attorney
Ms. Carol Johnson, Land Use Department Director
Ms. Sally A. Paez, Assistant City Attorney
Ms. Cynthia A. Whiting, City Attorney's Office
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.

MOTION: Member Roybal moved, seconded by Member Bayer, to approve the agenda as published.

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

D. APPROVAL OF MINUTES: December 11, 2018

Member Katz requested a change on page 25, 5th paragraph where it should say "non-historic portions."

Chair Rios requested changes on page 10 under Questions to Applicant, second paragraph, "we are now" should be "we do now." And on page 32, first sentence "an" should be "and."

Member Biedscheid the following changes:

On page 13 under Questions to Staff, fifth paragraph, the last two sentences should say, "She wondered about selecting more than one primary façade. It seems that the historic footprint is the primary characteristic of this building."

On page 22, 3rd paragraph, it should say, "Member Biedscheid asked if this project requires tree removal at the park."

In the 7th paragraph, "Member Biedscheid asked about the selection of the sign colors."

On page 29, under Questions to Staff, 11th paragraph, it should say, "Member Biedscheid asked if the coyote fence at the rear..."

On page 30, under Questions to the Applicant, 6th paragraph, last sentence should say, "The 1983 HCPI included a mural in the iron work which did not interfere with the front façade."

In the last paragraph on that page, "Member Biedscheid said she saw one Romero iron fence."

MOTION: Member Roybal moved, seconded by Member Bayer, to approve the minutes of December 11, 2018 as amended.

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

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-139. 1184 Cerro Gordo Road.
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Case #H-18-144. 1413 Paseo de Peralta.

MOTION: Member Katz moved, seconded by Member Biedscheid, to approve the Findings of Fact and Conclusions of Law as presented.

VOTE: The motion passed by majority (4-0) voice vote with Members Bayer, Biedscheid, Katz and Roybal voting in the affirmative and none voting against.

F. BUSINESS FROM THE FLOOR

Ms. Gayla Bechtol mentioned the building at 404 Montezuma. It is an old warehouse associated with the train era and will be renovated for a museum of contemporary arts. She wondered why it is not on the agenda. She quoted code that it should be. Even though the State agreed to follow its own laws, it appears they are not. I'll keep bringing this up. There is a contributing mural by Federico Vigil and does not appear in any of the drawings. At my appointed historic people, please follow up on this.

Chair Rios believed the project was funded with private funding.

Ms. Bechtol said the funders should be in front of the Board. It is a public property and they will use public funds to build it, no matter how they are raising the money. That is a legal argument and DCA staff has been muzzled by the former administration to not able to talk about it in public. And now that we have new Director and Governor, there may be something that could be done. The City Attorney could challenge it. They can't play both sides of the coin. She is also talking with Peter Wirth and Brian Egolf about it. They passed a law in a different way that was vetoed by Governor.

Director Johnson responded that there have been ongoing conversations with our Legal Staff and Department of Cultural Arts and an upcoming meeting in which the City Attorney is actively engaged.

There was no other business from the floor.

G. COMMUNICATIONS

Mr. Gemora had received a question today on the field trip about 815 Alameda and approval of the Cottonwood color. During the appeal of that color, a previous staff member advised the Director that it would be acceptable color.

Ms. Gheen interrupted and said the particular color on the structure has been determined to be between Sahara and Cottonwood and it is warmer and closer to Sahara and is acceptable.

Mr. Gemora assumed that was how that Cottonwood color was approved there. In between means it was not actually Cottonwood.

Ms. Gheen introduced the new Assistant City Attorney, who was helping with the transition, Ms. Sally Paez. Prior to working with City, she was a decade with State Supreme Court.

Ms. Paez said she is glad to be here.

Ms. Gheen reminded the Board about the Plaza del Monte appeal tomorrow before the Governing Body.

Chair Rios recognized and thanked Member Bayer for her service on the Board. This is her last meeting and we will miss her. Hopefully the Mayor will appoint or reappoint members to the Board.

Director Johnson said she just got letters of interest from the City Clerk yesterday. There are 13 candidates to review. Many are well qualified candidates. They must be officially appointed by the Governing Body, most likely at the second meeting in February.

H. ACTION ITEMS

Chair Rios asked for staff to display the case being discussed and announced to the public the procedures for appealing a decision of the Board.

1. **Case #H-18-102. 124 Quintana Street.** Westside-Guadalupe Historic District. New Mexico Investments, agent/owner, owner, proposes to replace a 60" high masonry yard wall and wooden gates with a 72" high double-sided coyote fence, wrought iron gate, and a wooden pedestrian gate where the maximum allowable height is 61" on a non-contributing property. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Carlos Gemora, Planner,

Mr. Gemora presented the Staff Report for this case 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.

In September of 2018, the applicant requested the retroactive approval of about 25'-0" linear feet of coyote fence behind the existing turquoise gate and masonry wall and retroactive approval for a wrought iron fence. Disliking the number of materials involved (wood, coyote, stucco, iron) the board requested that the applicant completely redesign a submission and suggested moving from four styles to two. The board specifically suggested removing the existing, damaged turquoise gate and asked the applicant to reconsider the design of the wrought iron gate.

In October of 2018, the applicant returned with a revised design. They proposed replacing the damaged turquoise gate and stucco wall with a fence that had coyote latillas on the inside and rough, "first-cut" wood slab material on the outside. The board found that, together with the iron gate, the fencing as proposed would constitute three styles though they had asked the applicant to reduce it to two. The board found double coyote fencing to be harmonious, but the applicant was unwilling to use coyote latillas on the outward face. The board also discussed exception criteria and determined through application materials and testimony that:

1. Exceeding the maximum allowable height had not been demonstrated to prevent a hardship to the applicant of an injury to the public welfare, and
2. The need for the exception had not been demonstrated to be due to special conditions and circumstances peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape.

The applicant returns with revised design features and exception criteria. The following items are requested:

1. The applicant previously proposed an approximately 13'-0" wide 6'-0" high open iron gate and a 25'-0" long section of 6'-0" high fencing to replace a damaged turquoise gate and stucco wall. Agreeing to follow the Board's suggestion, the applicant now requests a double-sided coyote fence with latillas of irregular and varying heights.
2. The applicant also proposes to replace the existing 5'-0" high stucco wall across

the entire street facing property line with a 6'-0" coyote fence (to match item #1) and a wooden pedestrian gate where an existing gate and walkway currently exist.

Staff encourage the Board to focus on comparative designs and the two exception criteria found to be lacking in October of 2018, especially the criterion concerning hardship (ii). Access, parking, dwelling units, and street width are not directly within the purview of the board.

RELEVANT CODE CITATIONS:

14-5.2(I) Westside-Guadalupe Historic District

(1) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

- (f) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in the street frontage;

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or demolition of walls, fences, and solar collectors and required submittals shall be reviewed by the land use department. Approval, disapproval or referral shall be indicated by the division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division shall report approvals, disapprovals, and referrals to the board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30)

14-5.2(D)(9)(c) Height

- (ii)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 agree that multiple surrounding properties have 6-8' high walls and fences. While some of the existing walls and fences may be without permit, other fences and walls have been approved (by staff and the HDRB) without requiring an exception. Staff additionally recognize that coyote fences appear less massive than masonry walls and also that this is a non-contributing property.

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

Staff do not find clear demonstration of this exception criterion. Staff agree that privacy and security can present a hardship but are unsure whether a 6' coyote fence can provide more privacy and security than a 5'1" masonry wall. It is important to note, however, that the board has recently granted a fence height exception because of particular privacy or security concerns. This applicant argues particular concerns regarding a neighbor's surveillance of the property, the narrowness of the street, and the expectations for a private courtyard area. The board may determine that this case also has particular privacy or security concerns which constitute a hardship.

- (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 agree with this criterion. The applicant has considered multiple design options, which generally increase the heterogeneous character of the city, and other responses mention fence height as a way to enjoy the courtyard and 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 do not find clear demonstration of this exception criterion. According to the applicant, most of the other homes on the streetscape do not have yard/courtyard spaces and the couple that do have 6' walls or fences. Visibility of the property is also less of a concern, the applicant argues, because the property is at the end of a dead-end street, is noncontributing, and has a neighbor who photographs people in the front yard. Staff is unsure whether these features should constitute a special condition or circumstance leading to additional fence height but recognizes that the board has recently granted a fence height exception stating that particular privacy and security concerns can be peculiar to the land or structure involved. The board could similarly find that particular concerns apply for 124 Quintana.

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

Staff agree with this criterion. While wall damage and growing trees have no basis on this case's request for a fence height exception, staff recognize that other responses mention special privacy and security concerns not 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 is common in the surrounding neighborhood and the proposal preserves most of the property's streetscape. Staff additionally recognizes that coyote fencing often appears softer or less massive than masonry walls.

Applicant Exception Criteria Responses Provided in Applicant's Proposal Letter

STAFF RECOMMENDATION:

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.

Questions to Staff

Chair Rios asked Mr. Gemora to describe the streetscape on Quintana, especially the walls and fences close by.

Mr. Gemora said the area does have a wide range of walls and fences, collection of mostly taller (5.5 to 7') coyote, stucco and wooden gate at end of Quintana.

Chair Rios concluded that there are a lot of fences and, across the street, a high wall. In between is an area of tall coyote.

Mr. Gemora agreed.

Applicant's Presentation

Ms. Gina Casbergen, 124 Quintana, was sworn. She said she totally agreed with the Staff report. "It will look nice and cost me much more than I planned. The privacy issue is difficult there. Mr. Gemora explained I can't do six-foot walls just because others have done so without permission. I believe it will be very pleasing."

Questions to the Applicant

Member Roybal said the big question is hardship and asked her to explain the security.

Ms. Casbergen said some tenants have left because of neighbors' behavior so I won't go into much detail, but it has been uncomfortable.

Member Bayer asked if she was proposing to replace the gate with some new gate or if the turquoise would remain.

Ms. Casbergen said the gate will remain

Member Bayer did not find the iron gate find harmonious with the streetscape and asked if she had considered coyote.

Ms. Casbergen said the property front is 83' and a break is called for. It is a 12' opening there and she did not like a stark wall. If the street was wider, it would be okay, but it is not even two cars wide. A natural fence is more pleasing. Here, I don't think a wall was appropriate. She was trying to break it up. It is close to the dead-end

Member Bayer asked if the gate is used by vehicles.

Ms. Casbergen agreed.

Ms. Casbergen asked if this wrought iron gate wasn't a Spanish element.

Chair Rios pointed out that by removing the turquoise gate, it is more an iron gate.

Member Katz agreed a long stretch of coyote is a bit much. He was wondering why the masonry wall that seemed to be in good shape should not to remain the way it is. Would you consider leaving that?

Ms. Casbergen asked if she could bring up the block wall by one more block.

Member Katz said that is a separate issue.

Ms. Casbergen asked if she could raise the existing wall to six foot by one or two blocks and restucco the wall.

Chair Rios noted it is in very good condition. Those two are very compatible and eliminates a long coyote fence. But that was not advertised.

Member Biedscheid said criterion two was not met to go to six feet. So, she would like to focus on that hardship criteria. Are there two structures?

Ms. Casbergen said there were, and they were connected.

Member Biedscheid asked if she had said people enter there onto her property.

The property is close to the end of the street there which has less impact on the streetscape. The other structure doesn't have the same kind of argument available and she thought there was a hardship for the fence but not the masonry wall. Leaving that wall as is and raising coyote to six feet.

Mr. Gemora said she makes a good point on the exception criteria. If you felt the criterion applied to the whole side. The second request when going down the street. The Board could approve if the height exception applies to the whole property.

Ms. Casbergen said, "I do have that on both sides."

Public Comment

Ms. Teri Ives, 127 Quintana Street, was sworn and read her statement. She stated the property at 124 Quintana is a single residential property, but it has two structures. The current submission has four different types of material. On November 13, the Board said that three disparate styles was too many and wanted two.

She handed out a group of photographs

She began talking about the number of parking spaces, but Chair Rios stopped her from talking about parking spaces, for which the Board has no authority.

Ms. Ives said the applicant opened that door by making parking part of her hardship case.

Chair Rios repeated that this Board has no jurisdiction over parking.

Ms. Ives said she understood. She went on to say that the applicant said tenants rent this property for parking freedom and quoted more from the minutes. Due to special circumstances, Ms. Ives said there is no accessibility interior to the parking lot. The second page has to do with stucco wall and in minutes of City Council, Councilor Calvert said he looked at 126 Quintana to apply for a permit and could understand why they wanted to screen as much as possible with all the trash and beer bottles in the front yard, so much it was a concern. "I believe that is why my property at 126 was granted the exception for six feet. The applicant claimed I go on her property to take pictures but that is not appropriate."

Chair Rios said the Board is not going there. You can comment on the design, but your statement is disruptive to the process.

Ms. Ives continued reading and referenced the red tag. She said that the design flaws were why she needed an exception. But she felt the design flaw is for having the gate where it is. People have to make five-point turns or drive in and reverse as the

Board did today. The only reason I have ever taken pictures is to document the condition.

Ns, Stephanie Beninato, PO Box 1601, was sworn. She said, "I know this applicant has been here a few times and don't think a hardship has been proven. It is near a dead end and the standard applies to other properties near a dead end and don't think that justifies going up but others in the area have been allowed and you might consider it harmonious for at least part of the wall. I like the suggestion of maintaining one or more at existing height. But if you do, at least one of them being lower is more aesthetically pleasing. To break up the height.

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

Action of the Board

MOTION: Member Katz made a finding that the nature of the courtyard on further north portion of the property that has the blue gate and adobe wall and metal gate portion - that the courtyard beyond would need a greater degree of privacy which led to six-foot walls across the street and it seems appropriate to be a hardship on that portion of the property. So, he moved, seconded by Member Biedscheid, in Case #H-18-102 at 124 Quintana Street, to approve the exceptions and application for a six-foot coyote fence for that portion that now has adobe and a turquoise gate. And at the other portion with five-foot adobe, would make a finding that the hardship criterion is not met there and has no courtyard across the street as Member Biedscheid stated so that would remain at the existing height.

Member Biedscheid added a finding that it would not meet exception #1 with the house close to the street.

Member Katz agreed and added that if all of it were coyote, it would not look good.

Chair Rios requested a friendly amendment that the coyote tops vary in height tops varying height.

Mr. Gemora assumed that meant the Board would say yes to item 1 and no to item 2.

Member Katz agreed - without separate street numbers.

VOTE: The motion passed by majority (3-1) voice vote with Members

Biedscheid, Katz and Roybal voting in the affirmative and Member Bayar voting against.

- 2. Case #H-18-126A. 247 Rodriguez.** Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary façades, if applicable, for two contributing residential structures. (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

247 Rodriguez Street is an approximately 1,600 square-foot single-family residential structure and detached guesthouse built in the Spanish-Pueblo Revival style and designated as contributing to the Downtown and Eastside Historic District. According to a Historic Cultural Properties Inventory (HCPI) form from October 2018, the buildings were first built around the 1920's or 1930's and have a collection of mostly post-1973 yard walls.

The HCPI documents that 900 square-feet of the main house is historic with mostly original openings but that the non-historic additions overwhelm the older building and negatively affect the form, design, and historic integrity. Neither the historic portion of the building, nor the presumed historic walls are determined to contribute to the Downtown and Eastside Historic District.

The City's Building Official and Historic Preservation Staff recognize that the buildings greatly suffer from neglect and disrepair. Both buildings have failing roofs and while the casita on the property was not fully and independently evaluated by the HCPI it is described as a "near-ruin." The City of Santa Fe's Building Official describes both structures as being unsafe and structurally unsound with the potential to collapse soon.

Although portions of the historic buildings remain and applicants may be able to incorporate portions of the existing building or yard walls into their future plans, staff have determined that the existing structures have lost their historic integrity and concur with the HCPI in recommending that the structures be downgraded from contributing to non-contributing.

RELEVANT CODE CITATIONS:

14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing

structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains. _

STAFF RECOMMENDATION:

Staff recommends the historic status of both structures be downgraded from contributing to non-contributing per 14-5.2(C) Designation of Significant and Contributing Structures.

Questions to Staff

Chair Rios asked if either structure had a roof that collapsed.

Mr. Gemora said he had not been close enough but it appears the casita roof collapsed, and the residence roof has not.

Chair Rios asked him about the demolition code.

Applicant's Presentation

Mr. Christopher Purvis, 200 West Marcy, was sworn. He said someone made an attempt to shore them up about ten years ago. There was someone camped out in the main house for a while. The applicant wants to build something that can contribute to the streetscape. 900 square feet of it is old, and the rest is post 1973 construction. We need more liberty to build something else.

Chair Rios thought the sign said demolition.

Mr. Purvis hoped it said status and construction.

Questions to the Applicant

Chair Rios asked if he agreed with the engineer's evaluation.

Mr. Purvis said he did. Moisture is coming down through the walls. There is lots of rotting, lots of mold from neglect. He thought both are adobe.

Member Katz asked about the difference in floor level between the two.

Mr. Purvis said the casita floor is about a foot higher in the back where the hill goes up.

Member Katz understood there were two nonhistoric additions in the back and didn't understand what was in back.

Mr. Purvis clarified that they could not add on more than 50% of the original footprint without an exception.

Member Roybal asked if he knew how long it had been abandoned.

Mr. Purvis said he really did not know. Someone emptied the inside at some time and left a lot of garbage out. Since then, someone squatted there for a while.

Mr. Gemora thought it had been since 2006 but was not sure who lived there at that time.

Mr. Purvis said the current owner bought it out of tax liens.

Chair Rios asked if the existing footprint of the main house was original.

Mr. Purvis said it was not. 900 sq. ft is original. You can see infill of portal from the street and two concrete rooms in the back.

Member Bayer asked if what the Board saw from the street at the east façade was the original part.

Mr. Purvis agreed, but the eyebrow is not, and the infill is not. There is a window and door to the left where the opening is historic.

Member Biedscheid commented that while 900 was original, it has been added on significantly, you can see in the photo behind the tree is the original part and part of north façade is revealed by additions as well. A corner of another case was designated primary on the contributing façade. This doesn't consume the original footprint. This is a nice house and the part facing the street is a reminder of what it once was.

Mr. Purvis understood. Behind the tree is the 1985 addition and a portion to the right has an eyebrow added on after it was contributing. It was after the HCPI in the 1980's.

Public Comment

Ms. Beninato, (previously sworn) knew it was not the current owner's fault but too bad the house being vacant and no one noticing it was demolition by neglect. She saw that rewarded in a sense and agreed with Member Biedscheid that it is eminent of

others of that period. Even removing roof and vigas would not affect that side and the openings. Although the eyebrow was added, it could be removed from a primary façade. That has been done many times.

Mr. Raymond Herrera, 379 Hillside Avenue, was sworn. He said this property has intrigued him for years. He met the owner about 20 years ago. But never saw him afterward. He thought it has been vacant for at least ten years and there were strange signs there.

When he saw the HDRB sign, he snuck through the fence and commented that it is the last remaining beautiful original property on the east side. Just looking at the property itself, anyone with money and insight could restore it to its original condition. The roof has collapsed on it, but he has seen worse buildings come before the Board.

With the right approach, a lot could be done with this property. It should retain its original status. It could be one of the most beautiful on the east side.

Mr. Jim Baker, 541 East Palace Avenue, was sworn and said, "I've been in the house in the last month with the current owner's permission. This picture is extremely flattering. It is about to cave in. I've restored 4-5 houses on the east side and know what it takes. I wouldn't touch this house. The casita is almost the same size and completely caved in. You could not maintain the integrity. If you wanted to spend a million dollars on it, you could. It is a hangout for vagrants and a hazard to the community. I own the biggest property line that adjoins it. The best thing would be to level it.

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

Board Discussion

Member Biedscheid asked if the walls are part of the application. The southeast wall was before 1966 and also one wall of house.

Mr. Gemora thought the southeast wall was part of the property to the south east, but he could be wrong about that.

Member Biedscheid referred to page 30 of our packet.

Mr. Purvis said the person who did the HCPI didn't have enough information. Currently, they are noncontributing. This is not a question of taking it down and putting up a huge structure. Changing the designation just gives more latitude in rebuilding it. It would allow us to do the back part properly. It is not about getting rid of it but how to use it well. Because it has been abandoned so long, no one wants to take it on. That's why we brought it to the Board.

Member Biedscheid had that sense. It looks like that side is all original. Do you envision a way to deal with it by retaining that façade?

Mr. Purvis said yes. That is the charming part. The back is what gives trouble.

Member Biedscheid said she would differ on the recommendation.

Mr. Gemora said the existing stone walls do have a lot of character but most of them except the southeast, are non-historic dates. It would only be the southeast boundary wall and he was not sure it is really on this property.

Member Biedscheid asked if the stuccoed wall near the house is now historic.

Mr. Purvis clarified it is the one seen in the picture.

Mr. Gemora agreed. And vehicle gate is flanked by historic stuccoed walls.

Chair Rios asked how far back it is from vehicle gate.

Mr. Purvis estimated 40' - at least two car lengths back.

Member Roybal would like to see the house redone. "I think we should downgrade it so the house can come to life again. Otherwise, nothing will get done on it."

Member Katz agreed. "It definitely needs to come alive. I don't think if we keep it contributing and keep east side as primary except for non-historic portions and recognize the have the authority to relieve the owner of the 50% rule. That gives you the flexibility to build out north where there is space to do it. You could completely gut the house and keep the front wall whole and I don't think that blocks redefining the house."

Chair Rios had not heard much on the other building.

Member Katz asked if that is noncontributing.

Chair Rios thought they are both contributing.

Member Bayer agreed there is not much reference to it. The author doesn't discuss the merits of that structure. She didn't see it on the 1985 HCPI either.

Mr. Gemora explained that it is not considered an associated structure. At some point, the author calls it a "near ruin." Aside from that, we have no historic information.

Member Biedscheid read a paragraph from page 10, and it says it is not part of the survey so she did not see how it can be considered.

Chair Rios agreed but noted it is labeled contributing.

Mr. Gemora agreed.

Action of the Board

MOTION: Member Biedscheid moved, seconded by Member Katz, in Case #H-18-126A at 247 Rodriguez to retain contributing with the east primary, excluding the eyebrow - almost all is original part and contributes to the streetscape and the wall in front should be contributing and exclude the casita.

Member Bayer asked for two friendly amendments that the historic portal and the low stuccoed part of the portal be included.

Member Biedscheid suggested the temporary infill could be restored.

VOTE: The motion passed by majority (3-1) voice vote with Members Bayer, Biedscheid, and Katz voting in the affirmative and Member Roybal voting against.

Ms. Gheen clarified that the guest house is postponed for more information.
Member Katz agreed.

3. Case #H-19-002. 675 Alto Street. Westside-Guadalupe Historic District. Shane Williams agent for John Utton, owner, proposes to construct a 273 sq. ft. freestanding accessory structure to the height of 10'6", a 517 sq. ft. addition to a height of 12'0", a portal, and install HVAC and hardscaping on a non-statused residential property. (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

675 Alto St. is a residential structure built in the Spanish-Pueblo Revival style in 2002 and is without status in the Westside-Guadalupe Historic District. The existing home is approximately 2,200 sq. ft. and oriented toward Alto Street. The applicants propose to construct an additional dwelling unit and a studio, all attached to the existing home, which will be oriented toward the rear alley/access road sometimes referred to as Lower Alto or Alto Lane. The additional total roofed area will be about 1,100 sq. ft. (790 enclosed) and will be built out of adobe bricks like the existing house. Because of the dramatic slope on the property, the proposed addition will be about 10'-6" below the existing building height, 12'-6" above the proposed finished floor, and 17'-2" above the

adjacent driveway. The addition is not expected to be visible from Alto Street.

The proposed addition will have the following features:

1. Synthetic El Rey "Laredo" stucco.
2. Portals and exterior wood trim will be stained with a gray-colored semi-transparent stain and sealer to match the house. No parts of the addition will be painted.
3. Windows and doors will be wood with a "Pebble Grey Mist" finish to match the existing house. Divided lites are not required but windows will have a "prairie" or "mission" style lite pattern.
4. No new walls, fences, or gates are proposed.
5. All HVAC systems will be ground-mounted and screened from public view.

RELEVANT CODE CITATIONS:

14-5.2(I) Westside-Guadalupe Historic District

(1) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, or stone shall be used as exterior wall materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials;
- (b) The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and portales or porches may be emphasized by the use of white or other colors. Painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns or using buildings as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation;
- (c) Roof form, slope, and shape. It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, or hipped roofs can be designed as "wall dominated" solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the wall. Folded plate,

hyperbolic or mansard roofs are not allowed;

(i) Porches and portales are encouraged;

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and finds that 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(I) Westside-Guadalupe Historic District.

Questions to Staff

Chair Rios asked if this is actually located on Alto Lane.

Mr. Gemora said it is oriented toward Alto Lane, but the address is Alto Street.

Chair Rios asked him to describe surrounding buildings.

Mr. Gemora said the lot is two-story with varying setbacks from the alleyway - some close and others not, and walls to six feet.

Chair Rios assumed you see the river from it.

Mr. Gemora agreed.

Chair Rios wanted a description for a clearer picture.

Applicant's Presentation

Mr. Shane Williams was sworn and said, "Mr. Gemora described the project well. The owner is here. He wants to build a secondary residential unit and accessory for an artist's studio, using same construction methods and matching the site. The geometry is rounded for views to the mountains and to tie in with the existing yard wall."

Questions to the Applicant

Chair Rios asked if he would be adding 1,100 sq. ft.

Mr. Williams agreed.

Chair Rios asked him to describe the property behind the coyote fence.

Mr. Williams said it was just yard.

Chair Rios asked how far back the house is.

Mr. Williams said it was about 2 feet - pretty close. The wall parallel to it on the left is set back two feet and going back to the secondary unit. It is a little triangle of the yard and wraps around on top.

Chair Rios asked if it all is one story.

Mr. Williams said that is correct.

Member Biedscheid noted in the letter, it says no new railings but on the north elevation, the previous front door, is there a new railing?

Mr. Williams said that is at the rear of the existing house.

Member Biedscheid said okay.

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

Mr. Williams said nothing is proposed on the roof.

Public Comment

Ms. Stephanie Beninato (previously sworn) was not sure this has been properly noticed and wondered about the 5' setback and if attached, 15' from back lot line and zoning for that before this Board approves the design. 273 square feet for the accessory structure and 513 square feet comes to 800 square feet in total so where does the 1100 square foot addition come from?

And it says install HVAC. Maybe this one is on the ground.

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

He noted what appear to be buttresses in the drawings and asked what the purpose of those conical masonry shapes are.

Mr. Williams said they are buttresses and chimneys.

Chair Rios saw three buttresses and two chimneys.

Mr. Eddy pointed out that, based on aesthetic, with vernacular architecture, they are

not usually conical as these appear to be and not perhaps as tall. Going left to right, the second is probably a chimney but there are two chimneys, first left is existing house, second it chimney then a buttress then a chimney. But the conical buttress is a little out of character.

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

Board Discussion

Mr. Williams agreed with Mr. Eddy's assessment and would be building buttresses less conical and more squared off.

Member Biedscheid added that they are also a little tall, but the Board is without an architect on the Board at the moment. She asked what aesthetic is important for that.

Mr. Williams said he just wanted to copy the existing buttress on the house. They could be shorter. They are essentially corners or chimneys.

Action of the Board

MOTION: Member Katz moved, seconded by Member Roybal, in Case #H-19-002. 675 Alto Street to approve the application as submitted with a condition that the buttresses will be less prominent and shorter, and with revised drawings submitted to Staff for review and approval.

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

- 4. Case #H-19-003A. 1330 F Cerro Gordo Road.** Downtown & Eastside Historic District. Gayla Bechtol, agent for EA Dugan, owner, request a historic status review with designation of primary façades, if applicable, for a contributing residential structure (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

1330F Cerro Gordo is a residential property listed as contributing to the Downtown and Eastside Historic District. The existing building consists of a central, rectangular cabin with

rough adze beams, thick chinking, a stone foundation, and a pitched metal roof. Built off the central cabin's northern elevation is an enclosed workshop area and carport with board and batten siding. To the east is a sunroom, to the south a living room, and to the southwest is a stuccoed master bedroom addition. The structure currently has two types of pitched metal roofs, one grey, one red, and may have a disconnected solar collector that was roofed-over on the southern side of the cabin.

Originally built as a log cabin or barn in Raton, New Mexico approximately 100 to 130 years ago, the structure was moved/rebuilt on the current property sometime between 1973 and 1975. It is unclear to what degree the 1970's structure was a rebuild of the original or simply built of recycled materials, but it appears that some materials came from multiple sources. The eastern sunroom and northern workshop/carport area (board and batten construction) were mostly built around the time of construction, the living room was added by 1988, and the master bedroom suite (stucco) was added in 1991.

Like many buildings in Santa Fe, a status was either assigned or assumed with insufficient historic information, without proper input from the HDRB, and without a primary elevation. The applicant requests a status review of the property, recommending a downgrade from contributing to noncontributing. If the HDRB determines the status should remain contributing it should also designate primary façades.

Staff find the adzed log cabin walls and chinking to convey exceptional character and would encourage their preservation but recognize that this character was imported into Santa Fe as recycled materials from Raton less than fifty years ago. The definition of contributing states that it should be approximately fifty years old or older and that it should help to establish and maintain the character of the Downtown and Eastside Historic District by adding historic associations or historic design qualities. Given that the cabin was built 43-45 years ago and that the character is imported from outside Santa Fe, staff does not find that the structure fits the principal part of the definition for a contributing structure.

The definition also states that a contributing structure may have minor alterations but still retains integrity. The entire structure is approximately 3000 sq. ft. of which 1300 sq. ft. is the cabin. The board & batten workshop/carport area appears to be a poor attempt to mimic the roughly-hewn cabin walls and, together with the sunroom, living room, and master bedroom additions, staff find the structure to have a moderate degree of additions which detract, though not quite overwhelm the older features.

Finding the building as a whole to not meet the definition of a contributing structure, staff recommends downgrading the status from contributing to non-contributing. If the board were to maintain the status, staff would recommend considering elevations 5, 6, and/or 15 as the primary façade(s), since these façades display the rough cabin features.

RELEVANT CODE CITATIONS:

14-12 Contributing Structure:

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

14-12 Non-Contributing Structure:

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

14-12 Primary Façade:

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

STAFF RECOMMENDATION:

While portions of the building certainly have character, staff does not find that the building as a whole complies with the definition of a contributing structure and recommends downgrading the status to non-contributing per 14-5.2(C) Designation of Significant and Contributing Structures. If the board decides to maintain the status as contributing, staff recommends considering elevations 5, 6, and/or 15 as the primary façade(s).

Questions to Staff

Mr. Gemora noted the house is less than 50 years old with imported materials. He found it not contributing.

Chair Rios found this is an interesting case with a log cabin over 100 years old but built somewhere else and either brought here intact or in pieces and rebuilt. That is interesting and then it was added onto.

Member Bayer saw that no previous HCPI had designated it contributing.

Mr. Gemora agreed and found nothing to establish the status.

Member Roybal asked him to clarify contributing again.

Mr. Gemora read the definition.

Member Roybal asked for the character of other buildings around this building on neighboring properties.

Mr. Gemora said that there are several but hundreds of feet away; most are Spanish

Revival, and some are northern New Mexico architecture. Most are screened by vegetation.

Applicant's Presentation

Ms. Gayla Bechtol was sworn already and found the history intriguing. It was a corn field until 1973. There is a building right on the street with a stone wainscoting which was the original house in this area before it was subdivided, probably the farm house.

The property began to be divided and in the 1970's with a huge influx of hippies and a lovely video of artist in the Von Ashberg house. "I think this building was a project for a person with money to burn and found the log cabin in Raton to relocate here. The barn was intact. But it didn't match up with beams, ceilings, or rafters, so it is a really interesting history, but the appropriate result is to keep the log cabin. The other parts take away from the contributing status and the addition more than doubled the size of it. It is a tiny piece of the whole that is historic. Is the whole contributing? Can you say it is all contributing with tiny façades peeking out? Ultimately, it came along the side of noncontributing.

Questions to the Applicant

Chair Rios asked what the square footage of cabin is.

Ms. Bechtol said it is about 1000 square feet.

Mr. Gemora said he wrote 1,300.

Ms. Bechtol said there was solar, and a greenhouse and it is hard to say what was actually there. She looked for the 1991 minutes and could not find them. There was a 1986 HCPI form but it was just a drive-by. From Raton, she got a former resident who told her it was a barn.

Public Comment

Ms. Beninato (previously sworn) said it was an interesting question. It is a hundred-year-old structure that was moved. Rancho de las Golondrinas has such. If there is repair and replacement, it can be done without changing the status. There was a lot of agriculture along Cerro Gordo, by people with water rights and in keeping with agricultural use of that area. In her opinion it would be contributing. She lived on Cerro Gordo in the 1980's and people were raising animals on the upper portion and the

agriculture aspect of that area.

The thinking of log cabin reminded her of "can it become a habitation." That is a historic mode of building and in keeping with maintaining the contributing status.

Recently the Board considered another case up there that concerned a log cabin from long ago

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

Board Discussion

Member Katz asked the imported boards were on the house.

Ms. Bechtol said the boards are exposed rafters on the inside - the bird mass is not on the wall and in different places, different types of wood used.

Member Katz thought if all they brought were a bunch of boards and logs, that is very different from moving a historic building.

Ms. Bechtol said it was a salvage project and a man from Chicago lived next door and salvaged materials from all over the state. It is conjecture on everyone's part, but it is not of a piece. Even the floor is made of bricks salvaged from all over the place. It was popular then to go into the countryside and buy or steal from falling down buildings.

Member Biedscheid said the Board's difficulty is that all we have is that it was built in the seventies and is vernacular. The parts that were a hundred years old in some ways preserved the old barn.

Action of the Board

MOTION: Member Roybal moved, seconded by Member Bayer, in Case #H-19-003A at 1330 F Cerro Gordo Road to downgrade the status to noncontributing.

Member Bayer said it was still not clear to her if walls were moved here from Raton or entirely it was reconstructed in Santa Fe.

Ms. Bechtol said she would be happy to give the Board a tour inside to show how it was altered. It looks more intact on the outside- but openings were added, etc. And the solar system that was put in made many penetrations. It is the walls you can see from the outside but not as clear on the inside. She was not sure it helps with the argument. It is not the original farm house. There was nothing there in 1973 and by 1975 part of it

was there.

Member Katz said that was difficult. He thought it would be harder to compare with how buildings at Golondrinas were moved. It is not old enough to be historic. Only if it was moved here intact. But we don't have that information and the information in testimony. The outside walls look like it could have been. He would support the motion.

Member Biedscheid said, in absence of clarity, that she would be conservative and not support the motion.

Member Bayer agreed there is a lot of uncertainty here but the main source of information from a local realtor said the cabin was moved here. She agree with Member Biedscheid that we should keep it contributing.

VOTE: The vote resulted in a tie vote with Members Katz and Roybal voting in favor and Members Bayer and Biedscheid voting against. Chair Rios voted no, and the motion failed 2-3.

MOTION: Member Bayer moved, seconded by Member Biedscheid, in this case, to retain contributing status and designate as primary the north façade, #5 and #6, excluding the sun room and the gable.

Mr. Gemora said he had also recommended #15 and #16, excluding the sun room addition.

Chair Rios clarified it was just the cabin walls as primary.

Member Bayer agreed.

VOTE: The motion passed by majority (3-2) voice vote with Members Bayer, Biedscheid, and Chair Rios voting in the affirmative and Members Katz and Roybal voting against.

- 5. Case #H-19-003B. 1330 F Cerro Gordo Road.** Downtown & Eastside Historic District. Gayla Bechtol, agent for EA Dugan, owner, proposes to construct a 17 sq. ft. addition, replace roofing, stucco and other minor maintenance on a contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case.

Questions to Staff

Chair Rios asked, since the log cabin is contributing, if the proposal would affect the

status.

Mr. Gemora said no. It is only changing on non-primary elevations. The Board could determine them disharmonious, however.

Applicant's Presentation

Ms. Bechtol (previously sworn) saw they are keeping all the pieces of the log cabin and the board and batten doesn't take away from the log cabin and stucco, so the log cabin is the only different piece. We will leave exposed rafters and only cover the board and batten from 1990s.

Questions to the Applicant

Member Katz thought the gables and sun room seem to harmonize much better than if they were stuccoed. He agreed the carport and entry could be stuccoed. Would that be possible?

Ms. Bechtol said the sun room has very little board and batten.

Member Katz said also the east end

Ms. Bechtol thought board and batten at gable ends would be distracting. The sun room she could see remaining but not the gable ends. The stucco is for entry and carport. Because it would distract otherwise. Her goal is to highlight the log cabin.

Public Comment

Ms. Beninato questioned the use of copper and how visible it would be since it is not traditional. Regarding board and batten, she agreed taking away would emphasize the log cabin. She would urge the Board to keep board and batten on tables for a bungalow style seen often on other buildings. Otherwise it gets to be a large stucco mass on the mixture on that façade.

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

Ms. Bechtol said once they take away the widows peak it exposes the wood beneath and they would put copper there and it would change with patina. She would like a softer shingle on the gable instead of the jarring board and batten there now. She would rather use it as more in keeping with farm structures.

Member Biedscheid asked if they would consider keeping the widow's peak

Ms. Bechtol said it is quite heavy and seems contrived from the 70's and she was trying to correct that.

Action of the Board

MOTION: Member Biedscheid moved, seconded by Member Bayer, in Case #H-19-003B. 1330 F Cerro Gordo Road to approve the application with conditions that the sun room remain with board and batten and without stucco and gabled board and batten at #5 and #15 facades and the two ends be replaced with a shingle design brought to staff rather than stucco.

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

- 6. Case #H-19-005. 211 Delgado Street.** Downtown & Eastside Historic District. JenkinsGavin, agent for Jerry Meyer and Nina Zingale, owners, proposes to construct a 380 sq. ft. carport, replace garage doors, and restructure a portal on a contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

211 Delgado Street is a contributing residential home and non-contributing guesthouse built in the Spanish Pueblo Revival Style and located in the Downtown and Eastside Historic District. The principal residential home was originally built as a duplex by 1928 and features a bilaterally symmetrical floorplan with an inset entry portal on the south, primary façade. Prior to 2015, the duplex was addressed as 211 and 211 ½ Delgado. The guesthouse was likely built as a garage for 209 Delgado and, by 1957, had become a single-family residence addressed as 209 ½ Delgado.

In 2015, the HDRB assigned a contributing status to only the duplex with the south elevation designated as primary. In a general plan to consolidate and expand the three units into a larger single-family residence, the HDRB approved a height increase, a duplex addition (211 & 211 ½ Delgado), a portal connecting the guesthouse (209 ½ Delgado) and duplex, and a 400 sq. ft. garage to the west and prominent of the guesthouse.

The applicant now proposes a carport in front (south) of the existing, non-historic garage, proposes to change the existing, non-historic garage door, and proposes to

remodel the existing, non-historic portal. The following design features are requested:

1. The carport would be 380 sq. ft., 10'-4" high (existing parapets 11' to 14' high) and would feature a flat, TPO membrane roof, dark bronze metal fascia and flashing, and a stained wood structure. The structure would be comprised of 10" diameter tapered wood columns and corbels with a 12" rim board and 8" diameter vigas. The design and stained finish are intended to match the historic inset portal on the primary façade.
2. The existing door on the non-historic garage is pale green aluminum. The applicant proposes to replace this door with a stained wooden carriage-style door with insulated, divided lite windows.
3. The portal approved in 2015 has narrow vertical posts. The applicant proposes to replace the posts with 10" diameter tapered wooden columns and corbels to match the historic portal on the primary façade (same as carport).

RELEVANT CODE CITATIONS:

14-12 Contributing Structure:

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

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and finds that 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 Design Standards.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Ms. Colleen Gavin, 130 Grant Avenue, was sworn and used a power point presentation. She agreed with staff recommendations and stood for questions.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

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

Action of the Board

MOTION: Member Roybal moved, seconded by Member Bayer, in Case #H-19-005. 211 Delgado Street to approve the application as recommended by Staff.

Member Biedscheid felt the garage detracts from the original structure.

Member Katz said the carport is wider than the garage and that seems inappropriate.

Member Roybal withdrew his motion.

Ms. Gavin the showed existing garage which is a single-car door. The foot print of the building showed the fence at a 5-foot setback. The framing and foundation plans showed the carport a foot wider and extends less than 24 inches beyond, which is allowed by code.

Member Bayer asked about the width.

Ms. Gavin said the concrete pad is the same width and the roof overhang is allowable. She showed from page 36, the overhang where vigas extend 24" on center - or about 18" beyond the wall. And it was seen clearer in the drawing below the top right drawing. This is all about massing in pueblo style. There were renovations in 2015 and they brought down the parapet. The old garage became a guest house and a new garage added. Whether parapetted or more traditional beams with 11' on top of parapet. So, it was tight. We had to honor the 8' garage height.

Member Katz asked for an explanation of the garage having two different roof heights.

Ms. Gavin said it was all one parapet height.

Member Katz said part of the garage has a lower elevation but at the north end seems higher.

Mr. Gemora said originally, he thought that was part of the casita.

Ms. Gavin explained that that is existing, and no change is proposed for it. The drawings were provided by the previous owner and it does look to be lower on the south than at the north. The garage structure at the south has 11' and to the north, it rises with a vertical wall at the length of that garage to accommodate solar panels which are behind that higher parapet.

Member Katz referred to the roof plan on page 34 which shows the existing studio is separate from the studio roof. It appeared to be different roofs.

Ms. Gavin said on the existing roof plan it shows where the southern portion has 11' parapet height and to the north it increases.

Member Katz asked if the roof goes up.

Ms. Gavin agreed. She repeated that there is no change to it, and it is not part of the application.

Member Katz thought it looked very strange and this puts another strange thing with the car port in front.

Chair Rios asked if it is used as a garage.

Ms. Gavin said it is used as an art studio.

Member Biedscheid said her concern is from the south façade. "I admire making the portal mimic the historic portal on primary façade. That is what you are trying to preserve. The new portal is larger than the historic one and that newer portion begins to overwhelm the primary façade. I think the car port might work."

Ms. Gavin said the proposed renovations here of existing portal that connect historic house was approved in 2015, it was not done in a very historic manner. Removing the thin horizontal pieces don't reflect traditional and they have a need to have a covered area for vehicles. So, she went back to the historic portal and wanted to bring it in. There are elements that don't feel historic but tacked on. And we wanted to make it better and cohesive. We wanted to bring that historic character to the west side of the property and have a covered parking area.

Member Roybal moved to approve as staff recommended for items 1, 2, and 3. The motion died for lack of a second.

MOTION: Member Katz moved, seconded by Member Biedscheid in Case #H-19-005 at 211 Delgado Street, to approve items 2 and 3 and deny the carport.

VOTE: The motion passed by majority (3-1) voice vote with Members Bayer, Biedscheid, and Katz voting in the affirmative and Member Roybal voting against.

7. Case #H-19-001. 212 Barela Street. Westside-Guadalupe Historic District. Robert Duran, agent for the Estate of Ernest Barela, owner, proposes to demolish a contributing residential structure and a non-contributing residential structure. An exception is requested to demolish a contributing structure (Section 14-5.2(D)(1)). (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

212 and 212 ½ Barela Street is property with two residential structures built in a vernacular style in the Westside-Guadalupe Historic District. The front building, 212 Barela, is currently listed as contributing but staff have no records of a decision by the HDRB and a historic inventory by Spears Architects listed the building as non-contributing in 1998. Inventories for both buildings (1985 & 1998) estimate the date of construction in the 1930's with moderate to major remodeling and good (1985) to fair (1998) condition.

Glancing at the buildings' exterior, they appear to be in poor to fair condition. A tour inside, however, reveals that both buildings are actually in extremely poor condition. The City's Building Official and Historic Preservation staff have identified substantial structural failures on both buildings. A report by a real estate appraiser documents collapsing roof, walls, floors, and door frames. A report from a professional engineer documents settling and separation of foundation elements and states that, in their professional opinion, "the whole structure is inadequate and irreparable."

The applicant proposes to demolish both buildings on the property. Because 212 Barela Street (front structure) is a contributing building, the applicant is requesting an exception to 14-5.2(D)(1), which requires that contributing structures are retained and preserved. Staff finds that the proposal meets all the exception criteria.

Per 14-3.14 Demolition of Historic or Landmark Structure, the HDRB shall also consider three main criteria:

1. Whether the structure is of historical importance;

212 Barela Street may have a contributing status, but it is unclear how that determination was made and historic reports, when the structure was in fair condition, list the building as being non-contributing. Because of the extremely poor condition of both structures, staff finds the integrity and importance of both buildings to be minimal.

- (b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

An element of the streetscape is low, compact structures relatively close to the narrow street. 212 fits that description but staff do not find it to be an essential part of that streetscape. 212 ½ is to the rear part of the property and not part of the streetscape.

- (c) The state of repair and structural stability of the structure under consideration.

Staff in historic preservation and building inspections have found the structures to be in extremely poor condition with substantial structural failure. A professional engineer finds the structures to be inadequate and irreparable.

RELEVANT CODE CITATIONS:

14-3.14 Demolition of Historic or Landmark Structure

(F) Denial of Demolition Request _

A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under Section 14-5.2(B) (Minimum Maintenance Requirements). _

(G) Standards _

- (1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following: _

(a) Whether the structure is of historical importance; _

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and _

(c) The state of repair and structural stability of the structure under consideration. _

Removal of Historic Material/Demolition:

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

- (1)(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure

is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

EXCEPTION CRITERIA

1. Do not damage the character of the streetscape;

Response: The structure currently damages the character of the surrounding neighborhood. Its current severely damaged structure is an “eyesore” to the neighborhood. Neighbors have called and send letters complaining of the properties condition over several years requesting that the properties dilapidated condition be addressed.

Staff Response: Staff agrees with this response. While it is probably good to have structures relatively close to the front property line on this streetscape, the closest structure is probably irreparable, and demolition would improve the neighborhood and allow for something which may better work with the streetscape.

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

Response: The current state of the structure prevents a hardship. The structure is inhabitable and cannot be used or lived in regardless of cost to rehabilitate its current state.

Staff Response: Staff agrees with this response. An appraiser has judged the structure as being relatively unlivable (C6, Extremely Poor) and an engineer has judged that the buildings are probably irreparable.

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

Response: Complete demolish will help restore its historical district neighbor’s desires of removing the dilapidated building in the area, that is currently rodent and homeless inhabited. The current structure poses a safety threat to the neighborhood and the City of Santa Fe.

Staff Response: Staff agrees with this response. The current structures cannot support residents and a demolition, which would allow a proposal for new construction, would allow more residents to live and stay within the historic districts.

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

Response: The land and structure are in extremely poor condition. Its structure is not architecturally sound to inhabit nor to rehabilitate.

Staff Response: Staff agrees with this response. The structures are in extremely poor condition and many of the foundations appear to be unstable.

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

Response: Ernest Barela was mentally ill and over the several years neglected and hoarded on the property.

Staff Response: Staff agrees with this response. Although the recipients of the property have left the property vacant for the past three years, they had no formal control while the property was negatively altered (e.g. foundations and floors dug out).

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

Response: The structure has lost all structural integrity. To remodel and rebuild would cause a hardship for the Ernest Barela Estate. Demolition of the structure would not damage the historical districts character. The rear structure is non-contributing and is also in the same state of the main structure. Demolishing the structure, it removes the negative impact and safety hazard the structure currently poses on the historical district and the City of Santa Fe.

Staff Response: Staff agrees with this response. If the contributing structure is irreparable, demolition would be less negative than further vacancy.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed demolition and finds that all exception criteria have been met, that all the demolition considerations in 14-3.14 Demolition of Historic or Landmark Structure are met, and that the application otherwise complies with 14-5.2(D) General Design Standards for all H Districts.

Questions to Staff

Chair Rios referred to page 17 in the packet and asked if Staff could put that up on the monitor.

Mr. Gemora put it up and said on the north side of the property you can see there are substantial structural issues and walls have been shored. Most of the wall is degraded and pictures inside show severe degradation.

Member Katz asked why we think it is contributing.

Mr. Gemora said it is just because it is shown on the map as contributing.

Member Bayer said the 1985 evaluation recommended contributing. Spears is 1998.

Chair Rios thought the picture in 1995 looks better. It appears the building has been neglected and now is falling down.

Member Biedscheid agreed with a and c but wondered about #5. On Barela, the buildings are very close to the street and the front looks very much like those on the street and a small area for parking.

Mr. Gemora was more thinking that it is definitely harmonious to have it close to the street. And a replacement building would want to be close to the street. It does contribute to the streetscape but not a unique or essential part of the streetscape. I interpreted whether it conveyed a particularly important part of the streetscape.

Member Biedscheid was looking at whether it would be reestablished as part of the streetscape. The lot is quite deep and setting it back would not reestablish it.

Mr. Gemora clarified that this is only a demolition - He stopped to consult with Ms. Gheen and Ms. Paez.

Ms. Gheen understood the Board can actually make conditions for what might be reestablished on that streetscape. You could talk about 2-3 things you want established in new structure.

Member Katz said one version is that the Board needs to see the plans for replacement to see if it complies with this. The other thing is that the Board wants to see that the footprint near the street be replicated. I would be comfortable that the street side would be replicated a certain distance from the street. Putting it back with all cars in the front would be very sad.

Chair Rios recalled that at one time, the Board required the applicant to bring the new plan forward and that went away some time ago. But the Board does have jurisdiction over the streetscape and could state that in a motion.

Member Biedscheid felt making it a condition makes sense but there could be a long time between. To require the plans along with demolition would be tighter control over it.

Chair Rios agreed that is valid point, but the Board does have jurisdiction and if a motion is made with the requirement to reestablish the streetscape it would need to look.

Member Bayer said that has been difficult to enforce. And the architect says they did the best they could.

Ms. Gheen believed there was difficulty in enforcing with the word, "contributing."

Member Katz said it is very difficult when we don't have records -

Applicant's Presentation

Mr. Robert Duran, 37 b Gonzales Lane was sworn.

He said this belonged to Ernest Barela who died in 2015. You can only imagine how he was living. The roof caved in and supported by railroad ties. You are talking about renovation and reconstruction. This property is owned by the family estate and right now are not intending to rebuild. They are trying to keep themselves from liability risk. The letter from the engineer is just as Mr. Gemora said. It is structurally not sound and a liability for anyone to enter the property - there is no security. We have letters from neighbors pleading to do something with the eyesore.

We are asking for approval for demolition of this property and consider its non-contributing status. Structural integrity is compromised and has become a location for homeless and needles and alcohol bottles are found there.

Vandalism is also happening, due to it being abandoned. It is a liability to the Barelas and to the City of Santa Fe. It is a health concern and an eyesore. It is causing a reduction on property appraisals of the neighboring houses.

There is an abundance of stray animals, rodents, and could be a virus or rabies or hanta virus because it is in really bad shape.

Ernest was diagnosed with mental issues and was a hoarder. So, the Barela estate cannot clean it up and renovate it. Their last alternative would be to sell it, but they would have to incur a huge loss. They would hope to clean it up and sell as a vacant lot.

Questions to the Applicant

Member Katz asked Ms. Gheen regarding the compelling argument to get them down as soon as possible and the discussion if there needs to be a proposal to reestablish or else a condition that requires it. If we make it a condition, who is it binding on - is it on someone who binds a new owner? I want it to be yes but don't know if it would be.

Chair Rios suggested it could be put in a motion.

Mr. Duran said he was involved in a hotel project in Española where a vagrant died in the hotel from a severe fire. The City was called in as liable in a law suit because they never condemned the building. We come basically for safety.

Member Katz understood but the Board also wants to follow the rules.

Ms. Gheen said Legal would need more time to answer it. We must look at the factors involved in demolition. I don't think the code clearly states there is a requirement for it. Each element does not need to be met.

Member Katz understood that, but it is a factor that is important. I'm willing to move for postponing to allow legal staff to deal with it to ensure the streetscape be re-established.

Mr. Duran said the kitchen is the only part is adobe.

Member Katz said it doesn't matter what it is made of.

Member Biedscheid said we all agree it should come down but want to make sure it is re-established.

Member Bayer asked if the back building was statused.

Mr. Duran said it is non-contributing.

Chair Rios said the Board does have the jurisdiction.

Director Johnson said we could craft a condition, based on the aerial map that it occupies about 25% of the frontage and could craft a condition for it. It would have to be filed.

Member Katz understood the Board can bind the current owner to bind the future owner.

Public Comment

Ms. Beninato thought it is a little distracting when standards are twisted around. I don't contest it needs to come down. When you put holes in the fabric of the streetscape you start losing the streetscape. Staff seems too ready to just get rid of it, and when you continue to do it all the time. I would require, first of all, a lot of arguments about economics that you are not to consider; whether one person owns it or ten people. It is about design. This is the third one tonight that are going to be demolished by neglect - Nobody in the family cares to try to do something about the owner's mental illness but want all the consideration for the demolition. I urge the Board not to act unless you can bind the estate with the County Clerk so the next buyer cannot forget it is in a historic zone and is bound to reestablish it. I'd like to follow up on that. Years go by and there might not be a record.

Computers can crash. The County Clerk's records are best for longevity and the ability to find the record.

Mr. Herrera (previously sworn) agreed with Ms. Beninato to hold someone responsible for a piece of property. I went through it when a brother sold a property above me. I stipulated they were responsible for maintaining the road, but I didn't get it recorded at the courthouse and when new owners took over, they said they didn't have anything to do with the road and I lost all of it. So, unless it is recorded at the courthouse, otherwise, learn from experience.

Ms. Diane Barela was sworn and read a statement. Her husband is coexecutor and here on behalf of the estate. Seven family members were raised there. Mr. Barela was a hoarder and mentally ill. He took it over in 1982 and neglected thereafter until he died

Mr. John Eddy (previously sworn) agreed with everyone. But regarding the context, this one case is why I came tonight. We have dealt with this issue of demolition many times over the years. We had El Castillo project on Ghost Ranch for matter of scale. That project came about through a request for demolition and no requirement placed on it. It was "would you consider" and you got taken to the cleaners. It is regrettable. And now we are on Barela Street and can find no reason why it was made contributing. It was the Barela Patriarch involved and that is why it became contributing. It should not be an issue here. How can you allow this family to clean up their property and the structure was seven feet back and that is where the next building needs to go? If there is a potential to tie a demolition that a certain amount of stem wall be maintained at seven feet from the street. Nobody is going to make an issue with it. And time any future project to maintain that footprint. It is not just a demolition. The fact that the Barela Family is here with a legacy to maintain - just by maintaining this footprint and assume others on Barela Street that they maintain the character of the set back because it was established by the Barela family.

Chair Rios thanked the speakers for those comments.

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

Mr. Duran said regarding Mr. Eddy's comment with the stem wall that a good portion of the house does not have a foundation. If it does at that place and it would work.

Mr. Gemora thought Mr. Eddy does have a good point. A small portion might be retained, and it would not be vacant. Staff's original proposal would get at more defensible legal documents. A covenant could be placed on the property. Under condition that the structures were demolished that 25% of the streetscape be between 7-10 feet. If that could be done, it would be a recorded document that a future owner would have to comply with. It could probably be drafted by January 22 or at least by February first meeting.

Chair Rios suggested the Board could postpone to the time those things got drafted.

Mr. Gemora agreed. It would be postponed to a date certain of January 22 with direction that applecart bring a document that satisfied that condition.

Member Katz asked what that condition would be. To have the east façade L-shaped, that those exact locations be, give or take a foot or so are the replicated locations in the residence that is built there and not a garage but part of the house. Those can be measured from the east property line. That is where the front of any proposed new building must go.

Director Johnson added that we could create a site plan based on an aerial.

Mr. Duran agreed to produce a site plan.

Action of the Board

MOTION: Member Katz moved, seconded by Member Bayer, in Case #H-19-001, 212 Barela Street to approve the demolition on the condition that the applicant return with a recorded covenant on the property and a condition that the demolition would not be allowed until the recorded covenant was produced and a site plan submitted.

Chair Rios didn't want a rash decision. She reopened the public comment portion

Ms. Stefanie Aranda who was a granddaughter, was sworn. She said her uncle took the property it was stated, and he lived in the home, but it has taken this long just to clean out the debris of the home. We are deliberating on a structure is not even worth saving the adobe part. You saw it. My concern is the liability of people and safety and we are neglecting to if you save one little corner and put it in a document that new owner build under the same covenants. Every day you deliberate is a liability to us and the City.

Member Katz explained that if we make a motion and it passed. At the next meeting we get the Findings so we cannot dance any faster than that and I hope working with the estate we can get the document recorded. Staff can tell you what needs to be in there.

Ms. Aranda said thank you for your time and consideration.

Action of the Board

MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-19-001, 212 Barela Street to approve the demolition of both structures and in the

Findings that before the demolition is granted, there be recorded with the County Clerk a covenant that the replacement be with a foot or two the east facades of the current buildings and south that connects those two east facades and establishes that the property is an essential part of the street façade. on the condition that the applicant return with a recorded covenant on the property and a condition that the demolition would not be allowed until the recorded covenant was produced and a site plan submitted.

Member Bayer suggested it be the L shaped and no vehicle enclosure on the street frontage - not a garage or car port. The amendment was friendly to maker and seconder.

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

8. **Case #H-19-004. 401 Apodaca Hill.** Downtown & Eastside Historic District. Emily Goldman, agent/owner, proposes to construct a 61" high coyote fence where the maximum allowable height is 61" on a non-contributing residential property. (Carlos Gemora)

Mr. Gemora presented the Staff Report for this case as follows:

BACKGROUND & SUMMARY:

401 Apodaca is a property with a vernacular-style residential building designated non-contributing to the Downtown and Eastside Historic District. The property is set up on an embankment above a small parking/turnout area on the southeast corner of Apodaca and Upper Canyon Road.

The applicant originally constructed a 6'-0" coyote fence without permits or approval from the HDRB. Latillas have irregular and varying heights but were built to the inside of the fence so that the horizontal structural supports were visible from outside of the property.

The applicant now retroactively requests permission for the coyote fence which will be lowered to the streetscape's maximum allowable height of 5'-1." Vertical latillas will be placed to the outside of the property with horizontal structural supports placed to the inside of the property. Vertical latillas will also be of irregular and varying heights (not to exceed the maximum allowable height).

RELEVANT CODE CITATIONS:

14-5.2(D)(9)(c) Height

(ii)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.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and finds that 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 Design Standards.

Questions to Staff

Chair Rios said this fence was already built.

Mr. Gemora agreed. It was at six feet.

Chair Rios said today, it appeared it was already chopped.

Mr. Gemora agreed and the infrastructure on the inside.

Member Bayer asked what irregular tops means.

Mr. Gemora said 3-5" but this looked 1-2".

Chair Rios added that part is horizontal latillas.

Mr. Gemora agreed but not part of the red tag.

Applicant's Presentation

Ms. Goldman was sworn and said, "I decided to build it and there was already an existing wire fence. I decided with all the construction going up and down Canyon Road, I was getting a lot of noise over the years. And I feel it is giving the property some definition and some stature and dignity to the house and the property and is in compliance with everything I was asked to do. It gives a feeling of an enclosure. Anyone could have parked there and walk up the hill to the house. So, this will help prevent that from happening and an added advantage to have the height to make it difficult for someone to break in. So, it was for the security and I thought I'd just go ahead with it where the wire fence was and was not aware of the procedure.

Chair Rios asked when she bought it.

Ms. Goldman said in 1990.

Chair Rios said then you knew you were in a historic district.

Ms. Goldman said I understand that now. I should have come here.

Chair Rios said no. You come to the City first to get paperwork done.

Member Katz said, "You did not have permission to come into compliance either.

Ms. Goldman replied, "I was told what I needed to do to get approval."

Member Katz said, "First you get the permit; then you do the work."

Ms. Goldman agreed.

Public Comment

Mr. Eddy (previously sworn) said this is a case of two wrongs not making it right. When was the red tag issued?

Mr. Gemora was not sure. It came to him in mid-December and he called her to advise her what the Board probably wanted for height or an exception for height. I thought the application would reflect a request or lower height.

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

Action of the Board

MOTION: Member Katz moved, seconded by Member Roybal in Case #H-19-004. 401 Apodaca Hill to approve the application as submitted.

Member Bayer amended "between 2" and 6 inches for varied tops."

Member Katz and Member Roybal agreed it was friendly.

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

I. MATTERS FROM THE BOARD

Member Biedscheid asked about the stucco color.

Member Bayer understood it was administratively approved.

Director Johnson attributed some of this to being new and relying on staff. She had concurred with Nicole that the new color was indistinguishable. It was because of turnover in staff. She said she should have a discussion with the Board on what colors are acceptable. A light agenda on Jan 22 means we could discuss that on the agenda.

Member Katz explained that it is irritating to the Board when suddenly the Staff says it is okay. I'm a little color blind and maybe that is exactly right but it is that process that hangs us up.

Director Johnson agreed. Addressing the color in a more formalized way would prevent that from happening in the future.

Mr. Gemora said it is still a little cloudy to Staff what colors are allowed. I'm not sure where the list of colors came from.

J. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Approved by:


Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.