



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 22, 2019 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 22, 2019 at 5:30 P.M.

SANTA FE COMMUNITY CONVENTION CENTER

CORONADO CONFERENCE ROOM

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: January 8, 2019
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-102, 124 Quintana Street.

Case #H-19-002, 675 Alto Street.

Case #H-19-003B, 1330 F Cerro Gordo Road.

Case #H-19-001, 212 Barela Street.

Case #H-18-126A, 247 Rodriguez Street.

Case #H-19-003A, 1330 F Cerro Gordo Road.

Case #H-19-005, 211 Delgado Street.

Case #H-19-004, 401 Apodaca Hill.

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

1. Case #H-18-124B, 636 Garcia Street. Downtown & Eastside Historic District. D. Maahs Construction, agent for David and Rebecca Glover, owners, proposes an 80 sq. ft. addition adjacent to a primary façade; an approximately 80 sq. ft. addition to the rear casita; changes to various doors, windows, walls, and gates; and reroof/restucco maintenance on a contributing residential property. Two exceptions are requested – an addition within 10' of a primary façade (14-5.2(D)(2)(d)); and replacement of historic material not in-kind (14-5.2(D)(5)(a)). (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)
2. Case #H-19-006, 841 East Alameda Street Unit C. Downtown & Eastside Historic District. D. Maahs Construction, agent for Patrick Rayes Family Partnership LTd., owner, proposes a 205 sq. ft. addition to a second story and various window and door changes to a non-contributing residential structure. (Carlos Gemora)
3. Case #H-19-007, 438 Apodaca Hill. Downtown & Eastside Historic District. Lee Lewin, agent/owner, requests retroactive approval for a 72 sq. ft. heated and 51 sq. ft. portal addition on a non-contributing residential structure. (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](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.

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 16, 2019

TIME: 5:03 PM



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 22, 2019 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 22, 2019 at 5:30 P.M.

SANTA FE COMMUNITY CONVENTION CENTER

CORONADO CONFERENCE ROOM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: January 8, 2019
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-102. 124 Quintana Street.

Case #H-19-002. 675 Alto Street.

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Case #H-18-126A. 247 Rodriguez Street.

Case #H-19-003A. 1330 F Cerro Gordo Road.

Case #H-19-005. 211 Delgado Street.

Case #H-19-004. 401 Apodaca Hill.

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

1. Case #H-18-124A. 636 Garcia Street. Downtown & Eastside Historic District. D. Maahs Construction, agent for David and Rebecca Glover, owners, proposes an 80 sq. ft. addition adjacent to a primary façade; an approximately 80 sq. ft. addition to the rear casita; changes to various doors, windows, walls, and gates; and reroof/restucco maintenance on a contributing residential property. Three exceptions are requested – an addition within 10' of a primary façade (14-5.2(D)(2)(d)); replacement of historic material not in-kind (14-5.2(D)(5)(a)); and the replacement of a historic finish not in-kind (14-5.2(D)(5)(b)). (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)
2. Case #H-19-006. 841 East Alameda Street Unit C. Downtown & Eastside Historic District. D. Maahs Construction, agent for Patrick Rayes Family Partnership LTd., owner, proposes a 205 sq. ft. addition to a second story and various window and door changes to a non-contributing residential structure. (Carlos Gemora)
3. Case #H-19-007. 438 Apodaca Hill. Downtown & Eastside Historic District. Lee Lewin, agent/owner, requests retroactive approval for a 123 sq. ft. heated and portal addition on a non-contributing residential structure. (Carlos Gemora)

- I. MATTERS FROM THE BOARD
- J. ADJOURNMENT

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 3, 2019

TIME: 11:58 AM

**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
January 22, 2019

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
B. Roll Call	Quorum Present	1
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes - January 8, 2019	Approved as amended	2-3
E. Findings of Fact & Conclusions of Law	Approved with one postponed	3
F. Business from the Floor	Comments	3-4
G. Communications	Appeals were announced	4
H. Action Items		
1. <u>Case #H-18-124B.</u> 636 Garcia Street	Postponed for added exception	4-19
2. <u>Case #H-19-006</u> 841 East Alameda Street, Unit C	Approved as recommended	19-22
3. <u>Case #H-19-007.</u> 438 Apodaca Hill	Approved as recommended	22-23
I. Matters from the Board	None	23
J. Adjournment	Adjourned at 7:00 p.m.	23-24

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**

**January 22, 2019**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fe 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 Coronado Conference Room at the Community Convention Center, 200 West Marcy, Santa Fe, 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. Jennifer Biedscheid  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

[three vacancies]

**OTHERS PRESENT:**

Mr. Carlos Gemora, Senior Planner  
Ms. Carol Johnson, Land Use Department Director  
Ms. Sally A. Paez, Assistant City Attorney  
Mr. Carl Boaz, Stenographer

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

**C. APPROVAL OF AGENDA**

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

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

**D. APPROVAL OF MINUTES: January 8, 2019**

Member Biedscheid requested the following changes:

On page 15, 1<sup>st</sup> paragraph, last sentence where it should say, "Also one yard wall near the house."

On page 31, 10<sup>th</sup> paragraph, delete the last sentence and revise the second to last sentence to say, "the portion with the carport begins to overwhelm the primary façade."

Member Katz asked for the following changes:

On page 38, to say "Director Johnson could craft a covenant to be filed."

On page 40, 2<sup>nd</sup> paragraph, to say "applicant," not "apple cart."

Chair Rios requested the following changes:

On page 9, 9<sup>th</sup> paragraph, where it should say, "Chair Rios- replacing turquoise gate with coyote fencing. It improves the front by making it more uniform.

13<sup>th</sup> paragraph - add "noted that this was not advertised."

14<sup>th</sup> paragraph - "in keeping the wall and the long coyote fence."

On page 16, 8<sup>th</sup> paragraph, add "from the vehicular gate."

On page 36, 11<sup>th</sup> paragraph - after streetscape, it should say "the applicant will have to comply."

On page 42 under questions to Staff - "Chair Rios said that part of the fence has horizontal latillas."

**MOTION: Member Katz moved, seconded by Member Roybal, to approve the minutes of January 8, 2019 as amended.**

**VOTE: The motion passed by unanimous (3-0) voice vote with Members Biedscheid, Katz and Roybal voting in the affirmative, none voting against.**

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

**Case #H-18-102. 124 Quintana Street**  
**Case #H-19-002. 675 Alto Street**  
**Case #H-19-003A. 1330 F Cerro Gordo Road**  
**Case #H-19-003B. 1330 F Cerro Gordo Road**  
**[Case #H-19-001. 212 Barela Street] - Postponed**  
**Case #H-19-005. 211 Delgado Street**  
**Case #H-18-126A. 247 Rodriguez Street**  
**Case #H-19-004. 401 Apodaca Hill**

Mr. Gemora said Staff has not yet completed the Findings for Case #H-19-001, on 212 Barela Street and he recommended postponing that Finding.

**MOTION: Member Katz moved, seconded by Member Biedscheid all Findings and Conclusion except for Case #H-19-001.**

**VOTE: The motion passed by unanimous (3-0) voice vote with Members Biedscheid, Katz and Roybal voting in the affirmative, none voting against.**

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

Ms. Stefanie Beninato said it was sad that there has been a vacancy for close to six months, so it appears the Administration doesn't care much about historic preservation. I'm sorry about that. It is essential for Santa Fe and attracting people here.

If you listened to City Council regarding the Presbyterian community, it was interesting that David Rasch showed up and spoke against the Board when it comes to appeals. He has no loyalty at all to this Board and the fact that your decision should matter. It is the Board's opinions and not staff's opinion you should rely on.

The same goes for Theresa Gheen. She was there and unpaid and speaking for the other side which was sad, and Ms. Beninato thought she should have spoken more clearly on the Board's side.

She was also surprised about Peter Komis when the Board only required him to replace the wall on a new foundation. The original wall could have been kept in place and it is slightly taller, and the replacement does not have the interesting detail it once had. So that history is lost.

There were no other speakers from the Floor.

## **G. COMMUNICATIONS.**

Director Johnson announced that the City did advertise for filling the HDRB vacancies. The deadline was December 31<sup>st</sup> and we reviewed the applications and made recommendations to the Mayor. The appointments are scheduled for the January 30 Council meeting.

Ms. Paez gave updates on appeals. She noted that at the last meeting, she forgot to mention that the appeal for Plaza Galeria was withdrawn. The other is 505 Apodaca Hill that will be heard on February 13. There is also a retroactive appeal of the geodesic greenhouse and interior fence.

## **H. ACTION ITEMS**

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

1. **Case #H-18-124B. 636 Garcia Street.** Downtown & Eastside Historic District. D. Maahs Construction, agent for David and Rebecca Glover, owners, proposes an 80 sq. ft. addition adjacent to a primary façade; an approximately 80 sq. ft. addition to the rear casita; changes to various doors, windows, walls, and gates; and reroof/restucco maintenance on a contributing residential property. Two exceptions are requested – an addition within 10' of a primary façade (14-5.2(D)(2)(d)); and replacement of historic material not in-kind (145.2(D)(5)(a)). (Carlos Gemora, Planner, [CEGemora@santafenm.gov](mailto:CEGemora@santafenm.gov), 955-6670)

Mr. Gemora presented the Staff Report as follows:

### **BACKGROUND & SUMMARY:**

636 Garcia Street is a Territorial style residential house and Spanish-Pueblo style casita, both designated contributing to the Downtown and Eastside Historic District. The front portion of the main house was built pre-1912, some additions and the casita were built pre-1956, and extensive additions and remodeling were done in the mid-1990's. It is notable that the additions are entirely shielded by the relatively well-preserved street facing eastern façade of the main house (#1).

In November 2018, the Historic Districts Review Board confirmed contributing statuses for both the main house and the casita. The board designated three primary elevations: the eastern, street-facing façade (#1) and the northern façade of the main house (#11), and the northern façade of the casita (#5).

While the street-facing façade of the main house and the northern façade of the casita are considered historic and well-preserved, questions arose during the status review about the extent of historic material on the northern building wall of the main house (façade #11). Brick coping tops about two-thirds of the northern wall extending from the eastern, street-facing façade and the applicant mentioned that portions of the more western corner may not be historic. Historic drawings and correspondence with a previous owner indicate that the footprint is historic but that parapets (without brick coping) were added in the mid-1990's.

The applicant proposes two areas of building additions, one to a primary façade, another connecting the two contributing buildings, and various door, window, and yard wall changes. The proposal is ordered as follows:

1. The first proposed addition is a 5'-0" extension to the northern, primary façade of the main house. The approximately 80 sq. ft. addition would expand a historic bedroom and a non-historic parapet (without brick coping). The applicant is willing to extend the brick coping across the entire façade, but staff find that replicating historic brick coping would erase the differentiation between historic and non-historic portions of the building. Staff required an exception to construct an addition not setback at least ten feet from a primary façade but staff does not find that the applicant clearly met all the exception criteria (more discussion of exceptions below).
2. The second proposed addition has two parts.
  - a. The first would be a hallway addition to the casita which would fully connect it with the existing storage/garage area (part of the main house). The contributing casita is partially connected with a small portal to the contributing main house, but this addition would allow the studio/casita and existing storage area to become a one-bedroom unit (see discussion of exceptions below).
  - b. The second part of the addition would expand the storage area approximately 30 sq. ft. for a bathroom area (see discussion of exceptions below).
3. The applicant proposes the following changes to doors, windows, gates, and yardwalls:
  - a. Replace the existing wood front door with an antiqued wood door and speakeasy grill. The existing front door is approximately 2" thick solid wood, is on the primary eastern façade, and is thought to be historic. Staff required an exception to replace historic material not in-kind but did not find the applicant met all exception criteria. Historic pediment trim will remain, but it is unclear if the front screen door is historic or proposed for replacement.
  - b. Replace the non-historic gate into the eastern, entry courtyard.



- c. Replace the three non-historic doors on the inner courtyard with a fixed panel and two doors.
  - d. Replace the non-historic gate into the inner courtyard.
  - e. Install a carriage style overhead garage door in the existing carport area.
  - f. Replace the non-historic 6'-0" high coyote fence around the rear casita with a 4'-0" stucco wall and gate.
4. The applicant proposes to install a skylight, HVAC systems and re-roof portions of both the studio/casita and the main house. No skylights, ductwork, mini splits, or HVAC systems will be visible to the public.
  5. The existing main house has synthetic stucco similar to a STO "Adobe" color which was likely installed in the 1990's and cementitious stucco on the casita. The applicant proposes to restucco the contributing casita with synthetic stucco to match the main house but did not seek an exception as required by staff and is restricted to cementitious stucco.

### **EXCEPTIONS:**

Exceptions were requested for an addition not set back at least 10'-0" from a primary façade and for removal of the historic front door on the primary eastern façade and replacement not in-kind (14-5.2(D)(5)). Staff did not find that all exception criteria have been met.

Staff also recognized, after the deadline to post exception notices, that an additional exception is required in order to move forward with the proposed additions. Section 14-5.2(D)(2)(d) is interpreted to restrict the size of non-historic additions to 50% the square footage of the historic footprint. Because the non-historic 1990's addition already exceeds the limit for non-historic additions, an exception would be required to expand the footprint for the casita and the main house. Staff recommends discussing but postponing the proposed additions to a date certain of February 12, 2019 to allow for proper noticing procedures and to provide the applicant with time to craft exception criteria.

### **EXCEPTION CRITERIA:**

Exception to 14-5.2(D)(2)(d): Proposed 5'-0" Extension of the Master Bedroom not setback at least 10'-0" from the primary, northern façade.

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

Applicant Response: The proposed extension is on the north façade of the structure which parallels a driveway between this residence and set back residences to the north. The solid wall extension does not change the streetscape.

*Staff Response: Staff agrees with this response in that the proposed addition will not change the streetscape.*

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

Applicant Response: No hardship is present but current day comforts are asked to be considered. The proposed extension will provide an additional 78 square feet to the existing 162 square foot bedroom. With the existing kiva fireplace in the room, this will allow a king size bed comfortably to fit into the room.

*Staff Response: Staff does not recognize that the need for a bigger bedroom constitutes 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

Applicant Response: The proposed addition is a 5' extension of mass and does not significantly affect the historic values of the structure as it is an extension of a 1995 remodeled wall.

*Staff Response: Staff does not recognize how a bigger bedroom strengthens heterogeneous character or ensures that residents can continue to reside in historic districts.*

(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

Applicant Response: The 10' setback is not architecturally feasible. It is noted that the HDRB has determined three elevations to be historic and primary. Any addition to the existing structure would likely involve one or more of the three elevations.

*Staff Response: Staff agrees with this response in that moving the addition is relatively infeasible.*

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

of the applicant

**Applicant Response:** The 10' setback is not architecturally feasible. It is noted that the HDRB has determined three elevations to be historic and primary. Any addition to the existing structure would likely involve one or more of the three elevations.

**Staff Response:** Staff agrees with this response in that moving the addition is relatively infeasible but disagrees in that nothing demonstrates need besides the wants and actions of the applicant.

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

**Applicant Response:** The HDRB approved remodel of this façade in 1995 sought to raise the roof to the height left of the chimney and straighten a wall of what appears to have been angled windows facing west. (See 1994 proposed and existing drawings). The additions meets the square footage requirements of 14-5.2[D][2][d] and will be attached to what is now a noncontributing portion of the structure. An exception is requested to the 10' setback as it is not architecturally feasible and is an extension along the driveway.

The homeowner is amenable to extend the brick coping fully across the parapet right of the chimney to match the historic material to the left of the chimney.

*Staff Response: Staff agrees that the placement of this expansion is in the least negative location but does not yet recognize a hardship which would require the addition. Staff recommend against extending the brick coping across the parapet to replicate the historic portions of the building but perhaps a different parapet height could be used to differentiate between the historic and non-historic portions of the building.*

Exception to 14-5.2(D)(5)(a): Proposed replacement of a historic door located on a primary façade and replacement with a door not in-kind.

(i) Do not damage the character of the streetscape

**Applicant Response:** The design & material of the new door (drawing attached) is in keeping with the historic façade and style. The existing pediment and jamb will remain.

*Staff Response: Staff agrees with this response.*

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

Applicant Response: The existing door for all intents and purposes is inoperable. Previous repairs have been done but the wood slats of the door are separating and no longer stable.

*Staff Response: Staff are unsure to what extent the door is inoperable but recognize a letter from a proposed door manufacturer stating that it is unrepairable and should be replaced.*

(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

Applicant Response: The design & material of the new door (drawing attached) is in keeping with the historic façade and style. The existing pediment and jamb will remain.

*Staff Response: Staff agrees with this response. A working door is required for dwelling units.*

(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

Applicant Response: The existing door is beyond repair

*Staff Response: Staff are unsure to what extent the door is inoperable but recognize a letter from a proposed door manufacturer stating that it is unrepairable and should be replaced.*

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

Applicant Response: The existing door is beyond repair

*Staff Response: Staff are unsure to what extent the door is inoperable but recognize a letter from a proposed door manufacturer stating that it is unrepairable and should be replaced.*

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

Applicant Response: The style and materials used in the replacement door are in keeping with the structure retaining the viability of its' historic status. Replacement gates on the north elevation will also be consistent in design & materials.

*Staff Response: Staff agrees with this response.*

**RELEVANT CODE CITATIONS:**

**Proximity of Addition to Primary Façade:**

14-5.2(D)(2)(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary façade. The addition shall not exceed fifty percent of the square footage of the existing footprint and shall not exceed fifty percent of the existing dimension of the primary façade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion.\_

**Windows & Doors:**

**14-5.2(D)(5) Windows, Doors, and Other Architectural Features**

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

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

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

(iii) No existing opening shall be closed.

(b) For all façades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

**14-12 Structure:**

Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, mobile homes, walls, fences, swimming pools, spas, tennis courts, signs, flag poles, microwave satellite receiving dishes, TV antennas and communication devices.

#### 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.

#### 14-5.2(E) Downtown and Eastside Design Standards

##### (1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;
- (b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
- (c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
- (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

- (e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required.

### **STAFF RECOMMENDATION:**

Staff does not find that the exception criteria have been met for the two exceptions requested but the Board may find that they have upon further testimony. Staff additionally require an exception for the proposed additions not included in the application and thus recommend the proposed additions be postponed to a date certain. 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(E) Downtown and Eastside Design Standards. There was extensive remodeling in the 1990's.

Staff recommends postponing this case to February 12 for proper noticing.

Chair Rios said she had found an error where it should say the primary façades are on the east side and north.

Mr. Gemora agreed. The FF/CL indicated in the third paragraph that the west was primary, but it should be east. He explained that both plans were backwards, so his first memo said western, but it is the eastern side that is primary.

Chair Rios said those Findings need to be addressed.

Chair Rios said it also indicates the guest house is contributing and north be primary.

Mr. Gemora said it was postponed and the Board wanted it considered as either two structures or one structure. It had been recorded improperly. In the next hearing, it was designated contributing with the north as primary.

Chair Rios understood Mr. Gemora said that on the existing porch, it touches a primary façade.

Mr. Gemora said it is the casita and storage area through the carport to the main area. An existing portal connects as an open breezeway with a roof and they want to connect it.

Chair Rios concluded that the request is for the main house and hallway and each is 80 square feet.

Mr. Gemora agreed. It opens onto the primary façade and the storage area is also 80 square feet.

Chair Rios referred to the east where Mr. Gemora said a door needed to be determined if it is historic. What is the condition of that door?

Mr. Gemora said in the testimony, the Applicant said the door was not repairable.

Chair Rios asked what the color of the guest house is.

Mr. Gemora said it is an earth tone.

Chair Rios saw it is a different color.

Chair Rios asked about the stucco type on the guest house.

Mr. Gemora said the stucco is cementitious on the guest house but on the main house it is synthetic from the 1990's when a major addition was done.

Member Biedscheid asked about staff's interpretation for setback. On the casita, is it the façade under the portal?

Mr. Gemora understood that it was just the northern façade and the portal was not historic. He would need to confirm that.

Member Biedscheid asked, if the casita is now attached to the main house, how the Board would read that for primary façade.

Mr. Gemora thought it would require an exception. On the existing footprint, there is a mass at the casita - an addition like the one on the main house. The primary façade doesn't differentiate but on the casita connection it is different and still allows the primary façade to be prominent. If it took away from the primary façade, he would have a different evaluation.

Chair Rios asked if the Board is now looking at one building.

Mr. Gemora agreed.

### Applicant's Presentation

Mr. Doug Maahs, 2108 Tecolote, was sworn.



Mr. Maahs asked staff where the criteria were not met regarding the door.

The criteria are on Page 6, starting at the middle.

Mr. Gemora said criteria 2, 4, and 5 were not met. Staff was unsure to what extent the door was inoperable.

Mr. Maahs said he just provided added documentation this evening (Exhibit 1) on the exception for the 5' extension. He admitted they were a bit nebulous and when he saw the packet, he tried to respond better.

For criterion #2 - hardship, he changed it to read, "The existing million-dollar home has two small bedrooms, one full bathroom on that side of the home, and essentially no closet space. The client and the design team have striven to provide functional closet space and a master bathroom to meet the family's needs. Having no closet space or master bath does create a hardship to the family and the owners."

On criterion #3, he added "and on the driveway side of the house. It is neutral. It does not strengthen or detract."

Chair Rios asked if he thought of other options. The criterion says to provide a full range of options.

Mr. Maahs explained there is no other place to put that addition where they could add the closets and accommodate the master bath.

Member Katz said he was sympathetic with the intent but the answer to both of these doesn't seem to respond to what you want to do. If you eliminated the 5' on the bedroom, it doesn't disallow a king-sized bed, but you might not be able to have chairs and a coffee table in the bedroom. But is that really a hardship? I am sure your client wants it, but it is not a hardship. And wouldn't it be possible to extend to the south instead of to the west? That is a blank wall.

Mr. Maahs said, relevant to the extension to the south, it would close off any access to the portal and would restrict the gate to be no more than 24" wide.

One other thing that doesn't show up on the plans is that at the existing west wall, the bottom portion of the wall is two feet into the room and square footage is much smaller. Bookshelves were built on top which was originally a trombe wall. They straightened it up, but it still remains.

Member Biedscheid commented that the courtyard and carport are to the south, so she didn't feel a full range of options were given.

Mr. Maahs said the carport is to become a garage, but the depth is adequate for a standard vehicle and shortening it would be a problem to have enough vehicle space. It is about 20' although he did not remember the exact measurement.

Mr. Maahs went to #5 - special conditions or circumstances, not the result of the Applicant, and read the amended response, "Again, it is noted that the current structure is hampered for family usage by the inability to add closet space into the bedroom areas and have a master bathroom. It is proffered that this would be the case for any family needs in a home of this value and so therefore are not a result of the actions of the applicant. The clients have chosen to invest in the Santa Fe Historic District and fine these minimum alterations to the Structure are required for the needs of the family. He also noted that he might have missed getting the application in properly, but the guest house is still cementitious, and he would keep it cementitious if the Board wanted. The main house is STO. We would not mind a slightly different color for the guest house.

*A copy of the revised responses is attached herewith to these minutes as Exhibit 1.*

#### Questions to Applicant

Chair Rios asked what the colors are.

Mr. Maahs said the main house stucco is Adobe and the casita is a slightly darker color and they complement each other very well.

Chair Rios said he should use cementitious instead of STO on the casita.

Mr. Maahs explained they are not putting any stucco on the main house. It is in excellent condition and they would only color-coat where necessary on the addition.

Mr. Maahs asked for Scott Holman to add testimony regarding the door.

Mr. Scott Holman was sworn. He said he examined the door and the client wanted to keep it the way it is, but the jamb has to be torn out and the door rebuilt. The screen door didn't look historic so it would have a standard door.

Chair Rios ask what the problems of the door are.

Mr. Holman said the problem is with the jamb and stripping.

Chair Rios asked about the door material.

Mr. Maahs said the door is heavy T&G and parts of it have been doweled back together but when you open it, it flexes and moves. It is more than 50% damage and would have to be removed and re-doweled.

Member Biedscheid noted the HCPI said the screen door might be historic.

Mr. Maahs said in his conversation with sellers, the screen door was added in the late sixties or early seventies. On the 11x17 in your packet, it is the same as what you have on the proposal. The conversation on square footage was a surprise to him. And whether 2 or 1 structure and what was heated. He said he was at the Board's mercy with it. He was surprised because he didn't know about the statute on original square footage and maximum addition square footage.

On the b/w photos - it was mentioned that roof-mounted duct work would be added but the equipment would go into the utility room to the left of the carport. We put 4" 2x4's on the roof to make sure it was not visible and the only one was on the casita. It has been adjudicated so we will do mini-split there with no ductwork on the roof past that portal.

*A copy of the roof design is attached herewith to these minutes as Exhibit 2.*

Chair Rios asked if all skylights would remain.

Mr. Maahs agreed and added that two more will be added.

Chair Rios asked about the total heated area.

Mr. Gemora referred to the floor plan on page 45 where it showed the structure has an unheated enclosed area but was not sure if that one was existing.

Mr. Maahs said it would be 160 square feet less.

Mr. Gemora said the total livable heated area is 2,755 square feet, the non-livable unheated is 535 square feet, and the total enclosed area is 3,290 square feet for both.

Mr. Maahs said he met with the fire marshal to examine the entire plan and got approval from him on the five-foot extension.

#### Public Comment

Ms. Stefanie Beninato, P. O. Box 1601, was sworn. She agreed with the Board that the five-foot extension was not justified. It will cover the primary façade. They knew what the primary façades were. She didn't know how big the closet space would be. But they are not hardships. Having a giant bathroom is not a hardship. They could add on somewhere in the courtyard maybe the full length of the room if they really wanted to. So she asked the Board to be strong, not just because it is a big house.

Regarding enclosing space for a bathroom, they are proud with the primary façade and could set it back a foot or two to make the differentiation. There was also a little thing that stuck out at casita.

Mr. Gemora said that is the bathroom. They will keep the portal but enclose the rest of the breezeway.

Ms. Beninato pointed out that there could be other ways to do it. She apologized that she didn't realize what they were doing there. It just seems there should be another design alternative to it.

Cementitious stucco is preferred, and it would not be a hardship to use cementitious stucco. Also, it sounds like it was a really cool door, but it would help if they replaced it in kind. The late sixties is obviously historic for the screen door.

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

Mr. Maahs said the east side is the streetscape side.

Mr. Gemora pointed out the changes in the elevation.

Mr. Maahs offered to share a color rendition of the east elevation from the HCPI and loaned his copy for review by Board members.

### Board Discussion

Member Katz said he was struggling with this. He asked to see the proposed floor plan. He saw that the bedroom at top left has a window where the room ends now. And down from that are folding doors. He asked what that was used for.

Mr. Maahs said there were three sets of doors there and when the remodel happened, the south part was added for a utility room and the three doors opened to a hallway on the west.

Member Katz suggested that not doing the extra five feet would still be fine. And the problem is that the other change suggested would do more violence to the house. Technically, he didn't think that criterion had been met. But it would be better to grant the five-foot extension and be less damaging than a more major change to the south.

Chair Rios observed that he would be adding 80 square feet and approaching from Garcia, you would not see that at all. She didn't have a problem with it, but he needed to differentiate the addition from the historic part.

Mr. Maahs suggested he could maybe use a different parapet height to that side.

Chair Rios didn't hear much comment from the Board regarding attaching the casita to storage/garage.

Member Roybal said he didn't have a problem with that five-foot extension. It is a long driveway and it is a way to add to that. It is an easy way to accomplish what they want.

Member Biedscheid had concerns at the casita in adding the carport to the garage. The small bathroom on the casita was pushed out and looked tacked on. Regarding the main house addition she did not think the exception criteria had been met. Although it is a million-dollar home which usually has a large master bedroom, that is not necessarily true for historic homes. She also did not think the full range of options has been met. Moving the garage forward on the west side would be preferable. In particular, the preservation of the east side which is a classic historic style should be kept. Also the footprint around the exterior is 1912 and 1956 and remodels are in back to the house. The additions have not compromised the historic footprint and hoped they would preserve the street-facing elements that are characteristic of the street. Adding on to one of them when there are few left was not good.

The report on the door should be more vigorous. They need to submit a report of the evidence that it is actually beyond repair. She didn't see that in the packet and the HCPI does say it appears older and includes the wooden screen door. Even if added in the sixties, it could be historic.

She asked if the door is set back on that wall.

Mr. Maahs said the wall is adobe and door is flush with the inside.

Member Biedscheid pointed out that is a special treatment and restoring in-kind would be important there.

Mr. Maahs noted that the pediment is to remain, and the door is comparable to the existing door and would be set back. And the screen door could remain if it is the will of the Board. And the materials to be used are historic appearing. The front door is in conjunction with incorporating throughout. There is a U shape between the garage and the extension of the bathroom. That open space is only there because of electric meters there. It would require a major electric move to enclose that. We thought moving all the electric and then having to build something on the front of the carport would have to be included in that extension so that is why we extended it.

### Action of the Board

Mr. Gemora reminded the Board that Staff did recommend an exception for additions and stucco type for the casita.

Member Katz thought the Board would need to postpone the case for noticing the additions.

Mr. Gemora agreed. The total additions would require an exception.

**MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-18-124B. 636 Garcia Street to postpone the case to a date certain of February 12, 2019, for applying for an exception of the 50% rule and providing proper notice.**

Mr. Gemora asked for the motion to clarify if the next public hearing would be just on that exception or on the entire case.

Member Katz said it would be on the entire case to give the applicant a chance to revise the exception criteria that were still not met.

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

Member Roybal asked Staff to give Mr. Maahs better direction on the exceptions to be addressed.

2. **Case #H-19-006. 841 East Alameda Street Unit C.** Downtown & Eastside Historic District. D. Maahs Construction, agent for Patrick Rayes Family Partnership Ltd., owner, proposes a 205 sq. ft. addition to a second story and various window and door changes to a non-contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the staff report.

### **BACKGROUND & SUMMARY:**

841 East Alameda Unit C (also recorded as Unit #3) is part of a six-unit condominium designated non-contributing to the Downtown and Eastside Historic District. Built in 1983 between East Alameda and Palace Avenue, the building is a mix of one and two stories built to a height of 21'-0" with modern, simplified design features and characteristic brick coping on most of the parapets. The applicant proposes a 205 sq. ft. addition and various changes to windows and doors.

The 205 sq. ft. addition will expand an existing second story bedroom and will have brick coping at the same parapet height to match the existing second story. The

addition will replace the existing second story deck area and a new deck will be built on top of the existing sunroom roof. The addition would remove two rooftop chimneys and would be setback approximately 80'-0" from East Alameda. The addition and all infilled areas would use El Rey cementitious "Buckskin" colored stucco.

The applicant also proposes the following changes to doors and windows, all using a dark bronze finish, divided lites, and being at least 3'-0" from outside corners to match existing:

1. A wooden storage unit door and four small (~6") windows facing the courtyard on the first floor will be replaced with four medium-sized windows on the first and second stories (east and south elevations).
2. The bedroom addition on the second floor will replace two doors and two windows that open onto the second-floor deck with a similar arrangement (south elevation).
3. The existing first floor sunroom will be infilled, and two new doors and windows will be installed on the south elevation with an additional window on the east elevation.
4. A smaller window on the east elevation will be infilled and three medium-sized windows will be installed on the first and second floors.

#### **RELEVANT CODE CITATIONS:**

14-5.2(E) Downtown and Eastside Design Standards

– (2) Recent Santa Fe Style

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

#### **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 asked if the proposed deck goes over something existing.

Mr. Gemora said it is over the sun room and living room.

Member Roybal asked if it is 80' back from the streetscape.

Mr. Gemora agreed.

Member Roybal asked if people driving by would not see it.

Mr. Gemora said they would not notice it immediately.

Member Roybal asked if it is noncontributing.

Mr. Gemora said yes.

#### Applicant' Presentation

Mr. Maahs, (previously sworn) thought it is a beautiful design. The only visibility, if you don't drive in, is to the east of the building where you can actually see it. He shared the rendering with the Board members. He had nothing else to add.

#### Questions to Applicant

Member Katz thanked Mr. Maahs for making it so graphically clear what he was proposing to do.

#### Public Comment

Ms. Beninato (previously sworn) thought the visibility was almost non-existent, and it was not visible from Palace. It is noncontributing, and there have been many concessions to the condominium development, so there is no reason why you would deny it.

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

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Biedscheid, in Case #H-19-006 at 841 East Alameda Street Unit C, to approve the application as recommended by Staff.**



**VOTE: The motion passed by unanimous (3-0) voice vote with Members Biedscheid, Katz and Roybal voting in the affirmative, none voting against.**

3. **Case #H-19-007. 438 Apodaca Hill.** Downtown & Eastside Historic District. Lee Lewin, agent/owner, requests retroactive approval for a 72 sq. ft. heated and 51 sq. ft. portal addition on a non-contributing residential structure. (Carlos Gemora)

Member Biedscheid said, "For the record, I would disclose that the applicant is the director of a school my daughter applied to attend." She said that wouldn't affect her decision with this case.

Chair Rios thanked her for the disclosure.

#### Staff Report

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

438 Apodaca is a two-story residential structure built in 1988 in the Spanish-Pueblo Revival style and designated non-contributing to the Downtown and Eastside Historic District. In 2015, the applicant received approval and built a 1,300 sq. ft. addition and 160 sq. ft. portal to the north and west elevations (rear & side) (H-08-047) which resulted in a 3,600 sq. ft. roofed and 4,400 sq. ft. heated building.

The applicant requests retroactive approval for a 72 sq. ft. addition and a 51 sq. ft. portal extension. The addition and portal are located on the southeast corner of the building where there was once an approximately 75 sq. ft. uncovered patio.

The addition is stuccoed with cementitious El Rey "adobe" colored stucco to match the existing house and is approximately 12'-0" high (building is approximately 24'-0" high). Two true-divided-lite windows, a door, and a scone light were relocated on the addition and are at least 3'-0" from the corner. A skylight is installed behind the parapet and is not visible to the public.

The new portal has a treated-to-rust corrugated tin shed roof to match the existing portals on the west elevation. The portal is supported by two 8" diameter wooden columns and an 8" x 10" cross beam all stained with a natural oil finish to match the existing portals.

#### **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 asked if this project is already completed.

Mr. Gemora agreed. The project was done and then red tagged.

#### Applicant's Presentation

Ms. Lee Lewin, 438 Apodaca Hill, was sworn and said, "We didn't know the rules well enough and the project was small. That is why we did it. The exterior is finished but not the interior."

#### Public Comment

Ms. Beninato (previously sworn) said it was not something that had a roof on the patio and to say you did not know, ignorance under the law is no excuse. It needed approval and I find it pathetic that people come with that excuse.

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Roybal, in Case #H-19-007 at 438 Apodaca Hill, to approve the application as recommended by Staff.**

**VOTE: The motion passed by unanimous (3-0) voice vote with Members Biedscheid, Katz and Roybal voting in the affirmative, none voting against.**

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

There were no matters from the Board.

#### **J. ADJOURNMENT**


The meeting was adjourned at approximately 7:00 p.m.

Approved by:



\_\_\_\_\_  
Cecilia Rios, Chair

Submitted by:



\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.

## Historic Districts and Historic Landmarks

## Height, Pitch, Scale, Massing, and Floor Stepbacks Exception Criteria

## 5" EXTENSION OF THE MASTER BEDROOM-NORTH FAÇADE REVISED 1.22.19

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

Response: The proposed extension is on the north façade of the structure which parallels a driveway between this residence and set back residences to the north. The solid wall extension does not change the streetscape.

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

Response: The existing million dollar home has two small bedrooms, 1 full bathroom on that side of the home and essentially no closet space. The client and the design team have striven to provide functional closet space and a master bathroom to meet the family's needs. Having no closet space or master bath does create a hardship to the family and the owners.

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

Response: The proposed addition is a 5' extension of mass and does not significantly affect the historic values of the structure as it is an extension of a 1995 remodeled wall and on the driveway side of the house. It is neutral. It does not strengthen or detract.

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

Response: The 10' setback is not architecturally feasible. It is noted that the HDRB has determined three elevations to be historic and primary. Any addition to the existing structure would likely involve one or more of the three elevations.

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

Response: The 10' setback is not architecturally feasible. It is noted that the HDRB has determined three elevations to be historic and primary. Any addition to the existing structure would likely involve one or more of the three elevations. Again, it is noted that the current structure is hampered for family usage by the inability to add closet space into the bedroom areas

and have a master bathroom. It is proffered that this would be the case for any family needs in a home of this value and so therefore are not a result of the actions of the applicant. The clients have chosen to invest in the Santa Fe Historic district and find these minimum alterations to the structure are required for the needs of the family.

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

Response: The HDRB approved remodel of this façade in 1995 sought to raise the roof to the height left of the chimney and straighten a wall of what appears to have been angled windows facing west. (See 1994 proposed and existing drawings). The additions meets the square footage requirements of 14-5.2[D][2][d] and will be attached to what is now a noncontributing portion of the structure. An exception is requested to the 10' setback as it is not architecturally feasible and is an extension along the driveway.

The homeowner is amenable to extend the brick coping fully across the parapet right of the chimney to match the historic material to the left of the chimney.



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1005 MARKERS FOR HVAC

