



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, September 10, 2019 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, September 10, 2019 at 5:30 P.M.

CITY COUNCIL CHAMBERS

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

### CALL TO ORDER

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES: August 27, 2019
- D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #2019-000648-HDRB, 1472 Canyon Road.

Case #2019-000637-HDRB, 500 Montezuma Avenue.

Case #2019-000673-HDRB, 112 Camino Escondido Unit 2.

Case #H-19-055, 727 and 729 Canyon Road.

Case #H-19-054B, 540 Canyon Road.

Case #H-19-056A, 4 Montoya Circle.

Case #H-19-057, 3 Plaza Fatima.

Case #H-19-059, 1300 Canyon Road Unit J.

Case #H-19-053, 151 Gonzales Road Unit 22.

Case #H-19-045B, 917 Acequia Madre.

Case #H-19-061A, 215 Delgado Street.

Case #H-19-058, 500 Apodaca Hill.

Case #H-19-060, 1146 Canyon Road.

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

1. Case #2019-000702-HDRB, 247 and 247 1/2 Rodriguez Street. Downtown and Eastside Historic District. Jenkins Gavin, agent for BRS Properties, owner, proposes to demolish two residential structures, an accessory structure, and a yardwall, to repair a yardwall, and to build a new retaining wall on a non-contributing property. (Carlos Gemora, [cgegemora@santafenm.gov](mailto:cgegemora@santafenm.gov), 955-6670)
2. Case #2019-000696-HDRB, 607 Agua Fria Street Unit 1. Westside-Guadalupe Historic District. Design Solutions, agent for Gary Goldstein, owner, proposes to construct a 150 sq. ft. addition on a non-contributing structure. (Lisa Roach, [lxroach@santafenm.gov](mailto:lxroach@santafenm.gov), 955-6577)
3. Case #2019-000701-HDRB, 515 Don Gaspar Avenue. Don Gaspar Area Historic District. Steven Reimann, agent/owner, proposes to re-roof a significant non-residential structure not in-kind. An exception is requested to replace historic materials not in-kind (Section 14-5.2(D)(5)(b)). (Lisa Roach)

### H. MATTERS FROM THE BOARD

### I. 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: September 4, 2019

TIME: 3:19 PM



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3. Case #2019-000697-HDRB, 553 Agua Fria Street. Westside-Guadalupe Historic District. Dale Zinn, agent for Randi Lowenthal, owner, proposes to reconstruct the front portal, replace the rear portal, repair windows, replace a door, remove chimney, install HVAC, and re-roof a contributing residential structure. (Lisa Roach)
4. Case #2019-000701-HDRB, 515 Don Gaspar Avenue. Don Gaspar Area Historic District. Steven Reimann, agent/owner, proposes to re-roof a significant non-residential structure not in-kind. An exception is requested to replace historic materials not in-kind (Section 14-5.2(D)(5)(b)). (Lisa Roach)

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: August 21, 2019

TIME: 10:07 AM

**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
**SEPTEMBER 10, 2019**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
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C. Approval of Minutes - August 27, 2019	Postponed	2
D. Findings of Fact & Conclusions of Law		2-3
Case #2019-000648 HDRB	Postponed	
Case #2019-000673-HDRB	Postponed	
Case #2019-000637-HDRB	Postponed	
Case #H-19-055	Approved	
Case #H-19-053	Approved	
Case #H-19-054B	Approved	
Case #H-19-045B	Approved	
Case #H-19-056A	Approved	
Case #H-19-061A	Approved	
Case #H-19-057	Approved	
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2. Case #2019-000696-HDRB 607 Agua Fria Street Unit 1	Approved	14
3. Case #2019-000701-HDRB 515 Don Gaspar Avenue	Denied	15-20
H. Matters from the Board	None	22
I. Adjournment	Adjourned at 7:55 p.m.	22

**MINUTES OF THE  
CITY OF SANTA FE HISTORIC DISTRICTS REVIEW BOARD  
SEPTEMBER 10, 2019**

**CALL TO ORDER**

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

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Mr. Frank Katz, Vice Chair  
Ms. Jennifer Biedscheid  
Mr. Anthony Guida  
Mr. Herbert Lotz

**MEMBERS EXCUSED:**

Ms. Cecilia Rios, Chair  
Ms. Flynn G. Larson  
Mr. Buddy Roybal

**OTHERS PRESENT:**

Mr. Carlos Gemora, Senior Planner  
Ms. Lisa Roach, Planner Manager  
Mr. Gabe Smith, Assistant City Attorney  
Ms. Melissa Byers, 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 Preservation Office and available on the City of Santa Fe Website.

**B. APPROVAL OF AGENDA**

Two changes were made to the agenda: Item C Approval of the Minutes was tabled until the next agenda and Item F Communications was moved after Action Items.

**MOTION:** Member Beidscheid moved, seconded by Member Guida, to approve the agenda as amended.

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

**C. APPROVAL OF MINUTES: AUGUST 27, 2019 (postponed)**

Vice Chair Katz noted some findings are old cases for which they have minutes and the newer cases have the new numbering system.

**D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Case #2019-000648-HDRB. 1472 Canyon Road

Case #2019-000637-HDRB. 500 Montezuma Avenue.

Case #2019-000673-HDRB. 112 Camino Escondido Unit 2.

Case #H-19-055. 727 and 729 Canyon Road.

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Case #H-19-057. 3 Plaza Fatima.

Case #H-19-058. 500 Apodaca Hill.

Case #H-19-059. 1300 Canyon Road Unit J.

Case #H-19-060. 1146 Canyon Road.

**MOTION:** Member Biedscheid moved, seconded by Member Lotz, to approve the Findings of Fact and Conclusions of Law for **Case #H-19-055**, 727 and 729 Canyon Road; **Case #H-19-053**, 151 Gonzales Road Unit 22; **Case #H-19-054B**, 540 Canyon Road; **Case #H-19-045B**, 917 Acequia Madre; **Case #H-19-056A**, 4 Montoya Circle; **Case #H-19-061A**, 215 Delgado Street; **Case #H-19-057**, 3 Plaza Fatima; **Case #H-19-058**, 500 Apodaca Hill; **Case**

**#H-19-059**, 1300 Canyon Road Unit J; and **Case #H-19-060**, 1146 Canyon Road, as presented.

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

**MOTION:** Member Biedscheid moved, seconded by Member Guida, to postpone to the next meeting, action on the Findings of Fact and Conclusions of Law for Case **#2019-000648-HDRB**, 1472 Canyon Road; Case **#2019-000637-HDRB**, 500 Montezuma Avenue; and Case **#2019-000673-HDRB**, 112 Camino Escondido Unit 2.

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

#### **E. BUSINESS FROM THE FLOOR**

*Stephanie Beninato* questioned why there were so many different standards for cases before the Board. There is a standard for the 1% on hardship, one for people who are employees, and at 616 Galisteo they added a porch and have no permit. The owner knows there should be a permit. The roof of the porch was removed but the uprights are still permanently in place and there is a gap in the parapets. She wanted to know why the house was not red tagged and brought before the Board.

Ms. Beninato questioned why the inspector failed to notice the degradation of 616 1/2. No work has been done except to remove windows and vigas and a tarp is on the roof. A concrete cap was put on the walls on the south side, but the house continues to seriously degrade.

Ms. Beninato stated she has brought this to the Board's attention more than once and provided photographs. The structure is from 1886 and has been in the Armijo family the entire time. The Armijo's have lived in the structure for eight years mortgage free. The owner is a City employee and her husband a mortician and it would be absurd to think they do not have money to do the roof and stucco.

She noted this is under the Board's purview by demolition by neglect and reprimand after demolition is useless. She also asked to have the design process show where the parking would be because that can impact the view of the primary façade. She gave the example where there should have been a curb cut on Don Cubero to allow two parking places. That was amended and apparently will now be parallel parking directly in front of the primary façade, totally blocking it.

Ms. Beninato thought it important the Board determine where the parking would be and how close it would be to a primary façade. That is part of the purpose of the ordinance.

*Mr. Glen Long* at 1604 Camino de Cruz Blanca stated he wanted to alert the Board of the devastation of the hillside at 700 Joaquin Lane, permit # 19-1246. Both the project as well as his home are in the historic review and escarpment overlay district. The review was approved by staff on February 20, 2019 but never submitted to the Board. Construction began early this summer and signs were never posted. He was never informed of how much earth movement was involved. Joaquin Lane is a private street with a sign stating, "no trespassing" and three weeks after he notified the Building Department there is still no sign.

Mr. Long stated the hillside has been drastically altered and the front of his home that used to look at a beautiful hillside now has 20 vertical feet of retaining walls almost the entire length of the property. The construction plans show the house will rise another 13 feet and he will now be looking at 34 vertical feet of stucco. He remotely determined the height by the existing cinderblocks and offered to share his photos. The building plans contain a primitive landscaping plan with 30 Piñon Pines between 6-8 feet and not one would shield the retaining walls. There are two trees on the west side and several on the east side that shield the house from the neighbor's driveway, but nothing to shield the walls that face his home.

Mr. Long offered a copy of the plan highlighted with the location of the trees. The neighborhood's discrete homes blend well with the spectacular hillside but he found nothing discrete about this project. The amount of earth movement should never have been approved in the historic review district and will be a horrible blemish.

Mr. Long was particularly upset with the lack of notification. He said that would have provided an opportunity to know about the massiveness of the project and to protect his rights. The homeowner, at the very least, should be required to shield the horrific retaining walls.

*Mr. Greg Betz*, 1604 Camino de Cruz Blanca said he was amazed the City would "go to the mat" over the definition of what an earth tone stucco color is, yet at staff level allow a 20-foot-tall, more than 100 feet long retaining wall without shielding of landscaping. The visual impact is larger than the water tower at St. John's College.

Mr. Betz thought in 2019 the City should have a method of notifying neighborhoods within a thousand feet of a proposed development. Especially a residence of 5,000 ft. where people may have an interest in the design, the setbacks and the landscaping aspects. This plan set had no separate landscaping.

*Vice Chair Katz thanked Mr. Betz for his comments and encouraged him to speak with the Land Use Department director. This project does not come to the HDRB. He stated regarding the notification, there are ways that can be done but is a question of what is required by code. He suggested Mr. Betz talk with the Governing Body who has control over that.*

*Ms. Kate Carswell, 1608 Camino de Cruz Blanca said there are two more projects coming across from this project. She asked how to prevent this from happening again and where to find help before "two more monstrosities" ruin the hillside.*

*Vice Chair Katz repeated his suggestion to Mr. Betz adding to write letters to the newspaper and send photos.*

*Mr. Raymond Herrera stated his concern was on a different subject but he wanted it on the record. The west side of San Francisco Street that adjoins the El Dorado has not had a final coat of color. His concern was they would do the whole block in the same color of the El Dorado and if the same color, would become a massive block of El Dorado rather than two separate units.*

*Vice Chair Katz asked staff to provide an update on that at the next meeting.*

#### **F. COMMUNICATIONS**

Postponed to the end of the agenda.

#### **G. ACTION ITEMS**

- 1. Case #2019-000702-HDRB. 247 and 247 1/2 Rodriguez Street. Downtown and Eastside Historic District. Jenkins Gavin, agent for BRS Properties, owner, proposes to demolish two residential structures, an accessory structure, and a yardwall, to repair a yardwall, and to build a new retaining wall on a non-contributing property. (Carlos Gemora, cegemora@santafenm.gov, 955-6670)**

Mr. Carlos Gemora presented the staff report as follows:

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

247 and 247½ Rodriguez Street consist of an approximately 1,600 sq. ft. principal and 950 sq. ft. detached guesthouse built in the Spanish-Pueblo Revival style and designated non-contributing to the Downtown and Eastside Historic District. According to Historic Cultural Properties Inventories (HCPI) from 2018, the principal building was built around



the 1920's or 1930's, the casita was built by the early 1940's and a collection of yard walls are mostly non-historic.

In July of 2019, the Board downgraded both the casita and the main house to non-contributing after reviewing a structural engineering report and considering testimony from a historic building contractor and the applicant. The determination of the Board was based on a lack of remaining structural and historic integrity (H-18-126A & H-19-049A).

The applicant requests approval to demolish buildings and yard walls on the property, proposes to restore a yard wall, and proposes to construct a new retaining wall in the casita's footprint.

- 1) The applicant proposes to demolish:
  - a) The non-contributing principal house,
  - b) The non-contributing casita,
  - c) The associated yard walls, and
  - d) A temporary steel shed.

Though the two buildings have historic elements, both the City and the applicant's consultants have determined the buildings to be structurally unstable and the Board determined the buildings lack historic integrity (H-19-049A). The associated yard walls and steel shed are not historic. In reviewing the demolition criteria – whether the structure has historic importance, whether it is an essential part of the streetscape, and structural stability – staff recommend approval of the demolition requests (see applicant letter for their criteria responses).

- 2) The applicant proposes to repair and maintain the existing rock yard and retaining walls. Most of the existing yard walls are on the perimeter of the property and along an elevated slope on the northeast side of the property.
- 3) In the middle of the property is a retaining wall with a stone base but stuccoed upper walls – the only stuccoed up finish that would remain on the property. The applicant proposes to clad the face with stone to match the base of the wall and other walls proposed to be maintained on the property.
- 4) The existing casita has an exterior set of stairs on the eastern side of the building and which the applicant proposes to maintain. Because the casita currently retains higher grades on the north and east building walls and in order to maintain the stairs and a similar existing grade, the applicant proposes to replace portions of the casita's north and eastern building walls with a rock retaining wall not to exceed 3' high and wrought iron railing. Though grading, drainage, and landscaping are not within the board's purview, the applicant plans to maintain existing trees and shrubs, proposes to re-grade the existing building area, and to plant native grasses and wildflowers.

### **STAFF RECOMMENDATION:**

Staff find that all demolition criteria have been met and recommend approval of the demolition of non-contributing structures and yard walls per 14-3.14 Demolition of Historic or Landmark Structure.

### **QUESTIONS FOR STAFF**

Member Biedscheid asked the difference between Case #H-18-126A where the property was designated contributing and the most recent decision in Case #19-49A.

Mr. Gemora explained Case #18-126A was a request to downgrade. The Board did not downgrade the buildings, the applicant and owner were different. The applicant had argued that the two buildings were structurally unstable. Visual analysis did not confirm that, and the Board found no evidence of that. The building was sold to a different owner after that determination who hired a structural engineer and historic building contractor. They reevaluated the structure and returned to the Board with additional, precise information; the completion of the HCPI and engineering report from Hands Engineering, and a letter from Bonnie Armijo. They argued the building did not have structural stability.

The Board used that information in the 19-49A case and agreed and both structures were downgraded.

### **APPLICANT'S PRESENTATION**

Ms. Colleen Gavin, 130 Grant Ave was sworn. She stated she agreed with staff's recommendation.

Mr. Guida asked the purpose of keeping the walkway and rebuilding the north and east walls of the casita.

Ms. Gavin referred to the drawing, pointing out the north side of the property had a significant grade change. There was an option to get rid of the retaining section or have a nicely sloped terrain north to south. However, the applicant is making an effort to restore and stabilize the existing stone walls primarily along the perimeter. The original structures from the 30s have sentimental family markings showing the history. They thought it a nice amenity to maintain the grade change and keeping the retaining not to exceed 36 inches and allow the established vegetation of old cacti and shrubs. A handrail will be installed where it exceeds 36 inches, as required by code.

Mr. Guida confirmed the intent was to keep the driveway, front walk and stairs.

Ms. Gavin agreed the existing driveway, the wrought iron gate and fencing would remain. She explained the property would not be accessible to the public after demolition and would be maintained and used as a private open space.

## **PUBLIC HEARING**

*Mr. Raymond Herrera*, 279 Hillside, was sworn. He voiced concern about the downgrade of the property. He said he pushed to preserve the main house and could not understand the decision that the main house was unstable. He wanted to meet with the engineer, etc. on site to see why the house was not stable.

Mr. Herrera said the house was built in the 20s and has a stone foundation, but part of his house was built 250 years ago and the stone foundation has lasted. He was not able to get into the main property, but agreed the back guesthouse was totally demolished, and the roof was caved in and should be removed. The main house structurally looked good. He thought only the little room in the front on the right needed removal.

Mr. Herrera noted there are houses in Santa Fe, one on lower Rodriguez at Hillside that are in worse shape and they were required to maintain the walls. He asked who spends that kind of money just to have an open space for themselves. He said he has seen what is happening in Santa Fe the last 40 years. No one could convince him this plan will benefit the neighborhood. The house is part of the neighborhood and both the property and house are beautiful. That should be maintained. He asked if Board members had visited the property.

Vice Chair Katz replied they did a field visit before the last meeting and walked through the house, which was more thorough than usual. He said the Board unanimously agreed the house was unstable.

Mr. Herrera said he felt bad the house would be demolished. He hoped when a new buyer or this buyer decides to build something, that the neighborhood would have an opportunity to see the plan.

Ms. Roach asked to clarify the Board's decision, recalling that the Board did not make a foregone conclusion about demolition based on the structural integrity. Although structural integrity did come into play in making the decision.

Mr. Gemora added the Board had discussed historically contributing features. They thought the home itself, regardless of structure, did not have the integrity that would make a contributing building. He thought their decision was a combination of both.

*Ms. Stephanie Beninato*, P.O. Box 1601, was sworn. She stated she attended the last meeting and thought the structural integrity of the house was a major factor in the Board's decision to downgrade. Other comments made were that "the house was not part of the streetscape and was set back", and that there was no foundation. She noted there is a rock foundation and believes that a misrepresentation of what is there.

Ms. Beninato said it was hard to believe the land would remain vacant and thought eventually it would be resold or have development. The house though small and setback, does contribute to the neighborhood. She thought to approve the demolition would be a loss and other buildings were required to preserve the walls. The Board has not been thinking outside of the box of the report and application.

### **BOARD DISCUSSION**

Member Biedscheid indicated she had missed the meeting where the decision was reversed. She recalled the Board designated the east hillside as contributing because the door was centered and had excluded the punch-out over the door. And there were contributing characteristic features.

She said she respected the Board's decision in her absence and thought the decision was due to a stability issue. She noted the two new inspection reports; one from engineering stating there was a visual inspection and that no plans were available. The other report was a three-paragraph letter but lacked detail. She was not sure she would have made the same decision. She was concerned about a reversal without a solid basis for the instability or change in the property. She noted the Board did have the HCPI the first time and the only thing different was the two professional engineering opinions.

Mr. Gemora noted there was also an added HCPI for the casita. In the first hearing the principal structure was designated contributing and the casita was described as a ruin with no other details in the HCPI. The Board had requested a complete HCPI of the casita as well.

Member Biedscheid asked the status of the casita.

Mr. Gemora noted the casita started on page 40 where the location is 247 ½ and many of the details were redundant with 247's HCPI, but there were additional details on the casita.

Vice Chair Katz noted the recommendation was made January 16, 2019 and the HCPI had stated it as contributing.

Mr. Gemora said he assumed that the author of the HCPI for the casita did not change the survey. The Board did not have the information at the original hearing.

Member Biedscheid noted the letter that designated the property as contributing and requesting a hearing and that was held January 8, 2019. The Board postponed the designation of the casita until further information.

Mr. Gemora said that would have been Case #18-126A and the Board did not have the information about the casita then. According to the project description the structures were already designated contributing. On January 8th the primary residence was

redesignated as contributing with primary façades. The status hearing on the casita was postponed.

Member Biedscheid thanked them for catching her up on the matter.

Mr. Gemora added that as is, the Board had designated noncontributing. He provided the three criteria for demolition: whether the structure is of historic importance; whether the structure is an essential part of the unique street section or blockfront; and whether the street section/blockfront would be reestablished by a proposed structure, in addition to the state of repair and structural stability. The Board could ask for additional information but had designated this as noncontributing and had reviewed structural stability. They also discussed individual criteria of demolition at the last hearing.

Member Guida asked how the language was phrased in the criteria.

Mr. Gemora read in 14-3.14 *Demolition of Historic or Landmark Structures*: The Board should consider some of these standards and in its consideration should look into the state of repair and structural stability of the structure under consideration. He noted that would not mean they could not demolish a structure in poor repair or structurally unstable, or that the structure had to be demolished. The criteria are merely a consideration for the Board.

Member Guida asked the standards for downgrade and status.

Mr. Gemora indicated he did not have the definition of contributing before him. He explained usually it would look at historic integrity, including the ability for a structure to convey historically contributing features, and would rely on repair or stability to convey those features.

Member Guida said integrity of features and structural stability may be two separate things.

Mr. Gemora replied they are separate but connected, but not exact. A building determined as not having enough integrity to be contributing is not saying the building does not have the structural stability to function. Similarly, the Board could say that a building with poor structural stability does not have historic integrity because it does not have structural stability. Those are not direct correlations.

Mr. Herrera said for the reasons Mr. Gemora stated, if the Board understood them, they should upgrade the building.

Vice Chair Katz recalled the decision to downgrade to noncontributing was a 3-1 decision based entirely on the condition.

Ms. Roach said in thinking about the integrity of a building to convey its historic significance, the structural stability is one aspect of integrity that would not necessarily require demolition. In some ways whether to demolish is irrespective of status. The Board could require structural problems be fixed when possible. If they did not have the information to make that determination, they could request additional information. That report might not be sufficient if the structural report failed to look at building plans and examine the building systems.

Mr. Guida agreed. He recalled the discussion on the School for the Arts had some of the buildings not contributing and demolition was rejected for different reasons. He remembered the last discussion centering around the integrity of features and whether those made a case the building was contributing. That was a separate issue from the integrity of the foundation and information provided is not an in-depth construction/engineering report. He noted the letter suggested the engineer could answer additional questions and he was open to that.

Vice Chair Katz talked about the problem with the amount of demolition by neglect and that the Land Use Department was aware of that. It upsets preservationists and letting a building fall apart and then rebuilding it was not acceptable.

Member Guida asked if the Board asked for more information before making a decision on the demolition of the main house, would that be in a new report, or testimony from the structural engineer.

Ms. Gavin noted Bonifacio Armijo was present, the historical contractor who assessed the property. She invited him to address the Board's statements.

She pointed out that at the last hearing a large part of the conversation was the number of alterations over the years of the main house structure. Photographic evidence was presented with testimony and an assessment from Mr. Armijo. She recalled the discussion was not just about structural integrity. She agreed demolition of structure archetypes in the downtown Eastside district should not be determined by whether the structure is decayed or neglected.

Ms. Gavin explained the owners bought the property to restore the integrity, but structural deterioration in the main house was irreversible.

Vice Chair Katz commented that all of that had been considered when they retained the contributing status. The back on the west side that was built was noncontributing with the additions but approaching the house you saw only the original structure. That was the basis for the decision not to downgrade.

Mr. Bonifacio Armijo was sworn. He indicated he has known the owner for over 20 years and restored four historical homes for him, two are on the National Historic Register. The owner has a history of restoring homes to their finest.

Mr. Armijo said he is not prone to demolition but when a structure is neglected many years it becomes impractical to restore. He described the main house living room drops about 8-10 inches from one end to the other. The southside wall has decayed and the laundry room east wall has structural problems. The roof is rotten and was in the report as original contributing and the portal was completely unfit and had nothing historic. Jim Hands determined the building to be structurally unsound and Mr. Armijo said he agreed. He saw no point in salvaging the buildings.

Member Biedscheid voiced concern that the reversal in decision was seven months apart in two hearings and nothing had changed in that time, but the presentation of the material. She questioned reversing the decision without the governing body being involved and was uncomfortable with the series of events.

Mr. Gamora referred to page 27 of the minutes where Members Katz and Larson had similar questions. City attorney Sally Paez stated, *in a case where there is new evidence submitted it is appropriate to reconsider if there is new information of facts regarding what makes a structure contributing.*

He and his staff thought with the additional information, the Board should have the option to reconsider before this was sent to the Governing Body on appeal. Also, this is a new applicant with new information.

Member Biedscheid stated she did not see a vast difference in the quality of the reports.

Mr. Gemora noted for the record that Mike Purdy, who was the City's building official, had looked at the structure in October and said the buildings were in disrepair and should be stabilized. That is different than an evaluation.

Ms. Roach added for the record that thinking about how to produce standards for demolition by neglect and how to enforce the cases, Mr. Purdy's letter reveals this was a case of demolition by neglect. Enforcement should have been taken.

Ms. Biedscheid said she would preface her motion by saying she did not think the status of the property is controlling of the demolition. With respect to the demolition criteria, the property is historic and has historical importance. She agreed the property is not an essential part of the streetscape but was unclear about the structural ability. Some letters stated it should be stabilized, indicating it may *not* fall down and something could be done. She did not see a determination saying there was no way to save it. There was not enough information in the application to approve the demolition.

**MOTION:** Member Biedscheid moved to deny the demolition request of the main house and to approve the demolition request of the casita, seconded by Member Guida.

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

Member Biedscheid stated if there is another report the case could come back.

Mr. Gemora said if the Board was stating the applicant could return would they provide standards as to what would come before the Board versus an appeal to the Governing Body.

Vice Chair Katz replied that would be up to the applicant to prove why the building could not be stabilized.

Mr. Gemora pointed out there was a motion made for 1A, the principal house, which was rejected and 1B, the noncontributing casita was approved. No determination was made on the non-historic associated yard walls connected to the principal house; the temporary steel shed; the maintenance and repair of existing rock walls and retaining walls; and redoing the existing stone and stucco wall with a stone exterior. Action was needed on 1C, 1D and 2 through 5.

Vice Chair Katz noted the existing stone wall stucco would not change with the decision to deny demolition of the primary.

Mr. Gemora clarified that the wall in question was #3 - the middle stucco wall. The proposal would keep the wall and bring the rock up to the side of the stucco.

Member Guida pointed out the applicant is making the case for stabilization or the preservation plan for their property and the decision may have to be modified. He recommended the entirety of the decision be postponed until all parts could be considered comprehensively and interrelated.

**MOTION:** Member Guida moved to rescind the previous motion, seconded by Member Lotz.

**VOTE:** The motion passed by majority (3-1) voice vote with Vice Chair Katz, and Members Guida and Lotz voting in favor and Member Biedscheid voting against.

**MOTION:** Member Guida moved to have the applicant return to the Board on October 8, 2019, with additional information from the structural engineer and resubmit a plan for partial or full demolition of the structures or partial replacement, seconded by Member Biedscheid.



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

2. **Case #2019-000696-HDRB. 607 Agua Fria Street Unit 1. Westside-Guadalupe Historic District. Design Solutions, agent for Gary Goldstein, owner, proposes to construct a 150 sq. ft. addition on a non-contributing structure. (Lisa Roach, lxroach@santafenm.gov, 955-6577)**

Ms. Roach presented the staff report as follows:

**BACKGROUND & SUMMARY:**

607 Agua Fria Street Unit 1 is a single-family residence, known as the Tapia House and originally constructed prior to 1912 in a vernacular manner. Sometime between 1949 and 1992, the residence was substantially altered, resulting in demolition of more than 50% of the original structure. In 1995 and again in 2011, the residence was extensively remodeled. As a result of substantial alteration, the building is presently listed as non-contributing to the Westside-Guadalupe Historic District.

Now, the applicant proposes to construct a 150 square foot addition on the east elevation of the existing Living Room, expanding an existing non-historic addition. Proposed windows are white clad wood windows to match the existing lite pattern, operability and materials, and proposed corrugated metal roofing will also match the existing.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(I) Westside-Guadalupe Historic District Design Standards.

**QUESTIONS FOR APPLICANT**

Tim Curry, 1415 W. Alameda, was sworn and asked for approval as submitted.

*There were no questions and comments from the public.*

**MOTION:** Member Biedscheid moved, seconded by Member Guida, to approve the application as submitted and consistent with the staff recommendation.

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

3. **Case #2019-000701-HDRB. 515 Don Gaspar Avenue. Don Gaspar Area Historic District. Steven Reimann, agent/owner, proposes to re-roof a significant non-residential structure not in-kind. An exception is requested to replace historic materials not in-kind (Section 14-5.2(D)(5)(b)). (Lisa Roach)**

Ms. Roach presented the staff report as follows:

**BACKGROUND & SUMMARY:**

515 Don Gaspar Avenue is an unusual example of a two-story Prairie Style commercial building (formerly a residence and freestanding carriage house), listed as Significant to the Don Gaspar Area Historic District. Referred to as the Fiske House, the structure was built in 1909 and featured a second story sleeping porch, exterior walls of buff brick (now stuccoed), wooden double hung windows, and a complex series of hipped roof sections with wide overhangs, exposed rafters, and a unique stamped metal tile. Until 1959, the building was the home of Johanna "Josie" Franz Fiske, widow of Eugene A. Fiske, prominent Santa Fe attorney. City records indicate that in the 1980s, the building was used as a homeless shelter and has been in commercial use since that time.

The applicant proposes to replace the stamped metal tile roof, which is in very poor condition and has been deemed unsalvageable, with red metal pro-panel roofing. An exception is required to replace historic material not in-kind, and exception criteria and responses are provided below.

**EXCEPTION REQUEST**

An exception is requested to remove historic material and alter architectural features on a primary façade of contributing structure:

14-5.2(D)(1): General Design Standards for all H Districts

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 space that embody the status shall be prohibited.

**Exception Criteria and Responses:**

**(i) Do not damage the character of the district**

Applicant Response: The subject property is an anomaly in the district area. It is the only roof of its kind. There really is no definitive "character" of the district. The north adjoining

property (the Salmon-Greer Mansion) is red metal roof just like the roof we propose. Other properties include flat roofs, red tile, silver metal, etc. The proposed product is extremely similar to the two properties across Don Gaspar Avenue (one of which had a roof replaced in the past 12 months), and similar properties throughout the neighborhood (the Digneo House, for instance). Red metal is the most compatible product to the neighborhood.

Staff Response: Staff generally agrees with this response. There are several other examples of pro-panel roofs in the immediate area, and these can be considered compatible with the character of the district. However, staff believes there may be other options that are more compatible with the character of the significant structure in question.

**(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare**

Applicant Response: The reasons for this exception proposal is that all other options have been ruled out, since the historic roof product is not available. The existing roof must be replaced to avoid further damage to the historic building (built 1909). Leaks and pooling water occur on all three floors after each and every rain. Valuable records and equipment are at risk. Business hours are often interrupted resulting in business loss. The Applicant has made a thorough investigation throughout New Mexico and Colorado for a roof product which reproduces or is similar to the historic material, without success. The current roof product is beyond repair.

Staff Response: Staff generally agrees with this response. A hardship is clear to the applicant in that the need for a new roof is clear and that a delay in permitting a new roof is a physical and financial hardship to the applicant and presents a risk to the preservation of a significant historic structure.

**(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: See above. This is not a heterogeneous neighborhood as explained above.

Staff Response: Staff feels that this response is insufficient and that further testimony is needed for the criterion to be met. Testimony is specifically needed to demonstrate that other more compatible roofing products besides the one proposed have been researched and are not available.

**STAFF RECOMMENDATION:**

Staff feels that the exception criteria have predominantly been met and that further testimony from the applicant may provide enough information to fully satisfy the criteria.

Assuming the Board agrees that the criteria for an exception have been met, staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for all H Districts and 14-5.2(H) Don Gaspar Area Historic District.

### **QUESTIONS FOR STAFF**

Member Biedscheid asked the basis for deeming the roof unsalvageable.

Ms. Roach explained she was referencing the assessment of the roofing contractor. It was not stated in the application but was verbally communicated to her. She visually inspected the roof and it appeared to be in very bad shape.

Vice Chair Katz pointed out the roof was distinctive and the houses significant and preserving the style of the roof with something comparable would be imperative.

Ms. Roach explained it would depend on the products available and financial hardship, but preferable if possible and financially feasible. She agreed that the tiles could be remade but that would be beyond what the Board could ask. She has advised the applicant about other options and the need for additional information.

### **APPLICANT'S PRESENTATION**

Mr. Steven Reimann, was sworn. He is principal owner in a partnership to purchase the building as well as the president of Santa Fe Title Company. He is the principal occupant of the 7500 ft. house and has been in in the title business for 35 years preserving valuable records of Santa Fe County. He provided background on the building built for Eugene Fisk who died before occupying the property. He said Mr. Fisk had been sent by President McKinley to negotiate pueblo land grants. He reported he hand just put in a \$27,000 sewer line and a metal roof about 5400 ft. will be replaced. There is both flat and pitched roof portions that are currently covered in propanel, some portions are in silver or aluminum. The building is known for its appearance from the street and its gardens, not the roof and most of the roof is not visible from the street. They are considering what material to replace the roof with and have spent thousands of dollars in repairs. After a rainstorm almost 20% of the building is not usable.

The neighborhood has nothing like this roof, but they intend to conform with the neighborhood and preserving the uniqueness is of questionable value. Of the four suppliers for the roof, the average of materials is at least \$27,000 more than the \$16,000 their current contractor bid.

Member Guida asked if a preservation specialist or other design specialist had been engaged.

Mr. Reimann said no, but he had talked with Eric Enfield, an architect in town.

Vice Chair Katz disagreed about the distinctiveness of the roof because anyone driving by would notice it. He understood if Mr. Reimann was not able to redo the roof reflecting the uniqueness but that had not been shown to the Board. The roof proposed would interfere with the status of the house and unless there was no alternative should not be done.

Mr. Reimann noted the carriage house has a red propanel roof just as he has proposed. He agreed the roof is unique and requires custom construction. Replacing \$16,000 of propanel materials could cost up to \$100,000 of specialized customized roof metal. He noted the propanel on the structure is in various colors.

Member Guida stated this was a low-end option in terms of options available within a metal roof and the most expedient and least historically sensitive. As a designated significant building the roof elevation makes a huge impression on the streetscape. There is also an important aspect to the streetscape and buildings from this period which are rare and unusual in Santa Fe. Metal roofing throughout the neighborhood is a function of when the buildings were built and integral to their historic style and character of the neighborhood.

Member Guida stated the significance of the building warrants a different level of attention and a preservation specialist or historic design professional could offer more options. They could also make a preservation case for the use of a different material if a replacement could not be found. A professional could also help the applicant with design decisions about the property in general. He said he was not comfortable approving propanel for the project.

Vice Chair Katz indicated the roof is complex and does not have the same material currently and there was a lot to consider regarding materials. He confirmed with Mr. Reimann that the entire roof would be redone. He noted the possibility for the use of different products and thought the Board should discuss that.

### **PUBLIC HEARING.**

*John Eddy, 227 E. Palace Avenue* was sworn. He said he had a lot to say about the matter but much of it had been said by Member Guida and Vice Chair Katz. He stated for the record that this streetscape and block scape is probably the most iconic in Santa Fe other than the Palace of the Governors. The neighborhood contains a variety of architectural styles that are cherished and the styles are enforced. Propanel is not appropriate and the applicant identified that similar material could be produced. He said it would be expensive but would enhance the building. Also, the enhancement of this building would continue to enhance the streetscape and the status of the adjoining buildings. A preservationist could help obtain a grant to help with the special materials.

Ms. Roach said it had been assumed that economic hardship was something the Board could not consider. However, since the beginning of historic preservation it is the legal standard for defining what is an unconstitutional taking and important for the Board to consider.

She suggested inviting staff or another preservation specialist to provide more information on how economic hardship pertains to the City code.

Vice Chair Katz said it was not something they had not considered at all, but reasonableness is important. In this situation the Board was given \$180,000 versus \$90,000, without information whether that included the entire roof or just what is visible from Don Gaspar. He thought they would probably postpone the decision to allow the applicant time to provide the information because it is important to have a number of possibilities. He agreed a propanel was not the answer.

Ms. Roach asked if postponed whether the Board could suggest options. Also, it would be important to consider that portions of the roof might be done in different materials to mitigate cost.

Mr. Reimann appreciated the comments and agreed. He said he did not underestimate the historic value of the building but does have economic concerns. He asked if the Board might approve a similar product for the front streetscape of the building and allow the portions not visible to be something different. The building from Paseo de Peralta was not visible without difficulty.

Vice Chair Katz wanted to have graphics to show the roof and material used on each portion and what was proposed for each portion. The Board would want the historic part of the roof to be a similar material with an explanation why the exact material could not be used. But they would be open to different materials on different portions.

Mr. Reimann replied a big consideration is economic. He asked if the Board had ever worked in concert with the Santa Fe Assessors Office to provide relief through deferment or a reduction to compensate for the expense.

Ms. Roach confirmed there was no such program and that would not be possible and may have anti-donation issues. Staff would be open to discussing options and she offered to provide additional information to the applicant. Other suggestions were through Historic preservation grants or a State Historic Preservation Office grant or tax credit.

Member Biedscheid noted the entire neighborhood had been on the State and National Historic Registers since 1983. She disagreed with responses to criteria #1 and #3, that the roof material was not important to the neighborhood. She indicated this is not just a red roof; it has fine details and is unique. She wondered if a roof could be put underneath the existing material and the material on top preserved. Historic preservation

might be able to help with that. She voiced concern that a house with significant status had gotten to this state of disrepair.

Member Guida stated regarding the materials or options, this was not the place the Board or the owner should speculate. The roof form and factors laid out recommend a considered approach and that might result in an affordable solution for options. He suggested the applicant engage a professional and provide a complete package when they return to the Board for review. The Board would like more clarity. There were no drawings of the roof and unclear whether talking only about the corrugated roof or the whole property.

Mr. Gemora clarified that the applicant could ask for multiple options and the Board could approve multiple options. Flexibility should be considered and presented and can be included within a request or within a motion.

**MOTION:** Member Guida moved to deny the request to replace the existing roofing with propanel and asked the applicant to return with one or multiple options for roofing the entire property more appropriate to the significance of the structure. Member Biedscheid seconded the motion with an amendment indicating exception criteria #1 had not been met. The variability within the neighborhood is not sufficient for why the roof replacement would not damage the character of the district and in exception criteria #3 or strengthen the unique heterogeneous character of the City. Exception criteria # 2, indicating a significant hardship to the applicant; a full range of design options was not presented for the Board to make that determination.

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

## **F. COMMUNICATIONS FROM STAFF**

Ms. Roach explained that Mark Little was seeking feedback on the Upaya Center expansion of facilities. The Center needs to request a special use permit from the Board of Adjustment and once approved the footprint of the proposal cannot be changed. She invited Mr. Little to the meeting to get feedback from the Board.

Mr. Little said he was the designer of all of the buildings at the Upaya Zen Center and the last building built was over 20 years ago. In the last year they received a donation to fix up the residence building, a noncontributing with bunk style dorm living for the monastery. They want to make the rooms easier to stay in for those seeking a contemplative life without having four people use one bathroom. Part of the renovation would add to Resident Hall.

He has worked the last 28 years in Santa Fe and won five awards for his work and is well aware of the importance of bringing the neighborhood in early. Zoning is R2 and the special use permit would allow use for both church and school. Unfortunately, the Historic comes after the proposal to the Board of Adjustment. Any changes at that point would require going back to the Board of Adjustment.

Mr. Little talked reported he has worked to get input from the contiguous neighbors and presented to the Canyon Road Neighborhood Association and has provided information to the Board on the property. One option was to get rid of the lot line and neighbors were in favor of Upaya staying more condensed. Upaya hopes to get the valley into conservation easements so the buildable areas could never be built. They have also worked with the fire department on what would be needed.

He talked about the existing building and Residence Hall. Currently the hall has 14 beds and he is working with Land Use to make 14 *rooms*. He discussed the plan for the development of the rooms, outside space and common area. They want to keep elevation and the parapets the same with the highest point of parapets at 11'6 versus the 15'4 allowed; everything would be the traditional adobe color, and the refectory metal roof would try to keep the parapets below the existing building. River rock on site would be used to make retaining walls. They would like to have a shed metal roof portal running the length of the building which would face the Upaya campus. The neighbors to the east and the west seemed pleased with the plan. Elevations were noted on the handout.

Ms. Roach explained she was not able to answer how the Board would feel about the shed-roofed portal along the side of one end of the building and west elevation.

Vice Chair Katz said he could not answer that because they had no elevation to show that. He asked what special use would be requested.

Mr. Little explained it would be for a monastery within a church umbrella to allow for anything they would need to use it for. His understanding is that falls under the historic code.

Member Guida asked whether this was for design standards in the district or historic for a contributing building.

Ms. Roach verified the building was noncontributing. Mr. Little added the oldest parts of the building were from the 60s and add-ons took away the potential contributing status.

Vice Chair Katz said he was suspicious of the concept of a long portal; the number and type of windows that would be visible. The east elevation was appropriate, but he was unsure about the common area design. The footprint with a portal around it was not offensive.



Member Lotz asked if there was an arroyo. He was told it was the river and Upaya owns the land, most in conservation. Invitees and neighbors are allowed to walk it.

Member Biedscheid asked if the portal steps went in and out and spanned the courtyard as well.

Mr. Little pointed on the plan the steps in and out and an open walkway.

Member Guida said it would come down to the review of the design standards for him and usually new construction is measured against those standards. He supported what they were trying to do in terms of the land through tradition in a way that still fits the rules. But without knowing what it will look like in elevation he found it hard to say whether it would be successful or not. The successful parts are the hidden courtyard and the outward facing pavilion at the end of the building.

He thought the articulation of what is not a portal, but a logia, was the difficult part. There could be a way to articulate that without losing the main concept, the section detail is great. It may be a matter of refining that in the final drawings. The footprint made sense.

Mr. Little was encouraged that the Board could see his blend with a nod to Asia. He noted the building could only be seen when walking on Upaya's land and would blend in.

Member Biedscheid recommended keeping the parapets low because it made it easier for the Board to approve. She also suggested the roof be shown from above because there is visibility from Cerro Gordo looking down, which could be a consideration of the neighbors as well.

#### **H. MATTERS FROM THE BOARD**

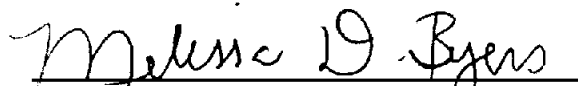
There were none.

#### **I. ADJOURNMENT**

Adjourned at 7:55 pm

Approved by:

Submitted by:

  
Melissa D. Byers, Stenographer  
For Byers Organizational Support Services

  
Frank Katz, Vice-Chair