



# Agenda

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## HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, JUNE 9, 2009 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>ND</sup> FLOOR CITY HALL

## HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, JUNE 9, 2009 – 5:30 PM

## CITY COUNCIL CHAMBERS

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. APPROVAL OF MINUTES**

April 28, 2009

May 12, 2009

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

Case #H-08-008. 610 Miller Street

Case #H-09-014. 502 Old Santa Fe Trail

**F. COMMUNICATIONS**

**G. BUSINESS FROM THE FLOOR**

**H. ADMINISTRATIVE MATTERS**

1. An ordinance amending Section 14.3-17 SFCC 1987 Appeals regarding appeal procedures for decisions made pursuant to Chapter 14 SFCC 1987, including provisions for standing to appeal, provision of notice for public hearings on appeals, proceedings before a hearing officer and proceedings before the various commissions, boards and the governing body. (Greg Smith)
2. An ordinance creating a new Section 14-5.2(M) SFCC 1987 regarding the applicability of Historic District Requirements to State Capital outlay projects involving new structures. (David Rasch)
3. Case #H-09-029. Patrick Smith Park. Downtown & Eastside Historic District. Fabian Chavez, Public Works Department, proposes to construct shade structures, a dog-run fence, a vehicle gate, and other site improvements at a non-contributing property. (David Rasch)

**I. OLD BUSINESS**

1. Case #H-08-133. 412 E. Palace. Downtown & Eastside Historic District. Lloyd & Associates, agent for Pearl Tom, proposes to amend a previous Board approval to alter yardwalls and gates on a contributing residential property. (David Rasch)

2. Case #H-09-010. 855A Camino Ranchitos. Downtown & Eastside Historic District. Robert Farrell, agent for David and Ruth Arthur, proposes construct an approximately 5,798 sq. ft. single family residence with attached garage to a height of 14'6" measured at midpoint on the street facing elevation (17'3" at highest point) where the maximum allowable height is 17' 5" and to construct a coyote fence to the maximum allowable height of 6'. (Marissa Barrett)
3. Case #H-09-013. 1047 Old Santa Fe Trail. Historic Review District. Sommer, Karnes & Associates, LLP, agents for Michael McAdams, proposes to construct yardwall, vehicular gates, and pedestrian gates to a height of 7', where the maximum allowable height is 5'5" and hardscaping on a non-designated property. (Marissa Barrett)

#### **J. NEW BUSINESS**

1. Case #H-09-027. 639 E. Palace Avenue. Downtown & Eastside Historic District. Studio Southwest Architects, agents for Rick and Pattie White, propose to install vehicular gates to match the historic wrought iron gates and remove a wood trellis and fence and replace with a wrought iron fence and wall to not exceed the maximum allowable height of 6' on a significant property. (Marissa Barrett)
2. Case #H-09-028. 852 Camino Ranchitos. Downtown & Eastside Historic District. John Alejandro, agent for Gail and Lloyd Takeshita, proposes to remove an approximately 625 sq. ft. non-historic carport and construct an approximately 1,280 sq. ft. addition to a height of 13'6" where the maximum allowable height is 16'6" (sloping height will be 17' where the maximum allowable height is 20'6"), construct an approximately 110 sq. ft. portal to a height of 10', where the existing height is 10'6", construct approximately 616 sq. ft. of deck, replace windows and garage doors, and restucco a non-contributing building. (Marissa Barrett)
3. Case #H-07-049. 355, 357, 357 ½ E. De Vargas. Downtown & Eastside Historic District. Jim McGordy, agent for Elizabeth McGordy and Heather Street, proposes to rehabilitate doors and windows, replace pipe railing, and restucco three contributing buildings, remove 6' high wood slat fence and construct a coyote fence to the maximum allowable height of 6' and construct two yardwalls below the maximum allowable height of 6'. (Marissa Barrett)

#### **K. MATTERS FROM THE BOARD**

#### **L. ADJOURNMENT**

For more information regarding cases on this agenda, please call the Historic Preservation Division at 955-6605. Persons with disabilities in need of accommodations or an interpreter for the hearing impaired, contact the City Clerk's office at 955-6520, five (5) working days prior to hearing date. If you wish to attend the June 9, 2009 Historic Design Review Board Field Trip, please notify the Historic Preservation by 9:00 am on Tuesday, June 9, 2009.

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June 9, 2009

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

**June 9, 2009**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Sharon Woods, Chair  
Mr. Dan Featheringill  
Dr. John Kantner  
Ms. Christine Mather  
Ms. Cecilia Rios  
Ms. Deborah Shapiro  
Ms. Karen Walker

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Ms. Jeanne Price, Legislative Liaison  
Mr. Greg Smith, Senior Planner  
Mr. Fabian Chávez, Parks Division Director  
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.**

### **C. APPROVAL OF AGENDA**

Mr. Rasch said the ordinance on State Capital Outlay Projects would need to be postponed. In addition, the third case under Old Business, at 1047 Old Santa Fe Trail, was being postponed at the request of the applicant.

**Ms. Walker moved to approve the Agenda as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

### **D. APPROVAL OF MINUTES**

**April 28, 2009**

Ms. Rios asked for a correction on page 3, 8<sup>th</sup> paragraph to delete the words, "some of those" and insert, "She asked that the qualifications be listed."

**Ms. Shapiro moved to approve the minutes of April 28, 2009 as corrected. Ms. Walker seconded the motion and it passed by unanimous voice vote.**

**May 12, 2009**

Vice Chair Rios presided for this agenda item.

She asked for an amendment on page 3, 11<sup>th</sup> paragraph to insert, "It was her recommendation to have the application come before the whole Board rather than doing it haphazardly."

On page 7 at the bottom: Vice Chair Rios asked that the motion be specific in reference to the fabric.

On page 12 at the top, to delete the sentence having to do with signage coming to the Board.

On page 12, she said she had not agreed with Mr. Martinez. It should read "... the Board could make suggestions and the applicant could accept or reject them."

On page 17, "Vice Chair Rios asked her to clarify how they would get that height."

Ms. Walker requested a change on page 5 at the bottom should include, "... by deleting the phrase proud sponsors" and that should also be in the motion at the bottom of page 7.

**Ms. Walker moved to approve the minutes of May 12, 2009 as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

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

### **Case #H 08-008**

610 Miller Street

Ms. Rios said she thought Ms. Mather made a motion for a 1.5" spacing of the slats in the gate.

Ms. Mather clarified that her motion was for two inches.

Mr. Rasch read the motion. Ms. Rios agreed.

**Ms. Walker moved to approve the findings of fact for Case #H 08-008. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

### **Case #H 09-014**

502 Old Santa Fe Trail

**Ms. Mather moved to approve the findings of fact for Case #H 09-014. Ms. Walker seconded the motion and it passed by unanimous voice vote.**

## **F. COMMUNICATIONS**

Chair Woods resumed presiding.

## **G. BUSINESS FROM THE FLOOR**

Ms. Nancy Strell, P. O. Box 31474, Santa Fe, was sworn. She asked if Patrick Smith Park was going to be addressed at this meeting. Mr. Rasch agreed and clarified it was listed under Administrative Matters.

There were no further speakers for Business from the Floor.

## **H. ADMINISTRATIVE MATTERS**

- 1. An ordinance amending Section 14.3-17 SFCC 1987 Appeals regarding appeal procedures for decisions made pursuant to Chapter 14 SFCC 1987, including provisions for standing to appeal, provision of notice for public hearings on appeals, proceedings before a hearing officer and proceedings before the various commissions, board and the governing body. (Greg Smith)**

Mr. Rasch said there were two handouts for this matter. [attached as Exhibits A and B] And a memo

from Chris [attached as Exhibit C].

Mr. Smith provided the staff report for this matter. The matter had been under study for a couple of years. The Planning Commission recommended approval with a couple of minor changes. It had also been considered by the Archaeological Review Committee and they recommended that the Hearing Officer needed to be a licensed attorney.

The material in packet included the latest version of the text (with the Planning Commission's recommendations) and a summary highlighting the major components.

Mr. Graeser was sworn.

He said he didn't know what level of depth the Board wanted. He explained that his firm was hired to address several aspects. There were 8 or 9 different possible appeal procedures throughout the Land Use Code. So they tried to standardize them. They clarified a lot of inconsistent language and attempted to avoid the confusion. They wanted to ensure there was never a project left without any recourse. There was a cooling off period for an appeal.

They imposed a mediation process to allow communication on issues among the parties and had a Hearing Officer procedure. So if this board or any board made a decision, a Hearing Officer could receive testimony and make recommendations to the Governing Body. It provided more efficiency at that level and would allow the Governing Body to accept the board's decision. The Hearing Officer would review all the material and make a decision on the case that would go to the Governing Body who could accept or reject. He clarified that the public could speak before the Hearing Officer.

Ms. Walker had a concern on page 10 at the bottom about those who had standing on appeal. It listed all folks except the non-profits whose job was to protect the historic districts of the City. She identified some that were not listed including the Santa Fe Neighborhood Law Center and the Old Santa Fe Association. These were issues that were of concern to OSFA.

Mr. Graeser said they had worked with the Law Center but for one reason or another, they decided not to include that in the draft. He suggested this Board could move to include that recommendation.

Chair Woods said if Land Use decided to leave that out, it would negate an important watch group.

Mr. Smith said he understood that concern and could not think of another organization than OSFA that would have the same effect. Other organizations had boundaries. He didn't think the Land Use Dept would object to a change so that anybody could appeal anything. He said they didn't need to make it a word-for-word amendment.

Ms. Walker asked if the Board would see this again before it went to the Governing Body.

Mr. Smith said they would.

Mr. Graeser agreed.

Ms. Walker commented that the 30 day appeal period would be a burden on the applicant because they could not start if the Board approved it. They currently had 7 days to appeal. She suggested 15 days as a maximum time.

Chair Woods agreed. She said, as a builder, she found it an extreme hardship. This was requiring the applicants to sit there for an additional 15 or 30 days to get a permit which already took 4-6 weeks.

Mr. Graeser said they suggested 15 days as a standard. There were some at 7 and some at 30. The applicant could apply for a permit after a decision but it would not be issued until the appeal period was over. They did an informal survey across the country and 15 seemed to be a popular one.

Chair Woods said right now an applicant could not get a letter from staff until the seven day period was over.

Mr. Graeser said they did not want the appeals to interfere with that process. No irreversible actions could be taken but other than that the process would go forward.

Ms. Walker asked about the cost of the hearing officer.

Mr. Smith said no decision had been reached on that issue. In previous years, the Land Use Dept had a budget item included so, as far as possible and with not too many such appeals; it would be covered out of the budget. However with the current budget the department had little money available. He guessed the hearing officer would cost at least \$100/hr. Currently the appeal fee was nominal (\$25 and \$50).

Ms. Walker said if it had to be a licensed attorney it would be \$250/hr.

Mr. Smith thought a deputy city attorney could be appointed.

Ms. Walker felt that might not be an impartial officer.

Mr. Smith said the PRC used their own employees as hearing officers.

Ms. Rios asked how crucial it would be to have an attorney.

Mr. Graeser said that was the ARC's request. As an attorney, there were advantages. The ARC made the recommendation. He clarified that the City Manager appointed them and there were non-partiality requirements to be met.

Ms. Rios thought the uniformity of this proposal was good. If mediation worked she asked what would happen then.

Mr. Graeser said the mediation gave a time out essentially and happened rather quickly. If they could not work it out then it would go to the next step.

Chair Woods referred to page 4 where it said "the decision of the Land Use Director, if appealed...." She pointed out that when the Land Use Dir made a decision, it was not in a public meeting. She asked how the public would even know to appeal it.

Mr. Graeser said any decision of the Land Use Director would become part of any approval made for a permit and become public information.

Mr. Smith added that a permit had to be posted.

Chair Woods asked if they were published. The permit would become a legal contract.

Mr. Smith said it was rare that such a decision was appealed. A neighbor could appeal based on a zoning noncompliance. It was unusual for something like that to occur.

Mr. Rasch said they did discuss a potential solution such as publishing the staff decisions in a consent agenda. There were ways to look at that in an agenda.

Chair Woods noted that things that were approved administratively didn't come before the Board now. So they never would get to the public in a meeting. Somehow that needed to be addressed because people were not given the chance to appeal them.

Mr. Smith said permits had to be issued by a department. It was an aspect in the rest of Chapter 14.

Chair Woods thought they could add that the decisions of Land Use would get published regularly.

Mr. Smith thought they could do that for those administratively approved.

Chair Woods referred to page 29 at the top and said she didn't vote and didn't make motions. Perhaps that should be changed from "chair" to "maker of the motion."

Mr. Rasch thought it meant when the Chair signed on the stamp after the board's decision.

Mr. Graeser clarified that was existing language and they would take that into consideration.

Ms. Walker recalled a recent case where it was approved by this Board but it was built higher and it appeared there was no recourse because the permit department stamped it at the incorrect height. That was not fair to the neighbors who were assured that it would be built at the approved height. So administrative decisions needed to be published to give a chance for appeal. It was not fair to not allow the public to speak on it.

## Public Comment

Present and sworn was Ms. Marilyn Bane 622½ B Canyon Road, President of OSFA and speaking on behalf of them on some of this. On the subject of having standing, she said there were other organizations like the Historic Santa Fe Foundation and Neighborhood Network. Their concern was that in the downtown area of Santa Fe there were not neighborhood associations there. So she encouraged him to add those. There might be others. There were organizations that represented the greater good and should have standing.

Secondly, she understood what several already said about the burden of that time but because of the delay in getting minutes to the public, she thought seven days was unreasonable and the public needed more time on it.

Thirdly, OSFA would be expected to pick up the lawyers' fees of \$250 and they should have a compensatory rate schedule that took nonprofits into account.

Fourth, she could think of times where permits were issued where the advice given by HDRB was not followed but a permit was issued. They did what they had no right to do. She asked how the appeal to object to that could be done. They needed to have a way to stop inappropriate work.

Present and sworn was Mr. Richard Ellenberg, 1714 Canyon Road who said the structure of this act was designed to minimize appeals. The reason for filing was not for a second opinion, hoping the Council would make a different decision. There should be a listing of grounds for appeals.

Regarding the hearing officer and mediation, he was not sure the standing rejections were appropriate. They needed to have a stated basis for appeals.

Regarding the exclusion of those who did not appear at the original hearing, he had been told that for cost reasons, people nearby were no longer notified by the City. He was accustomed to receiving the agenda and often sent out 200 emails. But that could not be done without an agenda.

The issue might not exist early on. So that was very constraining, especially if dealing with a neighbor who would like to have been present but couldn't. With a less prominent project the public might never know.

Regarding organizations, some associations' boundaries were not recognized by the City. The group might have resources and desire to appeal.

Regarding costs of appeal, the felt that broader and bigger bodies were more likely to be able to prepare the papers for an appeal. Also one person could be the nominal appellant because the group might not have standing. But if he got a sweetheart deal he might drop out.

There were groups with a general public interest. The Board of Realtors might be such a group with overriding public interest. The bigger the group and more catholic in its outlook the more it was considered.

He proposed they delete that section and allow any person to make an appeal. The City was not getting that many crazy appeals. He would go back to what state law required: "any aggrieved person."

Ms. Rios asked Mr. Graeser about the state statute on any aggrieved person could appeal.

Mr. Graeser said that was the current appellant basis. He said they put that language in here so he felt comfortable with it.

Ms. Rios thought she agreed with Mr. Ellenberg. Someone might not be present when aggrieved and she thought they should have the option on appeal. Most were property owners in the neighborhood. If it stated the aggrieved person she thought it would be better.

Mr. Graeser said the intention of having a basis for appeal was to allow people to participate from the beginning rather than holding back until the last minute.

Mr. Rasch referred to page 11, item G. He was struck that City staff members could appeal. So he could file only on behalf of the city and not on behalf of OSFA.

Mr. Graeser said this was a safety valve in case two departments had a disagreement.

Chair Woods wondered if it meant that a staff member could appeal against a Land Use Director decision.

Ms. Walker felt that to say they had to be present was very unrealistic. If they didn't get a notice or if they were not around at that time, it was unfair. To be told they could not be involved later was off the wall. When it was a large issue it should go to a hearing officer.

Ms. Rios asked if he had comments on the memo from the Neighborhood Law Center.

Mr. Graeser said they had talked about the ENN process. Because it was very early in the process - there was not a lot of application to mediate at that point. So he didn't see how those two would be consistent. The project was not gelled at that point. Regarding the quasi judicial proceeding, he noted that these were citizens' boards.

Regarding the cost allocation, they already discussed that and he didn't know the schedule.

Ms. Rios asked what the role of HDRB members would be in appeals. Right now, if they had to go to the Governing Body, it was only to answer questions.

Mr. Graeser didn't know that this would change that role. The attorney was interpreting the obligations

of a member including due process.

Chair Woods said that to have people come up and misrepresent what happened and what was said was a tough issue for them at the hearings. The Board needed due process as well.

Mr. Graeser said it was done differently in different jurisdictions in New Mexico.

Ms. Walker asked about the definition of aggrieved person.

Richard Ellenberg made an inaudible response from the rear of chambers.

Chair Woods thought it was a good thing and there were frivolous appeals that did take up lots of staff time. It did need to be opened up more as Mr. Ellenberg cited the statute. They needed to have a reasonable way for people to appeal. The Board's motion should be to have it come back to the Board. This was a huge issue. They needed to somehow to include these organizations with no geographic boundaries. Regarding the process; they needed to have a way of knowing what was going on.

**Ms. Walker moved to recommend approval of the ordinance amending Section 14.3-17 with the following amendments and it be brought back to the HDRB at their next meeting:**

- 1. That the Board appealed against would have standing both with the hearing officer, if there should be one, and with the Council;**
- 2. That the issues affecting large areas not go to a hearing officer but go direct o City Council;**
- 3. That the period for filing appeals be 15 days, not 30 days and must be specified as calendar days;**
- 4. That on page 26, line 24, to eliminate the requirement for standing and that the staff should come back with some concept of cost and a recommendation on how these non-profits could pay for the services of the hearing officer if they were aggrieved;**
- 5. That any administrative action has to be posted for 15 calendar days with a notice of how to appeal for the public, in the paper;**
- 6. That the reasons for the appeal, page 10, include any decision that was not supported by evidence in the record or areas of law.**

**Ms. Rios seconded the motion and asked for one further amendment:**

- 7. That the permit process that was not affected by the appeal could proceed upon the Board's decision during the time of appeal.**

**Ms. Walker accepted the further amendment as friendly. The motion passed by unanimous voice vote.**

- 2. An ordinance creating a new Section 14-5.29M) SFCC 1987 regarding the applicability of Historic District Requirements to State Capital outlay projects involving new structures. (David Rasch)**

**Ms. Walker moved to postpone this matter with a sub-committee composed of Ms. Walker and**

**Chair Woods being appointed to consider the details. Mr. Featheringill seconded the motion and it passed by unanimous voice vote.**

3. **Case #H 09-029.** Patrick Smith Park. Downtown & Eastside Historic District. Fabian Chávez, Public Works Department, proposes to construct shade structures, a dog run fence, a vehicle gate and other site improvements at a non-contributing property. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**BACKGROUND & SUMMARY:**

Patrick Smith Park was located in the 1100 block of East Alameda Street between the Santa Fe River and Canyon Road. The Park offers a semi-rural setting with a large grassy lawn and tall shade trees as well as an area for children's play structures and other recreation areas.

The applicant proposes to remodel the park with the following five items.

1. Three "Icon Shelter Systems Inc." 187 square foot square-shaped metal shade structures with pitched roofs were proposed at 12' high. The frames and roof structures would be "Surrey Beige" and the standing seam metal roofs would be "Copper Penny" in color. Two structures were proposed near the west Park boundary and one structure would be near the playground.
2. A 30' wide steel pipe bi-leaf vehicle gate would be installed at the entrance to the parking area. The 4' high gate was very minimal in design. Finish color should be discussed.
3. A dog run was proposed at the northwest corner of the parking area. The area would be enclosed with a cedar split-rail fence at 4' high and faced on the interior with a green vinyl-coated square mesh wire fence.
4. An informal dirt path from Canyon Road along the south boundary to the playground area would be asphalt-paved to meet local ADA requirements. Federal standards for ADA-approved path surfacing might be less strict on choice of allowable surfaces. This item was on hold for further study.
5. Other site improvements include replacement of playground equipment and an irrigation system.

**STAFF RECOMMENDATION:**

Staff recommends approval of this application with the conditions that the shade structure roofs have a more traditional color such as gray or an earth-toned color rather than copper or, if possible, a patinated copper color, that all concrete be earth-toned in color, and that if the dirt path was necessary to be paved then it be paved with other ADA-compliant permeable surfacing rather than asphalt. Otherwise, this application complies with Section 14-5.2 (D) General Design Standards and (E) Downtown & Eastside Historic District.

He pointed to the emails as a handout and the one handed out today [Exhibit D] and explained the limits of their jurisdiction. He pointed out the changes on the site plan. He identified the components.

Chair Woods asked Mr. Fabian Chávez to address this case and then hear from the public.

Mr. Chávez said they held a meeting at the request of Councilors Romero and Wurzbarger on June 2<sup>nd</sup>. There were discussions on all the features and the decision that resulted was that the dog run would not occur as part of this contract. The rest of the park structures would be built and then, this fall, the dog run would be discussed. Secondly, there was an overwhelming decision not to rebuild the pathway from Canyon Road that now was a cow path that meandered down. That was not going to be built so they were not asking for a pathway of any kind.

There was a request at the June 2<sup>nd</sup> meeting to modify the structure so that posts be metal and roof be wood. They didn't have a design for that to move forward. Staff notified the construction contractor not to construct those. They would utilize those structures at another park. They had suggestions from neighbors and would turn those over to the engineers with the understanding that they would have to bring that back.

Regarding the dog run, that would not be done by the contractor and would not happen until the fall, if approved by this Board. Instead they would have a flat grass cover over that area and have a fall meeting with the neighbors about it.

The police would go into the park entry at 10:00 p.m. and lock those double screen metal gates. They had some complaints of activities after midnight; some of them quite destructive. ATVs and trucks going in and damaging the features and irrigation system. That was the reason for the locked gate request.

At the Canyon Road entry right now was a chain link fence and it was open. A suggestion from a neighbor was to replace it with a split rail fencing to be more agrarian in style. Park staff had no recommendation on that and would stand the board's direction.

Chair Woods asked what they were recommending tonight, if they were not considering the shelters at this point or waiting for those to come back.

Mr. Chávez requested that they not consider the metal shelters at this meeting and to postpone any recommendation on the shelters and asking for suggestions from the Board.

Chair Woods asked if they were not doing the dog run but asking for the Board to decide. She was confused by that.

Mr. Rasch said the City would like the Board's recommendation on the appearance of the dog run if it were to be built in the future.

Ms. Walker asked Mr. Chávez who selected the children's play equipment.

Mr. Chávez said it was Jessie Scott who was the architect on the project.

## Public Comment

Present and sworn was Ms. Margit Good, 1302 Lejano Lane. She said the neighbors had no idea that the Canyon Road Association was meeting on June 2<sup>nd</sup>. And because of that, those who were there got everything they wanted. All these decisions about dog run not being on the agenda was entirely the work of the Canyon Road Association and she had no idea that they voted against it. The Association doesn't want the dog run and she didn't know why. It was needed. She said she got 120 signatures of those who wanted it. The people who brought their dog picked up after them every time and policed any who didn't.

The park was almost entirely used by families with children and by senior citizens who were haunted by the animal control. But they could not walk with their dogs on the leash. She had seen ladies pulled over flat on their face. So they needed a dog run. Without it no dog could get exercise.

She said her dog was a puppy and very active and pulled her. So she didn't see the reason for not having a dog run. The issue came up two years ago and they had a positive vote for a dog park or a dog run. They suggested where the dog run should be put so it would not interfere with children. This plan was better than nothing. She had other things written in her statement. She felt a decision not to have a dog run was discrimination against seniors.

She presented the petition which is attached to these minutes as Exhibit E.

Present and sworn was Ms. Alice Parker, 609 Paseo de la Loma, who had property on east Alameda close to the tennis courts. She objected to the dog run because it was moved up near the houses. She understood people and their dogs and they walked them all the time. The other thing was cleanliness. She was downwind and didn't know if people would really pick up after them.

She commented that the gate and the bridge were a problem. If the parking lot was blocked off, the cars would come in through the little strip with no place to go or try to get out. She would rather have it left open than try to make any turn in the congested area. The only way it would work was at the end of the bridge on Alameda. The people who lived in the two homes there could not get in without a key if they locked the gate. She didn't think the gate should be at the end of the gate but would have to be at the Alameda opening.

Present and sworn was Mr. Howard Aaron, 901 Alana Road, who said he was at the meeting two years ago when they discussed the park proposal and a suggestion made was that at the west side because there was a fence, that a portion of it be set aside as a dog run away from children and the parking lot and would be accessible from Canyon Road or across the park. As Ms. Good said there was an overwhelming vote to do that. It should still be discussed. By having it on the west side would eliminate the need for two fences. He thought it should be considered and be part of the park area. The other thing that should be considered was that the two shelters on the west side were not needed. There was shade in the summertime and a need to feel the sun in the winter. Most of the owners picked up after their dogs. Some who came in the evening didn't but they did take care of the park.

Present and previously sworn was Ms. Marilyn Bane who said she got a number of emails she would like to share the issues. She was not speaking for OSFA but as an individual. Although she didn't take her dog because of all of the loose dogs there. A big problem was with the shade structures. The City used to have shade structures there. A neighbor next to the park shared with her that the City tore down the structures there because they were being used for labs and bathrooms and homeless people lived there. Frank Vigil told her that. So she added a caution from a history standpoint.

Regarding the dog run she got emails not objecting to a run but to the location.

Next, there was a lack of notification. There were- people who didn't know that meeting was taking place. She had no idea about the June 2<sup>nd</sup> meeting. She didn't know how to rectify that but every effort had to be made to notify people.

Lastly she believed this was in the FEMA flood plain. Mr. Chávez agreed. So an analysis needed to be done on that.

Present and sworn was a man whose identification was not heard on the record. He provided a map and a page from City Code and quoted the code that no fences or anything like a fence or a structure could be built in a flood plan [attached as Exhibit G].

Before anything could be built there, it would require a variance or someone to say that the floodplain was not there. The park was wonderful but this plan had procedural inadequacies on these projects. It seemed when the city was doing the project, the rules didn't matter. And it left lots of unhappy people.

Ms. Good added that it was a very bad idea that the dog run was going to be postponed. There was \$30,000 set aside for the dog run and it could disappear.

There were no other speakers from the public regarding this case.

Ms. Walker asked if there was any talk about having it at the water treatment park. It would impact fewer houses.

Mr. Chávez said there was no dog run proposed for that park. The reason it was here was that there were a number of priorities a couple of years ago and having a dog run was number two on that list.

He thought it was reprehensible that people would say the City did what it wanted without regard to the code. He explained that these plans came out of neighborhood meetings.

Chair Woods wanted to make sure the final plan would come to the Board. Mr. Chávez agreed.

Ms. Rios asked how he would respond to the ordinance language that prohibited fences in the flood plain.

Mr. Chávez didn't believe that the man's statement was correct. He said such structures had to be

approved. None of them had been constructed. Until they got permission from FEMA, they wouldn't proceed.

Ms. Rios asked if the shade structures had a seating area, benches or anything.

Mr. Chávez said at the two shade structures on the west end, there was an existing slab and they didn't intend to replace those tables that were there. The slabs were there now and they wouldn't replace them. Once they had the results from the neighborhood meeting last week, they would take it to FEMA.

Mr. Rasch pointed out where the third one would be.

Ms. Rios agreed that the location of the proposed dog run was at a very congested there. She asked if staff had considered putting it on the west side.

Mr. Chávez said they did but the designer said it would be better to have it where the other activities occurred. They were usually small and very close to parking lots. He spent two days asking those questions. With the dog run closer to the parking lot, elderly people didn't have to walk as much. In Tucson they did it close to the swimming pools. And houses abutted the west end of the park. If moved to west end, it would be just a design consideration.

Ms. Shapiro noted that in the parking lot one could not walk directly into the park but had to walk around the playground or through the dog run.

Mr. Chávez said that was correct and, yes, it would block direct access.

Ms. Shapiro said that with 20' or between the children's area and the dog park, it wouldn't block direct access. She was also concerned about sharing a fence with the playground area.

Mr. Chávez agreed that 20' was possible. They could go back and redesign it.

Secondly, he was not concerned with children going into the dog run. He agreed it was possible that a child could climb the fence but there was supervision of the dogs. It could happen on the other side too. But staff would go by what the Governing Body said for them to do.

Ms. Walker thought they needed a view of the park rather than to walk through a maze of things. She also recommended moving the dog park away from children. She thought it was dangerous next to toddlers. It should be moved closer to the river so they could see the park again. She didn't think they needed the shelters.

Ms. Walker excused herself from the meeting.

Dr. Kantner asked if other designs for the fence were considered.

Mr. Chávez said there were. The design they shared staff felt would be the least disruptive. They

wanted a minimal amount of structure. So the vinyl would attach to the split rail.

Dr. Kantner said he lived across the street from the park. He feared the streetscape would be affected. He was intrigued by the possibility of having the dog run on the western side.

Mr. Featheringill thought the dog run was a needed item and the west end seemed to have good options. It was very crowded at the other end. It needed to be looked at a little more. As far as the gate was concerned, he didn't think the gate was part of their jurisdiction but understood the need.

Ms. Rios asked how wide the dog run was.

Mr. Chávez said at narrowest (east end) it was 12-15' and at its widest it was 50'.

Ms. Rios thought it would be much better on the west side. She did not favor the shelter and would say no to the gate.

Ms. Shapiro agreed with Ms. Rios. She asked if they had done any study on the location of the gate. Maybe they should have a keypad operation or use a magnetic card.

Mr. Chávez said they would put a combination lock and neighbors would have the combination as well as fire and police and Parks staff.

Ms. Shapiro preferred the dog run at the west side and no shelter.

Ms. Mather didn't see any need for shelters of the dog run. Putting them next to children was not a good idea.

Chair Woods commented that obviously there was a lot of passion here tonight. This was a new one for her. She didn't think shelters were necessary. Her concern was view as you drive up to the park. Putting those unsightly things there would really detract from the view. The entry needed to be maintained and opened up for the people. She agreed on the split rail fence. She understood the playground equipment might not be their jurisdiction. If she lived there she would be angry.

Dr. Kantner said he could see shade structures for a birthday party or something like that.

Chair Woods reminded the Board that the motion would be a recommendation.

Chair Woods asked what would be seen of the irrigation equipment.

Mr. Chávez described it. He described the backflow prevention control box that would have an antenna for radio control next to the box.

**Ms. Mather moved to recommend approval of Case #H 09-029 to the Governing Body with the conditions that it have only one shade structure built and that it be in the playground area where**

the pad was located, that the vehicle gate be adjusted so there was no turn around on neighbors' property; that the fence should go to staff for approval; that the dog run be redesigned and relocated to the west and that the shade structure and the dog run come back to the Board for approval; and that the fencing at Canyon Road be removed and be replaced with this proposed split rail design. Ms. Rios seconded the motion and it passed by unanimous voice vote.

## **I. OLD BUSINESS**

1. **Case #H 08-133.** 412 E. Palace. Downtown & Eastside historic District. Lloyd & Associates, agent for Pearl Tom, proposes to amend a previous Board approval to alter yardwalls and gates on a contributing residential property. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND & SUMMARY:**

412 Palace Avenue was an adobe casita that was originally constructed, probably as a garage, between 1921 and 1930 in a New Mexico Vernacular manner. An addition was constructed on the west elevation between 1930 and 1948. Non-historic remodeling occurred in the 1970s and 1980s with an enclosed porch on the north elevation. The east, street-facing elevation does not retain a garage door opening and has been infilled with non-historic fixed windows. The building was listed as contributing to the Downtown & Eastside Historic District with the south elevation considered as primary.

In January 2009, the HDRB approved remodeling of the building. Now, the applicant proposes to amend the approval with the following three items.

1. The previously approved stuccoed spur wall on the northeast corner of the residence would be changed to a 6' high irregular-topped coyote fence trash enclosure.
2. The non-historic stuccoed interior lot yardwall between the main residence and the guest residence would be removed and replaced with a 6' high irregular-topped coyote fence.
3. The non-historic yardwall that connects the east elevation of the main residence to the street-facing yardwall would have a 4' wide opening cut into it and a wrought iron gate installed to match an existing gate as shown.

### **STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2 (C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Mr. Ryan Allen was sworn.

Chair Woods said there was some confusion and asked Mr. Allen to show the Board where he was

taking down the wall

Mr. Allen pointed it out on Delgado Street. The old CMU wall would be taken down and a coyote fence be installed. He pointed out the courtyard. The coyote fence would hide the A/C unit.

Chair Woods asked what page he was on.

Mr. Allen said it was on G 02, page 19 in the packet. He explained that in the area of the existing wall, they would replace it with a coyote fence. The other existing wall showed up sometime in the 1970s.

Mr. Rasch showed the design of the wall and gate.

Ms. Rios asked about public visibility.

Mr. Allen said the small coyote fence would be seen but the larger one would not. He felt the coyote fence was more in keeping with the streetscape.

Ms. Rios asked about the pergola.

Mr. Allen said it was on the back and not visible.

There were no speakers from the public regarding this case.

Chair Woods noted that the Territorial building was significant and a wonderful building. And having a coyote fence up against it was not a way to go. There was not a whole lot of this building left after this project. If they allowed much more to happen, it would no longer be contributing. She asked why this would be on the front where they were trying to save it and why not have a low masonry wall.

Mr. Allen said this façade was not contributing.

Chair Woods said it was the only façade the public could see; right where people went by.

Mr. Allen said it had a five foot setback. That setback allowed them to do it. They had to set it back to meet code. He said he was not disagreeing with her but it was what they had to do.

Chair Woods disagreed. It should have a four foot high masonry wall that would be much less obtrusive. She could not understand the coyote right on this building.

Ms. Mather asked why he was removing the masonry wall; the long wall inside.

Mr. Allen said the coyote fence would be in the same place and the owner wanted more landscape there.

Ms. Mather asked if he could just lower the wall.

Mr. Rasch clarified that the front wall was remaining and it was the one on the interior that was being replaced.

Chair Woods said that meant one could not see the coyote.  
Ms. Mather asked where spur wall was.

Mr. Rasch said it was right on the corner.

Ms. Rios moved to approve 08-133 per staff recommendations and take the little piece of coyote fence down. The motion failed for lack of a second.

**Dr. Kantner moved to approve in Case 08-133 the replacement of the back wall with coyote fencing and approve the gate but to retain the originally approved spur wall in front, denying the proposed replacement with a coyote fence spur wall. Mr. Featheringill seconded the motion and it passed by unanimous voice vote.**

2. **Case #H 09-010.** 855A Camino Ranchitos. Downtown & Eastside Historic District. Robert Farrell, agent for David and Ruth Arthur, proposes to construct an approximately 5,798 sq. ft. single family residence with attached garage to a height of 14' 6" measured at midpoint on the street facing elevation (17' 3" at highest point) where the maximum allowable height was 17' 5" and to construct a coyote fence to the maximum allowable height of 6'. (Marissa Barrett)

Mr. Rasch presented the staff report for this case as follows:

#### **BACKGROUND AND SUMMARY:**

855A Camino Ranchitos was a 0.3227 acre lot located on the edge of the Downtown and Eastside Historic District. This application was heard at the April 14, 2009 hearing and was postponed for the applicant to address some issues with a redesign which included the possible elimination of the second story. On May 12, 2009 the application was approved with the condition that the height not exceed 17' 4 ½" high but no second story living space was permitted. Conditions also included no publicly visible skylights or rooftop appurtenances and that exterior light fixtures be approved by staff before a building permit application was submitted.

The applicant has redesigned the project and now proposes the following:

Construct an approximately 5, 798 square foot single family residence to a height of 14' 6" measured midpoint on the street facing elevation where the maximum allowable height was 17' 5". The highest point of the building on the streetscape elevation was behind the garage where the height was 16' 9". A small portion of the building on the non-publicly visible east elevation was to a height of 17' 5" where the land slightly slopes.

The heated footprint of the building was 4,416 square feet with a heated second story of 525 square feet and approximately 335 square feet of portals. An approximately 780 square foot attached garage was proposed on the street facing west elevation. Garage doors would be natural cedar.

The building would be Territorial Revival in style which includes sharper corners and buckskin and red brick coping. Windows would be true divided lights in a Buckskin color. The following items have been altered from the previous application:

1. The second story deck has been removed completely from the application
2. The 525 square foot second story has been moved back 26'. It was set back approximately 54' 4" from the property line.
3. The new height of the garage was proposed at 10' 8"
4. Windows on the north elevation second story have been changed to 3' ½" x 2'
5. Windows on the west elevation second story have been changed to 3' 6" x 4' 2"

Portals would be simple and include a wood beam and posts finished in the color Fruitwood. The building would be stuccoed with El Rey Kokanee. Five skylights were indicated on the plans. No exterior light fixtures were submitted.

Lastly, the applicant proposes construction of a coyote fence to the maximum allowable height of 6' along the north property line.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval on the condition that skylights or rooftop appurtenances were not publicly visible, that exterior light fixtures were approved by staff before a building permit was submitted, and that the coyote fence have irregular latilla tops and that the stringers were facing the interior of the lot. Otherwise this application complies with Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.  
Mr. Rasch - page 14 and 15 - ??

Present and sworn was Ms. Dolores Vigil, 306 McKenzie, who shared elevations with the Board. [attached as Exhibit H]. She explained the changes that were made. She showed that the second story deck had been removed completely and the coyote fence was as shown on A at 5' 1". The second story was moved back to be 54' from the street. The new garage height was 10' 8". It would make it easier and didn't look like it was moved down. The overall height was 17' 3". The windows were divided light but stationary. She said they met with neighbors and tried to accommodate the neighbor's concerns as much as possible.

Second story structures were allowed if within the allowable height. They requested approval at this time. The applicant was not considering taking off the second story at this time.

Chair Woods said that on the floor plan she was trying to see where the second floor was.

Mr. Rasch said he did not have a slide of the correct floor plan.

Ms. Vigil explained that it started at the end of garage. It was set back five feet from the north. She explained it further to Chair Woods. It would split the gallery in half and the entry way. It was 525 square feet.

Mr. Rasch asked them to look at the west elevation.

Ms. Vigil said it was on A-5 and was set back approximately five feet. They had to be ten feet from the property line.

Ms. Rios asked if there were any visible rooftop appurtenances.

Ms. Vigil said there were none.

#### Public Comment

Present and sworn was Ms. Robin West, 853 Camino Ranchitos, who said these small changes were nice but nothing has lessened the sheer mass of the building compared with the other buildings on the street. Eight years ago it was a one acre lot and was divided into thirds. Her home was 1,800 sq. ft. and the other lots had a 1,800 sq ft home. This was three times that size. 6,100 sq ft was the actual but the perceived mass was much greater because of the interior courtyards that added 500 square feet to it. The mass was also exacerbated because of the extra height of the second story.

She appreciated the view from my lot to the coyote fence but it didn't show that this property was 2.5 to 5.5 feet above her property.

There were no other speakers from the public.

Ms. Vigil said they appreciate the neighbor's concern and suggested that they could lower the livable area of the property right after the garage at least a foot. And they would also plant more trees to make it softer. There were existing trees they want to preserve. That would minimize it.

Ms. Rios asked about the 6,100 sq. ft. she mentioned.

Ms. Vigil said the house was 5,798 sq. ft. and lot coverage was 40%.

Ms. Rios asked what the impact for the neighbor would be if they lowered the living area by one foot.

Ms. Vigil said it would lessen the impact.

Chair Woods said she could understand her concerns because she was five feet away. She was not sure how close her house was to the property line. It was seven feet here.

She asked if they started at the garage and pulled the whole house five feet back, it would get it away

from her. She thought it would be a win-win for everyone because they would have more property down here. It would make the setback ten feet instead of five. It would just add to the hall way. But they would have to decide if it works for them.

Ms. Vigil said it was a good suggestion. They did look at that and were comfortable with that as a condition of approval.

Chair Woods thought that could be reviewed by staff.

Mr. Featheringill asked how much difference in grade there was from her neighbor.

Ms. Vigil said the lot was slightly higher.

Mr. Rasch said it was especially on the north.

Chair Woods summarized that they talked about dropping the livable area a foot and moving the rest of the house a minimum of five feet south to create more space there.

**Ms. Mather moved to approve Case #H 09-010 with the conditions recommended by staff, to accept the proposal with the condition that the livable area behind the garage be lowered one foot, that trees be planted and the house be pulled to the south a minimum of five feet and both changes be taken to staff for review and approval and staff could require the changes be brought back to the Board. Ms. Rios seconded the motion and it passed by unanimous voice vote.**

3. **Case #H 09-013.** 1047 Old Santa Fe Trail. Historic Review District. Sommer, Kames & Associates, LLP, agents for Michael McAdams, proposes to construct yardwall, vehicular gates and pedestrian gates to a height of 7' where the maximum allowable height was 5' 5" and hardscaping on a non-designated property. (Marissa Barrett)

This item was postponed under Approval of the Agenda

## **J. NEW BUSINESS**

1. **Case #H 09-027.** 639 E. Palace Avenue. Downtown & Eastside Historic District. Studio Southwest Architects, agents for Rick and Pattie White, propose to install vehicular gates to match the historic wrought iron gates and remove a wood trellis and fence and replace with a wrought iron fence and wall to not exceed the maximum allowable height of 6' on a significant property. (Marissa Barrett)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND AND SUMMARY:**

The Neoclassic Revival style single family residence located at 639 E. Palace Avenue was constructed in 1903 and includes a hipped metal roof, red brick walls, and stone sills and lintels. The building has received moderate remodeling which includes enclosing the rear porch and restoring the front porch. The Official Map lists the building as Significant to the Downtown and Eastside Historic District.

The applicant proposes installation of two wrought iron vehicular gates along Palace Avenue at both the east and west end of the property. Photographic evidence has been provided that the gates proposed were once present on site. The gates would be attached to the existing stone wall and would match the historic wrought iron gate in style, color, and manufacturer. Two 6' 6" long gates would be installed at each opening and would swing into the property. The gates would be manual and would be to a height of 6'.

Also proposed was to remove a non-historic wood lattice fence and trellis with gate located in the interior of the property with a wrought iron fence and gate to match the historic style. The fence would be to a height of 5' where the maximum allowable height was 6'. The center of the gate would be to a height of 6' 6". There were no changes proposed to the significant building.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the application as it complies with Section 14-5.2 (C) Regulations for Significant Structures, Section 14-5.2 (D) General Design Standards for All H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Present and sworn was Mr. Jeff Seres, who said he was present to answer any questions.

Ms. Rios asked how tall the front wall was.

Mr. Seres said it was 3' and pilasters were 4.5'.

Ms. Rios thought it was odd to have a six foot gate there.

Mr. Seres said it matched the existing gate.

Ms. Rios said on page 22 it appeared the very top of that gate was about 5' high.

Mr. Seres referred to page 19 where it showed the original half of the gate. That was what was proposed.

Ms. Shapiro asked what color the gate would be.

Mr. Seres said it would be black.

There were no speakers from the public regarding this case.

**Ms. Shapiro moved to approve Case #H 09-027 per staff recommendations and that the historic gate be replaced as proposed in black and the trellis be removed. Dr. Kantner seconded the motion and it passed by unanimous voice vote.**

2. **Case #H 09-028.** 852 Camino Ranchitos. Downtown & Eastside Historic District. John Alejandro, agent for Gail and Lloyd Takeshita, proposes to remove an approximately 625 sq. ft. non-historic carport and construct an approximately 1,280 sq. ft. addition to a height of 13' 6" where the maximum allowable height was 16' 6" (sloping height would be 17' where the maximum allowable height was 20' 6"), construct an approximately 110 sq. ft. portal to a height of 10' where the existing height was 10' 6", construct approximately 616 sq. ft. of deck, replace windows and garage doors and restucco a non-contributing building. (Marissa Barrett)

Mr. Rasch presented the staff report for this case as follows:

#### **BACKGROUND AND SUMMARY:**

The approximately 2,063 square foot Spanish Pueblo Revival single family residence with an approximately 625 square foot attached carport has received major alterations which include the conversion of the garage to living space, the carport and living space additions, and non-compliant window alterations. The Official Map lists the building as non-contributing and shows the building located on the last lot with in the Downtown and Eastside Historic District before the Historic Review District begins.

The applicant proposes removing the approximately 625 square foot non-historic carport and the construction of an approximately 1,280 square foot addition in its place. The addition would be 13' 6" high measured on the street facing east elevation where the maximum allowable height was 16' 6". The height on the non-publicly visible west sloping elevation was 17' where the maximum allowable height was 20' 6" (Maximum allowable height of 16' 6" plus 4' for slope). The height on the west elevation was approvable by the Board since the footprint of the building has a slope of 2' or more.

An approximately 616 square foot deck would be added to the non-publicly visible elevation which includes replacing the existing deck. The deck would have wood posts and beams painted white and would include a standing seam metal shed roof in the color sage green. The existing deck has wood panels which would be replaced with CMU block and stucco and would include a wood door at the storage area.

Construct an approximately 110 square foot portal to the east street facing elevation to a height of 10' where the existing height was 10' 6". The portal would include wood posts and beams painted white and a standing seam metal shed roof in the color sage green. Brick pavers would be installed at the new portal as well as the existing one on the east elevation.

Also proposed on the east elevation was the replacement of the non-historic garage doors with wood veneered garage doors which include windows. The living space which was originally a garage would be

converted back to the original use as a garage. A new earth tone colored concrete apron would be installed at the garage.

New double hung windows would be aluminum clad in the color tan/brown. Windows on the south elevation would not be replaced but the lintel would be stuccoed over. Canales would be lined with metal and would have down spouts on the south and north elevation which would drain into an underground water-harvesting tank.

The building and all additions would be stuccoed using a synthetic stucco in the color "Buckskin". The front of the property would be laid with brown gravel to the front property line.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval on the condition that there were no publicly visible rooftop appurtenances, that all doors and windows not under a portal meet the 30" window rule, and that exterior light fixtures were approved by staff before a building permit application was submitted. Otherwise this application complies with Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Ms. Rios asked what was public visibility on the south, west and north elevations.

Mr. Rasch said the north elevation was not visible; the south of the original building was visible but the addition only from Garcia Street and the west might be visible from Garcia through the trees.

Chair Woods noted all these pitched roofs and asked if staff did a pitched roof calculation on it. There were a lot of pitched roofs.

Mr. Rasch said he was not sure Ms. Barrett did. It was her case. The roofs were accessory because they were over unheated portals so she probably didn't do a calculation.

Present and sworn was Mr. John Alejandro, P. O. Box 1512, who said they were in agreement with the conditions recommended by staff.

He offered two points of clarification. The windows on the south would be replaced with the same style as existing. It was an awning type window and not double hung windows. The other was that the very nice bluish color would be maintained from the original house.

There were no speakers from the public regarding this case.

Ms. Mather said she was concerned about the pitch of all those portals.

Mr. Alejandro said the portal was a style in keeping with several homes in that area. There was an existing portal now and they expanded on that style. They needed to distinguish from the existing structure with this feature as well as the white railing and white columns. It was a low profile pitch. The depth of the balcony was not much and sloped from a height of 8' to 6.5'. He added that there was a sloping roof on the

back side of the existing house.

Chair Woods asked about the portal construction and color.

Mr. Alejandro said it had beams. They chose Chamisa Green for the color. It was similar to Sage green.

Ms. Rios asked if on the north elevation there was a wall in front of it.

Mr. Alejandro said it was actually a high wall between these two properties with dense vegetation. There was a building on the other side in close proximity to the property line but really no visibility from the neighbors. So that was why they would install downspouts and collect water in a water harvesting system.

Chair Woods said they didn't need downspouts to harvest water. She asked what they were doing with the water.

Mr. Alejandro said they didn't want to have problems with the walls.

Chair Woods said she had a problem with it. She asked how high it was at the end.

Mr. Alejandro said it would be 17' to the top of the parapet.

Chair Woods said it was a sheer wall with no windows and was one of the scariest façades she had seen and so close to the neighbor's wall.

Mr. Featheringill asked if he needed that many downspouts.

Mr. Alejandro thought they could reduce the number. They were taking it off the existing roof but they could resize some of them.

Mr. Featheringill suggested half as many would help. And there should be some kind of stepping on that wall, something to break it up a little bit.

Ms. Shapiro asked how far away this wall was from the property line.

Mr. Alejandro said it was 18' approximately. It started close and angled back.

Mr. Rasch said it was shown on page 12.

Ms. Shapiro noted he had said he wanted to use synthetic stucco. She asked what the construction of this house was.

Mr. Alejandro said it was a 2x4 frame stucco home.

Ms. Shapiro asked if the stucco would it be floated out or troweled.

Mr. Alejandro said it would be a floated, Santa Fe texture.

Ms. Shapiro asked about the window reveal and if they would use outside insulation.

Mr. Alejandro said they would have 2x6 frame with insulation in the walls so they won't add battering. So it would be as is.

Dr. Kantner was concerned about the pitch on the existing portal. The new design seemed as if it was this mass of standing seam roof. It was a pretty long distance and visible to the properties to the west. He suggested they consider reducing the pitch considerably.

Ms. Mather asked if they would reconsider the pueblo style portal on the back.

Mr. Alejandro said he would have to confer with the owners. This style was to distinguish the addition from the existing home and it was the predominant style in that area. That would also change the rail configuration and would mean more stucco mass instead of a wood railing.

Chair Woods said it seemed the pitch they were adding to a simple house was a lot. She understood distinguishing new from old but this was a very different style. She disagreed with staff because of the angle on the house that angled away from the property line and would be publicly visible. She thought that massing had to be broken up. There were problems with it.

Dr. Kantner noted on the south elevation there was a window below the portal against the ground level.

Mr. Alejandro explained there was storage underneath the existing balcony and they would carry that same style with a crawl space and landscaping so they would carry the windows down.

Mr. Rasch clarified that it was hard to understand in the staff report that there was no mention of the undivided window violation. He assumed Ms. Barrett inferred that many of the existing windows did not meet the rule.

Ms. Rios asked Mr. Alejandro if he were proposing windows that didn't meet the 30" rule.

Mr. Alejandro said he was not.

Chair Woods explained the rule to him.

Mr. Alejandro said in that case he would keep those windows divided.

Chair Woods said he would have to either ask for an exception (and it had to be noticed) or divide them.

Mr. Alejandro said they would be divided.

Ms. Rios moved to postpone Case #H 09-028 so the app could redraw the project more in pueblo revival style, on the north elevation to give some relief to that wall and to address the downspouts and comply with 30" rule. Dr. Kantner seconded the motion and it passed by unanimous voice vote.

3. **Case #H 07-049.** 355, 357, 357½ E. De Vargas. Downtown & Eastside Historic District. Jim McGorty, agent for Elizabeth McGorty and Heather Street, proposes to rehabilitate doors and windows, replace pipe railing and restucco three contributing buildings, remove 6' high wood slat fence and construct a coyote fence to the maximum allowable height of 6' and construct two yardwalls below the maximum allowable height of 6'. (Marissa Barrett)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND AND SUMMARY:**

The three Spanish Pueblo Revival style buildings located at 355, 357, and 357 ½ De Vargas Avenue were built before 1928 and retain their original single pane true divided light wood windows and doors. They appear to also retain their original massing. All three buildings were listed as contributing to the Downtown and Eastside Historic District.

This application was approved at the April 24, 2007 HDRB hearing with conditions. The applicant was unable to complete the work within the two year time frame and now comes before the Board with the original application. The applicant has stated that all conditions placed by the Board at the April 27, 2007 hearing would be followed.

The applicant proposes the following:

Spray foam the roof of all three units. All rooftop appurtenances (skylights and vents) would be under the parapet and therefore would not be publicly visible.

Rehabilitate all doors, windows, and screens on all four elevations of all three buildings. Where wood decay was less than 30% the wood Dutchman process would be used and where wood rot was over 30% the wood would be replaced in kind. The eastern door on the south elevation of 357 ½ would be closed off from the interior but would retain the exterior look. The wood trim for 355 and 357 would be painted a turquoise color (Tropical Tide) and wood trim for 357 ½ would be painted white (Navajo White).

The building would be stuccoed with an El Rey cementitious stucco in an adobe color.

Construct a yard wall and wood pedestrian gates along the west property line to a height of 4' 8"-3' 6" where the maximum allowable height was 6'. The wall would not connect to the contributing structures and would be stuccoed to match the buildings. The wood panel gates would have a weathered natural gray finish.

Replace the pipe rail on the east elevation on 355 and the west elevation of 357 with a wrought iron rail. The stairs for both buildings would be repaired. Also proposed was a yard wall and wood pedestrian gate to a height of 5' where the maximum allowable height was 6'. The wall would be set back 23' 3" from East De Vargas Street and would be stuccoed to match the buildings. The gate would be painted turquoise to match the window trim.

Remove the wood slat fence and coyote fence located at the north elevation of 355 and 357. The fence at the northeast corner of 357 would be replaced with a coyote fence to the maximum allowable height of 6'.

Lastly proposed was the continuation of flagstone paving behind 355 and 357 and in front of 357 ½.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of this application with the original Board placed conditions as follows: the condition that the stucco was El Rey "Adobe" cementitious, that the wall on the west property line was 4' 8" high along the buildings and that it steps down to a height of 3' 6" between the building at the pedestrian gate, that the wall on the south elevation was reduced to 5' high, and that any exterior lights were brought to staff. Otherwise this application complies with Section 14-5.2 (C) Regulations for Contributing Structures, Section 14-5.2 (D) General Design Standards for All H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Present and sworn was Mr. Jim McGorty.

Ms. Rios asked him about light fixture design.

Mr. McGorty said he had a letter but didn't have the photograph with him. He had submitted the photograph to Ms. Barrett. It was very simple design.

Mr. Rios asked about colors.

Mr. McGorty said one would be this blue color and the other would be slightly green; two different turquoise colors.

There were no speakers from the public regarding this case.

**Ms. Rios moved to approve Case #H 07-049 per staff recommendations. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

#### **K. MATTERS FROM THE BOARD**

Chair Woods asked if anyone else wanted to serve on the sub-committee. No one else volunteered.

**L. ADJOURNMENT**

**Ms. Rios moved to adjourn the meeting. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

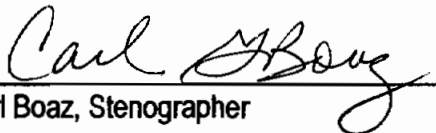
The meeting was adjourned at 9:10 p.m.

Approved by:

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Sharon Woods, Chair

Submitted by:

  
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Carl Boaz, Stenographer