



Agenda

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HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, DECEMBER 22, 2009 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2ND FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, DECEMBER 22, 2009 – 5:30 PM

CITY COUNCIL CHAMBERS

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

October 6, 2009
October 27, 2009

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-08-095B. Southwest corner of Palace Avenue and Paseo de Peralta

Case #H-09-058. 518 Palace Avenue

Case #H-09-036. 625 Garcia Street

Case #H-09-066. 119 Martinez Street

Case #H-09-070. 816-818 Don Cubero Street

F. COMMUNICATIONS

G. BUSINESS FROM THE FLOOR

H. ADMINISTRATIVE MATTERS

1. Case #H-09-063. 433 W. San Francisco Street. Westside-Guadalupe Historic District. Deborah Day & Peter Buehner, appellants, propose an appeal of a Land Use Department approval to construct a 6' high fence where the maximum allowable height is 6' high on a side lotline and a previous HDRB approval allowed 4' 6" high on a contributing property. (David Rasch)

2. Case #H-09-064. 433 W. San Francisco Street. Westside-Guadalupe Historic District. Doug Sayer, appellant, proposes an appeal of a Land Use Department approval to construct a 6' high fence where the maximum allowable height is 6' high on a side lotline and a previous HDRB approval allowed 4' 6" high on a contributing property. (David Rasch)

I. OLD BUSINESS

1. Case #H-09-045. 621 Garcia Street. Downtown & Eastside Historic District. JenkinsGavin, agent for Doug and Peggy McDowell, proposes to amend a previous approval for preliminary development on vacant lots with grade alterations, maximum building heights, and yardwalls. (David Rasch)

2. Case #H-09-069. 130 Camino Escondido. Downtown & Eastside Historic District. Jane Terry, owner/agent, proposes to amend a previous conditional approval to construct an approximately 527 sq. ft. portal, install storm windows, and restucco a contributing building. (David Rasch)

J. NEW BUSINESS

1. Case #H-09-081. 1277 Canyon Road. Downtown & Eastside Historic District. Arch-Scape, agent for Richard Yates, proposes to remodel a non-contributing building by altering doors and windows, creating new openings, and repair and/or replacement in kind of damaged wood siding. (Marissa Barrett)
2. Case #H-09-082. 545 E. Coronado Road. Don Gaspar Area Historic District. Fabu-Wall-Ous Solutions, LLC, agent for Myron Martin, proposes to enclose a portal on a non-contributing building. (Marissa Barrett)
3. Case #H-09-083A. 1215 & 1217 Paseo de Peralta. Downtown & Eastside Historic District. William Agnew Architect, agent for The Rothestein Law Firm, proposes a historic status reviews for non-contributing and non-statused commercial buildings. (David Rasch)

Case #H-09-083B. 1215 & 1217 Paseo de Peralta. Downtown & Eastside Historic District. William Agnew Architect, agent for The Rothestein Law Firm, proposes to remodel non-contributing commercial buildings with window and door alterations and sitework with planters. (David Rasch)
4. Case #H-09-084. 112 Camino Escondido #3. Downtown & Eastside Historic District. Deon T. Hilger, owner/agent, proposes to replace doors and windows on a non-contributing building. (Marissa Barrett)
5. Case #H-09-086. 211 Old Santa Fe Trail. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Christian Anderson, proposes to install ground-mounted building illumination on the significant Loretto Chapel. (David Rasch)
6. Case #H-09-087A. 120 E. Marcy Street. Downtown & Eastside Historic District. Addison Dotty, agent for WIRT CO/WIRT SQUARES, proposes an historic status review on a non-contributing property. (David Rasch)

Case #H-09-087B. 120 E. Marcy Street. Downtown & Eastside Historic District. Addison Dotty, agent for WIRT CO/WIRT SQUARES, proposes to remodel a non-contributing property by removing a portal infill, replacing doors with windows, removing a rusticated stone wall, and performing other site work. (David Rasch)
7. Case #H-09-080. 110 W. San Francisco Street. Downtown & Eastside Historic District. Suby Bowden + Associates, agent for P&Z Partner's, proposes to alter non-historic windows on a contributing building. (Marissa Barrett)
8. Case #H-09-089. 1424 Paseo de Peralta. Historic Transition District. Michael Bauer, owner/agent, proposes an historic status review for this contributing and not resurveyed property. (David Rasch)
9. Case #H-09-090. 519 E. Palace Avenue. Downtown & Eastside Historic District. Pilar and Melissa Pattersen-Kling, owner/agents, propose to remodel a contributing building by removing a 150 sq. ft. non-historic addition; constructing approximately 683 sq. ft. of additions; replacing non-historic and non-primary elevation windows. (David Rasch)

10. Case #H-09-092. 1114 Camino San Acacio. Downtown & Eastside Historic District. Hoopes + Associates, agents for Dick and Jenny Mullen, proposes to remodel a non-contributing building by altering openings, constructing an approximately 20 sq. ft. addition to not exceed the existing height and to construct an approximately 220 sq. ft. carport to a height of 11' where the existing height is 12'6". (Marissa Barrett)
11. Case #H-09-093. 703 Alto Street. Westside-Guadalupe Historic District. Joe Browning, agent for Tonita Roybal, proposes to demolish an approximately 920 sq. ft. non-contributing building and constructing an approximately 956 sq. ft. building to a height of 11', measured midpoint on the street facing elevation (18'7" on the downslope) where the maximum allowable height is 14'7" (18'7" on the downslope) and construct yardwall to the maximum allowable height of 5'6". (Marissa Barrett)
12. Case #H-09-091. 151 Gonzales Road #29. Downtown & Eastside Historic District. William S. Krafchik, owner/agent, proposes to replace windows on a non-contributing building. An exception is requested to Section 14-5.2(E,1,c) to exceed the 30% window rule. (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 December 22, 2009 Historic Design Review Board Field Trip, please notify the Historic Preservation by 9:00 am on Tuesday, December 22, 2009.

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December 22, 2009

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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DESIGN REVIEW BOARD

December 22, 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
Ms. Cecilia Rios, Vice Chair
Dr. John Kantner
Ms. Christine Mather
Ms. Deborah Shapiro
Ms. Karen Walker

MEMBERS ABSENT:

Mr. Dan Featheringill [excused]

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Kelley Brennan, Asst City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Planning Department.

C. APPROVAL OF AGENDA

Mr. Rasch noted on typo in the Findings of Fact; the second one should be 09-057 not 09-058

Ms. Mather moved to approve the agenda as amended. Ms. Rios seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES

October 6, 2009

Ms. Walker moved to approve the minutes of October 6, 2009 as presented. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

October 27, 2009

Ms. Rios requested the following changes to these minutes:

On page 7, fourth sentence from the bottom, "Vice Chair Rios said it did not, because the motion stated it was adopting staff's recommendations...."

On Page 14 at the top, "Vice Chair Rios said that the color was specified in the motion."

On Page 16, sixth sentence, delete the word, "were." Next sentence - delete the word "then."

On Page 18, the sentence should be revised to say, "Vice Chair Rios agreed that that was of utmost importance and that the Board was here to uphold the ordinance."

Ms. Shapiro requested the following change to these minutes:

On page 20, the eighth paragraph from the bottom, second line - take out "very easily."

Dr. Kantner requested the following changes to these minutes:

On page 9, a third down on the page, "Dr. Kantner asked if it embodied the characteristics of bungalow construction."

On Page 11 in the motion a quarter down on the page should said at the end of it, "Ms. Walker seconded the motion."

Ms. Rios moved to approve the minutes of October 27, 2009 as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H 09-095B Southwest corner of Palace Avenue and Paseo de Peralta

Ms. Rios moved to adopt the Findings of Fact and Conclusions of Law for Case #H 09-095B as submitted. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

Case #H 09-057 518 Palace Avenue

Ms. Walker moved to approve the Findings of Fact and Conclusions of Law for Case #H 09-057 as submitted.

Dr. Kantner requested one correction under Conclusions of Law, the second condition that the garage addition extend the wall to the east to break up the vertical massing of the stair tower. But in the minutes, the motion said if the garage was continued across, it needed to be set back from the historic window on the west elevation and to break up that space. So the motion and the Conclusions of Law appeared to be not the same.

Chair Woods asked if the Board wanted to table that one.

Mr. Rasch recommended approval with the changes as stated.

Dr. Kantner moved to approve the Findings of Fact and Conclusions of Law for Case #H 09-057 accurately reflect the motion made on October 6, 2009 specifically on condition 2 that it match condition two of the motion. Ms. Walker seconded the motion and it passed by unanimous voice vote.

Case #H 09-036 625 Garcia Street

Ms. Walker moved to approve the Findings of Fact and Conclusions of Law for Case #H 09-036 as submitted. Ms. Rios seconded the motion and it passed by unanimous voice vote.

Case #H 09-066 119 Martinez Street

Ms. Walker moved to approve the Findings of Fact and Conclusions of Law for Case #H 09-066 as submitted. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

Case #H 09-070 816-818 Don Cubero Street

Ms. Mather moved to approve the Findings of Fact and Conclusions of Law for Case #H 09-070 as submitted. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

F. COMMUNICATIONS

Mr. Rasch noted the 2010 calendar of hearings. [attached to these minutes as Exhibit A].

G. BUSINESS FROM THE FLOOR

None.

H. ADMINISTRATIVE MATTERS

1. **Case #H 09-063.** 433 W. San Francisco Street. Westside-Guadalupe Historic District. Deborah Day & Peter Buehner, appellants, propose an appeal of a Land Use Department approval to construct a 6' high fence where the maximum allowable height is 6' high on a side lot line and a previous HDRB approval allowed 4' 6" high on a contributing property. (David Rasch)

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

BACKGROUND & SUMMARY:

Please note: Two actions are required with this one staff report.

433 West San Francisco Street is a commercial structure that was originally constructed before 1912 in a vernacular style. The building is listed as contributing to the Westside-Guadalupe Historic District.

On November 28, 2006 the HDRB conditionally approved an application to construct a coyote fence along the west lotline of the property as Case number H-06-117. Board member Barrow moved that the HDRB move this item up on the agenda at the hearing with the reason being that it was not a complicated case. The motion was approved.

The application proposed a fence at 6' high with irregular latillas tops at approximately 15' back from the street and running for approximately 90'. The applicant stated that the neighbors to the west were inappropriately using their property for vehicle access or parking.

Board member Frost requested that the fence be lowered to 4' high. The applicant's agent, Mr. Curry, accepted 4'6" as a compromise. There were no speakers from the public. Member Frost made the motion to approve the application with the condition that the fence not exceed 4'6", seconded by member Barrow, and passed by unanimous voice vote. (see attached minutes)

The rear property owner, Mr. Buehner, submitted an appeal of the action but subsequently rescinded that appeal because, "the issues were resolved between the appellant, the owners, and the neighbors." (see attached)

The property owners, David and Clara Dougherty, submitted for a 4'6" fence building permit in a timely manner but constructed a 6' high fence. The permit was never picked up from City Hall and thus never issued. On November 28, 2007, long before 2009, the HDRB conditional approval had expired.

In January 2009, the Dougherty's notified Mr. Buehner and Ms. Day that their use of the Dougherty's property for vehicle access should not continue (see attached)

On March 24, 2009, the Land Use Department Director granted administrative approval to apply for a 6' high fence building permit without the knowledge that the previous permit was never issued. (see attached)

On another matter, the Land Use Department Director instructed the Building Permits Division Director to perform a sweep of the Department's permits holding area to clean-up unfinished businesses. This caused the 4'6" high fence permit to be issued to the Dougherty's. Then, the Dougherty's were required to revise that building permit with the 6' high administrative approval to bring the construction into compliance with the building permit. That action triggered an appeal period and two appeals were filed.

They were both appealing the height of the fence.

H-09-063

Deborah Day and Peter Buehner, property owners to the rear of the property in question, filed an appeal on October 1, 2009. This appeal asserts that the 6' high fence causes an undue hardship for ingress and egress into their rear lot. An alleged narrowing of the 10' easement is not within the jurisdiction of the HDRB. Due to safety concerns, the appellants are requesting that the original approval for a 4'6" high fence be upheld.

STAFF RECOMMENDATION:

Staff recommends denial of the appeals, because the Land Use Department Director did have authority to grant a 6' high side lotline fence height after the HDRB approval expired, since it met the height allowance and driveway visibility standards. Also, the easement narrowing, encroachment, and view/light issues are not within the HDRB jurisdiction.

2. **Case #H 09-064.** 433 W. San Francisco Street. Westside-Guadalupe Historic District. Doug Sayer, appellant, proposes an appeal of a Land Use Department approval to construct a 6' high fence where the maximum allowable height is 6' high on a side lotline and a previous HDRB approval allowed 4' 6" high on a contributing property. (David Rasch)

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

H-09-064

Douglas Sayre, property owner to the west of the property in question, filed an appeal on October 5, 2009. This appeal asserts that the Land Use Department Director did not have the authority to overturn the HDRB approval. In fact, that approval was expired. The appeal also states that the 6' high fence is a traffic hazard, blocks views and light from his residence, and narrows the easement dimensions while also encroaching onto his property. The HDRB has no jurisdiction over these issues. The appellant requests that the fence be reduced to the original approved height of 4'6".

STAFF RECOMMENDATION:

Staff recommends denial of the appeals, because the Land Use Department Director did have authority to grant a 6' high side lotline fence height after the HDRB approval expired, since it met the height allowance and driveway visibility standards. Also, the easement narrowing, encroachment, and view/light issues are not within the HDRB jurisdiction.

Chair Woods felt there was a lot going on here. Ms. Brennan, can you explain what was in our jurisdiction and what the Board was deciding.

Ms. Brennan clarified that this was within the Board's jurisdiction for height and appearance but not for encroachment or safety.

There were a lot of confusing facts and the history was confusing. The preliminary question on both was whether the Land Use Director had authority to approve a six foot high fence when only 4' 6" had been approved by the Board. If this Board found he did have authority, no further action would be needed but if the Board found he did not have authority, the Board would schedule a hearing for the substance on the height of the fence.

She provided copies of Code section 14-5.2.(C3a) and read it to the Board. [attached as Exhibit B]

The Board review was mandatory and if the practice was to delegate that to staff, it must be made by the Board to grant staff that authority. She could find no place in the Code that provided for staff review or approval of wall and fence heights in the Westside-Guadalupe Historic District. She noted that there were provisions that allowed staff authority to review and approve applications for similar structures in the Historic Review District but not in this district.

In addition, the wall and fence guidelines which she also provided copies of to the Board and was adopted by the Board on August 24, 1999, provided that walls and fences higher than 4 feet and having street frontage or visibility "shall be brought to the Board for review and approval prior to submission for building permit review." She noted that the word "shall" meant it was mandatory.

At the same time in 1999, the Board gave staff authority to review and approve any fences up to four feet high in any historic district.

Ms. Brennan concluded that staff only had authority to provide review and approval of walls and fences

that were not visible but not in this case. So if the Board found the decision needed to be made by the Board, it would make a finding on that and would direct staff to schedule a hearing on the substance of the matter.

Chair Woods asked to be noted in the record that it did show her name on the staff approval. She stated that she had no recollection of having made that approval. It didn't mean that she had not been asked but she had no recollection of it.

Chair Woods said that, based on Ms. Brennan's clarification of the ordinance and the guidelines, the Board would first hear from the appellants and then from the public. She wanted to only hear testimony on what the Board had jurisdiction. The Board's jurisdiction had nothing to do with property lines or light - only with what had been presented. She said if anyone began testifying about something outside the Board's jurisdiction, she would stop them from continuing. The issue was whether it was okay for staff to approve it and the height and appearance of the wall.

Present and sworn were Ms. Jennifer Jenkins and Ms. Colleen Gavin, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, Santa Fe.

Ms. Jenkins said they were here on behalf of the appellants in both cases before the Board. She distributed copies of some documentation for the Board [attached as Exhibit C]. She agreed to limit their comments to the assertions made in the staff report. That report attempted to justify the fact that a six foot fence was built when this Board approved a 4' 6" fence. They did not believe it was justifiable.

She explained that the first page of her handout was a copy of the approval issued by Marissa Barrett of the original fence approval in November, 2006 which stated that the fence should be 4½ feet high. She directed the Board down to the footnote on that page that referenced that this approval was good for one year and referenced Code section 7-1.6. On the next page was that section of the code. As was apparent, this section related to building permits only and had nothing to do with the Historic Design Review Board approvals and when or if they expired.

She said the next page was a similar Historic Design Review Board approval of a decision that might be familiar to some of the Board with respect to the height exception granted for the Cathedral project. It was also granted in 2006 a few months before this case approval. She noted that the next page referenced the exact same Code section, saying that the approval was good for one year (referencing the code section that pertained to building permits).

She explained that Ms. Gavin and she were involved in the Cathedral Project and had concerns for the height exception expiring. So they addressed that with the City Attorney, the Land Use Director and Mr. Rasch. In the final letter issued by Mr. Rasch in November 2008 stated that there were not any provisions in the Santa Fe City Code (2001) under which approvals by the Historic Design Review Board would expire – the approvals remain in effect. She pointed out to the City Attorney, the Land Use Director and Mr. Rasch that the code section they were referencing was not applicable.

As a result, the City issued the letter and she had confidence that their exception was preserved. She reasoned that if it applied to the Cathedral project, it also applied to 433 West San Francisco Street. The Board approval was still intact and the Land Use Director did not have the authority to unilaterally overturn the Board's decision. Her clients had no qualms about the Board's mandate that the fence be 4½ feet high. They felt that was an adequate height to define Mr. Sayre's parking area and keep vehicles from encroaching onto their driveway.

She said they were only asking for one thing. She didn't think it was the intent of the code that an applicant could wait one year and then get the Land Use Director's approval.

Chair Woods invited the appellants to address the Board.

Present and sworn was Mr. Deborah Day who said they were only requesting that the Board honor the 4½ foot fence they previously approved. They wanted to know how their six foot fence was legal or proper. They were greatly concerned about the process. It appeared that if the applicant was unhappy, they could just go to the Land Use Director to overturn it. She didn't think the Board should allow this abuse.

Presented and sworn was Mr. Doug Sayre, the west side property owner who agreed. They wanted the case upheld with the Board's decision and not what was constructed by the adjacent property owner.

Present and sworn was Mr. Michael Comeau, representing the property owners at 433 West San Francisco Street. He understood they must confine themselves to the issues but asked if staff didn't have jurisdiction, what they were to do.

Chair Woods asked the question of Ms. Brennan.

Ms. Brennan repeated once again that if the Board agreed that staff did not have jurisdiction there would be a hearing where the Board would consider the application to construct a six foot fence on their property.

Mr. Comeau said they were dealing clearly with a legal problem here and taking testimony was improper. They had been informed otherwise. They didn't try to mislead staff. The staff just said they would grant administrative approval for the six foot fence. Next time, he would demonstrate that they had no intent to mislead the Board on how it got to six feet.

There were no speakers from the public regarding this case.

Ms. Rios asked Ms. Brennan if she agreed with the statement of Ms. Jenkins that the HDRB decisions remain in effect "for time immemorial."

Ms. Brennan said she did not know the origin of this letter. She knew that on each of these Board action letters that the HDRB approvals expired one year after their date of decision and could be renewed for an additional year upon request. There was a variation on both of those. But she did not believe, based on this practice, that they did not expire. It probably would be addressed with the ordinance redraft.

But based on the notice, and practice, it was a one year expiration.

Ms. Rios asked Ms. Brennan if the applicant wanted to come back with a new application, it would be acceptable to consider it.

Ms. Brennan agreed.

Ms. Shapiro - asked Mr. Comeau why the applicant did not pick up their building permit when they applied for it.

Mr. Comeau said the architect was to pick it up but forgot.

Ms. Shapiro asked if there were no notification signs on the premises then, and no inspections of the work.

Mr. Comeau said that was correct.

Ms. Walker said she understood Ms. Brennan to say the only place in the Code where staff could review construction by themselves were for walls four feet or under or when it was in the Historic Review District or walls over four feet when they were not visible. Mr. Rasch agreed.

Ms. Walker said in that case staff had no right to change the ruling.

Ms. Mather asked what the motion would be based upon.

Chair Woods said the Board was basically voting to approve the appeal or not approve the appeal. If the Board approved the appeal, then the applicant could come back with an application to construct the fence at six feet. If the Board disapproved the appeal, that meant the staff did have the authority to make the decision.

Ms. Brennan agreed and said they would make a finding based on Section 14-5-2.C3 and the material presented.

Chair Woods said the Board would need different votes on each one of them. Although the 09-063 asked for support of the original decision of 4' 6". The second case was to rule on if staff had the authority.

She was sure this has been aggravating for everyone. They were doing their best to straighten it out in the best way possible. She asked the parties to please accept the Board's apologies for it and the heartache here.

Chair Woods asked for the pleasure of the Board.

Ms. Walker moved to approve the appeal of Case #H 09-063 that requested the original approval for a 4' 6" fence be upheld, based on the 1999 Wall and Fence Guidelines and section 14-5.2 C3a there was no allowance for staff to change the decision of the Board; that staff can only approve

cases that could not be seen from the street, in the Historic Review District for walls that were four feet or lower. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

Ms. Walker moved to approve Case #H 09-064 requesting that the original approval by HDRB in 2006 be retained or reverted to at 4' 6" and finding of fact that staff had no authority to overturn the decision based on wall and fence guidelines in Santa Fe Historic Districts in 1999 and on 14-5.2 C 3 a in which staff review was only allowed in the Historic Review District, in construction not visible from the street or for walls or fences four feet or lower. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

Chair Woods asked that these decision term limits be clarified next time.

I. OLD BUSINESS

1. **Case #H 09-045.** 621 Garcia Street. Downtown & Eastside Historic District. JenkinsGavin, agent for Doug and Peggy McDowell, proposes to amend a previous approval for preliminary development on vacant lots with grade alterations, maximum building heights and yardwalls. (David Rasch)

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

BACKGROUND & SUMMARY:

621 Garcia Street consists of 6 vacant lots on man-made and natural sloping ground in the Downtown & Eastside Historic District. One lot (#6) has street frontage while the others are on the interior of the property.

The maximum allowable heights are as follows: Lot 1 on the interior NW corner at 14' 10"; Lot 2 on the interior NE corner at 14' 1"; Lot 3 on the interior east side at 14' 6"; Lot 4 on the interior SE corner at 14' 8"; Lot 5 on the interior south side at 15' 1"; and Lot 6 with street-frontage at 15' 11".

The applicant is requesting 4 additional feet of height due to at least 2 feet of slope along the proposed building footprints. The Board should discuss whether these slopes are natural or made-made, especially in light of the next point.

The man-made excavated slope at the street frontage will be restored with infill back to street grade. This restoration may be seen as reestablishing a harmony with the streetscape and therefore the applicant may not need a height exception to measure the proposed building from finished grade rather than existing grade although it is not the most restrictive grade.

On August 11, 2009, the HDRB conditionally approved the grading as proposed without the need for height exceptions and that the following maximum allowable building heights be allowed for return to the Board with building designs: lot 1 at 16'10"; lot 2 at 16'1"; lot 3 at 16'6"; lot 4 at 16'8"; lot 5 at 17'1"; and lot 6

at 15'11".

Now, the applicant proposes to amend that approval with the following two items.

1. The grade heights will be slightly altered for lots 1, 3, 5, and 6. The amount of changes proposed varies from a maximum increase in grade at approximately 1' to a minimum increase in grade at approximately 1". The grade will not change for lots 2 and 4 and the maximum allowable heights for all lots will not change.

2. Retaining walls are proposed between lots and at the street frontage on Garcia with a maximum of 1' above grades. Yardwall extensions on these retaining walls will be proposed at a future date with building designs. Interior, non-street frontage maximum allowable yardwall heights are 6' from whichever side is higher. The maximum allowable height for the retaining wall with the above grade yardwall on the street frontage is 5'11". A height exception may be required for yardwall extensions, especially the street frontage proposal on lot 6 or where building codes may require a safety railing, fence, or yardwall due to a drop from the top of the retaining wall.

STAFF RECOMMENDATION:

Staff recommends preliminary approval of the amendment to a grading approval to alter the site with no buildings exceeding the maximum allowable building heights measured at midpoint on the street-facing elevation for Lot 6 and at midpoints on primary entrance elevations for the remainder of residences, with the request to reestablish the grade along the street on Lot 6 thus not requiring a height exception, and with the retaining walls as proposed with clear direction given regarding any required wall height exceptions.

Present and previously sworn was Ms. Jennifer Jenkins who said there was not much to add. They got preliminary approval of their grading plan and just made a few tweaks here and there. Since the grading concept, the retaining walls were structured so they were getting approval here. When they came back with homes they would ask for garden walls then.

Chair Woods asked on Lot 6, how far it was above Garcia Street

Ms. Jenkins said it actually wasn't above Garcia Street.

Present and sworn was Mr. Jim Sapsinger, 1801 Camino Cruz Blanca, who provided the elevations of the lots in the development - on Lot 6, the street - 6997 was the grade at NW corner; finished grade = 7k at the corner. At the intersection of R Road - a dirt affair - it was 7003 and their pad was 7002. So they balanced need for access with the height of Garcia Street. It probably was on par at the power pole next to the garage and three feet higher at the low corner. They had proposed moving the wall 5-7 feet back from the property line to provide a sidewalk and a planting strip.

Ms. Shapiro asked how high the retaining wall was around the Baca residence.

Mr. Sapsinger said on the second page there were some site sections and elevations. Section A

showed the Baca residence and Lot Six cut through the back end. First he pointed out that in light of the fact that the Baca residence was already there and built fairly low, Mr. McDowell granted a 14' wide easement so the Baca residence would retain southern exposure. The retaining wall was 7.5 feet with a stone planter in front at 3.5 feet. That was the approval condition all around the Baca property. It showed up on Section 2 also (Lot 5). He showed the stone planter bed also.

Ms. Shapiro asked about the wall to the east of Bacas at Lot 1.

Mr. Sapsinger said the planter went all the way around. On the site plan you could see the planter turning the corner until there was only a five foot differential and the wall at Lot 1 continued to step down to the corner.

Ms. Shapiro asked if on top of the wall they would have a safety guard.

Mr. Sapsinger agreed. They dropped the pad so the safety rails could be reduced two feet.

Ms. Jenkins added that they had worked closely with Ms. Baca to address their significant drainage issue. They were going to do grading to divert water away from them and they were pretty thrilled about it.

Dr. Kantner was concerned that when coming up Garcia Street it would be quite massive from Garcia there. The extra three feet grade behind the wall was going to make it seem more massive. He asked if the grading behind the wall could match Garcia.

Mr. Sapsinger asked him if he had the drawing that showed the building proposed.

Dr. Kantner said it was in their packet.

Mr. Sapsinger said that drawing showed the proposed building would be pretty much as drawn.

Dr. Kantner felt the height of the wall and safety rail would be quite monumental. Saving the three feet in grade would allow a decrease in the height of the wall.

Mr. Sapsinger said if they lowered that, it would be underground on the other side.

Chair Woods suggested they could step it up - maybe five steps.

Mr. Sapsinger explained that the applicant's desire was to have them accessible so they were trying not to do stairs inside. They might have more slope on the pad and could lower the wall on the corner.

Dr. Kantner said it would be 8 feet plus the rail. He acknowledged the planter would help. His concern was that it would be 50' long and 8' tall plus the safety railing. He didn't know what the solution was.

Ms. Rios asked how much he could reduce it to alleviate the height of it.

Mr. Sapsinger said he was stuck with the elevation at the 7002 on the east side because of driveway access from the private lane. He pushed the pad down two feet at this end. He was not at maximum height on the north side. If he was allowed to have the masses step up and not have to measure from the far north side, then he could drop the finished grade down two feet. If he could take that 13' and lower the grade as an understory protected by privacy wall, then he could drop the pad down a couple of feet.

Chair Woods agreed this was complex. She followed what he was saying but it was difficult for the Board to visualize. Maybe the Board could approve partially for those that were not a problem and have the rest come back later.

Ms. Jenkins said they would be recording an amendment to the grading in January so they didn't have to ignore Lot 6. She thought maybe they could approve now a somewhat reduced pad elevation and when they came back for house approval they could modify the pad. It would be difficult.

Chair Woods reminded Ms. Jenkins that she was the one who asked for elevating the height Chair Woods didn't think it was good on Garcia Street and would urge the Board not to do that.

Ms. Jenkins said in the alternative she could withdraw the grading on Lot 6 tonight and do the others and resubmit when they came for the houses. The difference was 7".

There were no speakers from the public regarding this case.

Chair Woods noted the house on Lot six would front Garcia and it also had the Bacas to the north. The others were behind and go up as the hill went up. Ms. Jenkins agreed.

Ms. Rios asked what the public visibility of the other lots would be.

Mr. Rasch said driving south on Garcia you would look across the access road but true frontage was only on lot six.

Ms. Shapiro asked Mr. Sapsinger for the height of the house facing the Baca residence on Lot 5 - the diagonal house. She asked for the height of the wall of that house.

Mr. Sapsinger said it was approximately 12' to 12' 6" with a three foot privacy wall in front of it. They could do iron railings if necessary.

Ms. Shapiro asked if the 12' wall went toward the Baca house and then had a 7' retaining wall.

Mr. Sapsinger said it was a little under 7' and broken in half with the planter.

Ms. Shapiro asked what it would look like if she was looking down their driveway. She asked if they would see the house on lot six and if it would look like the house on lot 5 was almost connected to it.

Mr. Sapsinger asked her to clarify that.

Ms. Shapiro asked above the retaining wall how much of house would show.

Mr. Sapsinger said it would be about 9-10 feet.

Dr. Kantner moved in regard to Case #H 09-045 that the amendment to the original approval for lots 1, 3 and 5 be approved but not for lot 6 and that the retaining walls proposed be allowed with the understanding that the garden walls would be considered later. Ms. Mather seconded the motion and it passed by unanimous voice vote.

Ms. Rios asked if they could put in story poles. Mr. Sapsinger agreed.

2. **Case #H 09-069.** 130 Camino Escondido. Downtown & Eastside Historic District. Jane Terry, owner/agent, proposes to amend a previous conditional to construct an approximately 527 sq. ft. portal, install storm windows and restucco a contributing building. (David Rasch)

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

BACKGROUND & SUMMARY:

130 Camino Escondido was a single-family residence with attached garage that was constructed in the 1930s in the Spanish-Pueblo Revival style. There are minor alterations to the building, including alteration of the garage and the construction of a non-historic rear porch which was removed without permission. The building was listed as contributing to the Downtown & Eastside. The following elevations are considered as primary: 1, 2, 3, 4, 5, 13, and 14.

On October 27, 2009, the HDRB granted approval to remodel the property with the conditions that a report be submitted that assess the reparability of historic windows, that the rear portal addition was approved, and that detailed drawings regarding insulation, stucco depth, and opening reveals be submitted along with any exterior lighting and rooftop appurtenances.

Now, the applicant proposes to remodel the property with the following three items.

1. The building will be restuccoed, presumably without the previously proposed insulation. The stucco will match the existing stucco material, texture, and color. Discussion should clarify the stucco.
2. All windows will be fitted with storm windows that will be fabricated by a window restoration expert who has been qualified by the Historic Preservation Division.
3. The rear portal details will have carved corbels instead of a simplified post and header and the pro panel roof will be a color to match the existing earth-tone stucco and the wooden elements will be a color to match the existing brown trim.

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.

Present and sworn was Ms. Jane Terry, 130 Escondido who asked for help from anyone who knew how to work with pentile. She was trying to figure out how to live with some quality of life in this building.

Ms. Rios thanked her for coming forward with this and the provisions she mentioned. She asked for the color of the pro panel roof and if it was visible publicly.

Ms. Terry said there should be an overview. She could not give the precise color. It was tan and matched the stucco as much as possible. It was on the rear and not visible from the street. It should enhance the building. It was shown on page four.

Ms. Shapiro thanked Ms. Terry for coming back and thought it was now much better. There was an existing rooftop appurtenance on the roof probably A/C. She was presuming that was already up there.

Ms. Terry agreed. The roof was replaced and she talked with Joe Tapia and got the maximum insulation they could have.

Ms. Shapiro said the unit was visible from the street. She asked if Ms. Terry could screen it like a false wall with stucco on it so it would not be seen from the street.

Ms. Terry agreed and asked if she could do it at the time she did the stucco.

Ms. Shapiro agreed and explained that it didn't look like part of this old historic house.

Ms. Mather asked about stucco color and whether they would put exterior insulation on it.

Ms. Terry said she would have to rebid the stucco in the spring and then could have more specific information. She had been told the existing could be duplicated and that was the plan.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 09-069 per staff recommendations and the condition that the air conditioning unit on the roof be screened. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

J. NEW BUSINESS

1. **Case #H 09-081.** 1277 Canyon Road. Downtown & Eastside Historic District. Arch-Scape, agent for Richard Yates, proposes to remodel a non-contributing building by altering doors and windows, creating new openings and repair and/or replacement in kind of damaged wood siding. (Marissa

Barrett)

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

BACKGROUND AND SUMMARY:

The single family residence located at 1277 Canyon Road was built by 1949 and was listed on the 1992 Historic Cultural Properties Inventory as a New Mexico Vernacular/Postmodern style building. The building has had major remodeling which includes additions and window and door replacements. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

This application proposes to remove the garage door on the non-publicly visible east elevation and install a new divided light French door. The remaining area will be infilled and finished with a wood siding to match the existing. Also proposed for the east elevation was a new opening for two divided light windows.

Proposed for the non-publicly visible south elevation were the removal of an existing door and the construction of two new openings. The door opening will be infilled and finished with wood siding to match existing. Divided light windows will be installed in the new openings. Also proposed on the non-publicly visible west elevation was the creation of a new opening. A divided light window will be installed in the opening. All new windows and doors, including the trim will be white to match existing.

Lastly proposed was to repair damaged wood areas. Various locations across the building have wood pecker holes which will be repaired to match existing wood siding. The gutter along the north eave will be repaired due to sagging.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application on the condition that the new exterior light fixtures are 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.

Present and sworn was Mr. Aaron Borr, who said the driving force behind the renovation was that the owner would like to create bedroom partitions in the house and he had to have additional egress and light. That was the primary reason for adding the windows. It needed repairs to the siding to prevent rodents from entering. They would not remove it but just patch and fill the holes.

Ms. Rios felt this was a very interesting house on a beautiful piece of property. She asked how many new windows there would be.

Mr. Borr said they would install eight new windows and indicated where they would be placed.

Ms. Rios asked if the windows to the right of the garage were being replaced.

Mr. Borr said they were not. He clarified that all the existing windows would remain.

Ms. Rios asked if in the new windows he would emulate those thick mullions that were in the existing windows. Mr. Borr agreed

There were no speakers from the public regarding this case.

Ms. Shapiro moved to approve Case #H 09-081 per staff recommendations and two conditions: that any exterior lighting be brought to staff for review and approval and that the mullions on the new windows match the mullions on the old windows. Ms. Walker seconded the motion and it passed by unanimous voice vote.

- 2. Case #H 09-082.** 545 E. Coronado Road. Don Gaspar Area Historic District. Fabu-Wall-Ours Solutions, LLC, agent for Myron Martin, proposes to enclose a portal on a non-contributing building. (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

The Spanish Pueblo Revival style, single family residence was constructed in 1991 and was listed on the Official Map as non-contributing to the Downtown and Eastside Historic District.

This application proposed enclosing an approximately 365 square foot portal on the publicly visible south elevation. No change in height was proposed. A new divided light French door and two divided light side lights will be installed. Windows will be simulated divided lights in the color white to match the existing. The existing beam will be replaced and the posts and carved corbels will be removed. A new Brie roof will be installed over the enclosure. Stucco will match the existing in color, type, and texture.

No other alterations are proposed for the building.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application on the condition that any new exterior light fixtures are 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 if the proposed windows would meet the 30" rule. Mr. Rasch agreed.

Present and sworn was Mr. William Dushall who said it was a simple enclosure of a portal on the rear of the building. The only area visible was the beam which they would replace in kind. Other than that, the proposed new windows and door were not visible from anyplace on Coronado Road.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 09-082 per staff recommendations. Ms. Mather seconded the motion and it passed by unanimous voice vote.

3. **Case #H 09-083A.** 1215 & 1217 Paseo de Peralta. Downtown & Eastside Historic District. William Agnew Architect, agent for The Rothstein Law Firm, proposes a historic status review for non-contributing and non-statused commercial buildings. (David Rasch)

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

BACKGROUND & SUMMARY:

1215B, 1215 (rear), and 1217 Paseo de Peralta was a group of commercial buildings that were constructed between 1912 and 1930 in the Spanish-Pueblo Revival Style and the Territorial Revival Style. The three buildings enclose a courtyard that has street frontage to the north along what was formerly East Manhattan before the Paseo was constructed.

1215B has little evidence of alteration and it was listed as contributing to the Downtown & Eastside Historic District.

1215 (rear) has an original rectangular adobe section placed at the west side of the lot in a north-south axis. This section retains historic steel casement and fixed windows. By 1958, the rear was altered and a square wooden-frame addition was constructed. After 1976 a large addition was constructed on the south and a hall was placed in front of the northeast façade of the original adobe. The latter additions have non-historic wood double hung windows. It was officially listed as not resurveyed. An Historic Cultural Properties Inventory was completed in 2009.

1217 has an original adobe block at the northeast corner. After 1968, a block addition and portal was constructed on the west side. It was listed as non-contributing.

STAFF RECOMMENDATION:

Staff recommends maintaining the contributing historic status for 1215B, maintaining the non-contributing historic status for 1217, and assigning a non-contributing historic status to 1215 (rear).

Present and sworn was Mr. William Agnew who said he gave Mr. Rasch a drawing that was color coded on what was built when. He agreed with staff recommendations.

There were no speakers from the public regarding this case.

Ms. Mather moved to approve Case #H 09-083A per staff recommendations maintaining the contributing status for 1215 B and non contributing status for the other two. Ms. Walker seconded the motion and it passed by unanimous voice vote.

Case #H 09-083B. 1215 & 1217 Paseo de Peralta. Downtown & Eastside Historic District. William Agnew Architect, agent for the Rothestein Law Firm, proposes to remodel non-contributing commercial buildings with window and door alterations and site work with planters. (David Rasch)

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

BACKGROUND & SUMMARY:

1215B was a contributing building and 1215 (rear) with 1217 are non-contributing buildings in the Downtown & Eastside Historic District. The applicant proposes to remodel the property with the following five items.

1. The 3' wide front door on the north elevation of 1215 (rear) will be removed and the opening widened to 5'4" in order to receive a pair of doors. The new six panel wooden doors will have glazing in the two upper panels.
2. The two single-light awning windows with Territorial window surrounds on the north elevation of 1217 will be removed with the eastern wall opening infilled and the western wall opening enlarged for the installation of paired 1-over-1 windows with Territorial window surrounds painted white to match other existing trim.
3. 1217 and its associated yardwall to the west will be restuccoed to match existing stucco.
4. New light fixtures will be installed on all three buildings to help unify the property. The fixtures will be 16" high by 7" wide and made of patinated copper. The applicant will provide the fixture design at the hearing.
5. Site work includes new surface treatments and low planters. Asphalt will be replaced with earth-tone concrete. Concrete walkways under portals will be replaced with brick. Exposed concrete walkways will be replaced with stone pavers. Planters will be constructed at 18" high with stucco-finished walls and flagstone caps.

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. Rasch handed out an exhibit for this case [attached as Exhibit D].

Mr. Agnew said staff covered it about right.

Chair Woods asked if the stone would be white.

Mr. Agnew said no; it would be Colorado red flagstone.
There were no speakers from the public regarding this case.

Ms. Rios asked if there would be any roof top appurtenances.

Mr. Agnew said there would be none.

Ms. Walker moved to approve Case #H 09-083 B per staff recommendations. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

4. **Case #H 09-084.** 112 Camino Escondido #3. Downtown & Eastside Historic District. Deon T. Hilger, owner/agent, proposes to replace floors and windows on a non-contributing building. (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

112 Camino Escondido #3 was a two story Spanish Pueblo Revival single family residence. The unit was part of a condominium that was built in the 1970s. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

In September 2009 the owners were issued a stop work order for replacing windows and a door without HDRB approval or a building permit. The owners contacted Historic staff and now come before the Board requesting approval for the following alterations:

Replace a second story door on the publicly visible, east elevation with a window since there was no deck or railing. If the door was to remain a railing would need to be constructed to meet safety code regulations. The new window would be at the same header height and the sill will be raised. The window complies with the 30" window rule. Also proposed on the east elevation was the replacement of six windows. All replacement windows will have the same dimensions and muntin patterns as the existing. All windows comply with the 30" window rule.

A new window opening was proposed for the non-publicly visible south elevation. The new window will be a small kitchen window and will comply with the 30" window rule. No other alterations are proposed for the south elevation.

Two bathroom windows on the non-publicly visible west elevation will be replaced. The new windows will be slightly larger in order to meet code requirements. The sills will be lowered from 12" to 16". The new windows comply with the 30" window rule. The existing three divided light steel casement windows will be replaced with windows of the same dimension and muntin pattern.

Also proposed was the replacement of the divided light steel casement windows on the publicly visible

east and south elevations of the one story guest unit associated with unit #3. The new windows will match the existing in dimension and muntin pattern.

All new windows will be aluminum clad in the color white. All wood window trim will be a rose red color which has been chosen by the condominium association.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application as it 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 if the windows would be true divided lights.

Mr. Rasch wasn't sure.

Present and sworn were Ms. Deon Hilcher and Mr. Joey Delaney.

Ms. Hilcher said they had someone working on the outside to paint it for us and he suggested doing things on the inside and when they got back from being out of town he had done things on his own. They did change to a window instead of a door on the second floor because that outside space above never had a deck. When they bought the property there was a rotted railing and they took it out. They felt this was a safety issue. They had to get rid of the worker quite quickly when they discovered he wasn't doing things appropriately.

Ms. Rios asked if they were proposing true divided light windows.

Ms. Hilcher said they were replacing with the same type windows.

Ms. Mather asked who chose the window pattern.

Ms. Hilcher said the worker did that when they were out of town.

Ms. Mather pointed out that it didn't match the other windows and asked if she could change that.

Ms. Hilcher agreed. She said they were ordering windows as soon as possible and could do that one too.

There were no speakers from the public regarding this case.

Ms. Mather moved to approve Case #H 09-084 per staff recommendations and the condition that the one window already replaced be re-replaced to match existing and all windows match the style.

Ms. Rios seconded the motion and asked for a clarification on the condition that the windows

be true divided light (architectural series). Ms. Mather agreed to the clarification. The motion passed by unanimous voice vote.

- 5. Case 3H 09-086.** 211 Old Santa Fe Trail. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Christian Anderson, proposes to install ground-mounted building illumination on the significant Loretto Chapel. (David Rasch)

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

BACKGROUND & SUMMARY:

213 Old Santa Fe Trail, known as the Loretto Chapel, was part of the Inn and Spa at Loretto at 211 Old Santa Fe Trail. The Chapel was constructed in 1878 in the Gothic Revival Style. The building was listed as significant to the Downtown & Eastside Historic District.

The applicant proposes to install 9 exterior ground-mounted building illumination fixtures around the south, west, and north elevations of the building. The fixtures will be a maximum of 29" high with barn door focusing shields all in the color gray.

As cited in Section 14-8.9 (D)(4): (Except for certain structures in the Historic Districts or landmark structures, which are regulated by §14-8.10(H), accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.) The Outdoor Lighting Standards allow for accent lighting of building façades.

As cited in Section 14-8.10 (H): (Illumination Restrictions (Ord. No. 2009-29 § 6)

- (a) No signs shall be permitted that are animated by any means, including flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination.
- (b) Illumination for each side of a projecting sign, if lighted by goose neck lights, shall be evenly distributed.
- (c) Wall signs to be illuminated shall be so constructed as to have all illumination from behind each letter. No visible bulbs, neon tubing or other lighting shall be allowed.
- (d) Electric signs may be placed inside windows and glass doors; provided, that their proportions are not in excess of the window area so allowed under paragraph (4) above.
- (e) No electric outdoor lights placed in trees, shrubs, or other types of vegetation shall be allowed when publicly visible except during the traditional holidays.) The Standards for illumination do not restrict illumination to certain buildings.

STAFF RECOMMENDATION:

Staff recommends approval of this application which appears to comply with Section 14-5.1 (C) Regulation of Significant Structures, (D) General Design Guidelines, (E) Downtown & Eastside Historic District, 14-8.9 (D)(4) Outdoor Lighting Standards, and 14-8.10 (H) Signs (illumination).

Ms. Rios asked if the ordinance limited the number of lights.

Mr. Rasch said no; it just could not bleed off the building.

Ms. Mather asked if it didn't indicate how powerful it could be.

Mr. Rasch said it did not.

Chair Woods said the Board had the authority to limit the lighting if it felt it was too much.

Ms. Shapiro asked if the ordinance regulated a color the light could be.

Mr. Rasch said it did not; it was up to the Board.

Present and sworn was Mr. Eric Enfield who said there was a real lack of lighting on this building. The Board's site visit was during the day. It had 3 old lanterns on posts and there were two accent lights on the back. He worked with David Gonzales on power engineering and from lighting suppliers. He brought some special stuff - photometrics of the lighting showing what they proposed to do [attached as Exhibit D]. It showed the light spread on the chapel to show that it didn't jump off the building.

The front elevation showed two fixtures on the side. They could control the light spread so they could keep it just on the face.

Regarding wattage, the Night Sky Ordinance didn't restrict under 75 watts so he chose 70 watts and that would allow projection onto the church up to 15'. They showed the amount of foot/candles if the Board needed it.

Ms. Rios asked if this projection would be up to 15' on the building.

Mr. Enfield said it ranged from 8 candle/feet down to 0. The reason was that they had an armed robbery so they wanted to light it a little at night without big security lights.

Ms. Walker asked what the lights were attached to.

Mr. Enfield said they would all be on the ground at the base of the trees except for those behind the sign so it could not be seen from the street. They picked grey fixtures since they were close to the ground.

Ms. Walker asked if there were other colors.

Mr. Enfield said there was a bronze but they chose grey because they wouldn't stand out as much.

Ms. Mather asked if it would just wash the whole building in a fairly gentle light.

Mr. Enfield said that was exactly what they wanted. He thought the Board would be happy with it. It was allowed and could be done tastefully.

Ms. Mather asked if they were halogen bulbs.

Mr. Enfield said they were a metal Hal light. They were on really short stems. They would stick out about 8-9 inches on the side.

Chair Woods said the Board was concerned about the one that was 30" tall.

Mr. Enfield said it was way back from the building so they didn't have a hot spot. He said he could lower it by 4-5 inches. They wanted it just under the height of the existing sign.

Ms. Rios asked how far apart they were.

Mr. Enfield explained they were on the historic bays of the chapel so they were 15' apart. They would produce a soft white light. The parabolics made it work at 70 watts. And they all had adjustable barn doors. The Board could come look after the installation and adjust the lighting pattern.

Public Comment

Present and sworn was Mr. Stefan Huber, who said he was here today in his capacity of Santa Fe Lodgers' Association member and General Manager at the Inn at Loretto to lend support to this initiative and the owners of the Inn. The chapel was owned and they were in complete agreement with this project.

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

Ms. Shapiro asked if after putting in 70 watts they found it looked too harsh if they could reduce the wattage.

Mr. Enfield said they could go under the wattage but could not increase it.

Ms. Shapiro moved to approve Case #H 09-086 per staff recommendations with fixtures as proposed and have the possibility if it was not gentle enough to reduce the wattage. Dr. Kantner seconded the motion.

Ms. Rios requested a friendly applicant to lower the 30" fixture by 4-5 inches. Ms. Shapiro and Dr. Kantner accepted it as friendly and the motion passed by unanimous voice vote.

6. **Case #H 09-087A.** 120 E. Marcy Street. Downtown & Eastside Historic District. Addison Dotty, agent for WIRT CO/WIRT SQUARES, proposes an historic status review on a non-contributing property. (David Rasch)

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

BACKGROUND & SUMMARY:

120 East Marcy Street was a commercial building that was constructed in a vernacular manner in 1951. The building was listed as non-contributing to the Downtown & Eastside Historic District.

By 1958, a portal was constructed on the north, street-facing elevation and on the west elevation at a lower height. At a later, presumably non-historic date, the front portal was infilled and a slightly rusticated stone wall was constructed at the northwest corner. This alteration was non-conforming in architectural style, it detracts from what may be considered as a marginally appropriately-styled building for this district, and it was non-compliant with the code citation 14-5.2 (D)(4) that "existing porches or portals shall not be enclosed" and the practice which applies this standard to historic portals.

STAFF RECOMMENDATION:

Staff recommends maintaining a non-contributing historic status for this property based upon the loss of historic integrity through remodeling.

Present and sworn was Mr. Addison Dotty who had nothing to add to the report.

Ms. Rios asked if the footprint remained the same as in 1958 with the exception of the portal.

Mr. Rasch agreed. He said the alterations of the original and alterations of the alterations were very non-conforming.

Ms. Walker moved to approve Case #H 09-087A per staff's recommendations to maintain the non-contributing status for this property. Dr. Kantner seconded the motion and it passed by unanimous voice vote.

Case #H 09-087B. 120 E. Marcy Street. Downtown & Eastside Historic District. Addison Dotty, agent for WIRT CO/WIRT SQUARES, proposes to remodel a non-contributing property by removing a portal infill, replacing doors with windows, removing a rusticated stone wall, and performing other site work. (David Rasch)

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

BACKGROUND & SUMMARY:

120 East Marcy Street was a commercial building that was constructed in a vernacular manner in 1951. The building was listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the building with the following seven items.

1. The front portal infill on the north elevation would be removed and the portal will be restored. The portal was designed in the Territorial Revival style to match exiting conditions.

2. The northwest corner stone wall will be removed as part of the portal remodel.

3. Seven existing doors on the west elevation will be removed and replaced with windows to match existing windows.

4. The gutters and downspouts will be replaced in-kind, where necessary.

5. The stucco and trim will be repainted to match existing colors.

6. The free-standing stone wall to the west will be stuccoed.

7. Existing brick pavers will be extended to the curb.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Sections 14-5.2 (D) General Design Standards and (E) Downtown & Eastside Historic District.

Mr. Dotty clarified that the colors were slightly different. The darker would be Buckskin and the lighter would be Cream.

Ms. Walker asked if there was a change of windows on the north elevation.

Mr. Dotty said the windows would be pulled back under the portal.

There were no speakers from the public regarding this case.

Ms. Mather moved to approve Case #H 09-087B per staff recommendations and with the condition that any new exterior lighting would be reviewed and approved by staff and colors as stated by the applicant. Ms. Rios seconded the motion and it passed by unanimous voice vote

7. **Case #H 09-080.** 110 W. San Francisco Street. Downtown & Eastside Historic District. Suby Bowden + Associates, agent for P&Z Partners, proposes to alter non-historic windows on a contributing building. (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

110 West San Francisco Street was a two story commercial building which was constructed between 1886-1890. The building was Italianate style on the second story and Spanish Pueblo Revival style on the first story. The building has received remodeling which includes an addition between 1921-1930 and a Spanish Pueblo Revival style portal addition and window and door alterations in the 1970s. The Official Map lists the building as contributing to the Downtown and Eastside Historic District.

This application proposes remodeling the first floor, non-historic store front windows and entry. A new glass entry door will be installed under the portal, on the north elevation, along San Francisco Street where a window was existing. The door will include a new wood header and will be finished with a natural stain. The purpose for the new entry location was that the interior stairway to the second story will be relocated in this location, which was believed to have been the original location.

Also proposed was to remove two non-historic windows on the north elevation and install one large picture window under the portal. The window will include a wood header and stuccoed sills at the same height as the others on the elevation and the window will match the existing brass trim.

Lastly proposed was removing the tile on the north elevation and stuccoing the area to match the existing in type, color, and texture.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application as it was in compliance with Section 14-5.2 (C) Regulations for Contributing, 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 referred to the photo on right hand side and asked if that was part of this application.

Mr. Rasch thought it was.

Present and sworn was Ms. Suby Bowden who said the owners had owned the property for 26 years. About 10 years ago the HDRB approved a remodeling that preserved the Italianate style and this project now was to get it further back. They were not touching the windows on the right. It was the windows on the left they were talking about. They were adding a glass door with a staircase going up and believed it was the original staircase. Back in that location and to the right was a new window that would match the left without the stepping. It would be for one tenant. They were also refurbishing the balustrades above.

Ms. Rios asked if that window was not part of the application. Ms. Bowden agreed.

Ms. Rios thought that stepping was a little strange. It would be nice to have them match.

Ms. Bowden said it would probably require a lot of effort to get her to change those. Mr. Porter continued to improve the building.

There were no speakers from the public regarding this case.

Dr. Kantner moved to approve Case #H 09-080 per staff recommendations. Ms. Walker seconded the motion and it passed by unanimous voice vote.

8. **Case #H 09-089.** 1424 Paseo de Peralta. Historic Transition district. Michael Bauer, owner/agent, proposes an historic status review for this contributing and not resurveyed property. (David Rasch)

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

BACKGROUND & SUMMARY:

1424 Paseo de Peralta was a large commercial building that was constructed over a series of years from before 1938 to 1993. The street-facing portion of the building was listed on the official map as not-resurveyed and the rear portion of the building was listed as contributing to the Transition Historic District.

The street-facing adobe building was constructed before 1938 in the Spanish-Pueblo Revival style with a portal on the south elevation. By 1968, a small addition was constructed on the northwest corner with concrete block. The building retains good integrity with historic wooden windows.

The rear building, apparently an apartment originally, was constructed in a vernacular manner before 1968 with concrete block. A west-facing portal was shown in a photograph on the 1984 inventory. This portal was infilled by 1997, when the property was re-inventoried. Also, in 1993, an addition was constructed between the two free-standing buildings with access to the rear building only. This building has no integrity.

STAFF RECOMMENDATION:

Staff recommends the following historic statuses on the property: the street-facing building should change from not-resurveyed to contributing based upon an historic date of construction with good integrity and the rear building should change from contributing to non-contributing due to a non-historic date of construction.

Present and sworn was Ms. Janet Williams, 100 Don Gaspar, who agreed with the staff report.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 09-089 per staff recommendations. Ms. Mather seconded the motion and it passed by unanimous voice vote.

9. **Case #H 09-090.** 519 E. Palace Avenue. Downtown & Eastside Historic District. Pilar and Melissa Pattersen-Kling, owner/agents, propose to remodel a contributing building by removing a

150 sq. ft. non-historic addition; constructing approximately 683 sq. ft. of additions; replacing non-historic and non-primary elevation windows. (David Rasch)

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

BACKGROUND & SUMMARY:

519 East Palace Avenue was a single-family residence that was constructed before 1928 in a vernacular manner. During the war, it was a Naval Recruiting Station, so that remodeling from historic dates was presumed. Character-defining elements are the front porch with low arches and the shed roof massing on the east side. The south, street-facing elevation may be considered as primary.

The applicant proposes to remodel the building with the following three items.

1. The non-historic additions at the northwest corner will be removed and replaced with an approximately 900 square foot addition which complies with the 50% footprint rule and the 10' setback from a primary elevation rule. The west wing addition will mirror the existing east wing with a shed roof at 16' high, that matches the height of the east wing shed roof and which was below the maximum allowable height of 23'. Finishes will match existing finishes. One window on the non-visible north elevation in the guest bathroom does not meet the 30" rule.

2. The non-historic fixed window installation on the primary, south elevation will be removed and replaced with operable windows in the same opening and with the same light pattern.

3. Two windows on the non-primary, north elevation will be replaced. The historic 2-over-2 window from the west elevation remodel will be reused, if possible. The window on the non-visible north elevation in the guest room does not meet the 30" rule.

STAFF RECOMMENDATION:

Staff recommends approval of this application with the condition that the two non-compliant windows on the rear elevation meet the 30" rule. Otherwise, this application complies with Section 14-5.2 (C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Ms. Rios asked if the proposal would not impede the existing arches.

Mr. Rasch said it was set back from the arch so it would keep the integrity of the portal. It would lose the last one around the corner.

Present and sworn were Ms. Pilar Patterson-King and Ms. Melissa Patterson-King who had nothing to add to the staff report.

Chair Woods noted there was a change that was being brought with two pages of windows and two

pages of elevations.

Ms. Rios asked if they were losing one arch or two.

Ms. Pilar Patterson-King said there was only one.

Ms. Rios said it appeared they were losing two.

Ms. Melissa Patterson-King said on the wrap around - originally there were three arches but with the addition in 1995, one arch was lost. It was around 1970 that owners put on a bathroom and then in 1995 - the owners built the addition.

Dr. Kantner asked if those were arch shaped windows.

Ms. Patterson-King agreed.

Ms. Walker asked if the change since the packet was to put in clerestory window.

Ms. Patterson-King said they decided it would be nice to have a bank of five clerestory windows toward an arroyo. So they had to drop the top of the pitch in order to put them in.

There were no speakers from the public regarding this case.

Ms. Rios asked about public visibility.

Mr. Rasch said the walls were pretty high so there was none from the street and very little once on the property.

Ms. Walker asked if this project would cause a change of the status.

Mr. Rasch didn't think so.

Ms. Shapiro asked if they were going to add any exterior lighting.

Ms. Patterson-King said no. There was a French door under the portal so they don't need additional lighting for that.

Ms. Shapiro asked about rooftop appurtenances.

Ms. Patterson-King said there was an existing skylight on the south side and they wanted one on the north side to match. She showed it to Chair Woods on their floor plan.

Ms. Rios asked if it would be low profile. Ms. Patterson-King agreed.

Ms. Shapiro asked if there was a chimney on the addition.

Ms. Patterson-King agreed. It was a little higher than the one on the east. A chimney expert said it was too short so they had to extend it.

Chair Woods said it was hard to see what they were proposing because of the graph lines showing through on the drawings.

Mr. Rasch explained that from the south street facing façade the addition would mirror the east slope. What would happen was that the shed roof proposed on the north side would be removed on the northern part and would be stepped down to a flat roof part.

Dr. Kantner noted that the step down was over the closet-bath.

Ms. Patterson-King agreed.

Chair Woods asked if it was on the back of the building. Mr. Rasch agreed.

Chair Woods asked if there was a new skylight on the new shed.

Mr. Rasch said it just had two pitches.

There were no speakers from the public regarding this case.

Dr. Kantner moved to approve Case #H 09-090 per staff recommendations and that plans meet the 30" rule and approving the additional setback given to the Board today. Ms. Walker seconded the motion and it passed by unanimous voice vote.

- 10. Case #H 09-092.** 1114 Camino San Acacio. Downtown & Eastside Historic district. Hoopes + Associates, agents for Dick and Jenny Mullen, proposes to remodel a non-contributing building by altering openings, constructing an approximately 20 sq. ft. addition to not exceed the existing height and to construct an approximately 220 sq. ft. carport to a height of 11' where the existing height was 12' 6". (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

The approximately 3,397 square foot, two story, single family residence was constructed in 1987 by Betty Stewart in the Territorial Revival style. The building has received minor alterations in 2000 which includes additions to the north and south elevations. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

The applicant proposes the following alterations:

Remove the garage door on the east elevation and infill with frame and stucco to match the existing in color (suede), texture, and type. Remove two non-compliant windows on the east elevation and install two small windows that meet the 30" window rule. Windows will match the existing in finish.

A new entry door in the courtyard was proposed on the south elevation of the existing garage. A small approximately 20 square foot addition was proposed on the rear, west elevation of the existing garage, to not exceed the existing height. The addition will be stuccoed to match the existing building. French doors are proposed to be installed adjacent to the addition.

Lastly proposed was the construction of an approximately 220 square foot carport, on the south elevation, to a height of 11' where the existing height was 12' 6". The carport will be simple in design and will include wood posts and a low shed roof. Example photos of Betty Stewart portal details are provided in the packet which are the inspiration for the proposed carport design. However, clay tiles will be used on the roof in order to harmonize with the existing brick coping detail, rather than propanel.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application on the condition that any new exterior light fixtures are 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.

Present and sworn was Mr. Craig Hoopes who had nothing to add.

Ms. Mather asked if it was clay tile on the carport.

Mr. Hoopes agreed. He said it wouldn't be visible. It was real clay and in the traditional curved tile form. It was visible from above.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 09-092 per staff recommendations. Ms. Mather seconded the motion and it passed by unanimous voice vote.

- 11. Case #H 09-093.** 703 Alto Street. Westside-Guadalupe Historic District. Joe Browning, agent for Tonita Roybal, proposes to demolish an approximately 920 sq. ft. non-contributing building and constructing an approximately 956 sq. ft. building to a height of 11', measured midpoint on the street-facing elevation (18' 7" on the downslope) where the maximum allowable height was 14' 7" (18' 7" on the downslope) and construct yardwall to the maximum allowable height of 5' 6". (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

The approximately 920 square foot, two story, Spanish Pueblo Revival style single family residence was constructed between 1915 and 1920 and received alterations that includes additions in 1969 and window and door alterations. The Official Map lists the building as non-contributing to the Westside-Guadalupe Historic District. The building under review was one of three structures located on the lot. No work was proposed to the other two buildings.

In 2002 the building was severely damaged in a fire and has remained in disrepair and has been unoccupied since the fire. This application proposes to demolish the damaged non-contributing building.

A new approximately 956 square foot building will be constructed in the old location following zoning setbacks. The building will be Spanish Pueblo Revival in style and will be to a height of 11', measured midpoint on the south, Alto Street, facing elevation where the maximum allowable height was 14' 7". Since there was a slope change greater than 2' across the footprint of the building the highest point of the new building on the down slope will be 18' 7". The height of 18' 7" was approvable by the Board without a height exception according to Section 14-5.2 (D,9,c,ii,F).

The new single family residence will include divided light aluminum clad windows in the color sage green. All wood doors and windows will include exposed wood lintels which will be carved in a southwest motif. Canales on the north elevation will be wood lined with metal and will include downspouts. A second story deck was proposed on the west and north elevations and will include a simple steel railing. A new exterior stairway will be constructed on the southeast elevation (Alto Street) in order to gain access onto the lower area of the lot. Recessed exterior step lighting will be installed at the stairway. All other exterior light fixtures will be Mexican style sconces. The building will be stuccoed in a brown color similar to the existing buildings on the lot.

Also proposed was the construction of yard wall on the south elevation to the maximum allowable height of 5' 6". The wall will be stuccoed to match the building.

The existing stone retaining wall along the west property line, adjacent to the park, will be stabilized and salvaged where possible. A new stucco retaining wall will be constructed where needed along the west property line. Stucco will match the new building in color, type, and texture.

STAFF RECOMMENDATIONS:

Staff recommends approval on the condition that there are no publicly visible skylights, that the exterior light fixture details are 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 (I) Westside-Guadalupe Historic District Design Standards.

Present and sworn was Mr. Joe Browning, 921 Paseo del Sol, and Mr. Anthony Roybal.

They brought a color board with stucco window and paint colors. Stucco was El Rey #130. Windows were Anderson with natural stained wood.

Mr. Roybal pointed out the colors for the Board.

Ms. Shapiro asked if there was a detail for the steel railing on the deck.

Mr. Browning said it was as shown in the elevation and matching the color.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 09-093 per staff recommendations. Ms. Mather seconded the motion and it passed by unanimous voice vote.

12. **Case #H 09-091.** 151 Gonzales Road #29. Downtown & Eastside Historic District. William S. Krafchik, owner/agent, proposes to replace windows on a non-contributing building. An exception was request to Section 14-5.2(E,2,c) to exceed the 30% window rule. (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

151 Gonzales Road # 29 was a two story, Spanish Pueblo Revival style, single family residence located in the Last Vistas de Santa Fe Condominium Association. The non-publicly visible building was constructed in approximately 1979 and was listed on the Official Map as non-contributing to the Downtown and Eastside Historic District.

The applicant proposes to replace eight non-historic windows. The current windows are a mix of non-divided light windows and snap in muntin divided light windows. The owner wishes to replace the windows without divides in order to match the most recently replaced (approved in approximately early 2000s) windows on the south elevation. The new windows will be custom made by Pella windows as to retain the existing opening dimensions. The exterior window trim color will be brown to match the existing.

Since the windows exceed the 30% window rule an exception was requested to Section 14-5.2 (E,1,c) for all windows that are not located under a portal (six windows are not under the portal). The applicant has addressed the exception criteria located in Section 14-5.2 (C,5,c,i-vi). The applicant's response was as follows:

With regard to Article 14-5.2 (C)(5)(c), we submit the following:

The character of the streetscape would be unchanged. Our unit was almost not visible from the street and other, more visible units have windows like those we propose (please see attached photos).

This project will give us a uniform appearance and improve our property value. Also, viewed from the exterior, one presently sees, for the most part, as set of old, unattractive storm windows which will be

eliminated.

The proposed windows will indeed be in harmony with the architecture of our neighborhood and in fact have the approval of our Association's Architectural Committee (letter enclosed).

Items 14-5.2 (C)(5)(c)(iii to vi) do not appear to apply.

Staff confers with the applicant that the windows will not have a negative impact on the streetscape based on lack of visibility and that the proposed windows will be harmonious with the other surrounding buildings within the neighborhood. Therefore the exception to the 30" rule for the six windows will not negatively impact the Historic District.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application, including the exception to exceed the 30" window rule, citing the exception criteria has been met. Otherwise this application complies with Section 14-5.2 (D) General Design Standard for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Ms. Rios asked if there was any public visibility of those non compliant windows.

Present and sworn was Mr. William S. Krafchik who said he thought he heard Mr. Rasch say snap in mullions. The mullions that existed there were actually just metal strips between the two panes of glass. Some didn't have mullions at all. He was trying to match all the windows.

There were no speakers from the public regarding this case.

Ms. Shapiro moved to approve Case #H 09-091 per staff recommendations and also that the exceptions were accepted. Ms. Walker seconded the motion and it passed by unanimous voice vote.

K. MATTERS FROM THE BOARD

Ms. Rios asked that Staff make sure that the drawings were legible and that they had existing and proposed on the same page. It was really hard for the Board sometimes.

Mr. Rasch said sometimes they looked legible but weren't when duplicated. Applicants wanted them larger.


L. ADJOURNMENT

Ms. Walker moved to adjourn the meeting. Ms. Rios seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 8:15 p.m.

Approved by:

Chair Woods, Chair

Submitted by:



Carl Boaz, Stenographer