



Agenda

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HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, JANUARY 26, 2010 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2ND FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, JANUARY 26, 2010 – 5:30 PM

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES
December 22, 2009
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW
 - Case #H-09-063. 433 W. San Francisco Street
 - Case #H-09-064. 433 W. San Francisco Street
 - Case #H-09-045. 621 Garcia Street
 - Case #H-09-069. 130 Camino Escondido
 - Case #H-09-081. 1277 Canyon Road
 - Case #H-09-082. 545 E. Coronado Road
 - Case #H-09-083A. 1215 & 1217 Paseo de Peralta
 - Case #H-09-083B. 1215 & 1217 Paseo de Peralta
 - Case #H-09-084. 112 Camino Escondido #3
 - Case #H-09-086. 211 Old Santa Fe Trail
 - Case #H-09-087A. 120 E. Marcy Street
 - Case #H-09-087B. 120 E. Marcy Street
 - Case #H-09-080. 110 W. San Francisco Street
 - Case #H-09-089. 1424 Paseo de Peralta
 - Case #H-09-090. 519 E. Palace Avenue
 - Case #H-09-092. 1114 Camino San Acacio
 - Case #H-09-093. 703 Alto Street
 - Case #H-09-091. 151 Gonzales Road #29
- F. COMMUNICATIONS
- G. BUSINESS FROM THE FLOOR
- H. ADMINISTRATIVE MATTERS
- I. OLD BUSINESS

- 1. Case #H-08-128. 538 ½ Hillside Avenue. Downtown & Eastside Historic District. Arminda Diaz, owner/agent, proposes to construct an approximately 1,016 sq. ft. addition to the maximum allowable height of 13'9" (17'9" at highest point to due grade change). Construct yardwalls to not exceed the maximum allowable height of 6' to a non-contributing property. (Marissa Barrett)

2. Case #H-08-141. 500 & 700 blocks of W. Alameda Street. Westside-Guadalupe Historic District. Duty & Germanas Architects, agents for Santa Fe Civic Housing Authority, proposes to amend a previous board approval to construct 139 residential units regarding roof massing alterations to change some pitched roofs to flat roofs in order to screen solar equipment. (David Rasch)

J. NEW BUSINESS

1. Case #H-10-008. 1148 Camino San Acacio. Downtown & Eastside Historic District. Scott Hale, agent for Kay & Greg, proposes to remodel a non-contributing building by constructing approximately 925 sq. ft. of heated space, approximately 314 sq. ft. of portals below the existing height of 15'4", remove a pitched roof and redesign to a Spanish Pueblo Reveal Style, replace doors and windows, and construct yardwalls and pedestrian gates not to exceed the maximum allowable height of 6'. (Marissa Barrett)
2. Case #H-10-009. 433 W. San Francisco Street. Westside-Guadalupe Historic District. David & Clara Dougherty and Michael Comeau, agents/owners, propose to construct a 6' high coyote fence on a side lotline on a contributing property. (David Rasch)
3. Case #H-10-010. 60 E. San Francisco Street. Downtown & Eastside Historic District. O. Michael Duty, agent for 60 East Corp., proposes to expand an existing second story deck over a portal by increasing the portal height from 14 ft. high to approximately 17 ft. high on a 29' high non-contributing property. (David Rasch)
4. Case #H-10-011. 557 Agua Fria. Westside-Guadalupe Historic District. Luis Olivas, agent for William and Amiee La Calle, proposes to remodel a non-contributing building by removing a non-historic 88 sq. ft. sunroom. (Marissa Barrett)
5. Case #H-10-003. 862 Don Cubero Avenue. Don Gaspar Area Historic District. Conron & Woods, agent for Nona Jones, proposes to remodel a contributing residential property by insulating and restuccoing the exterior, infilling a portal, creating an opening in a porch wall, and constructing a 4' high yardwall at the front. Exceptions are requested to infill a portal (Section 14-5.2(D)(4)) and to create an opening where an opening does not exist on a primary elevation (Section 14-5.2(D)(5)(a)(i)). (David Rasch)

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 January 26, 2010 Historic Design Review Board Field Trip, please notify the Historic Preservation Division by 9:00 am on Tuesday, January 26, 2010.

SUMMARY INDEX
HISTORIC DESIGN REVIEW BOARD

January 26, 2010

ITEM	ACTION TAKEN	PAGE(S)
Approval of Agenda	Approved as published	1-2
Approval of Minutes December 22, 2009	Approved as corrected	2
Findings of Fact & Conclusion of Law		2-3
Case #H-09-063, 433 W. San Francisco	Approved	
Case #H 09-064, 433 W. San Francisco	Approved	
Case #H 09-045, 621 Garcia Street	Deleted	
Case #H 09-069, 130 Camino Escondido	Approved	
Case #H 09-081,, 1277 Canyon Road	Approved as amended	
Case #H 09-082, 545 E. Coronado Road	Approved as amended	
Case #H 09-083A,, 1215 & 1217 Paseo	Approved	
Case #H 09-083B,, 1215 & 1217 Paseo	Approved	
Case #H 09-084, 112 Camino Escondido #3	Approved	
Case #H 09-086, 211 Old Santa Fe Trail	Approved	
Case #H 09-087A, 120 E. Marcy Street	Approved	
Case #H 09-098B, 120 E. Marcy Street	Approved	
Case #h 09-080, 110 W. San Francisco	Approved	
Case #H 09-089, 1424 Paseo de Peralta	Approved	
Case #H 09-090, 519 E. Palace Avenue	Approved as amended	
Case #H 09-092, 1114 Camino San Acacio	Approved as amended	
Case #H 09-093, 703 Alto Street	Approved as amended	
Case #H 09-091, 151 Gonzales Road #29	Approved	
Communications	Discussion	3
Business from the Floor	None	3
Administrative Matters	None	3
Old Business		
1. <u>Case #H 08-128.</u> 538½ Hillside Avenue	Approved with conditions	3-5
2. <u>Case #H 08-141</u> 500 & 700 Blocks of W. Alameda Street	Approved with condition	5-7
New Business		
1. <u>Case #H 10-008</u> 1148 Camino San Acacio	Approved with conditions	7-9

2. <u>Case #H 10-009</u> 433 W. San Francisco Street	Approved with conditions	9-15
3. <u>Case #H 10-010</u> 60 E. San Francisco Street	Approved with conditions	15-17
4. <u>Case #H 10-011</u> 557 Agua Fria	Approved as recommended	17-18
5. <u>Case #H 10-003</u> 862 Don Cubero Avenue	Approved with conditions	18-22
Matters from the Board	Discussion	22-23
Adjournment	Adjourned at 7:15 p.m.	23

MINUTES OF THE
CITY OF SANTA FE
HISTORIC DESIGN REVIEW BOARD

January 26, 2010

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
Mr. Dan Featheringill
Dr. John Kantner
Ms. Christine Mather
Ms. Deborah Shapiro
Ms. Karen Walker

MEMBERS ABSENT:

None

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Marissa Barrett, Senior Historic Planner
Ms. Kelley Brennan, Assoc. 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 that the first two Findings of Fact were emailed to each Board member but not in the packet. He also noted that Case #H 09-045 was not a final action.

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

D. APPROVAL OF MINUTES

December 22, 2009

Ms. Walker noted one correction needed in the middle of page 9 where it should say "Ms. Brennan agreed." - not Mr. Rasch.

Ms. Walker moved to approve the minutes of December 22, 2009 as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote. Mr. Featheringill abstained.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H 09-063 433 W. San Francisco Street

Case #H 09-064 433 W. San Francisco Street

Case #H 09-069 130 Camino Escondido

Case #H 09-081 1277 Canyon Road

Case #H 09-082 545 E. Coronado Road

Case #H 09-083A 1215 & 1217 Paseo de Peralta

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Case #H 09-086 211 Old Santa Fe Trail

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Case #H 09-080, 110 W. San Francisco Street

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Case #H 09-090, 519 E. Palace Avenue

Case #H 09-092, 1114 Camino San Acacio

Case #H 09-093, 703 Alto Street

Case #H 09-091, 151 Gonzales Road #29

Dr. Kantner requested corrections for Case #H 09-081, Case #H 00-082, Case #H 09-080, Case #H09-092 and Case #H 09-093 where the applicant and agent names were transposed.

Ms. Walker said they would also delete Case #H09-045.

Ms. Rios moved to approve the Findings of Fact as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

F. COMMUNICATIONS

Chair Woods reminded the Board members whose terms were up to write a letter to the Mayor indicating their willingness to serve another term. Ms. Mather, Mr. Featheringill, Ms. Walker and Chair Woods were those whose terms were expiring.

Ms. Walker and Ms. Mather said they had done so.

G. BUSINESS FROM THE FLOOR

None.

Chair Woods notified the public that anyone who wished to appeal a decision of the Board had seven days to do so and should contact staff for further instructions.

H. ADMINISTRATIVE MATTERS

None.

I. OLD BUSINESS

1. **Case #H 08-128**. 538½ Hillside. Downtown & Eastside Historic District. Arminda Diaz,

owner/agent, proposes to construct an approximately 1,015 sq. ft. addition to the maximum allowable height of 13' 9" (17' 9" at highest point due to grade change). Construct yardwalls to not exceed the maximum allowable height of 6' to a non-contributing property. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

This case was heard at the January 13, 2009 hearing and postponed so that the applicant could address the Board's concern with style. The case was to be heard at the February 24, 2009 hearing but was postponed by the applicant in order to address non-historic Board issues. The applicant has made modifications to the original submittal.

The approximately 427 square foot Simplified Spanish Pueblo Revival style casita located at 538 ½ Hillside was constructed in the 1980s and is part of the Plaza Walk Condominiums. The structure is built below grade and is constructed from stone retaining walls. The south elevation, which is exposed from within the courtyard, is stuccoed and includes the two windows and the entry door. The Official Map does not list a status for the building and the structure is not publicly visible. The building is not eligible for contributing status due to age.

The applicant proposes remodeling the building with the following:

Construct approximately 1,000 square feet of additions to the maximum allowable height of 13'9", measured midpoint on the west elevation, which carries the primary entrance. The south elevation, which faces the courtyard, will be to a height of 17' 9" due to the slope change. Since the footprint of the building has a slope change of 2' or more the ordinance, with the Board's approval, may grant the height to increase 2 additional feet, not to exceed 4' on the down slope. Therefore the proposed heights meet the Historic Ordinance if permitted by the Board.

418 square feet of the additions is located over the existing building and the remaining 580 square feet of additions are located to the east, rear elevation and will be built on grade.

The door on the south elevation will be replaced and one window will be eliminated. A second story balcony will extend over the south elevation and will have viga supports. Exposed wood will be finished with a natural stain. Windows and doors will be aluminum clad divided lights. All window trim will be finished in the existing color turquoise

The additions will have a stone base that will replicate the same original stacked stone pattern of the existing retaining walls. The building will be stuccoed in the color "Adobe" # 116. Seven skylights are indicated on the floor plan. Exterior light fixtures were not submitted.

A new court yard will be constructed on the west elevation. The court yard will be enclosed by the construction of a new stone wall to the maximum allowable height of 6'. All stone work will match the existing on the property.

STAFF RECOMMENDATIONS:

Staff recommends approval on the condition that there are no publicly visible skylights and that exterior light fixtures are approved by staff before a building permit application is 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 Ms. Arminda Diaz who had nothing to add and passed around the sample board. A rendering of the building is attached as Exhibit 1 to these minutes.

Ms. Rios commented that the rendering was very nice. She asked how much inset there would be on the windows.

Ms. Diaz said it would be at least 4".

Ms. Rios asked if the corners would be rounded.

Ms. Diaz agreed and said it would also have a battered parapet.

Ms. Rios asked if there were no visible rooftop appurtenances. Ms. Diaz agreed.

Ms. Shapiro asked if the canales would be lined with tin.

Ms. Diaz said they would have metal flashing.

Ms. Mather asked on the additions with the stone base how far up it would go.

Ms. Diaz said they would replicate what was existing at 20-24" of stone.

There were no speakers from the public concerning this case.

Ms. Rios moved to approve Case #H 08-128 per staff recommendations with the conditions that canales be lined with tin, that windows have at least a 4" reveal, that there be no publicly visible rooftop appurtenances and any exterior lighting be reviewed and approved by staff. Ms. Walker seconded the motion and it passed by unanimous voice vote.

2. **Case #H 08-141.** 500 & 700 blocks of W. Alameda Street. Westside-Guadalupe Historic District. Duty & Germanas Architects, agents for Santa Fe Civic Housing Authority, propose to amend a previous board approval to construct 139 residential units regarding roof massing alterations to change some pitched roofs to flat roofs in order to screen solar equipment. (David Rasch)

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

BACKGROUND & SUMMARY:

The affordable housing projects on three tracts at the 500 and 700 blocks of West Alameda Street were constructed as multiple family residential units in the early 1960s in a vernacular manner. There is additional street-frontage on San Francisco Street, Camino del Campo, and Las Crucitas Street. The western tract (A & B) consisted entirely of pitched roof structures. The eastern tract (C) had a mixture of flat and pitched roof structures. The buildings were listed as non-contributing to the Westside-Guadalupe Historic District.

On February 24, 2009, the Board conditionally approved the demolition of all existing buildings and construction of 139 residential structures with some height and pitched roof exceptions with the following conditions: that the non-street-frontage structures may not exceed 24' and that the street-frontage structures may not exceed 18'; that all mechanical units must be placed under the pitched roof or on interiors; that all windows are true or simulated divided-light; and that the diamond-shaped gable windows be deleted.

Now, the applicant has submitted the following revision. The applicant proposes to change pitched roofs, on 19 pitched-flat roof buildings of type E, to all flat roofs. The parapet increases would screen additional solar collectors. The type E buildings were approved at 17' 6" high and they would be reduced to 15' 6" high.

Mr. Rasch showed the floor plans and elevations and the streetscape changes.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2 (D) General Design Standards and (I) Westside-Guadalupe Historic District.

Present and sworn was Mr. O Michael Duty who said the reason for the change was that upon completion, they were awarded an additional \$5.3 million for a green building. We were about 90% there with the original design but were able to go with geo thermal heating and to increase PV panels for the project. So they needed to convert some of the family units to flat roofs. It would be rated Platinum and the largest in the nation to receive this efficiency. That was what was before the Board.

Chair Woods said the Board was excited about it.

Mr. Featheringill asked if the parapets would be high enough. Mr. Duty agreed.

Chair Woods asked if the doors for the mechanical room could be put under the portal.

Mr. Duty thought it would be no problem. He agreed to make the change and if they ran into a problem he would report back to staff.

There were no speakers from the public regarding this case.

Ms. Walker moved to approve Case #H 08-141 per staff recommendations and the location change of doors for the mechanical room if possible. Dr. Kantner seconded the motion and it passed by unanimous voice vote.

J. NEW BUSINESS

1. **Case #H 10-008.** 1148 Camino San Acacio. Downtown & Eastside Historic District. Scott Hale, agent for Kay & Greg, proposes to remodel a non-contributing building by constructing approximately 925 sq. ft. of heated space, approximately 314 sq. ft. of portals below the existing height of 15' 4", remove a pitched roof and redesign to a Spanish Pueblo Revival Style, replace doors and windows, and construct yardwalls and pedestrian gates not to exceed the maximum allowable height of 6'. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

The approximately 1,440 square foot Spanish Pueblo Vernacular style single family residence was constructed in the late 1940s and received alteration which include window and door replacements and a pitched roof in the late 1960s. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District.

This application proposes the following alterations:

1. Remodel the approximately 15' 4" high pitched roof building into a flat roofed Spanish Pueblo Revival style building to a height of approximate 14' 6".
2. Construct an approximately 925 square foot addition to the southeast elevation. Five windows in the new addition do not meet the 30" window rule. Two windows on the new addition are closer than 36" to the corner which is not permitted by code when publicly visible.
3. The publicly visible north elevation portal would be remodeled by extending it to the west elevation for an additional 122 square feet and constructing a parapet and canals.
4. Construct an approximately 140 square foot shed roof portal on the non-publicly visible south elevation. Roof material was not provided.
5. Construct an approximately 52 square foot shade portal/outdoor shower. The portal would have three wood posts and a latilla roof.
6. Replace all doors and windows, including dimensions, with Sierra Pacific Aspen Architectural Series divided light doors and windows. All doors would be in the color "Light Blue" and all windows would

be in the color "Sandstone".

7. Install approximately four skylights.
8. Construct a yard wall and pedestrian gate along the west elevation not to exceed the maximum allowable height of 6'.
9. The building and yard wall would be stuccoed using El Rey "Desert Rose"
10. An example of the exterior light fixtures was submitted in the packet.
11. Lastly proposed is to re-roof the non-contributing garage with a rolled roofing to match the existing tan color.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application on the condition that all windows meet the 30" window rule, that all publicly visible windows meet the 36" window corner rule, that the shed roof portal material be clarified, and that the skylights not be publicly visible. 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. Scott Hale who had nothing to add to the staff report.

Ms. Rios asked if he agreed with the conditions in staff recommendations.

Mr. Hale said he did.

Ms. Barrett explained the windows that needed to be changed.

Mr. Hale said he saw no problem with that.

Ms. Rios asked what roofing material would be on the shed roof. Mr. Hale said it was propanel. It was not seen from the street. He wanted a corrugated profile.

Ms. Shapiro asked if there was to be any exterior lighting.

Mr. Hale said it was already there on the front portal, wall mounted.

Ms. Shapiro said the portal was very visible.

Mr. Hale described it as down lighting, square with a canopy top.

Ms. Shapiro asked if the skylights would be below the parapet. Mr. Hale agreed.

Chair Woods asked for the screening material under the portal on the south elevation.

Mr. Hale said it was latillas.

There were no speakers from the public regarding this case.

Chair Woods summarized the discussion items.

Ms. Walker asked how high the parapets would be from the ground.

Mr. Hale said they were 18" above the plate. They were shooting to hide the gravel roof. The house also sat up quite a bit on grade from the street.

Chair Woods asked if they would contain the shed roof inside the parapets.

Mr. Hale said the roof was fine so he suggested just putting a parapet around it.

Chair Woods asked if there would be any HVAC on the roof.

Mr. Hale said they wanted to go with water base board.

Chair Woods told him he would have to come back if he used forced air.

Ms. Rios asked about lining of canales.

Mr. Hale said he would use galvanized tin.

Dr. Kantner moved to approve Case #H 10-008 per staff recommendations and the following conditions:

- 1. That the canales be tin lined,**
- 2. That the shed roof be corrugated with the iron color and no rooftop appurtenances visible,**
- 3. That any HVAC would have to come back for review and approval,**
- 4. That the visible windows on the north and east elevations of the gallery meet the 30" and 36" rules with proper muntin patterns,**
- 5. That the shower have the latilla fence style screening.**

Ms. Walker seconded the motion and it passed by unanimous voice vote.

In response to Ms. Rios, Mr. Hale said they were using cementitious stucco.

- 2. Case #H 10-009. 433 W. San Francisco Street. Westside-Guadalupe Historic District. David & Clara Dougherty and Michael Comeau, agents/owners, propose to construct a 6' high coyote fence**

on a side lotline on a contributing property. (David Rasch)

Chair Woods asked Ms. Brennan to clarify what the limits of the Board's jurisdiction were with respect to this case so that the testimony would address only the points that were within the Board's jurisdiction.

Ms. Brennan asked to correct on the record on the question of staff authority under the Code and its application in this case and other cases of its kind.

Section 14-5.2 I 2 provides under the Westside-Guadalupe Historic District Standards, applications for erection, alteration or demolition of walls, fences and solar collectors, and required submittals shall be reviewed by the Land Use Department Approval, disapproval or referral shall be indicated by the Division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The Division shall report approval, disapprovals and referrals to the Board at its next regular meeting as an informational item.

I know this because, under code, the Land Use Director does have authority and it can be administratively approved. However, that said, as a practice they have always chosen the referral route for any wall or fence over four feet. The only administrative approvals that we know of in the past ten years were for walls or fences under four feet.

This originally came to the Board in 2006 as a referral. So she wanted to correct the record. In fact there is Code authority for the Director to approve these administratively but in actual practice, they have always been referred to the Board.

Chair Woods said as she understood it, one of the issues was that the Board approved this certain height and then Land Use approved a height that was higher and that was part of the issue that was now coming to the Board.

Ms. Brennan said the matter the Board heard was whether they had authority and if they didn't have authority to make the approval administratively they would come back tonight for the approval at six feet. What she was saying was that while there was authority under Code for administrative approval, in fact, in all cases it had always been referred to the Board for hearing. This case was no exception as evidenced by the original matter being heard by the Board in 2006 as a referral by staff. She just wanted it on the record that there was a Code provision that permitted that.

Chair Woods said if she were the applicant she would be really confused.

Ms. Brennan said she was just explaining the difference between code and actual practice. The Code allowed administrative approval and also referral to the Board. The matter was referred to the Board and was still referred to the Board.

Ms. Rios thought in the last report it was indicated that the Land Use Director did not have the authority. She asked if Ms. Brennan was now just correcting the code interpretation. Ms. Brennan agreed.

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

BACKGROUND & SUMMARY:

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 applicant proposed to construct a 6' high irregular-top coyote fence along the west lotline, as case H-06-117. The fence would be setback from the street by at least approximately 15'.

The HDRB approved the request with the condition that the fence not exceed 4'6" in height, but the applicant constructed a 6' high fence without a building permit.

In March 2009, the Land Use Director allowed the applicant to apply for a 6' high fence permit. That decision was appealed by two neighbors and the HDRB found that the Land Use Director did not have authority to amend an HDRB action. The two appeals (H-09-063 and H-09-064) were approved on December 22, 2009.

Now, the applicant proposes to construct the 6' high fence as the Board saw today.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2 (D) General Design Standards and (I) Westside-Guadalupe Historic District.

Chair Woods asked Mr. Rasch to quote the ordinance of what was allowed in this district; what the ordinance told them and add whatever their practice was.

Mr. Rasch said the Height Ordinance which was established in 1996 was Section 14-5.2 D-9. And in D-9, A-ii it told them to first define the streetscape. Section A was for a linear streetscape that had certain truncations, bends or blocks. C was a linear streetscape with three streets that came into a Y. But item D was when a proposed building yardwall or fence was located on a lot with no frontage on rights of way. The streetscape was defined by measuring 300 feet in all directions beginning from the midpoint of the side on which the principal entrance to the building was located. It was mostly about building heights but what it was for a non-street facing yard wall or fence staff did a 300' radius. For the last ten years, staff had not practiced that part of the code because if an applicant had a certain lot with street frontage with a wall or fence not facing the street, and there were many properties within that defined streetscape that are not right on the street, staff never felt they had the legal authority to trespass on all those properties to measure the existing walls and fences in order to find an average.

So, instead of practicing the 300' radial calculation which staff did for building heights because those were in their database and wall heights were not, they deferred to the underlying zoning. And in the underlying zoning it was very clear a non-street facing building, Section 14-3.5, - inside an historic district,

just follow what he just told the Board. Outside of an historic district a wall, fence or vertical combination of those on a residential lot could not exceed six feet in height except for residential compounds. So staff deferred to six feet for all other walls and fences except for street frontage ones.

Chair Woods asked for questions of staff.

Dr. Kantner asked if this particular wall counted as street frontage.

Mr. Rasch said no since it was perpendicular to the street.

Ms. Rios asked if Mr. Rasch had an opportunity to measure the existing fence.

Mr. Rasch said he did and the fence, as could be seen, had irregular length latillas and he was pretty confident that the average height of the fence was 6'. He measured one latillas that was 80" tall which was slightly above six feet.

Chair Woods said that would be 6' 8".

Ms. Walker asked Mr. Rasch if the Code said average height or if it said at no point could the fence be higher than six feet as a maximum.

Mr. Rasch said the code said six feet was the maximum. He said he knew this Board had gotten into discussions on individual cases and may have even said "nothing higher than six." Maybe in the past they may have suggested an average of six. But in this case they had not come to that conclusion.

Chair woods asked that the applicant and everybody who was going to speak for them be sworn in together. She asked them again to only speak to what was in the jurisdiction of the Board.

Mr. David Dougherty, 1488 Bishops Lodge Road, was present and sworn. He hoped the Board had a chance to read his letter. He shared the background of their purchase of this property. They requested the six foot high fence in 2006 because they wanted to protect their quiet enjoyment, their access and their building. They were now requesting a six feet high coyote fence which they felt was in general harmony in this district and a 4½' high fence was not.

Since they moved they had gotten to know the neighborhood pretty well. The average height of coyote fences in the neighborhood was about six feet.

He shared some pictures of others in the neighborhood (some of which were in the 300' radius) that were about six feet and also showed Mr. Sayre's parking lot and the fence for Peter and Deborah Day that was six feet high and was built at about the same time he built his fence. He said he was trying to demonstrate that the six foot height was appropriate for the neighborhood. With several of the pictures, he indicated the address of it.

Ms. Mather asked Mr. Dougherty if he felt a 4½' fence would not adequately screen the parking lot.

Mr. Dougherty said it would not adequately screen that parking lot and it would not be in harmony with the neighborhood. It would look peculiar.

Ms. Mather reviewed the requirement that parking spaces for commercial should be placed at the rear of the building and parking areas that were visible from the street were to be screened from the street.

Mr. Rasch said that was a requirement for a property in the Historic Review District and this one was in the Westside-Guadalupe Historic District. He said it would not apply to the Westside-Guadalupe District unless that requirement was in the general standards section.

Ms. Rios asked what the length of the fence was.

Dougherty estimated it to be 40'. He thought the drawing Mr. Rasch had might have the length measurement on it.

Mr. Rasch measured it on the drawing and said it was 58' in length and on the site plan it was shown at 63'.

Chair Woods asked that those wishing to speak be sworn together and the testimony be limited to the matters over which the Board had jurisdiction.

PUBLIC COMMENT

Present and sworn was Ms. Jennifer Jenkins on behalf of Ms. Deborah Day, Mr. Peter Buehner, the neighbors to the north and also Doug Sayre, who was the property owner to the west. She said she wanted further clarification about the code. She said that earlier when Mr. Rasch was quoting Section 14-5.2-D-9 it was her understanding that the section referenced lots that did not have public street frontage. This lot did have public street facing frontage. The fence was a side yard fence but it was her understanding that this section didn't differentiate but only said lots with public street frontage.

Ms. Brennan said this was a matter of practice so she would defer to Mr. Rasch on how it was viewed and used.

Mr. Rasch said staff performed a maximum allowable height averaging calculation only when the proposed walls and fences would exceed four feet and have street frontage; not necessarily street frontage eight feet back but he meant at the street frontage. Otherwise they practiced six feet.

Ms. Jenkins thanked him. She recounted that at the 2006 Board meeting the applicants agreed to construct a 4½' fence that this Board approved at 4½' but they constructed a 6' fence without a permit. Everyone knew that occurred since then. Her clients absolutely respected the right of the applicants to protect their driveway from the potential for cars to encroach from the neighboring parking area. These neighborhoods were tight and it was important to preserve the passage of vehicles and things of that nature. But they objected on the grounds that a 4½' fence would meet that purpose. Their purpose was

stated in the minutes. There was a letter from Mr. Comeau where it was stated. That was their purpose and a 4½' fence would fulfill that purpose.

She handed out some photographs to the Board. [Exhibit 2]. The building on left was Mr. Sayer's office building. She identified the parking lot and the driveway and acknowledged that they could see the need to erect a fence to protect from encroaching parking vehicles. On page two, looking down the driveway toward San Francisco street, Mr. Sayre's building was on the right hand side. The bottom picture showed that the fence blocked the windows of Mr. Sayre's office building. There were no cars encroaching from inside the office building and asked if it was appropriate to block the neighbor's windows with a six foot fence. On page three was a view from inside his office building, looking out onto the driveway and showed there were latillas leaning up against his window. The photographs on page four showed that the applicants' driveway and Mr. Sayre's parking lot actually shared a curb cut onto San Francisco Street. So there were serious safety concerns because whether a car was leaving the driveway or the parking lot, the driver needed to see cars on the other side of the fence.

Chair Woods said that would have to be addressed with zoning and was not the purview of the Board.

Present and sworn was Ms. Colleen Gavin, 130 Grant Avenue, speaking on behalf of Deborah Day and herself as a professional architect and land planner. Her concern was that the applicant previously accepted a 4.5 foot fence. She asked if they didn't receive approval on a case if they could come back and apply for it again. She wondered if it sent such a message that they could keep coming back to get what they wanted. And also about an applicant who built what they wanted and then came back to try to make it right. She was concerned about the process that occurred here and would like to see their rulings upheld.

Present and sworn was Mr. Doug Sayre who had an office building at 439 W. San Francisco Street, the property to the west. He asked the Board to look at the pictures they presented. He understood the original concern about the fence at the front part of the property but at the back the only thing the fence did was screen the building and the windows. They could not see out of those windows because of the fence. He thought this Board gave due consideration of what was going on in the neighborhood. The height should be 4½' high. He didn't think six feet was appropriate. He said he could show the Board a number of fences that were not coyote fences. At the back of this property was a block wall at 4 feet in back that the coyote fence tied into. That was appropriate for the neighborhood. The part in the back actually protected his building so he liked the 4½' fence but blocking the windows was not appropriate.

Ms. Rios asked if a 4½' fence would allow him to see out of the windows. Mr. Sayre agreed.

Present and sworn was Ms. Deborah Day, 433½ W. San Francisco, who said she knew they applied for the six foot fence to keep vehicles out of their drive and to not see the top of the cars. She said they would like to see the top of the cars on the other side of the fence if they were moving toward the street. In the area where the fence bordered the Sayre Building there were no vehicles there and the fence there was six feet high. The only purpose of the fence there was to block the light. She saw no other purpose for a six foot fence. So she believed a 4½' fence was sufficient for the purpose the Doughertys first stated when they applied for the fence.

She said she took a long walk around the neighborhood where she had owned property for 33 years. It was really a mixture of fences. There were many, many four foot coyote fences, a picket fence at 4' and a lot of four foot walls. As Mr. Sayre pointed out, the masonry wall at the back was 4'. There you could see the cars over the wall. So she believed 4½ fence was better.

Mr. Dougherty responded that he hoped his letter explained. Their intent was not to defy the Board's decision on 4½ feet fence. They applied for six. There was no reason given but they got a 4½ foot and respected that. What they did was to move a fence that they had at the time for a dog run that was six feet and put it up. The crew was to come back shortly thereafter and cut it down to 4½ feet. Much in the Santa Fe vein, he kept calling them and they never came back. In the interim, they started talking with staff and then they sort of went down the road that the Board knew where they thought staff had the right to give this approval at six feet so they didn't cut it down. But their intent was never to defy the Board or challenge it.

The same crew put up the fence at Mr. Sayre's office windows. At the time, he was actually renting it to a movie company and they asked him about that if it bothered him. And they said "Absolutely not because their movie company had actually blacked out the windows. He said they would be glad to cut out where the windows were. He had no problem with that.

Ms. Barbara Sayre, 439 West San Francisco was present and sworn. She said the farthest office on the rear blocked by the fence was her office and was the only window that she had. There was no light coming through that window. She had to use electric light and she would appreciate it if she could have some light in her office. She said she didn't rent it to a movie company.

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

Ms. Walker asked again if the ordinance said up to a maximum of six feet or an average of six feet.

Ms. Brennan said the ordinance read, "Shall not exceed six feet in height."

Ms. Rios moved in Case #H10-009 that the portion of the fence running the length of the adjacent east façade of the Sayre building be 4½ feet in height and that the portion of the fence in front of the parking lot be no more than six feet in height and all latilla tops to be uneven. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

3. **Case #H 10-010.** 60 E. San Francisco Street. Downtown & Eastside Historic District. O. Michael Duty, agent for 60 East Corp., proposes to expand an existing second story deck over a portal by increasing the portal height from 14' high to approximately 17' high on a 29' high non-contributing property. (David Rasch)

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

BACKGROUND & SUMMARY:

60 East San Francisco Street is a commercial building that was originally constructed in the 19th century. Parts of the building have been known as Woolworth's, Dunlap's, and Penny's, but it is now known as the Santa Fe Arcade. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to expand the existing second story roof deck which fronts the Plaza. The existing bar fronts the recessed area of the second story and a parapet wall encloses it in plane with the projecting second story mass. This proposal is designed so that the entire area over the portal is converted to deck, including the narrow area in front of the projecting mass.

The parapet must be increased by 3' 6" in height for safety. Two options are proposed that increases the height of the street portal from 14' 3" to approximately 17' 9". Option A is designed with a stuccoed parapet extension. Option B is designed with a wooden balustrade flanked by stuccoed massing at the two sides.

STAFF RECOMMENDATION:

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

Mr. Duty was previously sworn and had nothing to add to the staff report. There were two options presented and they were happy with either one. Originally, his intent was just to raise the parapet. But if the Board visited they saw that the existing parapet was the same height as other parapets on the street. They were happy to do the railing. It was a matter of safety to raise it. He rather preferred the wood railing.

Ms. Walker said she loved the wood railing and asked what the length of it was. She thought it looked to be about 50' long and asked if there was something he could do to break up the railing.

Chair Woods suggested he could add masonry where the corbels were.

Mr. Duty agreed that they could break it into thirds.

Chair Woods asked for the dimensions of the pickets.

Mr. Duty said he would like a six inch railing with a crown on top with a simple design because they weren't that tall. They could do a diamond pattern railing if the Board wanted. He was not inclined to make it too decorative. Ms. Walker and Chair Woods agreed.

Mr. Featheringill felt less was more. He thought the top should slope back in toward the building. He thought the color of the wood matching what was below or windows above would be appropriate.

Mr. Duty said he intended to finish it with turpentine and linseed oil as was used in the old days. It would have to be done two or three times during the first year to bring out the patina. He favored having it

more in harmony with the columns below.

Ms. Shapiro asked if there would be any lighting for this deck.

Mr. Duty said they had no plans to add any additional lighting. If they used it after hours, table lights would be adequate.

There were no speakers from the public regarding this case.

Ms. Mather moved to approve Case #H 10-010 per staff recommendations and the following conditions:

- 1. That Option B for the railing be used with the amendment to divide it into thirds at the corbels,**
- 2. Submit detailed design of the railing to staff**
- 3. Any exterior lighting would be submitted for review and approved by staff,**
- 4. That the crown of the railing would slope toward the building**
- 5. Finish would be classic with turpentine and linseed oil.**

Ms. Rios seconded the motion and it passed by unanimous voice vote.

- 4. Case #H 10-011.** 557 Agua Fria. Westside-Guadalupe Historic District. Luis Olivas, agent for William and Arnice La Calle, proposes to remodel a non-contributing building by removing a non-historic 88 sq. ft. sunroom. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

The single family, Spanish Pueblo Revival style residence located at 557 Agua Fria Street was constructed between 1892-1895 and has received major remodeling which includes window and door alterations, additions, and loss of all historic fabric. The Official Map lists the building as non-contributing to the Westside-Guadalupe Historic District.

This application proposes removing the non-historic, approximately 88 square foot sunroom addition on the south, Agua Fria Street facing elevation. New antique wood doors with wood headers would be installed on the south elevation. The existing wall sconces would remain. The entire residence would be re-stuccoed with El Rey "Adobe" and the brick patio and roof would be repaired where needed.

STAFF RECOMMENDATIONS:

Staff recommends approval of this application as it 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. Luis Olivas who had nothing to add to the staff report.

Ms. Shapiro asked what the finish on the doors would be.

Mr. Olivas said he would use an antique seal.

Ms. Mather asked if he would make any changes to the front wall.

Mr. Olivas said there would be no changes made to it.

Mr. Featheringill asked if he would have any exterior lighting -

Mr. Olivas said only existing lighting.

Ms. Walker asked if the new stucco would match the color of existing stucco. Mr. Olivas agreed. He said it was El Rey Adobe.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 10-011 per staff recommendations. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

5. **Case #H 10-003.** 862 Don Cubero Avenue. Don Gaspar Area Historic District. Conron & Woods, agent for Nona Jones, propose to remodel a contributing residential property by insulating and restuccoing the exterior, infilling a portal, creating an opening in a porch wall and constructing a 4' high yardwall at the front. Exceptions are requested to infill a portal (Section 14-5.2(D)(4)) and to create an opening where an opening does not exist on a primary elevation (Section 14-5.2(D)(5)(a)(I)). (David Rasch)

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

BACKGROUND & SUMMARY:

862 Don Cubero Avenue is a single family residence that was constructed between 1930 and 1936 in the Spanish Pueblo Revival style. Historic massing and materials are well preserved. The building is listed as contributing to the Don Gaspar Area Historic District. The street-facing east and south elevations may be considered as primary on the residence and the east elevation may be considered as primary on the garage.

The applicant proposes to remodel the property with the following eight items.

1. A section of the historic front porch east wall would be removed to relocate the entrance. An exception is requested to create an opening on a primary elevation where an opening doesn't exist and there is no historic evidence of the opening, Section 14-5.2 (D)(5)(a)(i), and the applicant has submitted the required responses to the criteria listed below.

2. The rear portal would be infilled to expand the kitchen area. Exterior windows would be reused

from the west and north elevations. An exception is requested to infill a porch or portal, Section 14-5.2 (D)(4), and the applicant has submitted the required responses to the criteria listed below.

3. The west, non-primary elevation would be remodeled by removing paired 6-over-6 widows and replacing them with a door with sidelights. Stone finished steps with iron railings lead from the door down to the rear yard at grade.

4. A wooden deck would be constructed on the rear northwest corner of the building. The deck would be enclosed with a wooden railing. An existing window would be removed and replaced with French doors to access the deck.

5. Storm windows would be installed on historic windows on primary elevations. All other historic windows would be rebuilt with thermal panes and reinstalled.

6. The residence and garage would be reroofed with built-up gravel. No height increase is proposed.

7. The residence exterior would be spray-foam insulated and both the residence and the garage would be restuccoed. The insulation would maintain the window and door profiles. The brocaded stucco would be reapplied with cementitious El Rey Buckskin. There are no other exterior alterations proposed for the garage.

8. Yardwalls and gates are proposed at the street frontage, along the north side of the driveway to the SE corner of the residence, along the north lot line to the north elevation, and between the NE corner of the garage and the SW corner of the portal infill on the residence. The stuccoed yardwalls would be 4' high and the simple arched wooden gates would be wooden plank. The front gate would be flanked with 16"x16" pilasters and the front walk would be flagstone surfaced.

The following exception responses address both requests together.

i. Do not damage the character of the streetscape;

The proposed change at the entry restores a more historically appropriate pathway to the house, permitting direct access from the front sidewalk without needing to walk alongside cars in the driveway. It does not change the overall shape of the portal or affect the front of the house in any other way. Elsewhere along the street, to the sides and across from the house, there are a number of different styles of entry, including some enclosed porches and portals, and some yards with paths to the street. We believe this treatment would improve the traditional appearance of the front of this house.

The proposed work on the back portal would not change its overall shape. The existing roof would remain, as would the visible structural components. New stucco surfacing would match surrounding finish. An existing window and door would be reused at the new exterior walls. To the extent that this portion of the house is visible as part of the streetscape, the effect should be minimal and would be made with the intention of respecting the existing house.

Staff response: Staff does not concur that a front entry is more historically appropriate to this residence

and there is no historic proof of such an opening on the front. Actually, the side entrance off of the driveway is a common design element that plays tribute to the suburban car culture that was emerging when the subdivision was laid out. Staff does agree that the porch infill would not damage the character of the streetscape.

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

At present, the only access to the front or back door of the house is along the driveway. In the presence of cars and landscaping, the pedestrian space along the driveway is limited. We believe this poses a safety concern and potential hardship for both the owner of the house, who is in her eighties, and for people visiting the house.

Staff response: Staff does not concur that the driveway is too narrow to access the residence from the driveway. The proposed yardwall narrows this width substantially.

iii. Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts;

We believe both proposed changes would support the heterogeneous character of the City and of this specific historic district. The addition of a sidewalk-based entry route to the house recalls the era of front door arrivals and promotes the welcome of the front portal. Don Cubero Avenue is home to many special houses, representative of several different construction periods. This house is an especially nice example of the 1930's Craftsman style. At the same time, the street reflects many adaptations. We believe the addition of an opening at the front of the portal would not be a substantial adjustment in this context.

Similarly, the sensitive enclosure of the back porch would retain its shape and character, while being uniquely consistent with other adaptations visible on the street.

Staff response: Staff is in agreement with this statement.

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

The era of original construction was a time less dominated by automobiles. The existing driveway is not particularly wide and does not permit easy pedestrian traffic. Access is tight. The current configuration of the house requires entry via the driveway, when the original era of the house was one where visitors would more likely arrive from the front sidewalk and street. The availability of the path and opening at the entry wall would support a return to this, whether in actual practice or simply in cultivating the original sense of the house.

The interior of the house is entirely original, and as such, is a small space. The proposed enclosure of the rear portal would expand the usable interior space at the kitchen permitting dining at the kitchen. While not changing the shape of the house, the functionality of this part of the house would be greatly enhanced.

Staff response: Staff does not concur with this statement regarding the front opening which does not preserve the original sense of the house. Staff is in agreement regarding the porch infill.

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

The applicant has taken no actions which have resulted in the present conditions. The applicant, who grew up in the house, has retained virtually all original details of the house and understands the value of the Historic District protection. However, the realities of contemporary life, which include a greater number of and larger appliances in the kitchen area, and the presence of television and home computing, both invented since the time of original construction, find the modern day resident of the pristine 1930's home pressed for living space and flexibility of use.

Staff response: Staff concurs with this statement.

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

The proposed work has been designed to suit the historic nature of the house and with respect for the surrounding properties. Care has been taken not to threaten the existing qualities which make this house the good example of its period that it is. The change to the front entry is consistent with the original era of construction. The enclosure of the rear portal is similar to other porch enclosures along the street, though this design is more protective of the existing sense of that portion of the house.

Staff response: Staff does not concur with the statement regarding the porch opening. There are other, less intrusive, design options that would not affect historic massing on the primary elevation, such as widening the driveway on the south and moving the proposed yardwall to the north.

STAFF RECOMMENDATION:

Staff recommends denial of the exception to create an opening in the historic front porch because the exception criteria have not been met. Staff recommends approval of the rear porch infill as the alteration would not greatly affect the public appreciation of the historic property. Otherwise, this application complies with Section 14-5.2 (C) Regulation of Contributing Structures, (D) General Design Standards, and (H) Don Gaspar Area Historic District.

Present and sworn was Mr. Martin Kuziel who said his goal was to respect the basic concept of the house and not change it in any drastic way. Others had been changed a lot. The front entrance had a small opening because the original driveway was only 8' wide so it was hard to get into the house except through the portal. The owner grew up in this house. It was the same on the back - to enlarge the kitchen for modern sized appliances.

Ms. Walker asked if the arched gates would be four feet too. Mr. Kuziel agreed.

Ms. Rios asked if he was planning to remove those large trees.

Mr. Kuziel said he would remove the large bush. The owner had been out of town. She wanted to increase it with a landscape plan.

Ms. Rios asked how many square feet would be added.

Mr. Kuziel said they were just infilling the back portal.

Mr. Rasch agreed it was already under the roof.

Ms. Rios asked if he would agree to maintain the profile even though adding insulation on the outside.

Mr. Kuziel agreed and said he would also maintain the brocaded stucco.

There were no speakers from the public regarding this case.

Chair Woods reminded the maker of the motion to refer to the exception criteria responses on pages 12 and 13 in the motion.

Ms. Walker moved to approve Case #H 10-003 and accepting the responses and granting both exceptions.

She explained that she disagreed with staff. The side entrance was from a different day - a time gone by and couldn't provide enough room for present day sized cars.

Mr. Featheringill seconded the motion.

Ms. Rios requested a friendly amendment with the conditions that the reveal profile of the doors and windows be kept and that the texture of the stucco (brocaded) emulate the existing stucco texture. Ms. Walker and Mr. Featheringill accepted the amendment as friendly and it passed by unanimous voice vote.

K. MATTERS FROM THE BOARD

Ms. Rios said Richard Ellenberg called her that a group in Upper Canyon Road wanted to expand the historic district. The area proposed had about 15 houses. It was not within the city limits now but could be soon.

Mr. Rasch said he would present it at the next meeting. Mr. Ellenberg had requested that he meet with the Canyon Association and affected residents. Mr. Rasch said he told him not to do that there but to present it here.

Ms. Rios said Mr. Ellenberg also invited her and after thinking about it she thought it was not a good idea.

Mr. Featheringill asked if the green historic ordinance was something that had to be noticed.

Mr. Rasch said it did. The group was supposed to meet this Thursday. None of them had posted an agenda or had reporters. Katherine Mortimer told him this one had to because it had an ordinance attached and they were appointed by the Governing Body. So they needed to have a reporter present. So it was put off a month. They planned to meet on the fourth Thursday of the month from 1:30 - 3:30.

L. ADJOURNMENT

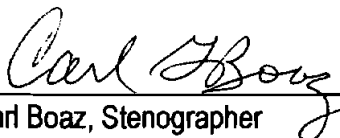
Chair Woods commented that ex parte means you have to recuse yourself.

Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

Approved by:

Sharon Woods, Chair

Submitted by:



Carl Boaz, Stenographer