



# Agenda

DATE 2/10/11 TIME 1:55 PM  
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## HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, February 22, 2011 – 12:00 NOON

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

## HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, February 22, 2011 – 5:30 PM

### CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES February 8, 2011
- E. FINDING OF FACTS & CONCLUSIONS OF LAW

Case #H-11-007 433 Camino Don Miguel  
Case #H-11-006 520 Jose Street #2

- F. COMMUNICATIONS
- G. BUSINESS FROM THE FLOOR
- H. ADMINISTRATIVE MATTERS
- I. OLD BUSINESS

- 1. Case #H-09-008. 528 Abeyta Street. Downtown & Eastside Historic District. Henry Avila, agent for Ted & Betsy Rogers, owners, proposes to amend a previous approval to remodel a non-contributing residential building by constructing a balustrade on the rear portal, changing the finish on a retaining wall, adding a mechanical chase on a chimney, and increasing the height of the parking lot wall from 7" to 36". (David Rasch).

### J. NEW BUSINESS

- 1. Case #H-11-004A. 1200 Old Pecos Trail. Historic Review Historic District. Historic Preservation staff requests an historic status review of this non-statused property. (David Rasch).

Case #H-11-004B. 1200 Old Pecos Trail. Downtown & Eastside Historic District. Peter Dwyer, agent for St. John's Methodist Church, owners, proposes to install screened cellular antenna as an extension in mass and height on an existing chimney on an institutional structure and to construct a free-standing 500 sq. ft. stuccoed mechanical enclosure up to 8' high. A waiver to the historic standards including the maximum allowable height of 16'4" is requested to construct the antenna screen up to 53' high utilizing the standards in the telecommunications ordinance (Section 14-6.2(E)(6)(ix) and (10)). (David Rasch).

- 2. Case #H-11-011. 718 Gregory Lane. Don Gaspar Historic District. Michael F. Bauer, agent for Hallie B. Dalsimer, owner, proposes to construct an 1,804 sq. ft. single-family residence to a height of 15'9" where the maximum allowable height is 15'11" on a vacant lot. (David Rasch).

3. Case #H-11-009. 635 Alto Street. Westside-Guadalupe Historic District. Vahid Mojarab, agent for the City of Santa Fe, owner, proposes to construct a multi-family compound composed of five residences at a total of 4,208 sq. ft. on a sloping vacant lot to a maximum height of 24' where the allowable height is 19'. A height exception is requested (Chapter 14-5.2(D)(9)). (David Rasch).
4. Case #H-11-010. 623 Garcia Street A & B. Downtown & Eastside Historic District. Dan Featheringill, agent, for Lynn Johnson, owner, proposes to rebuild portions of the north, south, and east adobe walls of a contributing single-family residence. An exception is requested to remove historic materials (Section 14-5.2(D)(1)(a)). (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 February 22, 2011 Historic Design Review Board Field Trip, please notify the Historic Preservation Division by 9:00 on Tuesday, February 22, 2011.

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**HISTORIC DESIGN REVIEW BOARD**

February 22, 2011

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

**February 22, 2011**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fé 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 Avenue, Santa Fé, New Mexico.

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Sharon Woods, Chair  
Dr. John Kantner  
Ms. Christine Mather  
Ms. Karen Walker

**MEMBERS ABSENT:**

Ms. Cecilia Rios, Vice Chair (excused)  
Two Vacancies

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Ms. Kelley Brennan, Assistant City Attorney  
Charmaine Clair, 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.**

Chair Woods announced that anyone who disagreed with decisions made by the Board had 30 days after the findings of fact were approved to appeal to the Governing Body.

**C. APPROVAL OF AGENDA**

**Ms. Walker moved to approve the agenda as presented. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES – February 8, 2011**

Chair Woods said at the top of page 10, "Chair chair Woods commented this building...and the question was if it would now make it lose it's contributing status." She asked to state "did that cause it to lose its contributing status."

**Ms. Walker moved to approve the minutes of February 8, 2011 as amended. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

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

##### **Case #H-11-007 433 Camino Don Miguel**

Ms. Walker said under Conclusions of Law -the final sentence said Staff should approve all exterior colors including window colors. That was left out.

Mr. Rasch said "all *exterior* colors meant window trim stucco color, etc.

##### **Case #H-11-006 520 José Street #2**

Mr. Kantner noted on the fourth line that "*loose*" should be "lose."

**Ms. Walker moved to approve. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

#### **F. COMMUNICATIONS**

There were no communications.

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

There was no business from the floor..

#### **H. ADMINISTRATIVE MATTERS**

There were no administrative matters.

#### **I. OLD BUSINESS**

1. **Case #H 09-008. 528 Abeyta Street.** Downtown and Eastside Historic District. Henry Avila, agent for Ted & Betsy Rogers, owners, proposes to amend a previous approval to remodel a non-contributing residential building by constructing a balustrade on the rear portal, changing the finish on a retaining wall, adding a mechanical chase on a chimney and increasing the height of the parking lot wall from 7" to 36". (David Rasch)

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

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

528 Abeyta Street, known as the Ramon Abeyta House, is a single family residence that was constructed in the Territorial Revival style between 1912 and 1928. According to the 1991 Historic Cultural Property Inventory, the building was nominated in 1988 for the National Register. An addition, which may be considered as a sensitive addition, connected a small outbuilding with the main structure in the 1950s. In the 1980s the building was substantially remodeled in the Spanish-Pueblo Revival style, including the alteration of a shed roof enclosed porch to a parapeted portal on the visible façade and replacement of all windows and doors. Additional remodeling occurred in the 1990s. The building is listed as non-contributing to the Downtown & Eastside Historic District.

On February 24, 2009, the HDRB approved remodeling on the property that included a 2,610 square foot addition to the north of the existing 2,414 square foot residence. Now, the applicant proposes to amend the previous approval with the following four items.

1. The front parking areas were approved as originally designed to be defined by very low stone walls, i.e. curb stops. The west wall will be increased in height to 4' high. An arched bileaf wooden pedestrian gate to 4' high will be installed between pilasters. The wall and pilasters will be stuccoed to match existing conditions.
2. The west, rear portal was approved without a balustrade due to the stepped planters below it, but the site inspection revealed that a balustrade is required by building code. The applicant installed a temporary railing which will be replaced with a permanent balustrade after the design is approved. The balustrade is simply designed with wooden rails and slats without decorative treatment.
3. A mechanical chase was added to the approved chimney mass on the west. It doubles the mass of the small chimney without any change in height.
4. The retaining wall that faces the west meadow was approved as stacked stone like the planters. The new proposal is for the wall to match existing conditions in the meadow with a river rock base surmounted with a stuccoed wall surface.

#### **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.

Ms. Mather said the report indicated the west wall would be 4 ft high but at the beginning of the application it stated it would be three feet high.

Mr. Rasch clarified that at the highest point it was 4 feet and there were changes in grade.

Ms. Walker asked if Mr. Rasch verified the east historic rock wall was not part of the application.

Mr. Rasch said he did. The previously approved low wall would be removed.

Present and sworn was Mr. Henry Avila, architect from Española, who said he had nothing to add to the staff report.

Chair Woods pointed out a PVC pipe running from the top and sides on the expanded chimney. She asked if it was part of this application that the PVC would be visible.

Mr. Avila said it was and it would be colored the same as the stucco.

Chair Woods explained there was a narrow chimney that was made wider to accommodate HVAC and now caused the PVC to be visible.

Ms. Mather asked if the PVC could be screened.

Mr. Avila agreed and explained that according to engineers it had to be open.

Chair Woods said this was built without the Board's permission.

Mr. Kantner asked if the PVC pipes could be cut flush with the chimney.

Mr. Avila said the regulations required it to be 24" above.

There were no speakers from the public concerning this case.

Mr. Kantner was concerned about the chimney because it would set a precedent. He wanted to hear what alternatives there were. He wasn't sure how the proposal could be approved.

Mr. Avila said he tried to cut it down and the only other way to disguise it would be to paint it. If screening walls were built it would make the chimney higher. It could be an option to close three sides and leave one side open.

Chair Woods said in 40 years she was never forced to do anything like what he had done.

Mr. Avila said it was new to him to him also. He said this was the best solution engineers came up with. They could cut the whole chimney down but the chimney also had to be 24 inches above the parapet.

Ms. Walker said many homes had this kind of equipment and this was a first. It looked terrible for neighborhood.

Mr. Avila said agreed and could try to come up with other options.

Mr. Kantner noticed the veneer didn't wrap around to the south side. He asked if that was meant to be.

Mr. Avila said that would be stucco. He said the wall carried up to the solarium stairs and would have a better look to have the stucco meet the veneer at that point.

Mr. Avila said they could wrap the veneer around and bring part way up.

Mr. Rasch said the elevation not part of what was he looked at; there was no detail that shows that.

**Mr. Kantner moved to approve Case #H 09-008 as recommended by staff approving points 1,2,3 and 4 except for the chimney alterations and additionally to add veneer on the south side that would be wrapped around. Ms. Mather seconded the motion.**

Ms. Walker said the motion should say approved 1 and 2 and 4- three was not part of the approval because was not harmonious with building.

**Mr. Kantner amended his motion to say points one and two and four and not three because it was not harmonious with the adjacent buildings and exposed material that was not traditional to this district.**

**The motion passed by unanimous voice vote.**

## **J. NEW BUSINESS**

**1. Case #H-11-004A. 1200 Old Pecos Trail.** Historic Review Historic District. Historic Preservation staff requests an historic status review of this non-statused property. (David Rasch)

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

### **BACKGROUND & SUMMARY:**

1200 Old Pecos Trail, known as the St. John's Methodist Church, was constructed in a blended Territorial Revival/Moderne style in 1952 by W. C. Kruger. The tall red brick mass containing the nave is oriented east-west with the primary façade facing Old Pecos Trail. Lower stucco-finished masses occur on the south and north sides of the nave at the east end. A bronze plaque in the church lobby identifies the date of the original structure and the people involved with it. The property is located within the Historic Review Historic District on the northwest corner of Old Pecos Trail and Cordova Road and it has no historic status assigned to it.

W.C. Kruger is not yet as recognized in Santa Fé architecture as others from the early to mid 20<sup>th</sup> century although he is a worthy contributor.

In 1964, Kruger was again commissioned to design the north wing of the church and a second bronze plaque was found in the second addition lobby that verified the date of construction and the people involved with the building campaign.



Finally, in 1999, Beverly Spears designed the third phase of construction on the west side of the Kruger first and second phases.

Both of these additions were designed with sensitivity to the original structure. A small outdoor courtyard on the north elevation of the 1952 building separates the additions in massing. Both of the later additions also step back from the original facades, so that the original structure remains mostly intact and visually distinguished.

There appear to be no alterations to the original 1952 structure other than the construction of the two non-historic additions.

As per code citation below (underline emphasis by staff), staff is requesting an historic status review of this structure.

14-5.2(C)(2) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts

(a) Status Designation

Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in Article 14-12. Staff shall maintain a record as to the current status of structures located in the Historic Districts.

(b) Board Authority to Review Status Designation

- (i) The Board is authorized to change the status of a structure or to designate a status for a structure with no status designated.
- (ii) A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing."

**STAFF RECOMMENDATION:**

Staff recommends contributing status due to historic date and integrity of historic materials on the original structure and the sensitive placement and harmonious design of the non-historic additions with the following elevations recommended as primary: 1; 2; 3; 8; and the nave upper portion of 5.

Mr. Rasch went through the slides at this time.

Mr. Kantner asked to clarify if it was possible to designate part of building contributing and part not contributing.

Mr. Rasch referred to the color coded overlay on the footprint of the building and most often it was the entire footprint on the property. He said it was rare on the official map for non historic buildings to not have the color code. If it was made a contributing building it would have to be recognized that the two wings were not 50 years old and could not be contributing.

He thought the two additions were done in such a sensitive way that they could be a contributing building.

Ms. Mather asked if the percentage of overall mass for the additions would represent more than 50% of the original 1952 structure. Mr. Rasch agreed.

Chair Woods asked if, since the City was applicant for the status review case, whether Mr. Sommer would testify as a public comment or as the owner of the structure.

Ms. Brennan said it would be as representative of the owner of the structure.

Ms. Mather noted on the Historic Cultural Property Inventory form it said the design was by John Gaw Meem and asked if that was an error.

Mr. Rasch said that was definitely an error.

Present and sworn was Mr. Karl Sommer on behalf of the St. John's Methodist Church and noted that many church members were in the audience. He would speak about the legal framework and Ms. Gayla Bechtol would cover architectural history and the application to facts. Mr. Bernabe Romero was hired to do a comparative analysis of other buildings with characteristics that were important that this building didn't have and Mr. Mark Basham would conclude the remarks.

This case raised an important question - that if the structure was out of character with the Historic Review District, didn't create or maintain the character and had no historic association or design qualities, whether it could be deemed contributing under the ordinance.

This case centered on the legal definition. The minimal qualification was that it was 50 years old.

The definition asked three questions: 1. What was the character of the district? 2. Did this building help to define and maintain that character? 3. Does this building add to the significance of the district by historical association or architectural design quality?

The character of the historic district was of low lying buildings in pueblo and territorial style, generally residential and not having the same kinds of features as this structure. This building was not in character and didn't establish the character of the district.

The remaining question that must be answered was whether there was an historic association with this structure.

Although this structure wasn't unique in itself he asked if it added to the historic association and/or the historic architectural design qualities for which a district was significant. He said that did not fit for this structure.

The Code was clear about where to look for sources. The ordinance relied upon and referenced the national standards and finally the Board's definitions.

Mr. Sommer turned the presentation over to Gayla Bechtol to discuss the analysis.

Present and sworn was Ms. Gayla Bechtol, 1813 Hano Road, provided her professional background as a certified historic architect with a current architectural license, Masters Degree in architecture with emphasis on history theory, a Bachelors of architecture from Southern California and Masters of architecture in urban design from Harvard University and 20 years of architectural experience in New Mexico.

She investigated the basic background and made an independent analysis.

She outlined her presentation and said she would give her thoughts on how that related and her opinion of the building.

She talked about Santa Fé's important standards and the City's and the Secretary of the Interior standards.

The most important aspects to consider were the style of the building and its importance to the Historic Review District were the most important aspects to consider and the only relevant aspect.

She said the structured was considered noncontributing if it does not exhibit significant historic integrity to establish and maintain a character of the district.

Ms. Bechtol read excerpts from Chris Wilson's book on Santa Fé architecture.

Chair Woods asked the material she presented be condensed.

Ms. Bechtol said she researched Kruger and said he emerged as nemesis to Geem. She said Kruger was not considered a master of Territorial style.

Regarding the third factor - what the characteristics of the district were - she referred to the historic district handbook from 1996 to understand what they were. She said the handbook stated that the area was visually important because of its location to Canyon Road and its neighborhood and its role as the historic entry of the Santa Fé Trail and nearby significant museums.

Ms. Bechtol said design standards were developed when the district was established and that happened after this building was built. Most of City's oldest Spanish, Pueblo and Territorial architecture were located within the Downtown and Eastside Historic District.

She said the question remained what visual aspects made the building what it was and if it was important historically. She said visual aspects were made up of shape, roof, openings and projections, secondary features and materials and setting.

Ms. Bechtol talked about the shape, the nave and side windows panel system, as well as the roof and the wings. She said the setting was on a hill; the style of wings could be identified as in the John Gaw Meem style.

Characteristics: The Territorial style consisted of a flat roof, stuccoed adobe, brick coping along the parapet, elaborated door and window surrounds and multi paned window sashes. She said the Nave style was close to Gothic Revival.

Ms. Bechtol concluded that the building was difficult to categorize because it was not of just one particular style and it was unsuccessful in any particular style. The location was on Old Pecos Trail but not particularly historic and the design wasn't particularly a good example of Territorial style Revival. The materials were not unusual or historic and the workmanship didn't stand out as important. There were better examples of this period of time.

In association, Willard C. Kruger was known more as a businessman's architect than a master of the craft. She felt the integrity of the building was highly challenged by the fact that over half of the building was not historic. In her opinion, this building did not present the historic character of the History Review District or the Downtown and Eastside Historic District because it did not emulate the traditional Santa Fé architectural styles that the ordinance strived to maintain and did not meet the criteria to be considered a contributing building.

Present and sworn was Mr. Bérnabe Romero, 316 West Houghton, who said his practice gave him viable insight into the intent and application of historic style ordinances. He had served on the HDRB and other committees sensitive to the Santa Fé historic design.

Mr. Romero said his opinion was the church was substantially shy of reaching status as a contributing historical building. The elements as mentioned that were associated to the context of Territorial design but they occurred in the adjunct buildings and wings and not in the worship space. Had there been portals, pediments framing windows and other features seen in other buildings in the area like the Supreme Court building, then the presence would be worthy of the proposed recognition.

He said the large, overwhelming window in the center, brick cornices and pitched roof combined to be an ecclesiastical presentation but did not speak to the Territorial style. The modern terra cotta style used in the window framing and coping was not common in the Territorial style. The age of the building might qualify historically but that was minimal qualifying characteristic and it lacked in other areas.

Mr. Romero recognized that Mr. Kruger had great impact in his time but he said it was well known that Mr. Kruger's responsibilities were mainly devoted to the business aspects.

His opinion was that judging the building's historic status should be based on the original foundation of the ordinance and he asked that the contributing status not be assigned to this structure.

Present and sworn was Mr. Mark Basham, 2205 Miguel Chávez, Suite A, who thanked the Board members for volunteering their time.

The Church proposes Staff's recommendation to the Board be that the church be designated a contributing structure. He said people would speak in favor of that designation and some was totally unrelated to whether the building should be deemed contributing. Some might argue that these were only "hired guns."

He agreed that they hired experts to give them an independent assessment of the situation and neither the church nor he knew what their opinion would be. He said they did know they hired professionals who would not put their integrity in jeopardy in exercising their professional judgments on this matter.

He said the experts formed conclusions and what he heard was the church should not be designated a contributing structure because:

1. Does not meet the style criteria.
2. Massive additions comprise more than 50% of the existing structure.
3. Not a single façade that wasn't compromised by the additions.
4. The original building itself didn't meet the definition of Territorial.
5. The building has extensive use of terra cotta on the front and the coping on the sides.
6. The building has a pitched roof.
7. The building has no portals.
8. He said to designate the structure as contributing would set a dangerous design precedent.

Chair Woods gave instruction to the public regarding their comments including limiting their comments to the historic character of the building, speaking no more than two minutes each and not repeating points that had already been made to the Board.

## **PUBLIC COMMENT:**

### **For:**

Present and sworn was Ms. Stephanie Beninato, 604½ Galisteo Street, who said she was confused why the building was not worthy now of being contributing. The board needed to know what in 1999 the justification was for adding on the addition. The conclusion of the experts was to say this was a non-conforming building and that would mean the 1999 additions should never have occurred.

She said churches were in the category by themselves. They couldn't say the Cathedral or Chapel of Loretto, Church of Holy Faith were not historic and not contributing to the historic fabric of their districts. She said the same thing could be said about this church. It was in keeping with the historic fabric and very much in keeping with time period in which it was built. She didn't think they could have it both ways: adding on to a non-conforming building in 1999 and saying now that it was not contributing as a result of being non-conforming.

She read Section 14-5.2 A 6 and said it gave justification to call the church a contributing building. She suggested the Board should table this matter until the Board could find out what the rationale was for approving the addition to the church in 1999.

Present and sworn was Mr. Arthur Furstenberg, 1405 Seville, who said three other churches in the vicinity Greek Orthodox, a Lutheran church, a Synagogue down street and a mosque next door. Other than the mosque, all the rest looked like churches and this church because of its size and location dominated the buildings in the neighborhood. Since 1952 the church played a significant role in determining the visual characteristic in this historic district; and it was absurd to say it didn't play a significant role.

It was hiding their heads in the sand if the City continued to designate such an important significant structure that had been there for almost 60 years, as non-contributing.

Present and sworn was Mr. Brook Wyatt, Camino San Patricio, said even though he was not a resident of the historic district, he had been a resident of Santa Fé going on 30 years. He said the church was located in an important entry corridor to the intact historic part of Santa Fé. He saw the historic character chipped away all over town in small, medium and large ways. He said additions or changes to the building were significant and he asked them to think about that. He said the character of Santa Fé was very important and they should try to keep it intact. He said there was no doubt this was a contributing structure.

Present and sworn was Ms. Debra Kimbrough, Lupito Road, said she drove by the church every day and the church was prominent. She said the building was an imposing one that couldn't be ignored and for that reason should qualify.

Present and sworn was Ms. Lola Winfrog, Pecos, said what she had heard about the church in the entry corridor was true. She was confused why something with different styles that had historical relevance couldn't be accepted because it wasn't all one or the other. She said she saw the church every time she drove into town and it was important and a very significant outstanding visual and sensory location.

Present and sworn was Ms. Elena Benton, President of the Arroyo Chamiso/Sol y Lomas Neighborhood Association, the largest and oldest neighborhood association and bordering Old Pecos Trail. She said this church was at the head of one end of the byway. She said AC/SYL fought hard to have that section of road designated as a scenic byway. The State considered the road scenic. She said for those who fought so hard for the scenic byway, to please take into consideration that the church was at the headwaters for that highway.

### **Against:**

Present and sworn was Mr. Paul D'Arcy who said he was a Trustee of the St. John's Methodist Church. He wanted to summarize some of the facts the Board should look at.

He gave the square feet under the roof of the original building was 13,185 square feet in two stories. The second addition was also a Kruger building and was 12,052 square feet. The third addition added another 8,500 square feet under roof and there were significant differences.

He enumerated: a pitched roof over the sanctuary and fellowship hall in the second edition but not on the final addition. Steel casement windows on the original structure; exterior doors on the façade were wood; the coping on the sanctuary was glazed plaster and on the lower south side coping was brick with dentil trim. The tiles were from Texas.

The chimney as built showed masonry rise of 35 ft. and the ugly rain cap added another 3-4 ft.

The second addition had exterior steel doors, steel casement windows; the third building had a flat roof and the exterior doors were glass framed in aluminum and aluminum casement windows. There were significant differences in the windows and louvers were put on the South side of the building to protect from the sun.

Mr. D'Arcy said he tried to find any reference to Kruger as the architect and none could be found. He said biographers of Kruger didn't reference this building and, in fact, City staff told them it was a Meem building. Barbara Spears had not been recognized for her work at St. John's either.

He said it had to be concluded St. John's didn't add to the historical architectural design.

Present and sworn was Mr. Richard Blake, 2249 Espejo Place, who said he was an architect and was present because he had friends in the congregation and had observed the church. He said the design was undistinguished and the Territorial effect wasn't significant. The overwhelming mass and the window designs just deluded that the building had any significance at all in the Territorial Revival style.

Present and sworn was Mr. Dave Smith, a former pastor of the church from 1989 to 1988. He said he wanted to clarify that several people had referred to the church as a historical church. He wanted to make the distinction that those in the church did not think of the building as a church but thought of a church as the people in its ministry. He said they thought of themselves as a community of faith and in mission and the building was secondary and he wanted that to be kept separate.

*The public comments portion of the meeting was closed.*

Mr. Sommer pointed out regarding the question about how in 1999 the addition could be approved by the Board was that the building was not historic. The building didn't qualify because at that time it was not 50 years old.

He said they met with staff earlier in the day and one of the reasons they were present at this meeting was that an application had been filed. It was not at the forefront of this board's thinking to preserve the church as a contributing and thought that was a significant point because it said a lot about the character of this district and not thinking this building was important to the district. He agreed to stand for questions.

Mr. Kantner asked Mr. Rasch to clarify the difference of non-contributing and non-conforming.

Mr. Rasch said that non-contributing meant structures less than 50 years old or had lost historic integrity

Non-conforming was a term that went well beyond the historic ordinance but in the historic portion it referred to a building whose style would be one that couldn't be built in the historic district today. The Loretto Chapel for instance was in a style that couldn't be built today although it was significant.

Ms. Walker asked how long the board had been designating properties in the Historic Review District.

Mr. Rasch said they had not traditionally established any historic status buildings within the Historic Review District within the last year or more. Issues had arisen that caused the City to look at the ordinance clearly. And it did state that this Board could apply a status to any structure in any historic district but hadn't made a case of that. He had committed to a standard this year to look at status in the Historic Review District only when an application was made to alter a building within it.

Ms. Walker said since the Board didn't have history, the current code didn't describe any character for the Historic Review District like it did for the other districts so she questioned how people could say it didn't match the Historic Review District when that character wasn't defined in the code.

Mr. Rasch this district didn't have a preamble that characterized it and it would be hard to define that night.

Ms. Mather asked if any of the buildings by Kruger had historic status.

Mr. Rasch said the 1947 post office in Los Alamos was after the WPA and before mid century and was on the historic registry.

Chair Woods ask for Board comments.

Mr. Kantner was less concerned with the variety of styles present and more concerned that the majority of the building wasn't over 50 years yet. He might be more willing to consider giving it a contributing status if the north wing was over 50 years old. Significant history could be captured in the whole and he leaned toward non-contributing.

Ms. Walker thought it was not fair for anyone to hold this building or any other in this district to a character that hadn't been defined. She thought it was an important building and she was comfortable with it being contributing.

Ms. Mather was concerned that there were so many additions. She thought that had destroyed integrity of building. She said Kruger's reputation had not been established and she leaned to non-contributing.

Chair Woods said she would have to vote because only four members were present. She was concerned the ordinance as it was written. She said when the building was before them that someone wanted to add an addition that would double the size of the building and was a contributing building, such an addition would overwhelm the historic part. The ordinance said that no addition could be approved that was more than 50% of the original historic footprint. This building had additions that exceeded that. She said she couldn't consider the building as historic at this time. She said when the next addition became 50 years old it could be reconsidered.

**Mr. Kantner moved in reference to Case #H 11-004 A that the building have a noncontributing status due to the majority of the building was not yet of historic age. Ms. Mather seconded the motion and it passed by a 3-1majority voice vote with Ms. Walker opposed.**

**Case #H 11-004B. 1200 Old Pecos Trail.** Downtown & Eastside Historic District. Peter Dwyer, agent for St. John's Methodist Church, owners, proposes to install screened cellular antenna as an extension in mass and height on an existing chimney on an institutional structure and to construct a free-standing 500 sq. ft. stuccoed mechanical enclosure up to 8' high. A waiver to the historic standards including the maximum allowable height of 16' 4" was requested to construct the antenna screen up to 53' high utilizing the standards in the telecommunications ordinance (Section 14-6.2 (E) (6) (ix) and 10)). (David Rasch)

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

### **BACKGROUND & SUMMARY:**



1200 Old Pecos Trail, known as the St. John's Methodist Church, was constructed in a blended Territorial Revival/Moderne style in 1952 by W. C. Kruger. The north wing addition was constructed by Kruger in 1964 and the west wing addition was constructed by Spears in 1999. The property is located within the Historic Review Historic District on the northwest corner of Old Pecos Trail and Cordova Road. The previous hearing examined the historic status and potential primary elevations of the building.

The applicant proposes to install a telecommunications site at this property consisting of a massing and height increase to the existing chimney on elevation 5, the south side of the original nave, along with a free-standing equipment enclosure on the west side of the property. The HDRB must grant a special exception by way of a waiver request to the maximum allowable height.

The existing stucco-finished chimney is approximately 43' high with a metal flue to approximately 47' high with a massing that is 5' wide x 5' deep. The maximum allowable height for this property is 16' 4", making the existing building non-conforming in height.

The proposed chimney alteration will be approximately 53' high with a 1' flue extension with an 11' wide x 11' deep massing increase. The proposed tower will appear like an elevator overrun rather than a chimney with a 14' height above the exterior south wall. The chimney will remain functional and the exterior surface of the new mass will simulate the color of the stucco in an electromagnetic translucent material.

Coaxial cables will extend from the base of the altered chimney at the roof line and run west diagonally along the low pitched roof to the peak where the cables will descend the west elevation to the ground where they will be subgrade to the equipment enclosure.

A 500 square foot equipment enclosure will be constructed to 8' high at the rear, west side of the property. The wall will be stuccoed to match existing conditions on the property.

A waiver is requested to the allowable height (Chapter 14-5.2(D)(9). The waiver standards below shall be followed in the Board's review of this issue.

#### 14-6.2(E)(3) General Requirements

##### (v) Historic and Escarpment Districts

Towers and antennas may be approved within designated Historic or Escarpment Overlay Districts only by special exception in accordance with §14-6.2(E)(6). No tower or antenna shall be permitted, notwithstanding the foregoing, upon lands or structures that are designated contributing, significant, or a landmark as set forth in §14-5.2. (Ord. No. 2004-26 §4).

##### 14-6.2(E)(3)(e) Aesthetics

New towers and antennas erected in Historic Districts and residential zones, since implementation of this section, shall meet the following requirements that shall be reviewed, interpreted and applied by all reviewing authorities.

- (i) Towers shall be painted a neutral color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA.
- (ii) At a tower site, the design of the related structures shall, and consistent with requirements of the FAA, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (iv) The antenna shall be situated to minimize its visual impact from adjacent lands, public rights of way and residential areas.

#### 14-6.2(E)(6) Special Exceptions

##### (a) General

Any tower or antenna that is not otherwise permitted or administratively approved shall be brought for consideration to the Board of Adjustment. Special exceptions may also require review and approval by the Historic Design Review Board or Planning Commission as detailed in this section. The following provisions shall govern the issuance of all special exceptions for towers or antennas: (Ord. No. 2009-42 § 21)

- (i) A special exception shall be required for the construction and placement of all towers and antenna in all zoning districts unless said construction or placement is otherwise permitted or administratively approved pursuant to this section.
- (ii) Applications for special exceptions under this section shall be subject to the procedures and requirements of §14-3.6 except as modified in this section.
- (iii) Unless a waiver is granted in accordance with §14-6.2(E)(10), height shall be limited to the overlying or underlying district, whichever is more restrictive, except in C-2, I-1, and I-2 districts where the height limit shall be 100 feet.
- (iv) In granting a special exception, the reviewing body may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower or antenna.
- (v) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (vi) An applicant for a special exception shall submit the information described in this section and a nonrefundable application fee to be established by resolution of the Governing Body, sufficient to reimburse the City for the costs of reviewing the application.
- (vii) Any denial of an application for a special exception pursuant to this section shall be in writing and shall explicitly state the grounds for the denial.
- (viii) No new tower shall be allowed unless the applicant makes an adequate showing that tower alternatives are not viable. The availability of suitable existing towers, and other structures, shall be

set out in all applications for new towers. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the reviewing body that no existing tower or structure can be used in lieu of new construction to accommodate the applicant's proposed telecommunications facility. An applicant shall submit information to the reviewing body related to the availability of suitable existing towers and other structures. Evidence submitted to demonstrate that no existing tower or structure can reasonably accommodate the applicant's proposed telecommunications facilities may consist of any of the following:

- A. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements; and/or
  - B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements; and/or
  - C. Existing towers or structures do not have sufficient structural strength or space available to support applicant's proposed telecommunications facilities and related equipment; and/or
  - D. The applicant's proposed telecommunications facilities would cause unavoidable electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed telecommunications facilities; and/or
  - E. There are other limiting factors that render existing towers and structures unsuitable; and/or
  - F. The owners of existing towers or structures will not allow the applicant to place its telecommunications facilities thereon, or such owners are requiring payments therefore that substantially exceed commercially reasonable rates.
- (ix) In addition to Board of Adjustment approval set forth above, no special exception shall be granted in any Historic District unless the applicant can conclusively demonstrate to the Historic Design Review Board that:
- 1. A failure to grant a special exception would prohibit or effectively prohibit the applicant from providing services in a portion of the City; and
  - 2. All alternatives to location in the Historic District have been considered; and
  - 3. The conditions of §14-5.2(C)(5)(c)(i), (ii), (iii), (v), and (vi) have been met.

#### 14-6.2(E)(10) Waivers

- (a) Each reviewing body may grant a waiver of those requirements over which the reviewing body has review authority. Said waivers shall be granted only if the reviewing body finds in writing that said waiver:
- (i) Is in the best interest of the community as a whole;
  - (ii) Will expedite the approval of an antenna, tower or tower alternative;
  - (iii) Will not jeopardize public health, safety and welfare;

- (iv) Will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas;
  - (v) Will better serve the purposes contained in §14-6.2(E)(1) of this section.
- (b) Factors to be considered in granting a waiver shall include:
- (i) The height of the proposed tower or antenna;
  - (ii) The proximity of the tower or antenna to residential structures and residential district boundaries;
  - (iii) The nature of uses on adjacent and nearby properties;
  - (iv) The surrounding topography;
  - (v) The surrounding vegetation and foliage;
  - (vi) The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness;
  - (vii) The proposed ingress and egress;
  - (viii) The availability of suitable existing towers or other structures;
- (ix) Such other factors as may be relevant.

**STAFF RECOMMENDATION:**

Staff recommends approval of the waiver request to install a telecommunications site at this property.

Chair Woods asked Ms. Brennan to explain how this was different or the same since it was under an unfamiliar section of the ordinance.

Ms. Brennan said the Board had jurisdiction specifically for installations in the historic district. The intention was the Board look at the requirements they usually viewed for applications with slight changes. She said the Board was asked with respect height to grant a waiver rather than a special exception. The waiver requirement asked the board to consider 5 of the six factors they generally considered for a special exception.

Whether the use was allowed was the special exception granted by the Board of Adjustment. A number of requirements the board should look at under the telecommunication ordinance. That was Section 14-6 A.9a. The applicant had to demonstrate to the Board that a failure to grant a special exception would prevent the applicant from serving a portion of the city; had considered all of the alternatives within the city; and the waiver criteria had been met. The Board of Adjustment would grant the special exception and the HDRB would consider a waiver of height but also would review the installation criteria.

Ms. Mather asked what the five items were that the Board was to use.

Ms. Brennan said 14-5.2 C, 5,c 1, 2, 3, 5 and 6 identified them. She said the fourth one was for special conditions and circumstances that weren't applicable to other land structures in the streetscape and that was not applicable in a telecommunication case.

The applicants came forward to be sworn. Mr. Peter Dwyer said he refused to be sworn in. He said he would present the case but not present testimony. He was concerned about being a witness in a case in which he might be the attorney.

Ms. Brennan said typically attorneys were not sworn that represented their clients unless they were testifying as a witness as to facts.

Present and sworn was Mr. Dwayne Caraway, Dallas Texas, for AT&T.

Mr. Peter Dwyer said he would present materials and then have Mr. Caraway testify that the materials submitted in the application were true and correct. He passed out more recent application photos to the Board.

He said the telecommunication ordinance provided that telecommunication facilities in general were provided in all zones of the city. The ordinance tried to stop proliferation of towers in the community and to integrate telecommunication in an aesthetically sensitive way. His application made the best effort to integrate the antenna into the existing structure and the aesthetics of the building in a manner consistent with the structure and the skyline but actually improve the aesthetics of the structure.

He said there were limited opportunities to find locations for antennas in the historic district. He showed the diagram that showed what AT&T tried to do on page 12 of their application and page 26 of the packet as N - engineering data.

He said the ordinance tried to balance aesthetics for the town and for the carrier the ability to provide service. The goal as the applicant was to obtain coverage to provide service and they were required by the federal government to achieve coverage to get their licenses for the airways.

Mr. Dwyer went through the standards of the code that included first not to damage the character of the streetscape. They hoped to improve the streetscape and three or four sites were considered for the least impact on aesthetics for people seeing the church.

Mr. Dwyer said it would provide a hardship if this site couldn't be obtained because coverage couldn't be completely provided without it.

He said AT&T's practice was to seek existing vertical infrastructure first rather than to build a new tower. He said he presumed that was a less attractive alternative.

Mr. Dwyer said the purpose in general was to try to allow facilities to provide service and do so in a way that mitigated the need for multiple structures.

He said staff recommended approval and he thought that was because the application tried to be sensitive to Santa Fé, recognizing they didn't want to litter the skyline with antennas. He testified that the application met the required criteria.

Mr. Caraway testified that the application materials submitted were true and correct.

Mr. Bernabe Romero said he thought the application wouldn't have a negative impact on the building design and instead he thought it would place it in a prominent place as a significant massing element that played against the large massing of the building itself.

As a secondary massing element he thought it would give more sensitivity to the building itself. He thought people would not notice the chimney size and he would not change the configuration of the makeup.

Mr. Dwyer testified that this was an existing, functioning chimney that would continue to function as an element of the church.

## **PUBLIC COMMENT**

Chair Woods asked the members of the public who wished to testify against the proposal to come forward first.

Present and sworn was Ms. Teress Bucholt who said she grew up in the neighborhood of the church. She said architecture shouldn't be viewed only as historic but as something as a style of the city. She thought that was a particular architectural style and it was unique and shouldn't just be judged only on the historic value.

She was upset that the lawyer (Mr. Dwyer) didn't have to be sworn in and then said there were patches everywhere without coverage and the Board had to just take his word for it. She knew a lot of people that had I-Phones that could use them all over the city with great coverage. She asked why his testimony was accepted and how the Board knew it was the truth. She said they said the same at the City Council meeting.

She said the chimney was 44 feet high and would be nine feet higher at about 53 feet. She thought that made it five stories high and asked if there wasn't a limit to the number of stories in Santa Fé. She asked if the church was zoned as a business because basically this was a moneymaking enterprise. She said it was deceptive to hide the antennas and neighborhoods so people didn't know what was going on.

She noted also that the application said the building would be 500 sq ft and surrounded by an 8 foot wall. She presumed that was for all the equipment for the antenna and wondered about the safety of all of it and how that would impact the neighborhood. She asked if it was safe with a functioning chimney and if the antennas would be inside of the chimney.

Present and sworn was Ms. Virginia Miller, 125 Calle Don José, who said the Board of Adjustment denied the AT&T a permit and they were to go before the City Council. She asked why this was happening before that took place. She thought that should happen first before the H Board heard this.

Ms. Miller said the Board of Adjustment hadn't approved a special exception for the extra height of the chimney. She thought it was not appropriate for this board to address it.

She said the chimney would be changed and change the look of the area> She thought it would be unsightly and could decrease the property values for those reasons.

Present and previously sworn was Ms. Stephanie Beninato who said that Mr. Dwyer had become a witness and should have been sworn in to give his factual testimony about functionality and other aspects.

She added that another problem was that the antenna was denied as a Land Use special exception which meant that even if the Board thought it was pretty that the Board of Adjustment had already denied it. She asked why it was here tonight. She thought the matter should be tabled until the Board of Adjustment appeal went to City Council and they decided whether to grant a special exception or not.

She said AT&T was not a good neighbor. They hadn't done all of the submittals required for its application. Despite Ms. Brennan's statement and findings of facts, Mr. Comas brought out that the submittal requirements had not been fulfilled.

Ms. Beninato said it didn't serve the public to have cell phone towers in the City because there were thousands of studies had shown the health effects. She said the company was required to provide health and safety remedies and they had not. In addition, AT&T was not the owner of the property and when this special exception was looked at, the Board had to look at whether the church would be hurt not AT&T.

She believed AT&T should spend its millions of dollars earned every year by developing underground technology.

Present and sworn was Dr. Felicia Trujillo, born in Santa Fé, who said she had a letter from Janice Olke, an architect in Santa Fé. She asked if she could have a moment to talk for herself and share Ms. Olke's statement.

She said the letter from Janice Olke, architect expressed her concern over the proposed installation of a cell phone tower in a modified chimney at St. John's Methodist Church. She said the chimney would be visually obtrusive and dominate the historical residential area. She disagreed with Land Use staff's opinion to the contrary.

Dr. Trujillo said Ms. Olke's daughter was diagnosed as having an illness exacerbated by a nearby cell tower. She was concerned that there were three preschools and a children's museum that would be next to the electromagnetic radiation.

Dr. Trujillo said AT&T's application was denied by Mr. Comas because the application wasn't complete, among other things, no environmental report for the FCC was included. She suggested the application be tabled. She wasn't sure why the Board was called in.

Present and sworn was Ms. Jan Boyer who said the proper procedure was to go to the City Council and because of special exception thought HDRB should not consider the possibility. She said to quote Mr. Dwyer that AT&T had a hardship getting service coverage. She had no problem with her phone in that neighborhood. She wasn't concerned about i-phones. She said her visitors liked the visual aspects of Santa Fé. She thought it was almost a threat by Mr. Dwyer by saying they would have to "litter the skyline."

Present and previously sworn was Mr. Arthur Furstenberg who was perplexed at the procedure here. The Board of Adjustment had purview over special exceptions and not the H-board. He said it appeared from the City Attorney that the H Board would be going over the heads of the Board of Adjustment by granting this when there was still an appeal before the City Council.

He understood from the ordinance that all special exceptions went to the Board of Adjustments except in historic locations to determine if the project was in character of the streetscape and character of the historic district.

Mr. Furstenberg said even if it the building was non-contributing, the additional girth and height would make the chimney too prominent and it wouldn't blend in with the architecture of the building. The equipment enclosure would require an 8 feet wall which would be further out of keeping with the neighborhood.

Present and previously sworn was Mr. Brook Wyatt, Camino San Patricio, who reiterated what he previously said that although the church was found to be non-contributing structure it didn't change the impact of the extra height of the chimney. He didn't understand what happened in the Board of Adjustments review. He didn't want all of this to come back because that step wasn't done correctly. He asked why they were here now.

Present and sworn was Mr. Howard Blanchard who lived about two miles from church. He was at the Board of Adjustment when it was denied. That meant it could be appealed to City Council and he wasn't sure why they were here with the same application.

He and his wife were familiar with the historic ordinance and came because of the aesthetics and architecture. He assumed this was legal and the Board could vote on an application that was denied, he thought the Board's duty was to preserve the loveliness and architecture of the town.

Present and previously sworn was Ms. Debra Kimbrough who agreed with everyone that this should be tabled. She pointed out that if the H-board made an exception or waiver in this case, there would be many others to follow. It would set a precedent.

Present and sworn was Mr. Arthur Johnson, who agreed with those opposed to the exceptions being made. He thought they were living in a time when the country was making more exceptions than it should be. He lost his best friend who lived across the street from a cell tower. He had studied the research and knew its harm. He said he wanted to start the process of truth in Santa Fé.

**For:**

Present and sworn was Mr. Bob Schlessner from the church. He said he had three Masters and two Bachelor's degrees and he said the law of radiation made the radiation at the ground level underneath the antenna insignificant.

Present and sworn was Mr. Francis Abernathy, 16 Mimosa Road, an electrical engineer who worked in electronics 60 years. He worked on radar with 750,000 watts output; been on top of the antenna and worked 26.5 years at NASA working with radar and a number of years working on analog and digital computers and worked on computers at the State. He was a witness that the radiation didn't affect anyone.



An unidentified citizen said the Telecommunication Act had four objectives – to permit competition and expand the use of wireless. He said a big segment was not being represented here - the 70,000 wireless subscribers and they looked to use that capability for business, personal, teaching, emergency use and more students were using it for homework, etc.

He said the Baptist Church, which was ½ mile down Old Pecos Trail, was the closest cell tower and ¼ mile was the Elks Club with a cell tower. He said he doubted many people paid attention to them.

He said someone earlier said the church was an enterprise but it was a 501(c)3 organization.

Present and sworn was Mr. Dave Dennis who said there needed to be adequate coverage in that area of the City.

Present and sworn was Ms. Elena Benton, an electrical engineer not for or against who worked on major networks for countries. She said Mr. Dwyer was misleading. The FCC regulated outdoor coverage and currently AT&T did have coverage. AT&T currently had outdoor coverage required by the FCC.

Present and sworn was Ms. Nancy Faye, 728 Mesilla Road who thought there were excellent points made. She understood the HDRB didn't have jurisdiction over sufficient phone coverage but was there to decide if the change by the applicant was in keeping with the historic district. She thought it was not possible to exercise enough care in protecting the public. She pointed out that the Journal of American Medical Association released new information on the effect of radiation and should exercise care in evaluating the risks.

She said regarding aesthetics that she worked as a hospice worker and she would be happy to discuss the...

Chair Woods interrupted and asked Ms. Brennan to explain why the HDRB was hearing the application.

Ms. Brennan said the Board of Adjustments had jurisdiction over special exceptions for use. That was denied and they could appeal within 30 days. The applicant had the right to proceed with the HDRB approval for a waiver and was within the historic context.

Chair Woods said both boards must hear the application. Decisions could be appealed to the Governing Body.

Mr. Dwyer wanted to clarify the application was filed before the Board of Adjustment and he hoped the H-board would review this on their criteria which were different than the Board of Adjustment's criteria.

Chair Woods said the Board had a lot of questions on visual factors, the size, materials, etc. and needed someone to answer those questions.

Mr. Dwyer said that Mr. Caraway would answer those questions. He said AT&T wouldn't be seeking additional sites and wouldn't go through this exercise without needing the site. He said he would point out

that other providers had good coverage but not AT&T and that was a problem. He said this application was about the AT&T facility and their system.

Chair Woods asked how he would show that alternatives weren't viable.

Mr. Dwyer said they tried to work with existing vertical infrastructure which they thought was a better solution because it was not as bad aesthetically to the community.

Chair Woods asked if his explanation showed they made an adequate showing and that had tried other alternatives.

Mr. Dwyer said the area was surveyed and they looked to get 53 feet in the historic district. They tried to go on something existing rather than build something new.

Ms. Walker said on the same subject and line what an example of an alternative was. She asked if they had to have the highest spot.

Mr. Dwyer said no and explained that there were internal networks that were variables; the number of people serviced in the area, line of sight technology from antenna to surrounding areas and multiple factors. He said it was inevitable that there would be some need in Santa Fé.

Ms. Walker said he used the expression *tower alternative*. She asked if it was possible to transmit with a low structure of some point.

Mr. Dwyer said they could go to a low point but it wouldn't help. It had to be high enough so the radio waves could be over a zone or area. If put at lower heights, they would get lower coverage. He acknowledged that it was complicated and gave an example that a site might be needed within two blocks of another because of traffic in the area. They tried to compromise with the height and reach the goals in the districts.

Ms. Mather asked about height. The current mass was 47 feet high and would go to the 53 feet with another foot of flue.

Mr. Caraway said a flue cap would be on top of the chimney and at about 6' 8".

Ms. Mather asked if that was necessary or was for the use of the current chimney.

Mr. Caraway said the chimney would remain in use as a vent for a steam boiler. The additional height was needed to fit the antenna so would shoot over the peak.

Ms. Mather recalled in their letter of December 29, the second paragraph said it wouldn't exceed existing structure height. In her packet the drawing appeared to exceed the existing height.

Mr. Dwyer said that statement was in error. He said he contacted Staff to determine the existing height and would let Staff answer how that was determined.

Mr. Rasch said he thought the existing chimney with metal flue would be about the same as the chimney extension.

Chair Woods asked about the diagonal thing across the roof down the southwest façade.

Mr. Caraway said that was the coaxial unit that went to the radio units and a better design would be to move it to the south edge and make the unit blend into the structure. He said they required large coaxial cables such as on the back of the projector. He said to hide it they could reroute it to any location recommended by the Board. He said the best for AT&T was to have the straightest and shortest runs possible.

Chair Woods said there was a conflict where -one part said it was stucco and another part of the application said it was painted concrete block which was not allowed.

Mr. Caraway said this was basically to hide the cabinets and there was a ground mounted transformer.

Mr. Kantner was confused about the new structure amount that would have the material for transmission.

Mr. Caraway said it was only the area in front of the antennas and they could match any texture or color.

Mr. Kantner asked the height- He was told it would only be the 8 ft above the roof. He had a concern with height. Page 37 of the application above the roof line showed another 6 feet would be added above the current view. He asked if there would be a significant reduction of performance if that was reduced by 5 feet.

Mr. Caraway said it would and explained they had to get over the slope of the roof.

Mr. Kantner said from drawing it already looked significantly over the slope of the roof.

Mr. Caraway said they tried to keep it minimal and the challenge was to keep it functional but height was specifically dependent on the crest of the roof.

Chair Woods said page 36 showed that was significantly above the crest of the roof.

Mr. Caraway talked about the crest of the roof and the need to be above that to go beyond.

Ms. Mather said asked if part of the application was the cross and banner on the drawing.

Mr. Caraway said that was the church logo.

Mr. Rasch said the chimney extension included the fabric swag as part of the request.

Chair Woods asked Ms. Brennan to go through what the Board should and shouldn't consider.

Ms. Brennan quoted from the federal law. She said environmental and health effects were not within their purview. Some nexus between the jurisdictions (Board of Adjustment and HDRB) on telecommunication and timing was important because the same decisions operated under a time limit and created a presumption of when approved.

She said the HDRB was specifically looking at some of the factors under 14.62.6e9a. She said it was questioned why this would be done by the HDRB. She said the waiver criteria were five of the six special criteria. They would review a waiver as to height with those.

Chair Woods asked if the Board should look at waiver to height the same as they would with respect to streetscape standards, harmonious, etc.

Ms. Brennan agreed with the exception of the exception criterion #4-due to special circumstances peculiar to land or structure involved...

She said the Board was being asked to consider things not typically in its purview but they should be seen through their typical lens of jurisdiction.

Chair Woods asked if the motion whether for or against the proposal, was based on if the code 14-6.2 E10 of the waivers.

Ms. Brennan said that was correct. They had complied with the waiver criteria in telecommunication ordinance and the factors to be considered in granting a waiver-height, proximity, residential boundaries, surrounding vegetation, proposed ingress and egress-(pg 6 of the Staff report.)

**Dr. Kantner moved to approve case H-11-004B as recommend by Staff acknowledging that providing the waiver because that the needs of 14-6.2E10 were met with the following condition added: coaxial cables be mounted to be the lowest visibility possible and brought to Staff for approval. Ms. Walker seconded the motion with a request for a condition that the enclosure be stucco- not painted. Dr. Kantner accepted the amendment as friendly and the motion passed by unanimous voice vote.**

**2. Case #H 11-011. 718 Gregory Lane.** Don Gaspar Historic District. Michael F. Bauer, agent for Hallie B. Dalsimer, owner, proposes to construct a 1,804 sq. ft. single-family residence to a height of 15' 9" where the maximum allowable height was 15' 11" on a vacant lot. (David Rasch)

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

### **BACKGROUND & SUMMARY:**

718 Gregory Lane is a 4,800 square foot vacant lot in the Don Gaspar Area Historic District. The applicant proposes to construct a 1,804 square foot single-family residence to a height of 15' 6" where the maximum allowable height is 15' 11". The building is designed in the simplified Spanish-Pueblo Revival style with asymmetrical stepped massing and exposed wooden posts and beams at the portal. Windows are proposed as fixed, awning, and casement with single lites. The front door is proposed as a panel door,

the mechanical room door will be painted metal, and other doors will be single lite. The building will be stuccoed with cementitious "Buckskin" or similar earth-tone color. Trim color was not specified.

A 6' high coyote fence will be constructed at the back of the parking area to separate the parking from the yard.

**STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2(D) General Design Standards and (H) Don Gaspar Area Historic District.

Ms. Walker asked Mr. Rasch how he arrived at the maximum allowable height.

Mr. Rasch said the practice was to add two feet to the average. He said it was done in the past because of knowledge that the height database was incorrect and because of a section in the code of how high maximum could be based on a façade. He said that was being looked at for a possible change.

Present and sworn was Mr. Michael Bower, architect for applicant, who said he had nothing to add. This was a house and a studio for a friend and it was below the maximum allowable height and under the maximum building area.

Ms. Walker asked on the east elevation about the tiny windows.

Mr. Bower said the east faced the street and was the studio but was on the five foot setback and much of it was for privacy.

Ms. Mather said the trim and window color was not called out. She asked his intent.

Mr. Bower said the application mentioned olive green but the selection of the window manufacturer would be what their standard colors were.

Ms. Mather asked if he proposed any exterior light fixtures.

Mr. Bower said they would have minimal lights adjacent to all exterior doors and no sky lights. In the future he hoped to have a radiant system and wanted either air to liquid or photo voltaic panels. He reiterated the window sizes were nominal and close to that range and hoped to leave the 24 inch window pattern uninterrupted.

Chair Woods said if it changed significantly he would have to come back. She said the chimney looked substantial; she worried about the PVC pipe next to it.

Mr. Bower said code required that he go that height. He explained that he would have to get the flue 10 feet away from the closet parapet. He could enclose that within a flue form as a compromise.

There were no public comments concerning this case.

**Ms. Mather moved for approval of Case #H 11-011 with conditions: all colors of trim and window be brought for approval by Staff; that light fixtures be brought to Staff; that it have no visible roof top appurtenances and that any major window size changes be required to return to the Board. Ms. Walker seconded the motion.**

**Ms. Mather asked to add a condition that the vent would be enclosed and that the size of the chimney be reduced. Ms. Mather accepted the amendment as friendly and the motion passed by unanimous voice vote.**

**3. Case #H 11-009. 635 Alto Street.** Westside-Guadalupe Historic District. Vahid Mojarraab, agent for the City of Santa Fé, owner, proposes to construct a multi-family compound composed of five residence at a total of 4,208 sq. ft. on a sloping vacant lot to a maximum height of 24' where the allowable height was 19'. A height exception was requested (Section 14-52. (D) (1) (a)). (David Rasch)

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

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

635 Alto Street is a 10,910 square foot vacant lot in the Westside-Guadalupe Historic District. The applicant proposes to construct a multi-family compound consisting of five residences in two free-standing building blocks totaling a footprint of 4,208 square feet on a vacant sloping lot to a maximum height of approximately 13' on the south street frontage and 24' on the north street frontage where the maximum allowable height is 15' at the south street frontage and potentially 19' at the north street frontage at the lower side of the slope. Four of the units are designed as two story buildings. An exception to exceed the maximum allowable height is requested (Section 14-5.2(D)(9)).

The buildings are designed in the Spanish-Pueblo Revival style with wall-dominated stepped massing, rounded corners, and wooden vigas posts, carved corbels, and exposed headers at portals. Stuccoed and rock-finished yardwalls, planters, and steps along with ground surface treatments are also proposed. The yardwalls at the Agua Fria Street frontage are proposed at 3' 6" high but the driveway visibility triangle standards may require them to be reduced to 3' high.

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

The north elevation, which requires the height variance, will be in harmony with the existing streetscape. Both neighbors to the west and east are two story buildings. The proposed height is more than 10 feet lower than the neighbor to the east and compatible with the neighbor to the west. As a matter of fact, most structures along lower Alto Street on the Santa Fé River are two story buildings of similar height. The proposed design respects the one story elevation appearance along Alto Street and remains lower than the historic District's allowable height. Therefore, the proposed design will respect both streetscapes.

Staff response: Staff is in agreement with this statement.

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

The proposed design is based on the standard ceiling height for typical residential buildings: 9 foot ceiling on the first floor and 8 foot ceiling on the second floor. The 24 foot height, with 22 feet used in the building structure and the other 2 feet as the distance to the natural grade, is the minimum height required to achieve a two story building in this type of construction. Since the objective of this project is to bring affordable housing to downtown Santa Fé, the needed square footage (the needed second floor) plays a direct role in the feasibility of this project. Without this variance, we will not be able to bring this much needed and highly desirable affordable housing project to downtown Santa Fé.

Staff response: Staff is in agreement with this statement.

(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 District:

This proposal respects the initial intent of the City of Santa Fé's vision to bring affordable housing within the city's core Historic District. This project consists of 60% affordable housing, 3 units, and 2 market rate units. This project will be a perfect example of families with diverse incomes living side by side in beautiful downtown Santa Fé.

Staff response: Staff is in agreement with this statement.

(iv) – are due to special conditions and circumstances which are not applicable to other lands or structures in related streetscape:

The topography of this site makes for a challenging project in the Historic District. There is a 13 foot elevation drop from the south side of the property along Alto Street to the north boundary of the site along the Santa Fé River; all within the approximate 112 foot depth of this lot. Although the parapet height of this project is lower than allowable height along the south side of the property (along Alto Street), we need a height variance along the north side (along Santa Fé River) to realize this project. The topography of the land allows this project to be perceived as a one story building along the main road, Alto Street. This project is almost a foot lower than allowable height along Alto Street and the two story portion of the building is two feet lower than allowable height along Alto Street.

Staff response: Staff is in agreement with this statement.

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

The finish floor of the building at the northwest corner has to be 18 inches above natural grade because of the drainage and the 24 inch cross slope of the site. This design condition, based on the existing site conditions, adds to the height of the building.

Staff response: Staff is in agreement 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):

There are two street fronts to this project, Alto Street above and the 'Lower Alto' along the Santa Fé River. This project should and does address both streetscapes, lower and upper Alto Street. This project is not only within harmony of the neighborhood style, form, color, proportion, texture and material, but also respects the existing connectivity of the neighborhood to the Santa Fé River.

Staff response: Staff is in agreement with this statement.

In conclusion, we feel this exception will be in harmony with the existing neighborhood. It is very difficult for a project with two street fronts to follow only one side's height restriction. We believe that if this project is perceived as two projects, one at upper Alto and the other along the Santa Fé River, each massing is clearly in harmony with its respective streetscape.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the exception request to exceed the maximum allowable height as the proposal is harmonious to neighboring structures on this sloping site. Otherwise, this application complies with Section 14-5.2(D) General Design Standards and (I) Westside-Guadalupe Historic District.

Mr. Vahid Mojarrad at 147 Gonzalez #12, Santa Fé said he would read a short paragraph about the proposal design. It was a result of the winning team from the international competition sponsored in 2009. The purpose was to bring green affordable housing project to downtown Santa Fé.

Ms. Mather appreciated the submission and said it was easy to read.

### **Public Comment**

Present and sworn was Ms. Jennifer Jenkins, 130 Grant Ave., Suite 101, Santa Fé, on behalf of the residents to the compound to the east. She said they had concerns with the proposal that were related to access and density.

She said residents were confused by a proposal to have the primary access off an adjacent dirt lane because when their compound was designed in 2005 the City told the developers of the compound that they couldn't have legal access there. The minutes from the HDRB meeting described the project when approved that lower Alto Street was defined as the non public lower Alto Street.

Ms. Jenkins said her research showed lower Alto was part of the Santa Fé River Park owned by the State. She had a copy of the joint powers agreement for the City to maintain the Park. She met with Mr. Ed Vigil regarding the status of lower Alto Street. She said it was defined as nonpublic in a Staff report and there were concerns about legal access from that side. Also there was concern about more cars utilizing the lane.

She said if it was considered to be part of the public way, it was a substandard street and would need to include approval for widening the lane. She said it did not meet any city standard for roadway improvements. She said it might be more appropriate to access the compound from the public Alto Street on the south side.



Ms. Jenkins said in terms of consistency with the neighborhood character, four units might be a more appropriate use of the parcel and more in keeping with what was going on in the surrounding areas. There was also concern with having another nine parking spaces

Present and sworn was Ms. Susan Palmer, 637 Alto, who said she concurred with everything Ms. Jenkins stated.

Present and sworn was Mr. David Maylan, 624 Alto across the street from the project who said the density would be difficult. It was a narrow street and if two cars parked approaching Alto, one had to stop. He said adding five units would make that worse.

Present and sworn was Ms. Nancy Blake, 619 Alto, who said she was concerned with parking on the dirt. The road was fragile and cars would tear it up.

City Staff member, Mr. Nick Schiavo, said he had been asked to address some concerns of Ms. Jenkins about access. There were about 25 units and 14 of those had access from lower Alto Street. In his opinion this was a city maintained road and he would be happy to work with Ms. Jenkins on who had ownership of the road. He understood the road had been used for years and probably had a prescriptive easement use.

Chair Woods asked Ms. Brennan if it would be appropriate to postpone. She had concerns from a streetscape standpoint.

Ms. Brennan said access and density wasn't specifically within consideration by the Board but streetscape was. She wasn't sure if the permit stage would answer a number of the questions.

Ms. Walker asked if the proposal could have been approved without anyone checking that box on the zoning worksheet.

Mr. Rasch said that portion would be completed at the time of building permitting.

Ms. Walker said the Board couldn't comment on streetscape if they didn't know whether it was legal to use lower Alto Street.

Mr. Rasch said if approved by the Board, the applicant would still have to get that cleared up.

Ms. Walker said she would want to postpone it. She thought the Board should know that first.

Chair Woods said it was a great job but she was not sure about density. She said it was a lot of mass on a small lot. Her concern was how the strip mall parking would affect the streetscape.

**Ms. Walker moved to postpone Case #H 11-009 until the Board knew how the streetscape would be affected. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

**4. Case #H 11-010. 623 Garcia Street A&B.** Downtown & Eastside Historic District. Dan Featheringill, agent for Lynn Johnson, owner, proposes to rebuild portions of the north, south, and east

adobe walls of a contributing single-family residence. An exception was requested to remove historic materials (Section 14-5.2 (D) (1) (a)). (David Rasch)

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

**BACKGROUND & SUMMARY:**

623 Garcia Street A&B is a single-family residence that was constructed in the 1930s in the Spanish-Pueblo Revival style. The building is located within the historic Alire Compound. The building is listed as contributing to the Downtown & Eastside Historic District and the south and east elevations are designated as primary.

Due to water infiltration and substandard construction techniques, the adobe walls have deteriorated beyond repair. The City Building Official has determined that there is a serious structural instability that must be addressed.

Now, the applicant proposes to remove portions of the south, east, and north walls and reconstruct them in-kind after thorough measurement and documentation. The historic windows and doors will be replaced in the same opening dimensions and locations. An exception is requested to remove historic materials, i.e. mud resulting from adobe blocks, (Section 14-5.2(D)(1)(a)) and the exception criteria are attached here.

**1. Do not damage the character of the streetscape;**

We are going to replicate the existing building using the original doors and windows, documenting their locations along with parapet heights so as to keep the Contributing Listing and not change the appearance of the streetscape.

Staff response: Staff is in agreement with this statement. The exterior appearance will not change even though non-visible elements will be replaced.

**2. Prevent a hardship to the applicant or injury to the public welfare;**

The building is structurally unsound and is a threat to collapse if not repaired.

Staff response: Staff is in agreement with this statement.

**3. 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 District:**

The Alire Compound on Garcia Street is a unique part of Santa Fé that we want to preserve. The streetscape should be preserved allowing residents a glimpse of the true historic Santa Fé. Retaining the house and its listing as a Contributing Structure will allow the history to continue.

Staff response: Staff is in agreement with this statement. This treatment may be compared to replastering or repainting an historic structure

**4. 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;**

Prior owners have done a real disservice to this home in the remodels that have been completed over the years. Poor application of weather proofing to this structure has allowed the adobes to dissolve. This necessitates their replacement to keep this historic structure intact.

Staff response: Staff is in agreement with this statement.

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

The applicant is a recent owner of the home and bought the home after an extensive remodel by the previous owner. They had no way of knowing the extent of the damage that was hidden inside the walls until moisture started to effloresce through the walls.

Staff response: Staff is in agreement with this statement.

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

We are going to restore the structure to allow the future existence of the Historic District by using vernacular appropriate styles in the reconstruction of the Contributing Structure to continue the character of the streetscape in the Alire Compound.

Staff response: Staff is in agreement with this statement.

**STAFF RECOMMENDATION:**

Staff recommends approval of the exception request to remove historic material while maintaining the contributing historic status of the building due to the reuse of all historic windows. Otherwise, this application 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 Mr. Dan Featheringill, 418 Cerrillos Suite 24, Santa Fé who had nothing to add and would stand for questions.

There were no speakers from the public regarding this case.

**Ms. Walker moved to approve Case #H 11-010 as presented, acknowledging that the exception criteria had been met. Ms. Mather seconded the motion and it passed by unanimous voice vote.**

**K. MATTERS FROM THE BOARD**

There were no matters from the Board.

**L. ADJOURNMENT**

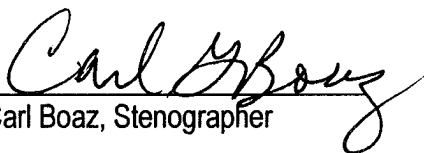
*The meeting was adjourned at 9:10 p.m.*

Approved by:

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Sharon Woods, Chair

Submitted by:

  
Carl Boaz, Stenographer