



Agenda

CITY CLERK'S OFFICE

DATE 12/7/11 TIME 10:30am

PREPARED BY *Connelly Vigil*

RECEIVED BY *[Signature]*

HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, DECEMBER 13, 2011– 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD MEETING

TUESDAY, DECEMBER 13, 2011– 5:30 P.M.

CITY COUNCIL CHAMBERS

A M E N D E D

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES November 22, 2011
- E. FINDING OF FACTS & CONCLUSIONS OF LAW

Case # H-11-126 126 Quintana
Case # H-11-127 1170 Camino Delora
Case # H-11-128 665 Garcia Street

Case # H-11-129 106 W. San Francisco St.
Case # H-11-130 114 La Vereda
Case # H-11-131 806 Old Santa Fe Trail

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

1. Case #H-10-033. 801 Griffin Street. St. Catherine's Industrial Indian School (outside of historic districts). John Polk, agent for NM Consolidated Constructions Services LLC, proposes to relocate three landmarks: Building #9 Montoya House; Building #10 Chavez House; and Building #11 Abeyta House.
2. Case #H-11-122. 740 Acequia Madre. Downtown and Eastside Historic District. Paul W. Kenderdine, agent for Christine Mather, proposes to remodel a non-contributing residence by constructing approximately 494 square feet of additions that are lower than the existing height, replace windows, and make other exterior alterations. (David Rasch).
3. Case#H-11-125. 828 Camino Atalaya. Downtown & Eastside Historic District. Scott Wong, agent for Roger and Jane Griffith, proposes to remodel a non-statused property by replacing a 4' high wire fence with a 5' high coyote fence and replacing a 4'10" high pedestrian gate with a 6'7" high pedestrian gate. (David Rasch).

4. Case#H-11-115B. 9 and 9½ Montoya Circle. Downtown & Eastside Historic District. Peter Wirth, agent for the estate of Leandro Montoya, Jr., proposes to demolish two non-contributing residences. (John Murphey).
5. Case #H-11-123A. 127 W. Water Street. Downtown & Eastside Historic District. The HDRB requests an historic status review of this non-contributing commercial building. (John Murphey).
6. Case #H-11-123B. 112 W. San Francisco. Downtown & Eastside Historic District. Duty & Germanas Architects, agents for S.W. Assets Management, proposes to remodel a non-contributing commercial building by redesigning both street entrances and constructing a 16' high entry with a roof deck. (John Murphey).
7. Case #H-11-132. 246 Rodriguez Street. Downtown & Eastside Historic District. Katie Arnold & Steve Barrett, owners, proposes to remodel a non-contributing residence by enclosing 124 sq. ft. of an existing portal and installing windows. (David Rasch).
8. Case #H-11-134. 451 Arroyo Tenorio. Downtown and Eastside Historic District. Merrilee Caldwell, owner for Stephen Samuelson, agent, proposes to remodel a contributing residence by repairing and replacing windows and doors. (John Murphey).
9. Case #H-11-135. 412 E. Palace Avenue. Downtown and Eastside Historic District. Liaison Planning Services, agent for Pearl Tom, owner, proposes to remodel a contributing residence by replacing windows, constructing brick coping, and making other exterior alterations. (John Murphey).
10. Case #H-11-136. 576 Camino del Monte Sol. Downtown and Eastside Historic District. Louis Brones, agent for Keri Spiller, owner, proposes to remodel a contributing residence by constructing a driveway entry gate. (John Murphey).
11. Case #H-11-137. 403 Canyon Road. Downtown and Eastside Historic District. Nancy Leeson, agent/owner, proposes to remodel a significant commercial property by replacing front entry steps and handrail and constructing landscaping features. (John Murphey).
12. Case #H-11-111B. 940A E. Palace Avenue. Downtown and Eastside Historic District. Nancy Mammel, owner for Kenneth Francis, agent, proposes to remodel a contributing residence by repairing brick coping, removing non-contributing addition, and making other exterior alterations. (David Rasch).
13. Case #H-11-133B. 1228 Cerro Gordo Road. Downtown and Eastside Historic District. Margaret Denney/Kenneth Payson, owners, proposes to remodel a non-contributing residence by removing sections of roof, replacing windows, and constructing a wall approximately 6' in height. An exception is requested to use wood siding across a publicly visible façade (Section 14-5.2 (E)(2)(d)). (John Murphey).
14. Case #H-11-138. 544 Canyon Road. Downtown and Eastside Historic District. Christopher Purvis, agent for Santa Fe Animal Shelter, owners, proposes to remodel a contributing residence by constructing approximately 4,550 sq. ft. of additions that are lower than the existing height, constructing a garden shed/studio, and making other exterior alterations. Two exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and to remove historic massing (Section 14-5.2 (D)(1)(a)) (David Rasch).

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

For more information regarding cases on this agenda, please call the Historic Preservation Division at 955-6605. Persons with disabilities in need of accommodations or an interpreter for the hearing impaired, contact the City Clerk's office at 955-6520, five (5) working days prior to hearing date. If you wish to attend the December 13, 2011 Historic Design Review Board Field Trip, please notify the Historic Preservation Division by 9:00 on Tuesday, December 13, 2011.



Agenda

CITY CLERK'S OFFICE

DATE 12-1-11 TIME 9:00 AM

SERVED BY Crystal Lopez

RECEIVED BY [Signature]

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HISTORIC DESIGN REVIEW BOARD
December 13, 2011

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DESIGN REVIEW BOARD

December 13, 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 Council Chambers, 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
Ms. Cecilia Rios, Vice Chair
Mr. Rad Acton
Dr. John Kantner
Mr. Frank Katz
Ms. Christine Mather
Ms. Karen Walker

MEMBERS ABSENT:

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Mr. John Murphey, Historic Planner
Ms. Kelly Brennan, Assistant 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 reported that two cases were postponed: #8, Case #H 11-134 to January 10, 2012 and #10, Case #H-11-136 to January 10, 2012.

Ms. Rios moved to approve the agenda as amended with those two cases postponed. Ms. Walker seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES – November 22 2011

Mr. Katz had a question regarding the property on Old Pecos Trail with the murals. There were a number of times the murals were mentioned. At the bottom of page 18 after he had left the meeting a couple of times the question was raised whether the murals next door had gotten approval. The person of whom that was asked dodged the question .It would be good if there was an answer.

Mr. Rasch didn't remember if he commented but the man who did it said it was done a long time ago.

Chair Woods noted that on page 21 she asked if the mural was there when the owner bought it.

Mr. Rasch said the mural one at Cliffs was painted over.

Chair Woods said she asked her if that mural was there at Cliffs and she said no.

Dr. Kantner requested a change on page 19 and 20 - Mr. Eagle head's name was one word.

Chair Woods thanked Mr. Boaz and said these minutes were very good.

Ms. Walker moved to approve the minutes of November 22, 2011 as amended. Dr. Kantner seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #H-11-126	126 Quintana	Case #H-11-129	106 W. San Francisco St.
Case #H-11-127	1170 Camino Delora	Case #H-11-130	114 La Vereda
Case #H-11-128	665 Garcia Street	Case #H-11-131	806 Old Santa Fé Trail

Ms. Mather said on Case #H-11-131 at 806 Old Santa Fé Trail in the Findings of Fact it does not detail either the staff recommendation which was on page 16 or her response to the exception criteria on page 21 and 22 so she would be happy to read those out or ask that they be added to the Findings.

Mr. Rasch said #5 was the staff recommendation and #11 was the action.

Chair Woods understood but said Ms. Mather specifically stated the staff recommendations.

Mr. Rasch agreed to correct that.

Chair Woods said the Board had to get them right tonight.

Ms. Brennan said if what she wanted to change was what was in the minutes staff could do that.

Ms. Mather asked that it quote what she said and on criterion #3 she agreed with staff's response so she wanted both of them to be quoted. The staff recommendation was on page 16 and her response to the criteria for the denial was on page 21 and the top of 22 but if you go half way down there she said she agreed in #3 with the staff response.

Chair Woods said it should say, "and agreed with staff recommendations."

Chair Woods requested a change on Case #H-11-130. What they also asked for regarding the planter was not in the Findings of Fact - all of those were approved.

Mr. Rasch said in the Findings it was the third paragraph but not in the Conclusions of Law.

Ms. Brennan and Mr. Rasch conferred on it.

Ms. Brennan said it was okay.

Dr. Kantner referred to Case #H-11-131 in the Findings of Fact regarding #10 on prohibiting wall signs. He had a hard time with that language. It seemed like it should say, "Section 14-8.10 (A & B) - prohibit wall signs that exceed 15% of the façade, that exceed six square feet and that have inches more than eight inches in height." The current way it reads could be interpreted in a variety of ways.

Ms. Brennan agreed it could be said that way.

Chair Woods asked if the Board was comfortable approving them by amending them in this way.

Dr. Kantner moved to approve the Findings of Fact and Conclusions of Law as amended. Ms. Walker seconded the motion and it passed by unanimous voice vote.

F. COMMUNICATIONS

Mr. Rasch said at next hearing on January 10, he would hand out the 2012 calendar of scheduled meetings for H Board hearings.

He added that Mr. Zamora had a communication.

Mr. Zamora said he wanted to take the opportunity to address the Board in person. On November 21 he issued an advisory opinion to the City Clerk's office regarding the role of the boards acting in a quasi-judicial capacity [no copy was presented for inclusion as an exhibit in these minutes]. It was his understanding that in a meeting around the 22nd the Board had a discussion regarding that and might have had some questions regarding it. So he wanted to appear in front of the Board at this meeting for a couple of reasons - 1) to provide some context to that memo, 2) to answer any of the Board's questions because he believed it was important to have a dialogue on issues such as the role of adjudicatory boards in quasi-

judicial proceedings.

First he wanted to advise the Board of the role of the City Attorney's Office. He asked forgiveness for getting into some of the basics but he wanted to start from that point and move more into the detail. By municipal ordinance, the city attorney's office is the legal advisor for the municipal boards and commissions. The office provides legal advice and guidance to help the boards comply with the applicable laws and the applicable rules. But he wanted to be very, very clear that they were not the decision-makers. The City Attorney's Office was an advisory office but did not make the decisions. It was up to the boards and commissions and the governing body to actually make the policy decisions. So he first placed that memo into that context which was titled "An Advisory Opinion."

So they gave advice to the Clerk for distribution to boards with adjudicatory authority.

More context of his advice as it related to quasi-judicial boards was really to remind these boards that "when you voluntarily participate on a municipal board you actually also agree to subject yourself to certain restraints. Such restraints include ethics ordinance - the city's ethics ordinance, the state governmental conduct act, and each of these contain requirements regarding disclosures, conflicts of interest, the taking of honoraria for speaking engagements. It also, under the city ordinance, subjects public officials to review of activity by the Ethics and Campaign Review Board which could include fines and even removal from boards. You are also subject to the one year prohibition of taking pay for acting on specific cases in the private sector that you acted on while you were serving on a board. The governmental conduct act is something boards are subject to which is a state statute that involves criminal penalties for violation."

"Part of the quasi-judicial role also subjects boards to restraints for ex parte communications such as pre-determining the results of a hearing such as agreeing to vote a certain way prior to the hearings. So there are limitations on that ability to communicate.

"In addition by way of both resolution and city ordinance, all boards and commissions, regardless if they are advisory or decision-making capacity, are subject to the New Mexico Open Meetings Act which also contains criminal and civil penalties for violations.

"As a member of the public who doesn't serve as a public official, those members of the public lack those restraints. But the people who do choose to serve as public officials also choose to take on these restraints - many of these restraints that I've enumerated. Therefore, it becomes a decision for board members to be a member of the public or a member of their board.

"Now, that being said, again, we are advisors. We don't command board members to act in a certain way. We do not force board members to act in a certain way. We provide advice. And part of the advice is also to help boards understand consequences of decisions.

"Last week in a conference that I presented when someone raised a question about this exact memo as a violation of a person's first amendment rights. - that they cannot step away from the board desk or table; become a member of the public and then testify before the Governing Body on something they have adjudicated. Well, again, we advise the board member on an adjudicatory matter in which you have acted as a quasi-judicial member. We advise that you don't do that. Why? Because there are consequences for

that activity.

"Free speech is very all-encompassing. We respect free speech rights at the City and we are required to. We may have a first amendment freedom of speech to shout fire in the theater, but we understand if we do so, there are consequences. National Enquirer is more than welcome to print anything it wants. But when it prints something that is false, there are consequences.

"So are there consequences of becoming a witness or testifying in a matter in which you participated on the adjudicatory board. For individual board members, it is important to know that after you have adjudicated something and later wish to become a witness as that moves through the appellate process, you may subject yourself to cross examination. You also subject yourself to deposition or being called as a witness in such a subsequent litigation over this matter whereas prior to that you have the protections of the symbolic robe that I'll continue talking about throughout this presentation.

"So in addition to that, again, you are welcome to come up and speak and say what you have to say but now you have moved from that role of wearing a symbolic robe to shedding the robe and becoming an individual. So then you have individual liabilities as a result. And you leave that public official protection for your actions.

"To reiterate, when you act as a public official you then get coverage for lawsuits against a board, lawsuits against the actions of a board as they proceed into district court and beyond. But when you act as an individual, you shed that cloak of coverage. If you testify or engage in ex parte communications with the next governing board, with the next adjudicatory body, the applicants themselves don't get a fair hearing and that might violate the applicant's due process rights.

"The reality is, a board member's opinion carries weight. So by moving to the next board and the next judicatory body, and saying I'm not actually acting as a board member but I'm acting in my own individual capacity, the true effect - the real effect is that it is that board member and that board member's expertise testifying before the next adjudicatory board and that carries more weight than many other members of the public. It also has the potential to create a bias against one of the parties; it creates a conflict if that matter is remanded. Oftentimes the Governing Body will determine that - 'wait a second - We wanted to explore these options. Or maybe we didn't like that finding but I don't see the facts that support it. We'd like to remand that back.' Well what happens now if a board member is a witness at the next level and the issue comes back? The reality is that it is a conflict of interest for that board member and the board, likely would be our recommendation that the board cannot participate in the reconsideration of that matter. You create the possibility of it being overturned at the district court level or above and it creates litigation costs and liability exposure for the city if, again, one of the party's rights are violated.

"There is a quote that I included in the memo which I think is really, really important in the context of this discussion. It is the last paragraph on page 3 where I say the New Mexico Supreme Court has this point equally clear. *'Interested parties in quasi-judicial zoning matters are entitled to an opportunity to be heard; to an opportunity to present and rebut evidence; to a tribunal which is impartial in the matter.'* I want to repeat that phrase - *'to a tribunal which is impartial in the matter'* - meaning, having no pre-hearing or ex parte contacts concerning the question at issue and to a record made of adequate findings executed.

"That leads me to an important issue for HDRB is your voice. What opportunity does a board then have to express its findings and concerns and feelings about how this matter should be addressed and its conclusion. It is through a complete audio and/or a written record and getting the facts on the record.

"I've seen you do quite meticulously to make sure you have accurate and complete findings and conclusions of law."

"I've done this for 17 years starting at the AG's office way back. Often there is good discussion about legal advice. I had a conversation with an elected official about something he didn't want to hear. As an elected official I should be able to do whatever I want. He was right. I am just advising them when it violates the law and the decision is up to that official. So I am advising you what our findings are and leave the decision to you."

Ms. Rios asked what the role of city staff was in appeals taken to the Governing Body.

Mr. Zamora said Ms. Brennan could probably fill in some gaps for him because she was a better expert on the role of land use boards and commissions and the role of staff going forward but there is a clarification that he wanted to make sure the Board was aware of. In any context of ex parte communications, "which is persons other than the city attorney shall not communicate outside the public hearing with a member of the land use board or Governing Body concerning the merits or substance of an appeal to be heard by that body." Looking at ex parte communications, it is important to have the city attorney's office available to the land use board, to the Governing Body for asking questions and clarifications to understand the issues prior to a hearing. And that is why that is specifically permitted.

He noted that he might have referred to this in his memo and asked for a moment to review it.

He said, "Let me just clarify the role of the parties in appeals and ex parte communications. During the appeal period after any final action is taken or after an appeal is filed, no party may communicate with the individual members of a land use board that may hear the appeal or the Governing Body outside of an appeal hearing concerning the merits or substance of the appeal, except in writing filed with the Land Use Department within the prescribed time frame for inclusion in the public record. So also there are avenues for getting information to the land use board or the Governing Body but these are the two avenues - either communication through the city attorney's office or communication through the Land Use Department."

Ms. Walker said she wasn't present when the Hilton decision was being appealed. But since he was just giving recommendation to the Council that evening, she asked Mr. Zamora told them that this was only an advisory opinion and they were free to do what they chose.

Mr. Zamora said he had been with the City Attorney's Office as the City Attorney for 23 months now. Quite often, he might not have said quite that specifically that evening but very much quite often in the 46 meetings more or less that he had attended with them, he had reminded them that he was their advisor but the ultimate decision was always theirs.

Mr. Acton said he wasn't present at the appeal of the Hilton decision but became aware that the appellant was deviating from our findings of fact and our procedural discourse which occurred that night

and it was on a level that was held out as being factual and when we are aware of it and are in the position to correct what we consider to be an erroneous depiction of those proceedings, what recourse do we have when we see that happening? Because this was done by an individual who wasn't even at that hearing. It was using some hyperbole that was not steeped in factual interpretations of the issue at hand.

Mr. Zamora said there were two issues. One is that although the Governing Body has the ability to rely on your full and complete record, in considering the appeal it is a de novo appeal. So they are permitted to take additional evidence. That's the first part.

The second part as to representations made in the presentation - one, if it is a fact witness, the fact witnesses are sworn under penalty of perjury to be telling the truth. If they are not and it can be clearly established that they are engaged in falsehoods, then they have subjected themselves to penalty of perjury. Now we don't personally enforce that in the City Attorney's Office. That is more of a criminal manner but there is the opportunity to refer that for criminal sanctions. That's the first part.

The second part is that obviously, from what I can recall from that evening, there were probably three categories of people that were involved - members of the public, parties - and I include parties in that group; the second would be staff which of course there are disciplinary procedures for staff for improper activity and they are acting in their official duties when they are before a board or Governing Body. And then the third, of course, a group that I saw would have been lawyers for the parties, which of course there are rules of professional conduct and there is a disciplinary board for when lawyers have violated disciplinary rules. Now those are the three categories I'm aware of. You may want to be more specific.

Mr. Acton said, let's just suggest that if a city councilor is suspicious of those facts at that point and wants to have that credibility verified by a member of this board who might have been in the audience at the time.

Mr. Zamora understood and said that seemed to be the case. That evening staff were available - the Governing body had staff available to them; had members of the City Attorney's Office who were very familiar with the case available to them - so any governing body member would have had the opportunity to address questions specifically to staff both within the Land Use Department and the City Attorney's Office.

Mr. Acton asked if it would have been appropriate for a member of this board who might have been in the audience at that time to come up and offer testimony in a very limited capacity as to issues which the conduct of certain individuals might have caused or be a cause of concern.

Mr. Zamora said no. It would not have been appropriate.

Mr. Acton asked "even in those limited cases."

Mr. Zamora said even in those cases it would have been inappropriate.

Mr. Acton said, "Tell me why you think - why you consider that to be the case."

Mr. Zamora responded, "Because, going back to the symbolic robe, you were acting in an adjudicatory

capacity and, as such, there is case law, there is judicial code of conduct rules that you strive to abide by - one of which is not becoming a fact witness in a case, whether it is before you or going forward amongst other adjudicatory bodies."

Mr. Acton asked, "Are there other ways then?"

Mr. Zamora said, "There are other ways of establishing the contradictions if that are a concern by that Council member. And that, again, is through questioning staff - staff who were also present at the previous hearing. Were these the representations made at the previous hearing? What evidence is before us now that was not presented previously? Staff, do you agree with these conclusions? Those are the types of questions that would do that without violating any judicial activity."

Mr. Acton asked if the Council members would be advised that it would be an appropriate line of questioning during that process.

Mr. Zamora said certainly. They could say they were not asked at that level of detail at that meeting.

Chair Woods said, "Mr. Zamora, I've sat on this Board for 12 years and many times I've appeared during an appeal and have been asked specific questions by councilors which I answered specifically. So what the current city attorneys are saying is basically the previous city attorneys' advice to councilors was incorrect and this is now the present policy. You are basically taking away the Councilors' right or you are advising the councilors not to question - specifically question the board members. Because I see this as very big, having witnessed this last appeal and watching what happened and being muzzled. It was very difficult to watch. And basically one of these city attorneys that is at this Board now was saying 'Hey, you guys' advice is not what should have been done. This is the legal standing; this is the way we do it.

Mr. Zamora asked which part the question was.

Chair Woods didn't know that it was a question. A lot of it was but a statement of unbelievable frustration of doing this for twelve years and suddenly this is the new policy for the city. And it is a very new policy. I guess the question is then the advice of all the previous city attorneys since I've sat on this board has not been correct.

Mr. Zamora said, "Madam Chair, members of the Board, this question came up for the first time during my tenure - again I've been here for twenty three months and at twenty four I am nearing the average age of city attorneys in Santa Fé. So it came up for the first time in this Hilton appeal during my tenure - at which time I was asked to respond and I responded based on my understanding and experience. Every day there are lawsuits at the Supreme Court where both sides make very credible, honest arguments, based on their research and decisions. I would not go so far as to say that any of the last city attorneys were wrong. But I can certainly say if it is the case that you have represented then I have a difference in opinion as to the proper procedure. This case law has been around for awhile. Again, this is the opinion of this City Attorney's Office. I don't know if it will be the opinion of the next City Attorney's Office - each city attorney brings their experiences and different perspectives.

Chair Woods said, "So is this an opinion or it now city policy? I mean what is city policy and what is an

opinion at this point?"

Mr. Zamora said, "This is an advisory opinion of the City Attorney's Office. The City Attorney doesn't establish city policy.

Chair Woods said, "So if a councilor was to ask us one of those questions - if they decided not to go with your advice for whatever reason and we got up and answered those questions, then our consequence could be that we could be either deposed or cross-examined? This is not in any way - we have not violated any state law but that is our consequence if we were asked and did decide to get up - so that I know what our consequence is. You said you could be cross examined if it went to district court and you could be deposed."

Mr. Zamora said, "Now I'll give you the complete list - if not complete, at least a summary of the list of what I believe are some of the consequences, maybe. I think an important distinction is- when you say 'violate the law,' I am not simply speaking of criminal penalties but also of civil law. So again, going back to Albuquerque Commons and its instruction to bodies acting in a quasi-judicial manner. It is saying treat this as a judicial proceeding; respect the parties as a judicial proceeding. What it does opens up the possibility of, if a board acts in a non-judicial manner then that can be a basis for appeal and it can violate civil laws but then cause a remand to say this decision was incorrect or tainted for the wrong reason - for avoidable reasons; therefore it gets remanded or the court takes the decision out of the realm of the board or the Governing Body and imposes its own decision or causes a rehearing without potentially biasing activities. I'm sorry. Did you want to go through other items?"

Chair Woods said no. "My next ... you said the Council relies on a full written record. We don't have verbatim minutes. Obviously I don't think the City wants to pay Carl to do verbatim minutes. So since this has happened, all the Board members have tried to really look at Findings of Fact much more carefully and look at the minutes. But I don't think we have a full written record for the Council. These are nowhere near verbatim minutes of what actually happens."

Mr. Zamora said, Madam Chair, members of the Board, I think that is very important to point out. Not every one of the 54 boards and commission and committees and task forces of the City - not all of them act in a quasi-judicial manner. In my count, I think it is less than five or six. Therefore, I think that is an important consideration for the City to have verbatim minutes, if those minutes are going to be reviewed at the next level in quasi-judicial proceedings. I was unaware of that until last week. But I think that is a very important distinction for this Board that they consider either through their own activity or through the Clerk insuring that you have fully verbatim minutes or in summary minutes to make sure they are representative of your decisions and that the exact points that you wanted to be made on the record, on the audio recorded record are contained in those portions of your summary minutes where you feel they are most important.

Chair Woods said "I don't think it is up to us to tell Carl to do verbatim minutes because they cost a lot more money. I would assume that would come from other bodies in the City. But if we are quasi-judicial and they are relying a full written record then it would be my belief that there should be verbatim minutes."

Mr. Zamora replied, "And Madam Chair, I believe that is a conversation for the Chair with the City

Clerk's Office because they do determine the budget for the minute takers - for Carl. And so I believe that is an important discussion to have with the Clerk and I would support such a recommendation because of the importance of quasi-judicial proceedings.

Mr. Katz said, "Geno, as you know I disagree with your views on this. I think the cases you cited about judges as witnesses are where the judge is judging the case. And in the situation we are talking about. A member of our Board is no longer the judge in the case. It is the City Council that is judging the case. So I don't think those cases are applicable. And I don't think the ex parte discussions are applicable because a Board member in the case that caused this - Sharon was testifying at the public hearing in front of the Body and not ex parte. She wasn't going into individual councilors to say 'here is what we did.' She was testifying at the public hearing subject as you say to cross-examination and all of that. Nor was she acting as a judge so she wasn't engaged in ex parte either.

But be that as it may, what I think is sad is that the members of this board are appointed because they have some experience in this field. And I think that your advisory opinion would tend to foreclose the Council from asking questions of folks who are fairly expert in the area of 'does this particular application to do x, y and z to a building in a historic district comply with the ordinance?' And there are a number of on this Board who have been wrestling with that issue for decades. And the councilors are not appointed; they are elected, with that skill although they are put in that position to make a decision. And I think you are foreclosing any of them from getting information from a number of experts who could be helpful to them."

Mr. Zamora said, "Madam Chair, Member Katz, let's see - I've been here 23 months. But I think we've established a relationship about 25 months ago and I have an entire and complete respect for the work you've done for the City of Santa Fé. And 90% of the time I believe our philosophies have been the same. And for two attorneys with any background, it is pretty darned good that two attorneys agree 90% of the time. Yes, you are correct that we don't agree in this instance. It is one of the difficult issues and hard to accept issues with regard to public service and with regard to the expert issue that you raise. And that is that unfortunately you do have to choose. Are you the expert in the public that is able to be retained; that is able to publicly testify? Or do you choose to sit as the judge in judicatory matters. If you choose to sit as the judge, then there are certain sacrifices that you do make which means that you do not get to be the expert at the hearings before the City Council in quasi-judicial proceedings.

Now that is an important distinction to make that I haven't made before this - which is, when legislation is coming through and when the Governing Body is acting as legislature, yes, you may come through and testify about your expertise on legislative matters. The distinction I've been talking about this entire evening is related to quasi-judicial matters. When you wear the cloak of the judiciary, then that creates limitations. It provides protections but it creates limitations. The ex parte issue was just raised just as a general context. Because that evening there was potential for concerns regarding ex parte and I just wanted to use the opportunity to remind boards and commissions of their role in judicial proceedings and to avoid an opportunity of ex parte communications with the Governing Body member by pulling them aside in a break and saying the representations were correct - I'd like to speak. Or in the weeks preceding this to say 'Something is coming up to you on appeal. Let me give you my perspective on that.' Those are ex parte communications. And Member Katz, you are correct. If the Chair allowed the testimony of Chair Woods that evening that would have been open and before all parties of the Governing Body. And therefore, the testimony in public would have been an ex parte communication. Anything prior to that had the potential to

be.

Ms. Walker said she had a slightly different question. "Do you think it is fair to the Governing Body to expect them to rule on an appeal when they never lay eyes on the property in question?"

Mr. Zamora said, "Chair Woods, Member Walker, that is a difficult question because you have taken me out of my realm of legal advice and to my personal opinion which is not really my role. So I am sorry. I cannot provide you with a response to your question."

Ms. Walker said, "For example, we would not ever make decisions on a property here tonight if we have not gone on a field trip to look at it. And so for them to make these appeal decisions when they have never laid eyes on the property and don't know anything about it, seems to put them in an unfair position. You might want to have that discussion with your staff."

Mr. Zamora said, "Madame Chair, Board Member Walker, I think that is an important point and you might want to consider discussing with members of the Governing Body the need for any legislation."

Ms. Rios asked, "Is it your opinion that it is not appropriate during an appeal at the Governing Body for a board member to sit in the audience."

Mr. Zamora replied, "That is an interesting question, Madame Chair, Member Rios, and I would like to think through that a little bit more. I think it has a potential to be inappropriate - it has potential but I'm not saying it is inappropriate - because you have an adjudicatory board member taking in evidence, information, observations that may prevent a fair hearing if the matter is remanded to your board. That is not an absolute. That's off the top of my head gut on that. I would urge caution for a board member in doing so because of that potential to create a bias if it is remanded back. And again, all of these rules, for example - not rules but all of this advice that I'm providing as far as your role in a quasi-judicial matter - with regard to a single matter - a single appeal - would last until it is close. What I mean by that is that either the appeal is not made before the governing Body within the allowed time and the time for appeal has expired; or when an appeal is not made to the district court after a decision by the Governing Body has expired. So again, these restraints on an individual matter would last until that matter is fully adjudicated."

Ms. Rios said, "So the role of staff in an appeal that comes before City Council - they can present the facts of the case and the record stands for the facts of the case but they can also answer questions and give an interpretation or give their opinion about what transpired in a meeting in reference to what was stated by a board member. Is that correct?"

Mr. Zamora answered, "That is correct. The staff member as a witness with that proceeding that would have been addressed in that proceeding or observed that proceeding may be called upon to recite that. So in this case, obviously it would be David."

Chair Woods thanked Mr. Zamora for coming before us and felt he was very sincere in his advice. She was very sorry for the advice and this new policy. She understood his statement of the consequences and could not argue with it because she was not an attorney but she saw the consequences that were equally or more devastating by this new policy and was very sorry for it.

Mr. Zamora thanked her and the members of the Board. He appreciated the opportunity to have a dialogue on this matter and looked forward to any other opportunities that the Board would wish to have continued dialogue on this or any other matter.

G. BUSINESS FROM THE FLOOR

There was no business from the floor.

Chair Woods announced to the public that anyone wishing to appeal a decision of this Board had 15 days from the date of the approval of Findings of Fact and Conclusions of Law for that case to file an appeal with the Governing Body.

H. ACTION ITEMS

1. **Case #H-10-033.** 801 Griffin Street. St. Catherine's Industrial Indian School (outside of historic districts) John Polk, agent for NM Consolidated Construction Services LLC, proposes to relocate three landmarks: Building #9 - Montoya House; Building #10 - Chávez House; and Building #11 - Abeyta House.

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

BACKGROUND & SUMMARY:

801 Griffin Street, known as St. Catherine's Industrial Indian School, is a 10 acre parcel where Katharine Drexel established this school in 1886. This is the first in a nationwide system of schools dedicated to the education of Native Americans and African Americans. The main 3½ story building was constructed in 1887 and it is one of the three largest adobe structures in New Mexico. The school was operated by the Sisters of the Blessed Sacrament at this site until 1998 when the school closed. Ms. Drexel was canonized as the Blessed Mother Katharine by Pope John Paul III in Rome during the year 2000. In 2001, the New Mexico Cultural Properties Review Committee placed 13 features of the campus on the State Register of Cultural Properties. These same features were listed as City landmarks by the Governing Body in 2006.

Landmark #9, known as the Joe Montoya House, was constructed of adobe with student labor before 1925. The 1-story Spanish-Pueblo Revival building is located at the north end of the campus near two other residences and the cemetery. The Montoya House features an "L"-shaped floorplan with a low-pitched roof with overhanging eaves, a wooden portal at the southwest corner, and original wooden windows. There does not appear to be any modifications.

Landmark #10, known as the Nat A. Chávez House, was constructed of adobe with student labor in approximately 1935. The 1-story Spanish-Pueblo Revival building is located at the north end of the campus near two other residences and the cemetery. The Chávez House features a square floorplan with a flat roof surrounded by parapets and some original wooden windows. An addition and a roofed porch

were constructed at the west elevation after 1961 along with replacement of some original wood windows with aluminum sliders.

Landmark #11, known as the Joe F. Abeyta House, was constructed of adobe with student labor in approximately 1935. The 1-story Spanish-Pueblo Revival building is located at the north end of the campus near two other residences and the cemetery. The Abeyta House features an "L"-shaped double adobe floorplan with a rectangular single-adobe wing on the west and a shed roof garage on the north. Original wooden windows appear to be in good condition. Rounded concrete steps lead up to the main entry door. There does not appear to be any modifications.

On September 27, 2011, the HDRB postponed action on a proposal to move the three structures pending submittal of additional information that outlines methods and procedures to be used to safeguard the preservation of the historic integrity of the structures. On November 8, 2011, the HDRB requested that the engineering expert be present at the next hearing to answer specific technical questions that will assist the Board in their decision.

Now, the applicant proposes to disassemble and reassemble the three structures in order to relocate them closer to the central portion of the campus. The letter that was submitted by Justin Archuleta states that the structures will maintain their physical appearance and historic value with as much of the original material as possible.

RELEVANT CODE CITATIONS

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(Ord. No. 2004-26)

(1) Purpose and Intent

It is intended that:

- (a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
 - (b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
 - (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved...
- (3) Review by Historic Board Required
- (a) Except where this chapter provides for review by staff, the Historic Design Review Board shall review all applications for new construction, alteration, or demolition in the Historic Districts, and of landmark structures throughout the City, based on the standards set forth in this §14-5.2. (Ord. No. 2002-37 § 23)
 - (b) The Historic Board may approve an application for alteration or for new construction on the condition that changes relating to exterior appearance recommended by it be made in the proposed work. In such case, no permit shall be issued until new exhibits, satisfactory to the Board have been submitted.

14-12.1 DEFINITIONS

ALTERATION

Any change of the architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of the structure or any of its parts.

14-5.2(D) General Design Standards for All H Districts

In any review of proposed additions or alterations to structures that have been declared significant or contributing in any Historic District or a landmark in any part of the City, the following standards shall be met:

- (1) General
 - (a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

STAFF RECOMMENDATION:

If the Board finds that the additional information and testimony from the expert is sufficient to grant approval to the project, then staff recommends that appropriate documentation with photographs and measured drawings (such as HABS Level II) shall be approved by staff before a permit application is submitted and that only building #9 shall be successfully completed before the same process is allowed to begin for buildings #10 and #11. If the Board finds that the additional information is not sufficient or that the project as proposed will not preserve the historic integrity of the structures or parts thereof, then staff recommends that the Board should cite relevant code that would not be met by the project.

At the request of City staff, the consideration of this case is presented herein in verbatim format.

Chair Woods: Thank you. Is there any question...? Yes, Cecilia.

Ms. Rios: David, can you please describe the terrain that is from the location of the three adobe houses to where they are proposing to be moved?

Mr. Rasch: Member Rios, the campus is relatively flat but it does slope from north to south so the buildings will be located at a slightly lower elevation but generally along a flat plane.

Chair Woods: Yes, Christine.

Ms. Mather: David, you were kind enough to put the relevant code citations in our notes here and I

wanted to ask you about 14-5.2 (C), Regulation of Significant and Contributing Structures.

Are those citations the same for landmarked structures?

Mr. Rasch: Member Mather, it is interesting to note that our code lacks very specific standards for landmarked buildings but the essential information is in the definitions - that a landmarked structure is identical to a significant structure. It's just that its location is outside of the historic district. So we just assume then, that we follow significant standards.

Chair Woods: So Kelly, my question to you is - is that a reasonable assumption? If it's not specifically stated in the code and these are the standards for landmark, should we be applying those standards?

Ms. Brennan: Madam Chair, members of the Board, I understand- that has been the practice and that the significant landmarks are defined as the equivalent to significant. And in many places, the landmark is specifically mentioned as the rules apply.

Chair Woods: So the assumption is okay?

Ms. Brennan: Yes.

Chair Woods: Okay. Thanks. Could the applicant step forward and be sworn in? And if both of you are going to speak, let's swear everybody in at one time.

Mr. Boaz: Good evening. Under penalty of perjury do you swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. Archuleta: I do.

Mr. Polk: I do.

Mr. Boaz: Please state your name and address when you speak.

Mr. Polk: I'm so glad you just raised that because I was going to address that to Mr. Katz. And that is

that we certainly do not agree that leap of faith that a significant structure in the historic district and the requirements for it are the same as for a landmark outside of the historic district.

Further, Mr. Katz referred to an earlier hearing about that we were trying to persuade him of something and I want to assure you that we are not trying to persuade him of anything because we find nothing in the ordinance that would prohibit our move. And we believe we can move these structures without the approval of this board or the Governing Body. And the reason we are here is that we made application for a building permit to move the structures and we were referred back to you and the decision was made to appear before you so that we would not have to run the risk of being remanded by district court for failure to exhaust administrative remedies.

But to say that these rules apply to us in our circumstance we believe is entirely wrong.

We own this property and are moving structures within our own property. We are not altering anything. And another thing that Mr. Rasch just said is not necessarily correct. And that is, we can either move it as a unit - as one structure or we can do it in a safer manner by moving it in parts. But if this Board insists that the only method of moving is by moving it as one structure, this had been done and is being done and specifically it is being done repeatedly in the Middle East as we speak where they use a very large amount of the same kind of construction as used here. But it is safer for the structure is to move it in relevant parts rather than risk a collapse which is always dangerous with the moving of any structure. So I want to stress that = those points. But we are not acknowledging your authority by appearing in front of you. But we are willing to appear in front of you in order to get this Board to act so we can then go to the building department without the necessity of

litigation which would be very expensive for all concerned.

Now, having said that, I want to raise another issue because I referred to this before about a hidden agenda. The reason why these three little casitas are so important is because they are blocking the sale to the Veterans Administration. And we believe they are being used for that purpose and that their structural integrity or their historical significance is irrelevant. Now, it has recently been announced that the City is considering purchasing the property. And as a potential purchaser we believe there is a very strong conflict of interest when the City is using its zoning powers and other powers to block this move. So that could really make a potential counterfeiter to this property for sale.

Chair Woods: Hang on a second. Kelly, is this hearsay? Is this testimony that we should have on the record?

Ms. Brennan: I don't think it is hearsay. It can be on the record.

Chair Woods: Okay. Continue Mr. Polk.

Mr. Polk: The mayor has brought it before the Governing Body and I don't think there is any secret or any rumor about this. This was handled at an open meeting of the Governing Body. Now we want to move these and we are. Now let me take a further step back for a moment. If you will go back and remember the map that I showed you that was finalized in 2004 of the plan that we had from the beginning - was to preserve all of the historic structures.

We don't consider these three little houses as historic structures. But for purposes of accommodation, we will do it. We think these three little structures have been historically landmarked for different purposes. But we are prepared at this time to either move the structures as a whole unit if this Board so chooses. Or we can move it in pieces - relevant

pieces - which is safer for the structures because it eliminates the possibility of a total collapse which is always a danger when you move any structure if the structure cannot stand the move.

Now, we will erect these and either when we move them by using absolutely all of the existing parts of these structures which are non-structurally defective due to warpage, decay or cracking over time. We will put them back and can do it one of two ways as this Board chooses. We can put them back in their identical condition as they are in now or in the refurbished condition as we did building #6 which you seemed to like and which would make it a much more attractive preservation to restore them to their historical condition before the last twenty years of deterioration or actually now twenty-two years of deterioration.

And remember that this decision to close the school occurred in 1988 with ten years given to the board of trustees to try to reopen the school under a different guise. That failed and in 1998, the school closed. And as a result, the type of daily maintenance that goes into a living structure has not been done. So will go either in the process of moving to accommodate you - we will go either by moving them in a whole or by moving them in parts. We urge you that the parts is a better way to go but the moving in the whole is not impossible.

And secondly, we can return them to the exact condition they are now. We have photography - with electronic photography we can get everything - we can measure everything. We can put everything back exactly the way it is or we can refurbish it to a standard by which people would like to see it. And that's our position.

I have Mr. J. J. Archuleta who is a graduate civil engineer who has spent 46 years in

masonry construction and who has been involved in this type of thing and is available to answer any question you have. And Mr. Archuleta will be supervising this project as we go forward.

Chair Woods: Thank you. So Mr. Archuleta, if you can sort of talk about what you plan to do and your experience in doing it. And I'm going to ask that we hold questions until after we open it up to the public.

Mr. Archuleta: Madam Chair, thank you; members of the Board. I have been involved in construction for - this is my 47th year and I've been involved in all aspects of moving components of existing buildings or entire structures - mostly small structures. And there is just a whole host of investigation that has to take place in order to establish exactly how. In other words, this is a lot like, you know, you go to the doctor and say 'well we've got all this information here - the lab tests, x-rays and everything but we have to go in.' And that's what we have here. We have to take some of it apart to see what is there - to analyze the structural stability from the framework. Does it answer the questions? We don't know if we have any kind of concrete foundation or how the whole thing is tied together now. And then we establish a design for the moving. That is why it is so much easier to move the structures in component parts rather than try to move them as a whole.

That's just a basic summary right now. We have to defer to entities - the governing entities as far as specifications and minimum requirements and that sort of thing so a whole lot of research has to come into this situation as far as exactly what we are going to end up with. As far as creating that image with the usable materials; that is possible.

PUBLIC COMMENT.

Chair Woods: Thank you. I'm going to open it up for public comment and then you can ask your

questions. Thank you. Is there anyone in the public who wishes to speak concerning this case? Okay, anyone who wishes to speak come forward and be sworn in at the same time. I also ask that you not repeat what the other speaker said. We are already running a bit late tonight.

[Several people from the public came forward.]

Mr. Boaz: Please raise your right hand. Under penalty of perjury do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Public speakers: I do.

Mr. Maxwell: Members of the Board, my name is Tim Maxwell. I am President of the Old Santa Fé Association and I'm speaking on behalf of the Association. Madam Chair, if I may, can I distribute a letter from the State Historic Preservation Office?

Chair Woods: Please give one to Carl for the record as well.

[A copy of the letter is attached to these minutes as Exhibit A.]

[A copy was also provided to Mr. Polk.]

Mr. Maxwell: When you get this letter, I would like to refer you to the second paragraph there in the middle of the page. I asked the State Historic Preservation Division if the relocation of a structure is the functional equivalent of demolition since it changes the layout of the campus, of the site, changes the spatial relationships. And you can see they concur that it would be an adverse effect. OSFA is against moving them for that reason.

When it comes to demolition, people seem to think that we are adamantly opposed to demolition of these three structures. And I need to point out to this Board that historically that is not true. When the previous plan came before the Board - we did not oppose demolition in the previous plan. I believe it came to the Board in 2005 - 2006.

However, we are opposed at this point again because moving these buildings strains the historic relationships and there is no plan for what will replace these structures - what's going to happen with this whole site. Mr. Polk has talked about expansion of the cemetery. Do we know if that's really going to happen? He says these structures are standing in the way of a sale to the National Cemetery. Yet the National Cemetery's Environmental Assessment clearly says, "If these buildings are demolished, we cannot purchase this property. That is a violation of Section 110 of the National Historic Preservation Act. So we never heard an answer how Mr. Polk will reconcile this objection from the National Cemetery about the demolition of these buildings or the equivalent demolition through relocation of the buildings. We oppose the relocation of these buildings because we keep hearing about other potential buyers who might have uses for them. So given that without what the future of this site is to some degree, we have to stand firm in opposing this request for relocation at this point.

Ms Snyderman Madame Chair, members of the Board, my name is Lois Snyderman and I am Chair of the Most Endangered Properties Committee of the New Mexico Heritage Preservation Alliance. The Alliance recently put these buildings on the most endangered properties and we are very concerned about what happens to it and the entire St. Catherine's property on this list. So we are very concerned about what happens to St. Catherine's in the future. We strongly oppose the idea of moving these buildings because there is no overall plan for this property. The owner has never come forward with a plan. The buildings have been landmarked where they are and location for landmark buildings is important. The location is important. There is, I think, a big question about whether they can even successfully be moved. Even people with a great deal of experience acknowledge that moving adobe

buildings or partially adobe buildings is very difficult. So the Alliance - the New Mexico Heritage Preservation Alliance urges you to reject this application for moving the buildings and to again urge the property owner to come forward with a comprehensive plan for the property rather than trying to deal with buildings on a piecemeal basis, which is what he has been doing in the past and is now doing again. Thank you.

Chair Woods: Thank you.

Mr. Watson: Good evening. Thank you for listening to us tonight on this thing once again.

Mr. Boaz: State your name.

Mr. Watson: It's Alan Watson, 1517 Canyon Road. Sorry, Carl. Obviously I'm opposed to this. I don't think it is possible to move these structures and have them come out on the other end intact. I was hoping that what you would hear tonight would be a proposal in detail as to how to go about moving what is proposed. So far I've heard no detail whatsoever. As a matter of fact the applicant has come to you and told you to make the decision as to how to do it. And I think that is absolutely backwards. What you need is so much evidence that I don't see how you could possibly make a decision to approve this idea of moving them. If you do, I think you need to protect the public's interest because these buildings are of interest to the public. They are the most endangered property - historic property in Santa Fé at this point. I think what you would need is a thorough structural assessment of a single building before anything is done at all. And it is something I do over and over again - is do non-invasive assessments of historic buildings. You can determine what the foundations are; what the conditions of the walls are; whether or not there is a bond beam up there; what the condition of the roof structure is. All of these things can be determined without or with only minor invasiveness. And I think that needs to be done before any

proposal to move is even considered. The other thing that I think you should require of this applicant is a detailed moving plan done by a registered structural engineer who will stand by the success of that plan with engineer stamp and his commitment to see the project - moving project from beginning to end and monitor the project all the way through.

I think you also should require the applicant to consult with the building official to find out what the building official is going to require to a building on the other end of the process.

What code requirements is going to be asked for? If there is not a bond beam there now, on the building you might allow to be moved, is the building official going to require a bond beam or a tie beam or is the building official going to require that structural code enforcement of this zone - the zone enforcement on mechanical systems, electrical, heating - all of those things - insulation or just say okay, you can just do it and bring it up the way it is?

I don't see how it's possible to take the building apart like one of these and put it back together without losing a good deal of historic material. For instance, you get up on the roof and you've got several layers of built up roof - maybe fifteen plies of tar and gravel roof. Are you going to remove that in pieces and put it back together again at the other end of the process or are you going to throw it away? What are you going to do? Suppose underneath the roof is a layer of dirt? Are you going to save that dirt or pick that up and put it back in place? I mean there are so many questions that I just don't see how it can possibly be done responsibly.

But if you decide to go ahead and approve something, I would ask you to approve only one structure and I would require the assessment to be done by a qualified person who does structural assessments, a detailed moving plan done by a registered structural engineer; I

would require their monitoring the process from beginning to end and I would ask that the building official tell us ahead of time what it is that he would require at the other end of the project. But I still don't think that it can be done.

Chair Woods: Thank you, Mac.

Mr. Herrera: Madam Chair, my name is Raymond Herrera. I reside at 379 Hillside Avenue. First I want to say that I oppose this application. Secondly, they were required to bring in an engineer and with all due respect to Mr. Archuleta, the presentation that he gave here tonight didn't answer anything. He said he had experience in moving buildings. Well if he had experience in moving buildings, he should have no problem moving a small house like this. I'm not an engineer but I've seen projects done and it is possible.

Also it really aggravates me, to get off the subject, and I don't have, in saying this - What are we doing here? If Mr. Polk - Poke, or whatever his name is - actually told you that you don't have the right to tell him what to do - that he can demolish them or do whatever he wants to do with them, what's the point of being here before you tonight? I'm wasting my time and the people who are here and have been to all the meetings. So... it really aggravates me.

Mr. Zamora's presentation was very interesting. I've been here before the Council, the Commission, you guys for 30 years. And I have never seen such an act of intimidation as I have seen here tonight. I mean for him to have the gall to say to you guys, I'm going to tell you what to do? This is BS. I respect city attorneys. I have been through so many city attorneys in the thirty years I've been before commissions here at city hall - so many attorneys representing clients. My interpretation of what Mr. Zamora said - and he actually agrees with Mr. Katz - it's an interpretation of the attorneys. Hell, I've gone through

attorneys. What I've been through with Mr. Katz on projects in Santa Fé and the battles we've had with attorneys and that the applicants have had - and they've had the sharpest of attorneys. I wish the applicant had done more homework and hired someone more reliable. This guy is just...

Chair Woods: Mr. Herrera, we are not going to listen to personal attacks. They are not okay. Not here.

Mr. Herrera: Sorry. But for him to just try to intimidate you guys is really ridiculous and...

Ms. Walker: How do you know we were intimidated?

Mr. Herrera: I just hope that - I need to go to law school so I can know the interpretation of the law. I think they think we are stupid.

Chair Woods: Thank you Ray. Is there anyone else who wishes to speak to this - this project?

[There were no other speakers from the public and the public hearing was closed.]

Mr. Archuleta, I think the Board is going to have some questions for you. Is that all right?

I'm going to ask the Board to ask Mr. Archuleta some questions.

Mr. Polk: Madam Chair, may I address two points that were raised?

Chair Woods: Sure.

Mr. Polk: Number one - by moving the buildings we are not demolishing them so Section 110 of the National Preservation Act doesn't apply and the VA can purchase those properties.

Number two - we have presented our plan... I don't know - umpteen times. We've shown photographs; we've shown the actual grave sites where they are going to be. Our plan is to sell it to the National Cemetery. They have accepted that plan and that's the way it's going to be. We do not intend to build any other... We are not a developer. We do not intend to build any other structures.

If in the alternative the City or someone else makes a proposal to us we will entertain it.

We have been specifically told by Mr. Thornburg and Mr. Katz of the Rubin Katz Law Firm that the School for the Arts has no interest whatsoever in acquiring this property. Period.

And we will not be making an offer. I want to make that very clear.

Chair Woods: Well is that hearsay?

Mr. Polk: No it is not...

Chair Woods: Excuse me. I'm asking the city attorney.

Ms. Brennan: I believe it is irrelevant to your process.

Chair Woods: Thank you. So that should not be in the record.

Mr. Polk: Well it was brought up by the nice lady who spoke and I thought would address in rebuttal

Chair Woods: Thank you. Okay. Frank would you like to ask questions?

Mr. Katz: Yes. Mr. Archuleta - assume for a minute that the Board would see a difference between dismantling a building and putting it back together with some, maybe even most of the parts that were there and just moving the whole structure over and not harming the historic fabric of the building, if I can put it that way.

You haven't given us any assurance that it can be done in that way. You have described that, you know, you can do all the tests and the CAT scans but sometimes you've just got to go in there with a knife and cut it open and see what is inside.

So I guess my question is - the representative of the owner has said that all that can be done, either as one piece or in parts and I hear you telling me that - we don't really know if it can be done in one piece. So I guess I'm asking for your view on that.

Mr. Archuleta: We... what the issue is here that's been brought up is that we have to look into what is there, number one. And number two, what is the governing entity, the City of Santa Fé Building Department going to allow? Number 3, what are you folks going to allow in terms

of making... in terms of disturbing the historical value of something by making structurally sound adjustments? So you see the complexity there? A whole host of parameters there that have to be addressed there.

I mean, when we say that we are going to take the ceiling off because in one of those projects the roof is about gone. It's at least very obviously about 40% gone just by walking through it. So we need to look - look and see which members of that are still usable. And then we have to reinforce it to the point of moving. Does that create a change of the architectural integrity? See there are all sorts of things here. The thing is, it looks to me like they are just sitting on cobblestone - rock. That is very typical. It was very common. We found it up and down in the valleys of Albuquerque - the same thing - all up and down these valleys. There is nothing there. I mean if the building starts coming down, it was just razed and a one built. So there is a whole host of considerations that come here.

And it is difficult for me to say yes - we will put this member here and that member until first of all ... I mean, is the Council going to approve? I think it is a whole lot easier and a lot less time consuming to componentize it and move it and rebuild it according to specifications that are going to be allowed and to maximize the historical value.

Chair Woods: Thank you. Cecilia?

Ms. Rios: Mr. Archuleta, have you actually participated in moving buildings in similar conditions as these?

Mr. Archuleta: Pieces of it - yes. Yes, over the years we have moved the component parts into making a new building. And there is a lot of research that has been done. They are all different. Every single one of these moves is completely different. They are all different. They all have their requirements; they all have their needs. And then you have to address the

individual site conditions. Soil mechanics is part of the study of engineering. We have to address that sort of issue where they are going now. A lot of drainage issues were not addressed here when the buildings were just randomly thrown up. That's why they are in the condition they are in. So are we going to be - do we just throw them up in any old way where they are going to go? Or are we going to address hydrology and soil mechanics.

Ms. Rios: So you are stating here this evening that you have successfully moved adobe buildings?

Mr. Archuleta: Some parts of adobe buildings - yes.

Ms. Rios: Some parts? Not an entire building?

Mr. Archuleta: Well, yeah. We have. But not a hundred percent all of it. And we used all of the usable portions of the building.

Ms. Rios: Can you tell us where this was done?

Mr. Archuleta: I'd have to get you ...

Ms. Rios: Have you done them in New Mexico? In Albuquerque?

Mr. Archuleta: Yes.

Ms. Rios: Do you have... I assume you have inspected this building carefully.

Mr. Archuleta: These here?

Ms. Rios: Yes.

Mr. Archuleta: Well I've inspected them - not carefully - not what I think it needs. It needs a lot of - it needs a lot of analysis. To me it actually needs removal of some of the stucco so we can see some of the bond beam. We need to remove the ceiling and come in from the roof on top and see what the layers of roof, roof decking. And the questions that need to be answered are: Is there a bond beam? Are there bond beams? Are there lintels over windows. A lot of these things are like some of the doors - right here you can see they

have a wood lintel on them. They look okay in some cases but when you start getting into contact with the adobe to the wood, it could be completely rotted out.

Ms. Rios: In the evaluation processes from beginning to end - evaluation process, plan in place, the movement of one building - how long would that take?

Mr. Archuleta: It just depends on what we come up with in the final design or what is approved. What is going to be approved? What design features will be approved? The City of Santa Fé has to sign off on it. And as far as I am concerned, those are the entities we deal with. We deal with the local governing building inspection entities. What are they going to want to see? And when we understand that, we will know the approach that we will have to do. As far as foundation design, or reinforcement of the walls - are they going to accept them all? What kind of lintel do they want in an adobe thing? And are we going to need vertical? See, now we just have mud on mud. So are they going to want vertical on some of those key points to that the lintels are actually supported by something other than mud?

Ms. Rios: Do you know the square footage of each one of these buildings?

Mr. Archuleta: No. They are not that big.

Ms. Rios: In the neighborhood of?

Mr. Archuleta: I don't know. I couldn't speculate. I would say 1000 to 1500 - 1800 square feet. I'd say something like that at most.

Ms. Rios: Okay. Thank you.

Chair Woods: Okay. Christine?

Ms. Mather: I have a question. You have been talking about component parts - the components being moved. And I am not clear what you mean by a component.

Mr. Archuleta: Yes ma'am. Basically the basic wall materials, windows doors, roof joists or floor joists,

roof trusses - those are component materials. Here we have on one of these an old air conditioner with a pipe dangling off. What is a component? Do you want that moved also? Fine. It can be moved exactly like it is.

Ms. Mather: A component could be a single adobe brick so when you say you are breaking it apart by components, do you mean you will disassemble the building brick by brick?

Mr. Archuleta: Well, that has to be determined and it has to be determined yet once we get all the information that's going to be... when we get our requirements - the final end requirements. And then we have to do the analysis of what we have there and then we determine what it is going to take to bring all of it together - how we are going to tie all of this together. And then determine exact procedure. That's to answer your question. It is a process. It is not a simple thing. If you had a frame stucco house or even a large building - we've moved some fairly large buildings. It's all fairly well tied together. Even there we have to come in and do some reinforcement in order to move it. Sometimes it is substantial reinforcement because sometimes the buildings are subject to wind load and when you start moving it you have different dynamics. You have twisting and moving stresses - bending and et cetera.

Chair Woods: Karen?

Ms. Walker: Sir I felt the real issue was something else but while we are on the subject of the buildings, what is the largest adobe building that you have moved?

Mr. Archuleta: Geez, I don't remember. I'd have to look at the record, ma'am. It is probably a couple of thousand square feet but would have to look at the records.

Chair Woods: So you moved successfully a two thousand square foot adobe from one location to another?

Mr. Archuleta: Under the right conditions, yes.

Chair Woods: I'm sorry.

Mr. Archuleta: Under the right conditions, yes.

Chair Woods: I'm sorry. What are ...

Mr. Archuleta: Like I told you, we have to go through this process.

Chair Woods: Yes but I'm asking on a building you've done. Just so we understand your experience. So you have moved a two thousand square foot adobe building...?

Mr. Archuleta: I can't give you the exact square footage.

Chair Woods: Has it been more than a thousand?

Mr. Archuleta: More than a thousand.

Chair Woods: All right. So you've moved an adobe building more than a thousand square feet from one location to another successfully?

Mr. Archuleta: Yes.

Chair Woods: Yes?

Mr. Archuleta: Yes.

Chair Woods: And you did it by lifting the building and moving it or by moving components?

Mr. Archuleta: Mostly components.

Chair Woods: And so you... How far did you move this building?

Mr. Archuleta: Well we moved anywhere from a few hundred feet up to a few miles.

Chair Woods: So you've done more than one?

Mr. Archuleta: On numerous occasions. These are not very common. This sort of thing is not very common because normally when it comes down to costs the people [inaudible] the way it operates.

Chair Woods: I think we are interested in how many adobe buildings you have moved. We understand frame buildings but.

Mr. Archuleta: Yes. I spent 47 years in this. Like I say, it is not common but maybe one every three or four years or so. I mean that is just off the top of my head. I would have to look at our records.

Chair Woods: And you moved them in the components and then put them back together but not adobe by adobe?

Mr. Archuleta: Both. I have done them in components and adobe by adobe. But you know when we do them by components we see what kind of... See, the soil is different. Basically they can stack the mud with straw in it, if you are lucky. And so we look at it by adding moisture at different stages to see if how big a component part can we easily move or reasonably move intact. And that just has to be determined on site. I can't really say exactly or for sure. I couldn't begin to tell you how it is going to be done. If I could do that we could run a whole lot of total analysis if somebody was going to pay for it. But...

Chair Woods: So I guess that is the big question for us. Are you doing this and kind of calling the shots as you move it or are you going to have an analysis that somebody is going to pay for?

Mr. Archuleta: We have to...

Chair Woods: How are you doing this? Because you have presented us with two different ways.

Mr. Archuleta: Like I said, we do have to analyze it and then we have to do a proposed set of plans which we need... Obviously we will have to get approved prior to doing this by the City of Santa Fé. And they are going to consider safety. They are going to consider their own code and how those codes mesh together with historical and exceptions. I don't know whether there would be exceptions here or not. If they take exceptions for a building that is falling down,

well yeah, that's exactly what you've got there.

Chair Woods: Karen, I started asking my own. Do you have more?

Ms. Walker: No. That's okay.

Chair Woods: Okay. Anybody else?

Mr. Acton: Yes. I'm just looking at the jurisdiction we have here and we are asked as the Design Review Board to review all applications for the alteration of landmarked structures throughout the city. Okay? That is our legal mandate. That's why we are here tonight. I just wanted Mr. Polk to know that. And then we can approve an application for alteration on the condition that changes relating to exterior appearance recommended by it be made in the proposed work so any alteration in the appearance and we are asked to prohibit the removal of historic materials that embody the status of the structure.

So on a sense, we are asked on a very limited scope to evaluate whether this structure is going to have its landmark status jeopardized by its move. And it seems to me that this application came through the wrong door first. It seems to me that it should have gone before the body that could have determined whether these buildings should remain attached to the landmark campus area. Instead you have come to us. We are hamstrung by one ordinance after another about whether this structure can be moved or demolished.

Chair Woods: Rad, the City has told him he had to come to us first.

Mr. Acton: I know that. So what I'm saying is that he should have gone through a process by which the landmark status of these three casitas were re-evaluated. Like a lot of applicants do - they ask for status reviews and reconsideration of the historic status of a building. We are stuck. As far as I see we are unable to make much interpretation based on issues of hardship or ulterior motivations or future purchasers or anything. We are limited to a very

specific type of mandate.

Mr. Polk: May I address that?

Chair Woods: I'll ask Kelly to go first to address it. Kelly? And then yes, I'll give you an opportunity to address it.

Ms. Brennan: Chair Woods, Board members, you do have limited jurisdiction as the jurisdiction defined in the code and you've already articulated it clearly. It refers specifically to landmarks. have reviewed this with Mr. Polk in the past. You shall review all applications for alteration of landmark structures throughout the city. You may approve an application for alteration on the condition the changes related to exterior appearance recommended by the Board be made in the proposed work and the alteration includes removal of the structure or any of its parts and the status of a landmark structure shall be retained and preserved. If a proposed alteration, which includes, as you know, a removal of all or part of the structure will cause a structure to lose its landmark status, the application shall be denied. And that is the scope of your jurisdiction, which is, clearly I think, clear and particular.

Mr. Polk: And that's why I say you don't have jurisdiction because we are not altering anything. We do not - when you say alter a structure - We are not taking a façade off of these. We will put them back exactly as they are. We will photograph it with better photographs than that. And you will go there and you will see them exactly as they are. There will be no alteration to the structures that is visible. And what you are interested in is the exterior façade. Only to the extent the city requires us to make structural changes will we do so. And therefore, we are not altering anything. We are merely taking existing structures and moving them from one location to another on our property. Our property is not a historic district. Okay?

Mr. Acton: Okay. But I am reading further here. It says the status of a landmarked structure shall be

retained and preserved. This is under Section 14-5.2(D). The removal of historic materials or alteration of architectural features that embody the status shall be prohibited.

Mr. Polk: We agree with that. We are not going to do that. We are not going to remove any historic materials nor are we going to change the historical status in any way. When you all that you do, you will see what you get. You've got it sitting right there. You will see it exactly like that in a different spot on the same property. So there will be no removal of historical materials. We are going to replicate it exactly, using materials that are there except for those that are structurally unsound or those which the City requires us to.

Mr. Acton: I understand. Now my question to staff and the City Attorney - we've heard about the state's position on this where in the letter from Mr. Maxwell. But in your opinion, Attorney Brennan and Staff Member Rasch, the proposal that we heard, if successful in whatever form would impact the building's landmark status in what way?

Mr. Rasch: Madam Chair, Board members, I'm not sure about the building official's opinion or the building code when it comes to historic structures, but I do believe there are exemptions if there is no threat to safety that historic methods of construction can be preserved and do not need to meet existing current code. That's the nature of a historic building. You don't change historic buildings to meet code. Now if these buildings are moved, I haven't heard but I assume they will not be on their historic foundations.

Mr. Polk: Correct.

Mr. Rasch: So you have to decide if the state of features, finishes and construction techniques are examples of craftsmanship that characterize the structure will be preserved or not.

Chair Woods: Well I think he was asking you, David.

Mr. Rasch: Unfortunately, I don't have sufficient evidence to determine that in my opinion. I don't have

the study that they should have done before they came here.

Chair Woods: So if you don't have it, what is it that is needed to know this? And Kelley, did you have something?

Ms. Brennan: I just... really there is a discretionary area in which the board acts and staff might recommend but really that is your area of discretion to decide.

Chair Woods: Well I think what the Board is looking for is guidance here as far as a recommendation. Does it? I mean we ask staff all the time. If this person does this and this, will the building retain its contributing status? And that basically is what Rad is asking. Now David is saying he doesn't think he has enough information which may or may not reflect how we feel and so we are asking what kind of information is needed to know if this would retain its landmark status.

Mr. Rasch: I'd want to know if we are going to keep its historic foundation or if we are going to put a concrete bond beam on or if one does not exist. I want to know all that.

Ms. Walker: Well it seems that without these studies having been done and we asked for them a long time ago and the analysis of what would be retainable or wouldn't be retained, we don't know whether historic materials will be deleted. If deleted, we can't vote for it. So we can't vote intelligently without seeing - having them do their studies as asked a long time ago, analyze what they can move; what they can't move and go from there. We don't know how much historic material is going to be lost, if any.

Mr. Polk: Can I get in here for a second? We will use the existing foundations. We will use every scrap of stuff there if the City will permit us. I'm not an engineer. I neither know nor care what kind of foundation it has and it will be used unless the city says no. We will pull it up; we'll put it down unless the City tells us not to. With regard to concrete beams we will use

the existing material unless the City Building Department insists we do something different. Every scrap of that will be put back exactly as it is as long as the City will allow it. If there is an exemption that Mr. Rasch refers to, we will go under that exemption. If we are told by the City Building Department, "No, you must change it" that will be the only change we make. And as far as studies, you go out and photograph it. I'm trying to tell you, what you see is what you get. What is there now will be in exactly the same place in the location. We are not going to throw anything away unless it structurally unsound and the City said we can't use it.

Ms. Walker: But we need to know in advance that it is structurally unsound because otherwise, we don't know if historic materials will be lost. We are just playing strictly by the code.

Mr. Polk: Well, ma'am, first of all you say you can't disassemble and then you say disassemble so we can give you that answer.

Ms. Walker: No, we are asking you to go in and do the studies you promised several months ago and this gentleman could go in and do it for you and a structural engineer...

Mr. Polk: We...

Chair Woods: You don't interrupt her and we won't interrupt you. Thank you.

Ms. Walker: And as we recommended tonight - a structural engineer so we know what we are talking about. But this idea of we will just go in because we don't know and we will have to see what happens - gosh. It isn't really a good way of going about it.

Mr. Polk: If we do what you are asking, we are going to have to substantially alter these structures and we may render them structurally unsound. Is that acceptable?

If we start peeling back everything so that we can do these studies - these studies, in and of themselves, are destructive.

Chair Woods: But don't you have to do them anyway? You just said you have to do them. So if you do them now or later and are saying they are destructive, I'm confused.

Mr. Polk: Well, if they are being done as part of a move, you can save all of the materials and have them for being replaced. If it is not approved that we move them, then the buildings will be altered and they will be left in that condition.

Chair Woods: Thank you. Christine did you have another one? We are going to - each person gets one last thing but we've really got to move this.

Ms. Mather: I am concerned about the letter Mr. Maxwell provided us from the Department of Cultural Affairs Historic Preservation Division. They clearly state - SHPO does - that to move a property destroys the relationship between the property and its surroundings and destroys associations with historic events and persons. That is a quotation from the National Register Bulletin. And to quote the author of this letter, it was Jan Biella, the Interim Historic Preservation Office. She goes on to say that's to answer your first question. Demolition and relocation have the same consultation requirements - to consult with SHPO to resolve adverse effects. So it seems to me the movement of the building itself, they are saying is tantamount to demolition. That's the way I interpret what they are saying here and correct me if I'm wrong. And if that is the case then we have no choice but to deny this application because we cannot accept any alteration that would destroy the landmark status of the building. So I think we are caught because just the movement of the building itself they are saying destroys the landmark status of the building. And I would ask you Kelley and David - is that the way you interpret this letter - or John?

Mr. Murphey: Member Mather, Ms. Biella as the acting SHPO Director, is quoting Section 106 of National Preservation Act and under that particular federal guidance, the context of a

registered property is very important. So moving a property out of that immediate context to another context de facto can impact its historical integrity and therefore its contributing status. I don't think that our unit and I rely to Kelley, is germane to city code.

Ms. Brennan: That is correct and that is what I was going to say. If the application also needs to comply with these requirements, it must be clear but City code has a definition of landmark and rules applicable to landmark which you are administering.

Dr. Kantner: Isn't it the case that Section 14-5.2 (C)(1)(a) that says each structure to be recognized has a physical record of its time and place and use is not encapsulating that same ethic regarding what can jeopardize the status of a historic structure? In other words, would that not - the moving of the building - not violate that section of the code insofar as it would remove the place of the structure?

Ms. Brennan: I think that you might take it that way but typically our code regulates structures more than relationships.

Dr. Kantner: Well, I guess I would disagree. If the word "place" is put in there, I'm not sure how else you could interpret that. That is beyond simply the structure itself and the spaces it contains.

Mr. Polk: Please remember we were advised to bring this because it was the position of the City that it could be moved. And that's why we are here. Remember we had a session about that at one point in time.

Chair Woods: Thank you. Okay. Anyone else cause we are ready for a motion. Okay, last one, everybody.

Mr. Acton: Okay. So in my mind it seems like this should almost have come before us as an exception in the face of the ordinance rather than a debate about whether it conforms or not. The exceptions are several in my mind. And I can see there being special circumstances. I can

see that there would be hardship. I can see that there could be a case made to allow these buildings, as staff recommended - allow one building to be explored for movement to see what would happen when it is moved. There is just no way to know what's under the stucco and whether, once the stucco is put back up on that building, it's historic integrity status is not sufficiently disrupted to lose its landmark status.

Landmark status seems to be defined. Location, sometimes is more or less critical to the historic integrity of the building. Putting it in the campus amongst other buildings might make it more functional than where it is so in my mind I can sympathize with your concern, David. A narrow reading of site context may prevent us from weighing other issues more evenly and proportionately to the grand scheme.

I'm not dissuaded by the unknowability of what's going to happen once they start sectioning this building. You also said that if it is reconstructed perhaps using historical methods as much as historic materials and ends up looking as it has appeared in these photographs that it might be considered success for all parties.

However If I were to entertain staff's recommendation on this to allow building #9 to be attempted - the removal of building #9 and reconstruction of building 9 to be attempted, I think there would have to be a set of criteria about what constitutes historical material; what specific historical material is needed to be reincorporated into the reconstruction and what can be left out.

Chair Woods: You can make that all part of your motion if you will.

Mr. Acton: Well it is daunting to me.

Chair Woods: Don't feel like the Lone Ranger. Okay - C?

Ms. Rios: My comments are going to be a lot more concise. But, first of all let me say to Mr. Polk, this

Board does have specific jurisdiction as stated by our City Attorney this evening in reference to 14-5.2(C) and 14-5.2(D). And by hearing the testimony that Mr. Archuleta gave this evening, I am not convinced in the least that these buildings can successfully be moved - even the smallest one. I believe that attempting to move these buildings would be in violation of these two citations that I just gave - 14-5.2(C) and 14-5.2(D). I do not believe these buildings can successfully be moved and I do not support the moving of these buildings.

Chair Woods: Yes.

Mr. Katz: **I would move to deny the application to move the buildings** and I would like to explain the reasons for my motion.

These are landmarks and I tend to agree with Rad maybe they shouldn't be landmarks.

But for our purposes they are landmarks. They are landmarks as much as the Cathedral or Palace of the Governors. And I don't think that you can – I don't think you are preserving a land mark if you take it apart and put it back together again someplace else. I don't think you can take the Cathedral apart and move it a couple of blocks over again and have the same building. That is not preserving a landmark. The evidence I think we have gotten is pretty clear that you can't just pick these up. That's not what you are planning on doing and not what you testified is likely to be done and your witness said that he has never done it that way. He has always moved them in component parts. And that is destroying and then reconstructing with some original parts and some new parts of the building and that is not preserving a landmark. Because it has landmark status and because it is not being moved as a piece, I am moving to deny the application.

Chair Woods: Is there a second?

Ms. Walker: **Second.**

Chair Woods: Is there discussion?

I would ask Frank - would you please quote the...

Mr. Katz: I would cite the two sections that Cecilia mentioned - 14-5.2(C) and 14-52.(D) which makes clear that what is planning to be done is a reconstruction and that counts as an alteration and I believe it is an alteration under 14-5.2(D) 1.a which would impair the status.

Chair Woods: Is there any other? All in favor?

All members: Aye.

Chair Woods: All opposed?

[The motion passed by unanimous voice vote.]

The Board took a 5 minute recess at 7:35

Ms. Mather recused herself from consideration of the next case and left the room.

2. **Case #H-11-122.** 740 Acequia Madre. Downtown and Eastside Historic District. Paul W. Kenderdine, agent for Christine Mather, proposes to remodel a non-contributing residence by constructing approximately 494 square feet of additions that are lower than the existing height, replace windows and make other exterior alterations. (David Rasch)

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

BACKGROUND & SUMMARY:

740 Acequia Madre is a single-family residence with other free-standing buildings. The original structure is known as the Old Mill and it is listed as non-contributing to the Downtown & Eastside historic district due to alterations. A two-story secondary residence and garage was constructed in 1982 and it is listed as non-contributing to the district.

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

1. The open exterior stairs at the southwest corner will be reconfigured and enclosed by a two story

addition that matches the existing adjacent parapet height. The windows and doors appear to be closer than 3' to outside corners, but this area is not visible from a public way.

2. A 317 square foot addition to the existing second story will be constructed on the east elevation. The addition will be 1' lower than the existing adjacent parapet, it will step back 2' from the south elevation first floor, and it will include a recessed porch on the north elevation.
3. A 65 square foot portal will be constructed on the north elevation at the entry doors. The portal is designed in the Territorial Revival style.
4. All windows and doors will be replaced along with the removal of awnings and ironwork. Windows will have white-colored metal clad divided-lites. Some windows and doors will have different dimensions and different locations. But they all appear to comply with the 30" glazing rule and the 3' corner rule, where necessary
5. The entry gate and wall on the south side of the property will be relocated further east at 18' from the street.
6. Deteriorated viga ends on the east elevation over the garage will be removed and stuccoed over along with the restucco of the entire building with El Rey cementitious "Buckskin."

There was an amendment to the application. The applicant wanted to demolish the greenhouse but it would have required them to replace it with something else so 7 was not part of the case.

- ~~7. A non-historic and non-conforming greenhouse at the rear of the lot will be removed. The City Building Inspector has noted that there are zoning violations.~~

STAFF RECOMMENDATION:

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

Present and sworn was Mr. Paul W. Kenderdine, 7 Bosque Road, who had nothing to add to the staff report.

There were no speakers from the public regarding this case.

Ms. Rios asked Mr. Rasch if the windows referred to that were in violation of the three foot rule already existed.

Mr. Rasch agreed and were openings at the stairwell so that rule didn't apply.

Ms. Rios asked Mr. Kenderdine if they were proposing anything on the roof.

Mr. Kenderdine said they were not.

Dr. Kantner moved to approve Case #H-11-122 as recommended by staff. Mr. Acton seconded the motion and it passed by unanimous voice vote. Ms. Mather did not vote, having recused herself.

Ms. Mather returned to the bench after the vote was taken.

3. **Case #H-11-125.** 838 Camino Atalaya. Downtown & Eastside Historic District. Scott Wong, agent for Roger and Jane Griffith, proposes to remodel a non-statuses property by replacing a 4' high wire fence with a 5' high coyote fence and replacing a 4' 10" high pedestrian gate with a 6'7" high pedestrian gate. (David Rasch)

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

BACKGROUND & SUMMARY:

828 Camino Atalaya is a single-family residence with a free-standing casita that was constructed at an unknown date in the Spanish-Pueblo Revival style. The building has no historic status in the Downtown & Eastside Historic District.

The applicant performed work on the property without approval and without a building permit and now proposes to remodel the property with the following two items.

1. A 4' 10" high deteriorated light blue-painted bi-leaf wooden pedestrian gate was removed from the existing yardwall and replaced with a bi-leaf wooden gate that is 6' tall and 4' wide that fits into the existing opening space. The wooden doors are stained a brown color and they have grille-work windows at the tops.
2. A 4' high rectangular wire fence was removed from the west and north lotlines and replaced with a 5' high coyote fence with irregular latillas tops where the maximum allowable height is 6'. The fence also encloses the trash receptacle area. Also, a 5' wide bi-leaf coyote pedestrian gate will be installed along the north side of the fence area for access into the adjacent yard.

STAFF RECOMMENDATION:

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

Ms. Rios asked if none of materials were not historic.

Mr. Rasch didn't think so.

Present and sworn was Mr. Scott Wong, 324 Sanchez, who said the owners who lived in there wanted to apologize for getting ahead of approval on these items.

There were no speakers from the public regarding this case.

Ms. Walker asked if the fence stringers were on the inside of the fencing.

Mr. Wong said most of them were. The stringers were on the outside by the trash receptacle at the back side where they were facing the inside of the courtyard so on the driveway side the stringers were exposed.

Chair Woods said usually the board did ask for them to be on the inside.

Mr. Katz moved to approve Case #H-11-125 as recommended by staff. Ms. Rios seconded the motion and it passed by unanimous voice vote.

4. **Case #H-11-115B.** 9 and 9½ Montoya Circle. Downtown & Eastside Historic District. Peter Wirth, agent for the estate of Leandro Montoya, Jr., proposes to demolish two non-contributing residence. (John Murphey)

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

BACKGROUND & SUMMARY:

9 Montoya Circle is a modest L-plan, one-story, flat-roofed, stucco-clad residence built post-1945. Situated behind this building is another dwelling, 9 ½ Montoya Circle. The second dwelling is a multi-era, modified L-plan building composed of a mixture of historic and non-historic materials and additions.

At the November 8, 2011 HDRB meeting, the Board made the motion to downgrade 9 Montoya Circle to noncontributing status, as they determined it did not meet the definition of a "Contributing Structure," and to maintain the noncontributing status of 9 ½ Montoya Circle. Now, the applicant seeks permission to demolish both structures.

Under 14-13.4 (A)(2), "Demolition of Landmark or Historic Structure," the Board must within 65 calendar days from the date of application, make a recommendation to the Governing Body to either grant or deny the application.

Before granting approval or denial, City staff shall provide information on the structure under consideration. This information includes 1) the historic or architectural significance of the structure; 2) a report from the City Building Inspector on the state of repair and structural stability of the structure; and 3) a report from the Archaeological Review Committee on whether the demolition would damage possible archaeological artifacts (14-13.4 (C)).

For Item 1, Staff asks the Board to refer to the November 22, 2011 memo prepared for these structures (attached). For Item 2, Staff asks the Board to review the November 6, 2011 letter from City of Santa Fé building inspector Mike Purdy, who determined both structures to be "in a state of disrepair and are currently not habitable and do not comply with current building codes" (attached). In regard to Item 3, an

archaeological permit is not required at this time, as the requested demolition is not tied to a building permit (14-13.3(B) (1)).

The Board's decision then is premised on the application of three standards (14-13.4 (G)(1)):

- (a) Whether the structure is of historical importance;
- (b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
- (c) The state of repair and structural stability of the structure under consideration

In consideration of 9 and 9 ½ Montoya Circle, neither structure is of historical importance nor forms an essential part of a unique streetscape, and both are of questionable structural stability, as determined by the city inspector to be "unsafe" with 9 ½ "ready to collapse." Therefore, both structures are recommended for demolition.

STAFF RECOMMENDATION:

Staff recommends approval to demolish 9 Montoya Circle and 9 ½ Montoya Circle, as the request meets Section 14-13.4, "Demolition of Landmark or Historic Structure," (C) and (G).

Present and sworn was Mr. Andy Lyons and he agreed with the staff report.

There were no speakers from the public regarding this case.

Ms. Walker moved to approve Case #H-11-115B as recommended by staff. Ms. Rios seconded the motion and it passed by unanimous voice vote.

5. **Case #H-11-123A.** 127 W. Water Street. Downtown & Eastside Historic District. The HDRB requests an historic status review of this non-contributing commercial building. (John Murphey)

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

BACKGROUND & SUMMARY:

127 West Water Street is a one-story, stucco-clad, tile-constructed commercial building exhibiting a modest Territorial Revival style. Constructed between 1930 and 1942, the building fronts West Water Street and is part of the multi-structure Plaza Mercado. It is noncontributing to the Downtown and Eastside Historic District.

At the November 8, 2011 HDRB meeting, the Board postponed a decision on a case (H-11-123) to construct a second floor deck across a void between this building and a building to the west. The Board

requested more information on 127, as to determine whether changes made to the structure, were with the passage of time, now "historic," potentially changing its status from noncontributing to contributing.

The subject property comprises two addresses (127 and 129), and consists of two storefronts, each with a recessed entry and display window. 127, at the east, contains a non-original, wood-and-glass door and transom and a display window composed of a grid-like pattern of wood-clad square lights. All woodwork is painted white. 129 is accessed through a non-original aluminum stile door with a three-part aluminum frame display window located to the west. The mixing of these two, non-congruent storefronts has altered the design of the building.

The applicant, using only information found on the 1984 Historic Building Inventory (HBI) form the property, establishes the building received a "new aluminum frame, plate glass window on the street front, and a new window opening with aluminum frame plate glass in the west elevation" during a 1982-83 renovation. Given the date of these modifications, the applicant concludes that "there is no indication that they have now become contributing or otherwise historical." Not mentioned in the applicant's letter is the additional modification to the entry and storefront referenced above. No other documentation was provided.

Staff defers to the Board as to the whether the identified changes should continue to maintain the building's noncontributing status. Potentially the most significant change is the three-part aluminum frame window along the west elevation. While not stated on the HBI form, the applicant makes the inference that this is a new window opening. However, Sanborn Fire Insurance Map documentation indicates there was a window at this location as far back as 1948. Dimensions were unknown.

STAFF RECOMMENDATION:

Staff defers to the Board as to the whether the alterations identified by the applicant should continue to maintain the building's noncontributing status

Ms. Rios understood that the building at 127 W. Water Street was between 69 and 81 years old and the footprint had not changed.

Dr. Kantner said what they knew was only what was seen on the map - the footprint has not changed.

Mr. Acton asked if they were specifying primary elevations.

Chair Woods clarified the Board would only do that if they changed it to Contributing.

Dr. Kantner noted they now had two separate entries where there once was one.

Dr. Kantner was looking at the information on page 4.

Chair Woods asked him what his opinion was.

Dr. Kantner said based on the function of commercial buildings, to have display windows and highlight merchandise was important. The window had been changed so his opinion was to maintain non-

contributing status.

Ms. Rios disagreed. She pointed out that the footprint had not changed and although windows were character defining, the footprint was the main part.

Present and sworn was Mr. Mike Duty, 404 Kiva Court. He said they had to rely on city documentation. In 1944 this was classified as non-contributing and they found nothing to change that today so he would encourage the 'board to allow it to remain with a non-contributing status. All they were going to do was put something next to it and they were not changing anything on it.

There were no speakers from the public regarding this case.

Ms. Walker commented that in the discussion on windows that commercial properties were tenant driven and all of them wanted to change windows. If the Board always allowed that none of them would be contributing any longer.

Mr. Acton moved to accept the existing non-contributing status in 123A.

He quoted the relevant ordinance section but added that he was hard pressed when just maintaining status but on the grounds that essentially there was insufficient character in this building to accede to contributing status.

Ms. Mather seconded the motion and it resulted in a tie (3-3) voice vote. Chair Woods agreed with the motion maker and voted in favor so the motion passed.

Ms. Walker excused herself from the meeting at 8:00 p.m.

6. **Case #H-11-123B.** 112 W. San Francisco Street. Downtown & Eastside Historic district. Duty & Germanas Architects, agents for S. W. Assets Management, proposes to remodel a non-contributing commercial building by redesigning both street entrances and constructing a 16' high entry with a roof deck. (John Murphey)

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

BACKGROUND & SUMMARY:

112 West San Francisco Street is a three-story-and-basement, stucco-clad brick commercial building constructed in c.1883-86. 127 West Water Street is a one-story, stucco-clad, tile commercial building constructed between 1930 and 1942. Both buildings are part of the Mercado Plaza and noncontributing to the Downtown and Eastside Historic District.

The applicant proposes to remodel an existing street-level staircase along 112 West San Francisco Street and to construct a second story roof deck adjacent to 127 West Water Street. The specific work items include:

- 1) Work proposed for 112 West San Francisco Street will consist of replacing stairs leading from the ground level to the basement. The work will include building a short enclosure with wood railing at street level; this will replace an existing wood balustrade at the current street level landing.
- 2) Work proposed for 127 West Water Street will consist of constructing a second story "dining deck" to span a deep opening between this structure and a building to the west. The deck, measuring 16' high, will serve as a dining area for an existing restaurant in the complex, and by its placement, create a new entrance below. The deck will anchor to the west elevation of the subject building and be recessed approximately 1' behind the street wall plane. It would be designed to harmonize with the existing Recent Santa Fé Style of the complex.

STAFF RECOMMENDATION:

Staff recommends approval of the reconstruction of a staircase and the construction of a new second story deck to noncontributing structures in the Downtown and Eastside Historic District. The proposed project complies with Section 14-5.2(E)(2) for Recent Santa Fé Style within the Downtown and Eastside Historic District. The project additionally complies with Section 14-5.2 (D), General Design Standards for all Historic Districts, height, pitch, scale and massing, and Section 14-5.2, Downtown and Eastside Historic District Design Standards.

Ms. Mather asked on page 8 if the rendering of the proposed deck at Water Street included what appeared to be window alterations since she saw no elevations to judge that.

On page 12 on the existing Water Street elevation and proposed elevation there seemed to be a window removed on that pilaster at the new Plaza Mercado decking and the whole proportion of that upright pilaster seemed to be significantly altered so she asked if she was missing something in the application. She didn't have sufficient drawings.

Mr. Murphey recalled at the last meeting there was a question on the drawing and would defer to applicant on that pilaster redesign.

Chair Woods pointed out that in the letter there was no reference to that new window or display window so the Board could consider the deck and the other entrance but didn't have enough to consider the pilaster redesign and window removal.

Mr. Duty agreed. The color drawing was not to be part of the application. He hadn't given the Board enough to consider those elements. The adjoining space to the west had not been finalized yet. They would be putting a door in and would ask permission here or administratively when they had it. Obviously they were willing to come back to the Board and follow the regulations.

There were no speakers from the public regarding this case.

Ms. Mather said just to follow up on the upright portion of the Water St elevation - they were quite different. She asked if there was a problem in that discrepancy.

Mr. Duty had no idea. There was no proposed change to the adjoining building and he never noticed that before. The existing elevation was to remain as it existed now and the pilaster was not to be truncated. The existing staircase was being removed. He apologized for those drawings.

Mr. Acton asked Mr. Rasch about the presentation of signage on there.

Mr. Rasch explained that the Board only heard signage applications when they required an exception. Otherwise land use staff approved it. He didn't know if this sign met the requirements. If the staff found it didn't meet the ordinance it would have to be reconsidered.

Mr. Duty clarified that they were not asking for signage with this case.

Chair Woods asked how much reveal they were proposing.

Mr. Duty said the buildings didn't align perfectly. They were off about a foot to the setback would be a foot from the west side and more from the east side.

Chair Woods asked if it could be set back just a little bit more so the feeling of separate buildings was maintained. She felt if it could be three feet back then it wouldn't look like it was part of the same building.

Mr. Duty said this was half way between the street and the building so it was clearly an entrance into the mercado. There was a cigar shop that was going to be removed. The Mercado was experiencing a problem making it inviting for people to come in. Now he was not opposed to setting it back but more than three would cut into the concept. So reluctantly he would do it.

Ms. Rios agreed with Mr. Duty. If you keep pushing it back it would destroy what you were trying to create - an entrance that welcomed people.

Mr. Duty felt setting it back some was okay but he would prefer to stay with what he proposed, if possible. This was the entrance and they were getting rid of the stairs and rebuilding the stairs on the other side.

He requested that the Board allow staff to approve the location of the double doors on the second floor.

Chair Woods summarized the discussion.

Ms. Mather moved to approve Case #H-11-123B with the following conditions:

- 1. To accept staff recommendations for approval of the staircase on 122 W San Francisco and on 127 W Water per staff recommendations;**
- 2. To approve with deck set back 2½ feet on the west side and**
- 3. That the windows on the west elevation and east elevation and the doors be brought back to the Board for approval.**

Dr. Kantner seconded the vote and it passed by majority voice vote with all voting in favor

except Mr. Acton who voted against. Ms. Walker was not present for the vote.

Ms. Mather recused herself from the next case and left the room.

7. **Case #H-11-132.** 246 Rodriguez Street. Downtown & Eastside Historic District. Katie Arnold and Steve Barrett, owners, propose to remodel a non-contributing residence by enclosing 124 sq. ft. of an existing portal and installing windows. (David Rasch)

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

BACKGROUND & SUMMARY:

246 Rodriguez Street is a single-family residence that was constructed in 1989 in the Northern New Mexico Vernacular and Territorial Revival styles with a large addition in 2006. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the property by partially enclosing a 124 square foot portal on the south elevation. The front door will be replaced with a door with sidelights. New true divided-lite windows will match existing lite patterns. All finishes will match existing character.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

Present and sworn were Ms. Katie Arnold and Ms. Yuki Murata

Chair Woods asked if they had anything to add to the staff report. Ms. Arnold said no.

There were no speakers from the public regarding this case.

Mr. Acton asked the applicant to describe the finished exposed area under the portal.

Ms. Murata said they would match existing with vanilla white trim and divided lite windows. It would not touch the roof. They were just enclosing about 18 feet of the west portal and the footprint was not changing but they would have a new wall on that foundation.

Ms. Rios moved to approve Case #H-11-132 per staff recommendations. Mr. Katz seconded the motion and it passed by unanimous voice vote with none voting against. Ms. Mather had recused herself and Ms. Walker was not present for the vote.

Ms. Mather returned to the bench after the vote was taken.

8. **Case #H-11-134.** 451 Arroyo Tenorio. Downtown and Eastside Historic District. Merrilee Caldwell, owner for Stephen Samuelson, agent, proposes to remodel a contributing residence by replacing windows and doors. (John Murphey)

This case was postponed to January 10, 2012.

9. **Case #H-11-135.** 412 E. Palace Avenue. Downtown and Eastside Historic District. Liaison Planning Services, agent for Pearl Tom, owner, propose to remodel a contributing residence by replacing windows, constructing brick coping and making other exterior alterations. (John Murphey)

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

BACKGROUND & SUMMARY:

Constructed in c.1913, 412 East Palace Avenue is a single story, stucco-clad adobe residence designed in the Territorial Revival style. The residence is contributing to the Downtown and Eastside Historic District.

The applicant proposes to remodel the residence (described as two phases) with the following items:

1) South Elevation:

A. Replace two, three-part, two-over-two wood sash, double-hung windows with units of the same design and operation but made with thermal glass glazing. (A window specialist hired by the applicant, determined the existing window casings and sashes are more than 30% rotten). The applicant proposes to reduce the jamb and head casings from 5" to 2" and, thereby, change the surrounds to a bull nose appearance to match a similar design found on windows on the west, north and east elevations.

B. Remove a rain gutter and leader system at the roofline and replace it with a pony wall topped with a brick coping to match the height and design of the adjacent east and west walls. Proposed work includes installing a canale to match existing units.

2) West Elevation:

A. Remove 25"x25" wood casement window in a non-historic, post-1971, addition and replace with a 20"x20" wood awning to match trim and color of existing window.

B. Change roof of non-historic addition from a shed to a flat design. The proposed flat roof would include brick coping to match the design of west, north and east elevations. Proposed work includes installing a canale to match existing units. The proposed change will not include an increase of footprint of the addition.

C. Install single-pane wood storm units over two historic six-over-one wood sash, double-hung

windows. Proposed units will include a minimal reveal and match the trim and color of existing windows.

3) North Elevation:

A. Install single-pane wood storm units over five historic six-over-one wood sash, double-hung windows. Proposed units will include a minimal reveal and match trim and color of existing windows.

B. Replace non-historic entry door with a wood panel-and-glass door; replace existing non-historic screen across front entry with a contemporary "wave" design metal screen door.

C. Restore brick coping to match existing brick and bond pattern.

D. Replace crumbling brick front entry steps with "red tumbled brick."

E. Replace buff brick trimming street wall with red brick; re-stucco to match house.

4) East Elevation:

A. Install single-pane wood storm units over two historic six-over-one wood sash, double-hung windows. Proposed storm units will include a minimal reveal and match trim and color of existing windows.

B. Restore brick coping to match existing brick and bond pattern.

Staff made a site visit with the applicant to property on November 4, 2011, and designated the north and east elevations as primary facades.

Staff recommends permitting the project as proposed, but requiring the applicant to modify the new brick coping proposed for the south and west elevations to harmonize with but not mimic the historic design of the house.

STAFF RECOMMENDATION:

Staff recommends approval of this application with the condition that new brick coping proposed for the south and west elevations harmonize with but not mimic the historic design of the house. Staff concurs that the application complies with Section 14-5.2 (D)(9), General Design Standards, Height, Pitch, Scale and Massing, and (E), Downtown and Eastside Historic District.

Ms. Mather asked if this contributing structure didn't have primary façades assigned.

Mr. Murphey said the north and east elevations were primary.

Dr. Kantner thought the Board assigned primary elevations.

Mr. Rasch agreed and clarified that staff recommended that the north and east façades be primary.

Chair Woods commented that the Board usually kept windows in kind and asked about the little window.

Mr. Murphey said it was on a non primary elevation. He pointed out the little window.

Chair Woods thought the trim around the windows made this building wonderful. The proposal was to change those with header being reduced from 5' to 2' but that casing was kind of character defining.

Mr. Rasch said the Board members pointed out to him that features other than windows and doors even on non-primary elevations should be retained.

Present and sworn was Ms. Helen Morgan 1039 Gov Dempsey Drive, as property manager for the owner. She said they accepted the recommendations of staff, including the differential of design of the parapet and would like to move forward with it.

There were no speakers from the public regarding this case.

Ms. Rios asked if she agreed with Chair Woods' recommendation to keep the surrounds as shown.

Ms. Morgan said she didn't only because of the bullnose they would do on it and to keep some uniformity with north and east façades.

Chair Woods asked if those were historic windows they were looking at although different from each other.

Mr. Murphey assumed they were original windows.

Chair Woods asked if the replacement windows were replacing in kind including mullion size and pattern.

Ms. Morgan agreed.

Ms. Mather moved to approve Case #H-11-135 per staff recommendations including the condition that the new brick coping harmonize but not mimic and the condition and on south elevation that the original proportion of casing be retained. Ms. Rios seconded the motion with emphasis that they would replace in-kind and it passed by unanimous voice vote. Ms. Walker was not present for the vote.

- 10. Case #H-11-136.** 576 Camino del Monte Sol. Downtown and Eastside Historic District. Louis Brones, agent for Keri Spiller, owner, proposes to remodel a contributing residence by constructing a driveway entry gate. (John Murphey)

This case was postponed to January 10, 2012.

11. **Case #H-11-137.** 403 Canyon Road. Downtown and Eastside Historic District. Nancy Leeson, agent/owner, proposes to remodel a significant commercial property by replacing front entry steps and handrail and constructing landscaping features. (John Murphey).

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

BACKGROUND & SUMMARY:

Constructed in c.1910, the Manuel Delgado House is a brick, side-gabled Craftsman bungalow designated as significant to the Downtown and Eastside Historic District.

The applicant proposes to remodel the residence with the following items:

1. Remove flagstone and concrete steps leading to porch; replace with wood steps, treads and balustrade, painted to match existing porch woodwork. Balustrade will harmonize with existing porch railing, but not mimic its design.
2. Remove concrete path from curb edge to front entry steps.
3. Construct an approximately 1'-9" high raised stucco planter with flagstone coping. Planter to be placed at center of what was concrete path and stuccoed to match adjacent wall at west edge of property.
4. Construct various pathways along front elevation of property from salvaged flagstone.

While the proposed project removes historic landscaping material (the concrete path) and changes the traditional pedestrian access to the house, these changes do not fall under the purview of the Ordinance nor affect the structure directly.

STAFF RECOMMENDATION:

Staff recommends approval of this application, which complies with Section 14-5.2 (D)(9), General Design Standards, Height, Pitch, Scale and Massing, and (E), Downtown and Eastside Historic District.

Present and sworn was Mr. Kenneth Francis, who said he had nothing to add and would answer questions.

There were no speakers from the public regarding this case.

Ms. Rios asked how far the proposed raised planter was from the front steps.

Mr. Francis said it was about 8 feet in front of the building (10.5' to the center of the planter).

Mr. Acton asked Mr. Rasch why the Board needed to hear cases like this. He felt it was in the realm of

staff review to approve it.

Mr. Rasch clarified that in other districts it would be but in this district it said any exterior alteration shall be heard by the Board.

Mr. Francis added that it was also a significant structure and he preferred to bring them holistically.

Ms. Mather felt placing a structure in the middle of a pathway altered the harmony of the streetscape. That was part of their consideration. It was an obstruction outside the traditional entry way.

Mr. Rasch felt it was difficult issue. He hadn't analyzed whether it was non-harmonious to streetscape but if the Board felt the significant status was embodied in the entrance then it could affect it.

Dr. Kantner said a bungalow style usually had a straight entry way and this was not consistent as a bungalow. He was not opposed to the planter but rather just its location. He asked if the applicant might consider relocation. It looked like the planter replicated the gallery logo.

Mr. Francis said the owner wanted it to be in a place where people could meander around it before going into the gallery. For the record he couldn't say every bungalow had a straight entryway or a meandering way. The client wanted a way to disperse people around it. It matched the porch height and there would be sculptures around the garden.

Chair Woods was concerned that this was disharmonious with the bungalow style of the building. Certainly he could set up a sculpture garden but thought he should reconsider it in a way that worked with the significant style.

Mr. Katz moved to approve part of the application in Case #H-11-137 approving the steps and the balustrade and denying the rest of the application. Ms. Rios seconded the motion.

Ms. Rios suggested that they go back to the drawing board.

Chair Woods asked if that part could be postponed instead of denied.

Mr. Katz agreed.

Mr. Katz made a substitute motion to approve in Case #H-11-1137, the steps and balustrade and postpone the other three parts of the application to Jan 10, 2012. Ms. Rios seconded the motion.

Mr. Acton proposed a friendly amendment to approve the application along with the patio minus the planter.

Mr. Katz didn't accept it as friendly.

The motion passed by majority voice vote with all voting for the motion except Mr. Acton who voted against. Ms. Walker was not present for the vote.

Mr. Murphey asked if his motion included the removal of the walkway.

Mr. Katz clarified that it did not.

- 12. Case #H-11-111B.** 940A E. Palace Avenue. Downtown and Eastside Historic District. Nancy Mammel, owner for Kenneth Francis, agent, proposes to remodel a contributing residence by repairing brick coping, removing non-contributing addition and making other exterior alterations. (David Rasch)

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

BACKGROUND & SUMMARY:

940A East Palace Avenue, known as the Santiago Sandoval House, is a residential structure that was constructed in the Territorial Revival style in approximately 1930. The building is listed as contributing to the Downtown & Eastside Historic District and the south, east, and north elevation without the west addition are designated as primary.

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

1. The brick coping on the parapet will be removed and replaced in-kind. An exception has not been requested to remove historic material.
2. The non-historic addition at the west side of the structure will be removed and an exterior door will be installed that matches the front door.
3. The historic windows, doors, and portal woodwork will be repaired and repainted to match existing color.
4. A 1-over-1 window will be added on the west elevation to match an adjacent window.
5. The large canale on the west elevation will be removed and replaced with two smaller canales and new brick coping will be installed that matches the historic brick coping.
6. The building will be restuccoed to match existing material, color, and texture.
7. The existing concrete sculpture pads will be removed.

STAFF RECOMMENDATION:

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

the conditions that the historic brick coping shall be retained with replacement of only significantly deteriorated bricks after confirming the condition with staff and that the new brick coping on the west elevation shall not match the pattern of the historic brick coping.

Ms. Mather asked which brick coping on which parapet would be removed.

Mr. Rasch said the applicant could address that. In his letter he said repair but the drawings said remove.

Mr. Francis said the coping was on the west. It was treated differently on the back rather than as a Territorial cap. He wanted to repair that coping for the addition that was slightly different and then fix the drainage and canales. Then if there were damaged bricks around the perimeter they would repair those.

Ms. Mather congratulated him on removing that back section.

There were no speakers from the public regarding this case.

Mr. Acton asked if he had done any photographic studies of the east portal historically.

Mr. Francis said he had not.

Ms. Rios agreed with applicants. She thought they made sense to continue in the same manner on that west elevation.

Ms. Rios moved to approve Case #H-11-111B per staff recommendations and that the brick coping on the west elevation mimic the rest of the coping and consult with staff on repair of the coping on the rest. Mr. Katz seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.

- 13. Case #H-11-133B.** 1228 Cerro Gordo Road. Downtown and Eastside Historic District. Margaret Denney/Kenneth Payson, owners, propose to remodel a non-contributing residence by removing sections of roof, replacing windows, and constructing a wall approximately 6' in height. An exception is requested to use wood siding across a publicly visible façade (Section 14-5.2(E)(2)(d)). (John Murphey)

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

BACKGROUND & SUMMARY:

1228 Cerro Gordo Road is a single-story, side-gabled vernacular house constructed prior to 1933 with a number of non-historic additions and alterations. The building is noncontributing to the Downtown and Eastside Historic District. Due to non-historic massing changes, the Board determined at the meeting October 11, 2011 meeting to downgrade the property to noncontributing status.

The applicant now proposes a major remodeling project for the three distinct zones of the house: the main house, the workshop, and the apartment, and to include work on existing walls and fences. The work will in essence separate the various additions of the house by removing the contiguous Pro-Panel roof, and define each unit with new windows and roofing. The specific work items include:

1. Main House:

- a. Expand utility room and back porch by 18 square feet into existing workshop area. Demolish workshop area for expansion (see below);
- b. Replace four double-hung, three-over-one sash units with two-over-one wood sash windows; openings will not change;
- c. Replace four aluminum sliding units with various window light patterns and operations (see plan). Existing openings will be maintained except in one location where sill be lowered for egress;
- d. Replace one set of windows in dining room with French Doors;
- e. Remove existing back entry door and construct mud room;
- f. Stucco with El Rey "Buckskin"; trim to be painted "Pinto White."

2. Workshop:

- a. Demolish portion of workshop, approximating 370 square feet of roof area;
- b. Remove Pro-Panel roof over entire workshop, reducing space to footprint of original pitched roof shed;
- c. Raise existing roof by 16" and re-roof with recycled Pro-Panel material. Roof will be below the 12'-8" maximum allowable building height for the streetscape;
- d. Install new windows and doors (see plan);
- e. Clad north and west elevations with existing board siding (see exception below);
- f. Retain portion of workshop's CMU wall, to be incorporated into courtyard wall.

3) Apartment:

- A. Remove portion of roof; replace with flat roof with parapet. Roof will be below the 12'-8" maximum allowable building height for the streetscape;
- B. Install new doors and windows (see plan);
- C. Stucco with El Rey "Buckskin"; trim to be painted "Pinto White."

3. Walls and Fences:

- a. Stucco existing CMU wall with El Rey "Buckskin";
- b. Construct new connector sections of wall (see plan; all walls will below 6');;
- c. Remove chain-link fence.

The applicant is requesting one exception to use wood siding across publicly visible elevations of the workshop (Section 14-5.2 (E)(2)(d)). The applicant demonstrates in the application that the board material requested for use is part of the historic siding of the workshop, existing presently under non-historic material. The applicant's response to the exception is as follows:

(I) Does not damage character of streetscape:

Far from damaging the streetscape, the improvements we propose significantly improve it. The existing Workshop structure, which conjoins the House, is, quite frankly, an eyesore. With walls cobbled together from scraps of particle board, corrugated metal, and plywood, with no doors or windows publicly visible, it detracts from the House as well as the surrounding neighborhood.

As a further improvement, our proposal reinforces the identity of the Cerro Gordo area as historically rural in character. Our building is one of the older in the designated streetscape, as can be seen in the NMDOT 12-23-66 photo compared to current Google

Earth image. (Exhibit #1 and #2) Based on chain of title, we know that when the House was built in the early 1930's, our legal lot was part of a larger property since split into smaller parcels. Typical of other rural holdings, behind the house were sheds of wood and concrete block which have been enveloped by subsequent additions. We are restoring the property to its earlier historical configuration.

This property represents a typology which is disappearing from the area due to changing land use and creeping aspirational suburbanization. Retaining the original shape and material of the Workshop shed constitutes continued construction of buildings in an historic style, albeit one not recognized by the current ordinance.

We have informed our immediate neighbors of our plans for the property, and they have expressed relief that we are dismantling the existing Workshop and remodeling per our submitted plans.

Staff response: Staff is not in agreement with this response. Applicant does not provide argument as to whether the non-stuccoed publicly visible wall will or will not damage the character of the streetscape.

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

With this project, we wish to remodel the property in a manner consistent with its historical incarnation as a semi-rural compound. As such, it was made up of structures clad in various materials. Unfortunately, the ordinance doesn't allow us to be as faithful as we'd like to these original structures.

A primary purpose of the ordinance is to benefit the public by preserving the historic aesthetic of the Downtown and Eastside Historic District. As stated in the 'General Purpose' section, 'it is deemed essential... that the qualities relating to the history of Santa Fé be preserved', including '(t)he continued existence and preservation of historical areas and buildings', and 'the continued construction of buildings in the historic styles.' As it stands, the ordinance does not allow our historically correct choice of finish materials.

We don't believe it is the intention of the current ordinance to create a false historicism in the district. We believe it is an oversight to not acknowledge the existence of wood auxiliary structures as part of the District's historic fabric, and not to allow the use of an existent historic building material in remodeling such a structure. In our case, following the letter of the ordinance would result in an inauthentic remodel, which ironically would undermine the purpose of the ordinance itself.

Staff response: Staff is not in agreement with this response. Applicant does not present conclusive evidence as to why they should be allowed to use wood siding.

(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:

The original exterior cladding material for the Shed/Workshop was vertical board to board wood siding. Using that same material in the remodel is not only historically accurate, it also adds a visual richness and texture to the streetscape unachievable with the Ordinance mandated stucco. Our proposed remodel supports the unique heterogeneous character of Santa Fé by restoring the property to its earlier rural compound configuration of adobe House in front of wooden and block outbuildings, remodeled into Workshop and Apartment, respectively. The current Workshop and Apartment do not meet Building and Safety Habitability standards. Remodeling them per plans will add to the City's functioning building stock.

Staff response: Staff is in agreement with this response.

(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.

Certainly the fact that varied width vertical wood boards were this building's original sheathing material constitutes a special condition and circumstance. Please see the presented sample, as well as photo of boards, attached to original framing, in situ. (Exhibit # 3)

The shed structure in question appears in the 1958 NMDOT aerial photograph of the area. The much clearer 1966 NMDOT photo shows the original shape of the structure before it was covered by the current Pro-Panel roof. (Exhibit #4) The structure is at least sixty-three years old, and likely older, based on the full nominal dimensions of the 2 x 4 framing. Logic alone would suggest that wood be used in a remodel.

Additionally, our property is unusual, possibly unique, in our streetscape. We are not aware of other publicly visible properties of a similar age, with a similar House/ Outbuilding relationship. We are restoring the footprint and profile of the earlier configuration in our remodel. Part and parcel to this typology is the wood outbuilding behind the adobe house. Our remodel comprises an historically accurate use of materials. restoring the footprint and profile of the earlier configuration in our remodel. Part and parcel to this typology is the wood outbuilding behind the adobe house. Our remodel comprises an historically accurate use of materials.

Staff response: Staff has not thoroughly examined the streetscape to understand whether this is a special condition and character of this property.

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

Both the unfortunate 'design' and condition of the existing Workshop, and the historic nature of the original compound are conditions and circumstances outside our control.

Staff response: Staff is in agreement with this statement.

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

We believe our proposal to use varied width vertical wood boards in remodeling an historic shed results in a very positive impact in regard to 14-5.2(A)(1). Our decision was based not only on the material evidence cited above, but on study of rural compounds in the Santa Fé area and northern New Mexico. The Cerro Gordo area was, until quite recently, a predominately rural area. The 1958 NMDOT aerial photograph of the area shows sparsely distributed houses and large tracts of property compared to today. By maintaining the footprints of the original outbuildings, we are returning the property to an earlier, lower density level of development and building mass consistent with our decision to use the original wood sheathing material on the structure.

Staff response: Staff is not in agreement with this response. Applicant has not provided sufficient reason for use of wood siding to be more appropriate than stucco.

STAFF RECOMMENDATION:

Staff recommends denial of the one exception to use wood siding along a publicly visible elevation, but otherwise recommends approval of this application, which complies with Section 14-5.2 (D)(9), General Design Standards, Height, Pitch, Scale and Massing, and (E), Downtown and Eastside Historic District.

Staff was sympathetic but felt that don't meet the criteria so staff recommended denial of the exception but approval of the rest.

Ms. Mather said about the existing board siding that what the Board members saw was in a roof.

Mr. Murphey said it was vertical board siding.

Ms. Mather asked if that siding was ever on this shed.

Mr. Murphey said it appeared that it was at one time.

Ms. Mather asked if there were sufficient amounts to finish it.

Present and sworn were Mr. Kenneth Payson and Ms. Margaret Denny.

Chair Woods asked if there was once siding there.

Mr. Payson said they proposed to put new siding of the same kind of material. What they cut off was thrown away.

Ms. Denney said they respectfully disagreed with the staff recommendation. They did the best they

could on the questions and didn't know where they fell short. When it was built 80 years ago it was rural and wooden outbuildings were common but most were now gone. Even covered by propanel, the footprint and remains of the building were still there. It was typical to have an adobe house and wood outbuildings. Those were not addressed in the ordinance but a whole book was done on them. Clearly it was not a restoration but they wanted to make a nod to that.

There were no speakers from the public regarding this case.

Ms. Mather said what she saw were just end pieces of wood and it raised in her mind what it looked like originally. It was different to just recreate the feel of an outbuilding.

Ms. Denney said the piece they were retaining was there in the 1950's and they thought the propanel was applied in the last twenty years. To make the workshop there the siding was just lopped off.

Mr. Payson brought a sample of the wood they would use. He explained that it was a variety of 1x8s and 1x2 boards in weathered rough finished pine.

Ms. Mather asked if they could find that kind of pine.

Mr. Payson said they could from recycled barn material. It didn't exist on site.

Mr. Acton said the application said it was new wood siding stained. Using old barn material would make a difference to him and he agreed with what they were trying to do. Some stucco would look egregious so it would make a difference going with a weathered barn material than stained new wood.

You are not just covering it up. It requires some trim and molding. I can see how it ultimately became a structure and appreciated the rural character.

Ms. Rios asked what the width of the columns on the porch and what kind of material they proposed.

Ms. Denney said it was called out on the drawing.

Mr. Payson said the material was pine. They were keeping the two columns that remained and would take out the little 2x4s.

Ms. Rios asked if they were using propanel roofing.

Ms. Denney said it was just the existing. It was cantilevered there so they would use columns.

Mr. Acton moved to approve Case #H-11-133B per staff recommendations and accepting the exception responses. Ms. Mather seconded the motion.

Mr. Katz proposed adding the condition that old barn wood be used. Mr. Acton accepted it.

The motion passed by majority voice vote with all voting in favor except Ms. Rios who voted

against. Ms. Walker was not present for the vote.

- 14. Case #H-11-138.** 544 Canyon Road. Downtown and Eastside Historic District. Christopher Purvis, agent for Santa Fé Animal Shelter, owners, proposes to remodel a contributing residence by constructing approximately 4,550 sq. ft. of additions that are lower than the existing height, constructing a garden shed/studio and making other exterior alterations. Two exceptions are requested: to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and to remove historic massing (Section 14-5.2(D)(1)(a)) (David Rasch)

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

BACKGROUND & SUMMARY:

544 Canyon Road was a single-family residence and free-standing garage that was constructed between 1935 and 1945 in the Spanish-Pueblo Revival style. At an unknown non-historic date the garage was converted into a two-story studio. The buildings are listed as contributing to the Downtown & Eastside Historic District and the north elevation of the residence may be considered as primary. The significant non-historic alterations to the garage may indicate eligibility for an historic status downgrade, but for the time being, the west elevation may be considered as primary.

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

1. A 140 square foot addition will be constructed on the north elevation of the primary residence. An exception is requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and the required criteria responses are at the end of this report.
2. The historic second story massing of the primary residence will be removed but a parapet will retain the visual character of taller massing in this area. An exception is requested to remove historic massing (Section 14-5.2(D)(1)(a)) and the required criteria responses are at the end of this report.
3. A 1,500 square foot addition will be constructed on the south and east elevations of the primary residence. An exception has not been requested to place an addition at less than 10' back from a primary elevation.
4. The non-historic second story massing on the existing studio will be removed.
5. A 131 square foot addition will be constructed on the south elevation of the studio. The addition will be 4' 6" back from the west elevation which may be considered as primary although the studio should probably be downgraded to non-contributing.
6. A 1,500 square foot guest house with an 800 square foot garage will be constructed on the west side of the primary residence. This structure will be connected to the primary residence without a solid roof so a 50% footprint rule is not applicable. The structure will be 14' 6" high where the maximum allowable height is 15' 8".

7. A 198 square foot accessory building will be constructed at the northwest corner of the property to a height of 11' 2".
8. Other minor alterations to non-primary elevations and all finishes will match existing finishes.

EXCEPTION TO CONSTRUCT ADDITION ON PRIMARY ELEVATION:

- (I) *Do not damage the character of the streetscape;*

This proposed Addition does not damage the streetscape because it is set back from the street down a lane and is not visible from the street.

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 Addition allows the owner to have a more clearly defined entryway.

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 Districts;*

The proposed Addition is part of the full range of design options that should be available for residents to continue to live in aging buildings while improving their ability modify them to meet their needs.

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;*

This proposed addition is proposed because that portion of the building is not visible from a public way and therefore is not part of Santa Fe's streetscape.

Staff response: Staff is not in agreement with this statement. The related streetscape is a 300 foot radius and the applicant has not demonstrated how this structure has special conditions that other structures in the streetscape do not have.

- (v) *Are due to special conditions and circumstances which are not a result of the actions of the applicant.*

This proposed Addition is proposed to solve a problem created by a previous design and is not a result of actions of the applicant.

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).*

This proposed 4 foot addition preserves the look of the building including the historic window while not significantly changing the massing.

Staff response: Staff is in agreement with this statement.

EXCEPTION TO REMOVE HISTORIC MASSING:

(I) *Do not damage the character of the streetscape;*

This proposed extra 30" inches less of height does not damage the streetscape because it is well set back from the street and only minimally decreases the height.

Staff response: Staff is in agreement with this statement.

(ii) *Prevent a hardship to the applicant or an injury to the public welfare;*

The subtraction of the 30 inches of height allows the owner to have a building that is on one level facilitating their movements as they age.

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 Districts;*

The proposed reduction in height is part of the full range of design options that should be available for residents to continue to live in aging buildings while improving their ability to manage their space.

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;*

This proposed Subtraction is proposed in order to allow the existing building to become one level. This building is set so far back there is no existing streetscape that is affected.

Staff response: Staff is not in agreement with this statement. The related streetscape is a 300 foot radius and the applicant has not demonstrated how this structure has special conditions that other structures in the streetscape do not have.

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

This proposed subtraction is proposed to solve a problem created by the fact that the applicant wishes to be able to grow older in this structure is not a result of actions of the applicant.

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).*

This proposed subtraction is mitigated by the parapet that restores all but 30" of the original height in order that the building will keep its current overall feeling of height.

Staff response: Staff is in agreement with this statement.

STAFF RECOMMENDATION:

Staff recommends denial of the two exception requests to construct an addition on a primary elevation and to remove historic massing because the fourth criteria have not been met with the condition that the southeast addition shall be set back 10' from the primary north elevation or an exception is requested. Otherwise, this application complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Mr. Rasch showed some photos of this building.

Ms. Rios asked if primary façades had been determined.

Mr. Rasch said they had not and recommended the north elevation. He didn't believe casita was a contributing building. That second story addition was not historic. They should have downgraded it when they added the second story.

Ms. Mather referred to the site plans and on page 18 , the floor plan. She asked if all the dark walls were additions.

Mr. Rasch didn't think that was true.

Present and sworn was Mr. Christopher Purvis, 200 West Marcy. He pointed out the additions and changes on the floor plan.

Ms. Mather asked what happened to the original walls.

Mr. Purvis said there were a lot of changes but some walls would stay. Any wall affected by the remodel was shown dark.

Ms. Mather didn't see much maintenance of exterior walls on the north side and even on the south side.

Mr. Purvis said on the south was where he proposed additions around it. He showed the wall that was being moved.

There were no speakers from the public regarding this case.

Chair Woods didn't see that the status could be retained with what he was proposing. He would be enveloping most of it with additions. They could argue about each change but they were massive and this was a great building.

Mr. Purvis agreed they could argue them.

Ms. Rios said the Board also needed to determine primary façades.

Mr. Acton asked if the Board could do primary façades in a separate motion.

Mr. Rasch agreed.

Ms. Mather asked if it should include the status of the casita.

Chair Woods said it should not since that had not been published.

Mr. Rasch showed the façades .

Ms. Mather asked if there was any public visibility on the east.

Mr. Rasch said it was only visible from the school. It all had historic windows.

Dr. Kantner moved to designate the north elevation as primary on the main residence. Mr. Acton seconded the motion.

Ms. Rios thought the south and east façades should also be considered as primary.

Dr. Kantner said he would stick with his motion.

The motion to designate the north as primary failed by a two to three voice vote.

Mr. Acton moved to assign primary to the north elevation and to the historic massing

Chair Woods said they could not make such a designation.

Ms. Rios moved to designate the north, south and east elevations as primary. Ms. Mather seconded the motion and it failed by a 2-3 voice vote.

Mr. Katz moved to designate the north and south elevations as primary for the main residence at 944 Canyon Road. Ms. Mather seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.

Ms. Mather moved in Case #H-11-138 to deny the application and to find that the exception criteria had not been met citing Section 14-5.2 (D)(1) - that the proposed project would cause the building to lose its historic status. Mr. Acton seconded the motion and it passed by a majority (3-2) voice vote with Ms. Rios and Dr. Kantner voting against. Ms. Walker was not present for the vote.

I. MATTERS FROM THE BOARD

Mr. Rasch asked for direction on 940 East Palace for the coping. The code would have required an exception.

Chair Woods said it would be different because they would use a new brick

Ms. Mather added that it was not an addition so it didn't require an exception.

Ms. Rios recalled on one application she thought it said the door would be plastic.

Mr. Murphey clarified that the existing door was plastic.

Mr. Acton noted that a procedure to allow for a friendly amendment meant the Chair should ask for discussion on the motion.

J. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Approve by:

Sharon Woods, Chair

Submitted by:

Carl Boaz, Stenographer