



Agenda

CITY CLERK'S OFFICE

DATE 12-28-06 TIME 11:00

SERVED BY David Rasch

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HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, JANUARY 9, 2007 – 12:00 NOON

PLANNING DIVISION, 2ND FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD MEETING

TUESDAY, JANUARY 9, 2007 – 6:00PM

CITY COUNCIL CHAMBERS

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

November 1, 2006
November 28, 2006

E. COMMUNICATIONS

F. ADMINISTRATIVE MATTERS

1. A resolution directing staff to plan a celebration of the fiftieth anniversary of the passage of the first historic preservation ordinance in Santa Fe.

G. OLD BUSINESS TO REMAIN POSTPONED

H. OLD BUSINESS

1. Case #H-06-12. 301 Garfield. Transition Historic District. Ira Seret, agent/owner, proposes to construct 4 residential units totaling 4,578 sq. ft. at the maximum allowable height of 21' on a Non-Contributing property.
2. Case #H-06-20-B. 986 Acequia Madre (620 Martinez Lane). Downtown & Eastside Historic District. Scott Robey & James DeVille, agents/owners, propose to amend a previously approved application by removing an unstable wall portion of a Non-Contributing building and rebuilding it in-kind.

3. Case #H-06-115. 107 N. St. Francis Drive. Westside-Guadalupe Historic District. Richard Gorman, agent/owner, proposes to remodel a Non-Contributing residence by infilling three wall openings, constructing an 18 sq. ft. portal, constructing a 553 sq. ft. guest house to the maximum allowable height of 10' 8", and constructing sides and rear lot line fencing to 6' high.
4. Case #H-06-123. 405 & 407 Apodaca Hill (409 Apodaca Hill – Lots 1 & 2). Downtown & Eastside Historic District. Martin Kuziel, agent for Cathleen Van Buskirk, proposes to construct two residential units at 2,520 sq. ft. and 3,120 sq. ft. to the maximum allowable height of 13' 8".
5. Case #H-06-121. 1033 Old Pecos Trail. Downtown & Eastside Historic District. Liaison Planning, agents for Roddy & Sherry Leeder, proposes to remodel a Contributing building by constructing an approximately 155 sq. ft. portal, enclosing approximately 70 sq. ft. of a portal, replacing doors and windows, replacing a portal, re-stucco and re-paving. An exception is requested to add to a primary elevation, enclose a portal, and to replace windows on a primary elevation (Section 14-5.2,D,2,c, Section 14-5.2,D,5,a, and Section 14-5.2,D,4).
6. Case #H-06-124. W. Palace & W. San Francisco. Downtown & Eastside Historic District. Lloyd & Associates, agents for First National Bank & Greer Enterprises, proposes to demolish a Non-Contributing parking structure and to construct a 43,359 sq. ft. mixed-use structure to a height of 39' 8" on Palace Avenue where the maximum allowable height is 52' 1" and 38' 8" on San Francisco Street where the maximum allowable height is 54'. An exception is requested to exceed the maximum allowable height (Section 14-5.2,D,9).

I. STATUS REVIEW

1. Case #H-06-130. 726 Allendale. Don Gaspar Area Historic District. Linda Zingle, agent/owner, proposes an historic status review of this Non-Contributing property.
2. Case #H-06-133. 416 Apodaca Hill. Downtown & Eastside Historic District. Christopher Selser, agent/owner proposes an historic status review of this Non-Contributing property.

J. NEW BUSINESS

1. Case #H-06-129. 851 Camino Ranchitos. Downtown & Eastside Historic District. Liaison Planning, agents for Ranchitos Investments, LLC, propose to construct a 1,874 sq. ft. single-family residence to a height of 13' 6" where the maximum allowable height is 16' and to construct a yardwall and pedestrian gate to 6' high.
2. Case #H-06-131. 518 Camino Caba. Downtown & Eastside Historic District. Martinez Architecture, agents for Dan Warner and Dena Ross, propose to construct a 2,103 sq. ft. single family residence not to exceed the maximum allowable height of 15' 2".
3. Case #H-06-132. 516 Camino Rancheros. Downtown & Eastside Historic District. Cindy Urban, agent for Clare Easterwood, proposes to construct a coyote fence and pedestrian and vehicle gates to 5' 7" high where the maximum allowable height is 5' 4" on a Non-Contributing property.
4. Case #H-06-128. 538 ½-B Hillside. Downtown & Eastside Historic District. Sky Wilson, agent for Steve Cook, proposes to construct an approximately 360 sq. ft. addition under the existing height of 18' 6", construct an approximately 323 sq. ft. pergola, and replace an existing deck on a Non-Contributing property.

K. MATTERS FROM THE BOARD

L. BUSINESS FROM THE FLOOR

M. ADJOURNMENT

For more information regarding cases on this agenda, please call the Planning Division at 955-6605. Interpreter for the hearing impaired is available through the City Clerk's Office upon five (5) days notice.

If you wish to attend the January 9, 2007 Historic Design Review Board Field Trip, please notify the Planning Division by 9:00 am on Tuesday, January 9, 2007 so that transportation can be arranged.

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HISTORIC DESIGN REVIEW BOARD
Santa Fe, New Mexico
January 9, 2007

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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DESIGN REVIEW BOARD

JANUARY 9, 2007

CALL TO ORDER

A regular meeting of the Santa Fe Historic Design Review Board was called to order on the above date at approximately 6:00 p.m. by Vice Chair Jake Barrow in City Council Chambers, 200 Lincoln Avenue, Santa Fe. New Mexico.

ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Mr. Jake Barrow, Vice Chair
Ms. Jane Farrar
Mr. Dan Featheringill
Mr. Robert Frost
Mr. Charles Newman
Ms. Deborah Shapiro

MEMBERS ABSENT:

Ms. Cecilia Rios, Chair

OTHERS PRESENT:

Ms. Marissa Barrett, Historic Planner
Mr. David Rasch, Supervising Historic Planner
Mr. Carl Boaz, Stenographer

APPROVAL OF AGENDA

Mr. Rasch reported that Case #2 under Status Review, Case #H-06-133, had been postponed by staff for insufficient information.

Ms. Shapiro moved for approval of the Agenda as amended Ms. Farrar seconded the motion and it passed by unanimous voice vote.

APPROVAL OF MINUTES

November 1, 2006

No changes to these minutes were requested.

Ms. Farrar moved to approve the minutes of November 1, 2006 as submitted. Mr. Frost seconded the motion and it passed by unanimous voice vote.

November 28, 2006

Ms. Shapiro requested the following changes:

Page 11, half way down the page: "Ms. Shapiro noticed ~~on that~~ the original house ~~was~~ had brick wainscoting and asked if he was going to remove it."

Page 37, fifth paragraph, second line: "On the San Francisco side, one thing was they were losing those trees and some human ~~aspect to the street~~ scale. She thought part of the problem was the bridges.

Page 37, 4th paragraph from the bottom: "Ms. Shapiro suggested ~~just to make them~~ making the bridges more interesting ~~like~~ such as installing an open railing."

Page 49, middle of the page: "Ms. Shapiro noted in the report it talked about the windows being a different design and asked what was the new design."

Mr. Newman requested the following changes:

Page 12, second paragraph - "Mr. Newman said they needed a railing for the bedroom portal and recommended it be simple."

Page 15, fifth paragraph - "Mr. Newman said the fence issue was serious and the detail about how the adobe was going to meet the stone. The applicant needed to submit drawings of all the fences and walls with the buildings behind them. He said they had the drawings without the walls but nothing that described them and they could be here for hours trying to figure it out."

Page 18, 3rd paragraph from bottom "Mr. Newman said the situation has been clarified. ~~There were some inequities.~~ It appeared, based on what the City Attorney said, that

negated and they could only work with the official map."

Page 19 in motion: #2 **"That no walls or gates ~~or retaining walls~~ be approved, retaining walls were approved and"**

Page 24 last paragraph. "Mr. Newman said that on Unit 2, the office studio was 21' long and could be reduced and pull the garage away from street."

Page 38, last paragraph - "He said the Palace Avenue elevation troubled him."

Page 39, second paragraph - "Mr. Newman said ~~it~~ the design should defer to the Delgado House and that was tough with such massing. "

Vice Chair Barrow requested the following changes:

Page 36, line nine. "Mr. Barrow said he ~~didn't~~ wouldn't talk about them tonight."

Page 37, third line. "He ~~did feel~~ stated regarding the window, "

Page 50, sixth paragraph, last line. "He noted the 1928 building had that old industrial feel to it that belonged to that era area."

Mr. Frost moved to approve the minutes of November 28, 2006 as amended. Mr. Featheringill seconded the motion and it passed by majority voice vote with all voting in favor except Ms. Farrar who abstained because she was absent from that meeting.

COMMUNICATIONS

Mr. Rasch announced that, regarding the First National Bank case, they had five height maps; one for each district, color-coded by feet. So staff were not using the GIS database anymore.

He referred to a photo of the 1927 Cassell's Theater. He said that excluded buildings were non-historic multi-story buildings but the legal staff were willing to allow applicants to come in to prove that second stories are historic. This picture showed that the second story was historic. He said John Gaw Meem did not demolish that story but remodeled it so this story could be included in the height calculation. He said it was 28' high and the applicant proved it was historic so it was now in the height calculation.

Vice Chair Barrow asked if this would change the review of the property tonight.

Mr. Rasch said it would. He said the applicant and attorney got together on it.

Ms. Farrar asked Mr. Rasch to explain this photo.

Mr. Rasch said it was taken from the Palace of the Governors and the building was a theater named Cassell's.

Ms. Farrar noted that John Gaw Meem took down the towers.

Mr. Rasch said he did that in 1954. He said it had the same towers as San Felipe Church.

ADMINISTRATIVE MATTERS

1. A resolution directing staff to plan a celebration of the fiftieth anniversary of the passage of the first historic preservation ordinance in Santa Fe.

Mr. Rasch reported that Councilor Heldmeyer and Councilor Chávez introduced to the Council a resolution that staff prepare a City celebration of the 50th anniversary of the historic ordinance. He said it would be during first week of May and they needed to come up with more events than just the awards ceremony. He said he would try to involve the Historic Trust. He added that the ordinance involved four individuals of which Irene Von Horvath was only surviving member. He suggested the events should include a recognition of her.

Ms. Farrar moved to recommend to the Governing Body approval of this resolution to celebrate the fiftieth anniversary of the passage of the first historic preservation ordinance in Santa Fe. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

Ms. Shapiro asked if they could have a brainstorming meeting.

Mr. Rasch agreed. He felt that since it would not be a public application that required action, he could post the notice 72 hours ahead.

Ms. Shapiro asked if this included the Archaeological Ordinance.

Mr. Rasch said it did because it would be 20 years for the Archaeological Ordinance.

Ms. Shapiro suggested the committee could have two from ARC and two from HDRB.

Vice Chair Barrow asked for two volunteers. Ms. Shapiro and Ms. Farrar agreed.

Ms. Farrar suggested they should keep it open to others if they wanted to come and put together a seminar on restoration.

Ms. Shapiro suggested they meet during the last week of January to begin planning.

OLD BUSINESS TO REMAIN POSTPONED

None.

Vice Chair Barrow announced to the public that if anyone coming before the Board disagreed with the board's decisions that they would be able to appeal it to the Governing Body. He said that there was a limited amount of time (7 days) for filing an appeal and asked that anyone wishing to appeal contact staff right away. He then said that if anyone was going to speak before the board that they would need to give their name and address to the recorder and be sworn in.

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.

OLD BUSINESS

1. **Case #H-06-12.** 301 Garfield. Transition Historic District. Ira Seret, agent/owner, proposes to construct 4 residential units totaling 4,578 sq. ft. at the maximum allowable height of 21' on a Non-Contributing property.

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

"301 Garfield Street is a two-story 7,000 square foot commercial building that was constructed in 1995 in the Post Modern style to replace the previous building on this site. The building is listed as non-contributing to the Historic Transition District.

"On October 28, 2003, the Historic Design Review Board conditionally approved additions to the second story to match or be slightly lower than the existing maximum height of 29'10". The approval was extended for one year. The permit was submitted with a second story step back with portal and the building height was increased to 32'10". From our records on the case, it does not appear that the permit was issued in error. The applicant is building according to the permit issued in 2005.

"On March 14 and September 12, 2006, the Historic Design Review Board postponed approval of this application pending redesign. (That was for four condos west of this structure.)

"Now, the applicant proposes to construct four two-story residential units that are freestanding in the parking lot to the west of the existing building. The buildings are designed in the Spanish Pueblo Revival style with wall dominated massing, wooden headers over doors and windows, and exposed wooden elements on second-story porches. The buildings will be stuccoed in El Rey Buckskin. No details were submitted regarding trim color or lighting fixtures. I think the applicant has lighting fixtures now. And if they don't have them with them, I have images of them upstairs, I believe.

"Unit A will have the footprint of 1,131 square feet and unit B will have a footprint of 1,142 square feet. Second story massing steps back from the first stories. That was a requirement of the Board's hearing last time. There are recessed porches which give relief to the solid massing forms.

"Unit C will have a footprint of 1,075 square feet and unit D will have a footprint of 1,230 square feet. The elevations and massing are similar to that of units A and B.

"The buildings have been reduced in height from 27 feet to 21 feet, the maximum allowable height as determined by a linear truncation calculation.

"The site plan reflects an internal courtyard and private gardens and yard walls. Wrought iron vehicle gates provide entry onto the property at the North and South sides of the East end of the lot leading to an underground parking garage. I do have plans of the underground parking garage if you would like to see them.

STAFF RECOMMENDATIONS:

"Staff recommends approval of this application which complies with section 14 - 5.2 (G) Historic Transition District design standards."

Vice Chair Barrow asked as a clarification, if the reduction in height from 23' to 21' meant the maximum allowable height was 21'.

Mr. Rasch agreed. He clarified that at first they were proposing this as an addition to the existing structure so they could have matched the existing height but as a free-standing building, this would be the maximum height.

Ms. Farrar asked if this maximum was the new height calculation.

Mr. Rasch explained they were honoring the heights originally given. He said it was very close to the Official Map.

Vice Chair Barrow noted in the January 11, 2006 letter, it said they proposed these units at 27' and written in pen as 21'. He asked who wrote that in.

Mr. Rasch said he wrote that in. He said it was what they came up with after their original request of a 27' height.

Present and sworn was Mr. Karl Sommer, PO Box 2476, Santa Fe, New Mexico 87504.

He said he was present because Mr. Seret and sons asked him to make the presentation for them. He introduced the architects Kevin Brown and Sonya Sanjanikolic.

He noted that the new set of drawings were in compliance with what the Board wanted from the last hearing. He said one of biggest changes was putting the parking underground which allowed the project to open up and gives a better pedestrian feel.

He said the other significant change from a planning standpoint for the City was that in this BCD District, the City has wanted more and more residential so those two aspects were important, though maybe from a historic perspective. He said it now had a more pedestrian feel and meets the requirements.

Mr. Sommer said, as he looked through the requirements for the Historic Transition District, it kept saying massing was important. He felt this design presented a balance between massing and the windows.

He added that the other element in this district that struck him was that the ordinance directs that designs aggregate the buildings overall. He felt this design did that as building blocks.

He said they had photos of the light fixtures and of the gate designs and noted the doors were not publicly visible.

He felt it was important that you look at those changed details, since they asked it to come back and he showed the Board the photographs. He showed samples of the trim color and the photos showing the sconce, the wrought iron gate design, which he described as a simple design, and the wood color.

Mr. Frost asked if the metal would be copper or tin.

Mr. Sommer said it was tin.

Ms. Shapiro asked Mr. Rasch if he had seen this sconce.

Mr. Rasch said he had not.

Ms. Shapiro wondered how shiny they would be.

Mr. Sommer said the owner could address that.

Present and sworn was Mr. Osner Seret, 1182 Camino Delora, Santa Fe, New Mexico, who said he could find out for the Board. He said that at the moment it looked like a tin color from the outside and the vendor said it had been approved by the Historic Design Review Board before.

He said they would go with whatever the Board preferred and could do a patina color.

Mr. Featheringill suggested they just dull it down.

Mr. Seret said they would make it discreet.

Mr. Sommer noted that buildings in the Transition District were not to be shaped by the roof geometrically. He said the project complies because the wall defined the roof. He felt they complied with all the rules of the district.

He added that Mr. Seret and his family were very excited about the project. It would be difficult to get parking underground but set a good precedent.

Vice Chair Barrow said he didn't understand the underground parking.

Mr. Rasch pointed out the previous and the present underground parking. The entry was at Garfield Street. He pointed out the doorway.

Vice Chair Barrow asked why it wasn't in the packet.

Mr. Rasch said he just got it yesterday.

Mr. Sommer explained that the door was on the southwest corner.

Ms. Farrar asked if there were metal gates and if it went down and curved around.

Mr. Sommer agreed and added that it was separated from the eastern 2/3 of the property.

Ms. Farrar asked if pedestrians would see the retaining wall.

Mr. Sommer said probably not.

Vice Chair Barrow referred to the other gates on the north elevation and asked if they were vehicular gates.

Mr. Sommer said they could show you the distance and the scale. They were in your packets.

Mr. Rasch said those gates were 7' wide and the maximum was 6' high.

Mr. Sommer said the gates on the north side were essentially the same as on the south side.

Vice Chair Barrow asked if that was how people entered.

Mr. Sommer said the entrances were in the center courtyard and was the only way to enter by foot.

Vice Chair Barrow asked if there was an elevator and a staircase.

Mr. Sommer agreed, saying it was required.

Vice Chair Barrow asked if each unit had a staircase.

Mr. Sommer said they had to be near a staircase.

Vice Chair Barrow asked if they had to go outside, then down to the garage.

Mr. Sommer said that was correct.

Vice Chair Barrow noted there was no detail on equipment.

Mr. Sommer said that in this district, mechanical equipment could be on the roof but he didn't know if it would be.

Present and sworn was Ms. Sonya Sanjanikolic, who said it wasn't drawn but they talked about having it in the basement, in the garage part.

Mr. Sommer said if it were going on the roof instead of the basement, they would come back to the Board. He said they would not be publicly visible and had no problem bringing it back to the Board.

Ms. Farrar said that would change the height calculation. She noted there were fireplace chimneys above the 21' so there was some concern.

She noted that on the west elevation, it appeared the flues were separate standing in from the façade and asked how deep they would be.

Mr. Newman noted there were fireplaces in the building and on each terrace.

Ms. Farrar thought it looked like they were on the second floor terrace and were part of the whole building structure. She asked how big they were.

Mr. Rasch said it appeared to be eight inches.

Mr. Newman asked what the flue-like structures at the left edge of the west elevation and right edge were, saying they looked like mechanical because there was no fire box shown.

Mr. Sommer said they were fireplace flues from the fireplaces below on first floor.

Mr. Frost said he didn't see a fireplace on the corner on first floor.

Mr. Newman said they needed to have the dimensioned hard lined drawings submitted to staff for review because there were discrepancies and did not believe there

was enough information here.

Vice Chair Barrow noted on the elevations, it looked as if there were plants on the roof and asked for a description.

Present and sworn was Mr. Kevin Brown, 3600 Cerrillos Road, Santa Fe, who said that from the existing building next door, there was a second or third floor terrace so they softened up the roof line so they would not just be looking at a roof.

Mr. Frost asked how they would be maintained since there was no stairway to the roof.

Mr. Brown said access would be from a ladder.

Vice Chair Barrow asked if they were built in planters on the parapet.

Mr. Brown said their idea was to have free standing pots on the parapet.

Mr. Newman asked if they would be on or behind the parapet.

Mr. Brown said they would be ceramic pots behind the parapet.

Ms. Shapiro asked if the elevator shaft did not go up there.

Mr. Brown agreed.

Vice Chair Barrow if the plants were just on that elevation or all the way around.

Mr. Brown said they were all the way around.

Vice Chair Barrow asked what types of plants would be used.

Mr. Brown said they would have native plants and they didn't have to be restricted to the edge but could be dispersed around.

Mr. Frost asked for the distance between the condo units and existing buildings.

Mr. Brown said it was ten feet.

Mr. Frost suggested they could do ground plantings that would grow up to the roof height.

Mr. Brown said that was possible.

Ms. Shapiro asked how tall the wall was.

Mr. Brown said it was 5'.

Ms. Shapiro asked if it then had a planter.

Mr. Brown said yes to soften that wall on all three sides to soften that façade.

Ms. Farrar asked for the height calculation for the walls.

Mr. Rasch there was not a calculation because he did not view it as a free-standing wall.

Mr. Featheringill noted that on the drawings it said stucco would be Adobe but the text said Buckskin.

Mr. Brown said the color was Adobe.

Mr. Featheringill asked if they met with City staff on the driveway setback.

Mr. Brown said there was an engineer working on that driveway dimension.

Mr. Rasch explained there was a three-foot maximum height in the triangle area.

There were no speakers from the public regarding this case.

Ms. Shapiro was pleased that the applicant took the Board's comments to heart.

Ms. Shapiro moved to approve Case #H 06-12, according to staff recommendations and with the following conditions:

- 1. That wall sconces have a brushed finish instead of a shiny one;**
- 2. That any mechanical equipment not located in the basement be brought back to staff for review;**
- 3. That staff calculate maximum wall heights and wall designs be brought back if needed.**

Ms. Farrar seconded with the added condition that any mechanical equipment be included in plans and be in the building, not on the roof; to keep the roof height at 21' excluding chimney tops; and that more specific drawings be given to staff that

have all specific dimensions and heights.

Ms. Shapiro agreed and the motion passed by unanimous voice vote.

2. Case #H-06-20-B. 986 Acequia Madre (620 Martínez Lane). Downtown & Eastside Historic District. Scott Robey & James DeVille, agents/ owners, propose to amend a previously approved application by removing an unstable wall portion of a Non-Contributing building and rebuilding it in-kind.

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

BACKGROUND AND SUMMARY:

"On April 4, 2006 the Historic Design Review Board downgraded the status of the 1532 square foot Spanish Pueblo Revival style two-story single-family residence and the 925 square foot guest house with a 640 square-foot attached carport located at 986 Acequia Madre. The Board also approved major remodeling of both buildings.

"This application proposes amending the Historic Design Review Board approval of the two-story single-family residence. The original approval consisted of removing the second story addition (height reduced from 25' 6" to thirteen feet 6 inches), construction of approximately 244 square feet of portals, and replacement of doors and windows with changes in location and dimensions.

"The applicant has received the building permit from the City and while working on the remodeling experienced difficulty in stabilizing portions of the walls which had inadequate footings. The applicant has had a City building inspector as well as Lawrence Catanach of Hands Engineering and Ed Crocker of Crocker and Associates to analyze the failing areas. It is the opinion of all three that the walls and stem walls be removed and rebuilt according to code. The applicant is asking to remove and rebuild in-kind (adobe) portions of the east, north and west walls of the eastern section of the building. The areas of reconstruction will be within the same footprint that was approved in April.

STAFF RECOMMENDATIONS:

"Staff recommends approval of this application as it complies with Section 14-5.2 (E) Downtown and Eastside Historic District design standards."

Present and sworn was Mr. Scott Robey 986 Acequia Madre.

He said they would rebuild the wall in adobe as the Board previously approved with the same height and openings. He said they just wished to rebuild in a manner that was structurally stable and would last forever.

Vice Chair Barrow said he read the letters by Crocker and Catanach and was persuaded.

Ms. Shapiro asked if they had a floor plan to show which walls were to be rebuilt.

Mr. Rasch showed them and Mr. Robey pointed out the three walls. He said the footings were also unstable.

Mr. Frost asked if they were going to use the existing windows and doors or anything original.

Ms. Barrett explained that they were already removed.

Ms. Barrett said the applicant has come forward and worked with staff every step.

PUBLIC COMMENT

Present and sworn was Mr. James Deville, 617 Acequia Madre

He said they had to lay off people at Christmas for a month because of delays in the City process and felt this could have been approved. He was not sure why they had to come back because staff said to them that they could go ahead.

Ms. Farrar explained that the Board has had cases in the past where buildings were downgraded. She said she could see how it seemed unfair but it was hard to put that into law.

Vice Chair Barrow agreed that the ordinance and process were not perfect. He said it relied on the Board and the applicant and it was a bumpy road. He added that they were trying to make things simpler.

Mr. Deville said it was costing them a lot and would cost a lot more. He reminded the Board that they also removed the second floor.

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

Mr. Frost moved to approve Case H 06-020-B as recommended by staff. Ms. Farrar seconded the motion and it passed by unanimous voice vote.

3. **Case #H-06-115.** 107 N. St. Francis Drive. Westside-Guadalupe Historic District. Richard Gorman, agent/ owner, proposes to remodel a Non-Contributing residence by infilling three wall openings, constructing an 18 sq. ft. portal, constructing a 553 sq. ft. guesthouse to the maximum allowable height of 10' 8", and constructing sides and rear lot line fencing to 6' high.

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

BACKGROUND AND SUMMARY:

"107 North St. Francis Drive is a 999 square foot single-family residence that was constructed at an unknown date as early as the 1930s to as late as the 1960s when the highway was built. The building is listed as non-contributing to the West side - Guadalupe Historic District.

"The applicant proposes to remodel the property with the following for items:

1. On the existing structure, three wall openings have been in filled with wall added date unknown. The cement infill will be stuccoed to match the existing finish.
2. An 18 square feet portal will be constructed on the east elevation. It is designed in the Territorial Revival style with chamfered square posts and a shed roof.
3. A 553 square-foot guesthouse will be constructed to a height of 11' 4" where the maximum allowable height is 10' 8". The guesthouse will be attached to the main residence but not with a through connection. The building will feature stepped massing, projecting viga ends and corbel supported eyebrow projections.
4. A 6-foot high irregular top coyote fence will be constructed to separate the parking area from private outdoor spaces. An arched wooden pedestrian gate flanked by pilasters is proposed for the fence that separates the main residence from the guesthouse.

STAFF RECOMMENDATION:

"Staff recommends approval of this application with the condition that the height not exceed the maximum allowable height. Otherwise, this application complies with

section 14 – 5.2 (I) Westside – Guadalupe Historic District design standards.”

Present and sworn was Mr. Richard Gorman, P.O. Box 8841. Santa Fe.

He gave some background on the patching of those walls. He said he purchased the property ten years ago and came to the Board to demolish a shed in the rear. He said the windows and doors were covered up when he bought it and since then, the stucco over those openings had deteriorated. He said he had been meeting with zoning and confirmed with Peter Ortega that interior work required no permit and he was unaware he needed one for patching the stucco. He said it was brought to his attention that he would need one. He said there was no evidence that the previous owners had covered them so it was made part of this application.

Vice Chair Barrow asked if he had any issue with staff recommendation to comply with the height.

Mr. Gorman said he had no issue with it.

Ms. Shapiro asked from where it was measured.

Mr. Rasch said it was at the midpoint.

Ms. Shapiro asked if there was no fill.

Mr. Gorman agreed. He said that would be detrimental.

There were no speakers from the public regarding this case.

Ms. Shapiro noted they had a floor plan of the existing house and asked what one would see from St. Francis.

Mr. Rasch pointed it out.

Ms. Shapiro asked how tall the original building was and what one would see from the guesthouse.

Mr. Gorman said he used this as his office for ten years. The ceilings were amazingly low, being 7'6" on one side and 7' on other side.

Mr. Rasch said the existing was just over 9'.

Ms. Shapiro asked if equipment would be put on the rooftop.

Mr. Gorman said no.

Ms. Shapiro asked about exterior lighting.

Mr. Gorman said he had not gotten that far yet but would supply the details to Mr. Rasch.

Ms. Shapiro asked what material would be used for the driveway.

Mr. Gorman said it was gravel.

Ms. Shapiro asked about the coyote fence.

Mr. Gorman explained it was just to enclose the yard from St. Francis.

Ms. Shapiro asked if there would be skylights.

Mr. Gorman said they would be behind the parapets.

Ms. Farrar moved for approval of Case #H 06-115 per staff recommendations and that lighting fixtures be submitted to staff for approval. Mr. Frost seconded the motion and it passed by unanimous voice vote.

- 4. Case #H-06-123.** 405 & 407 Apodaca Hill (409 Apodaca Hill – Lots 1 & 2). Downtown & Eastside Historic District. Martin Kuziel, agent for Cathleen Van Buskirk, proposes to construct two residential units at 2,520 sq. ft. and 3,120 sq. ft. to the maximum allowable height of 13' 8".

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

BACKGROUND AND SUMMARY:

"405 and 407 Apodaca Hill are vacant ¼ acre lots in the Downtown and Eastside Historic District. The Historic Design Review Board postponed action on this application pending redesign on November 28, 2006.

"The applicant proposes to construct two residential units. Unit one has been reduced from 2547 square feet to 2520 square feet. Unit two has been reduced from

3206 square feet to 3120 square feet. Both units will be at the maximum allowable height of 13'8".

"405 is designed in the Spanish Pueblo Revival style with beveled parapets, exposed headers, and projecting beam ends on two portals. The portals will have shed roofs finished with oil-rubbed bronze standing seam metal. Windows at the southeast corner of the bathroom have openings that are nearer than 3 feet to the corner, but these windows are not publicly visible. Exterior doors and windows will be clad in a tan color. The building will be finished in El Rey Sandalwood.

"407 is designed in the Spanish Pueblo Revival style with beveled parapets, exposed headers, and projecting viga ends on two portals. Windows at the southeast corner of the bathroom have openings that are nearer than 3 feet to the corner, but these windows are not publicly visible. Exterior doors and windows will be clad in a tan color. The building will be finished in El Rey Fawn.

"As requested during the last hearing of this application, the buildings have been set further back from the street and the space between the buildings has been widened.

"Ground surfacing and yard walls, fences and gates will be constructed. The parking area for 407 cites brick finishing. Flagstone will be installed along walks and under portals. Courtyard walls are proposed at 6 feet high for both units. Flanking pilasters at the entry gate for 405 will be stuccoed, but the pilasters for 407 are shown as surfaced with rock along with the base of the walls. Irregular-top 6-foot high coyote fencing will be installed at the east and the south lot lines. The fencing between the units has been removed from the proposal to further open up the space between the two buildings. Pedestrian gates and garage doors will be wooden plank.

STAFF RECOMMENDATION:

"Staff recommends approval of this application which complies with section 14-5.2 (E) Downtown and Eastside Historic District design standards."

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fe Trail.

Mr. Enfield thanked staff and Board for allowing him to present his revisions. He reviewed what the Board had asked him to do and said he made those changes.

He discussed the neighborhood streetscape and handed out photos and a letter of support [Exhibit A & B].

He said he took the photos of houses that were close by. The first house was right on the street. There were houses all along Apodaca Hill that were right on the street but he did set his back. One was 21' away and the other was 15'. He said he created a 15' distance at the front and ten feet at the back and eliminated the fence between.

He explained that he also took the aerial view and put the footprints on the houses in the sites. He said he understood the Board's concerns and his client was okay with the changes requested. He felt he dealt with the streetscape issue and decreased the size and eliminated the majority of the coyote fencing.

He said the height was originally at 14' 4" but the units were only 13' 8" high. He said they met all applicable codes and was ready to answer questions. He added that no colors or fixtures were changed.

Vice Chair Barrow asked if they had a current streetscape elevation.

Mr. Enfield said it was on page 15 with a revision date of 12/13/06. He put the drawings full scale on the easel.

Ms. Shapiro asked about the rock on 407.

Mr. Enfield said it would be river rock like on Acequia Madre. The base was river rock and the pilasters were river rock.

Ms. Shapiro asked him to see Mr. Rasch about river rock samples because they did not want anything contrived.

Mr. Enfield said he thought it was subtle.

Ms. Shapiro asked about rooftop appurtenances.

Mr. Enfield said they would only have skylights behind parapets.

Ms. Shapiro asked about lighting.

Mr. Enfield described the lighting as Artesanos with a frosted lens and pewter finish.

Ms. Shapiro asked about driveway material

Mr. Enfield said it would all be brick.

Ms. Farrar asked about the height calculation of the walls.

Mr. Rasch explained that they were so far back from the streetscape that they could be six feet high when attached to the houses.

Ms. Farrar noted the one house was reduced only 20 square feet.

Mr. Enfield said the other one was reduced more than a hundred square feet.

Mr. Featheringill asked if they were using refrigerated air.

Mr. Enfield said there would be no air conditioning but would use radiant heat. Also this was his first radiant cooling.

Ms. Farrar asked him not to use STO.

Mr. Enfield said they would have traditional 3-coat.

There were no speakers from the public regarding this case.

Vice Chair Barrow asked if the letter of support from the area.

Mr. Enfield said it was a letter from a friend and added that he liked having a letter of support.

Mr. Newman moved to approve Case #H 06-123 per staff recommendations. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

5. **Case #H-06-121.** 1033 Old Pecos Trail. Downtown & Eastside Historic District. Liaison Planning, agents for Roddy & Sherry Leeder, proposes to remodel a Contributing building by constructing an approximately 155 sq. ft. portal, enclosing approximately 70 sq. ft. of a portal, replacing doors and windows, replacing a portal, re-stucco and re-paving. An exception was requested to add to a primary elevation, enclose a portal, and to replace windows on a primary elevation (Section 14-5.2,D,2,c, Section 14-5.2,D,5,a, and Section 14-5.2,D,4).

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

BACKGROUND AND SUMMARY:

"The 2002 Historic Cultural Properties Inventory describes the single family residence located at 1033 Old Pecos Trail as Simplified Modernist and lists the construction date as pre-1952. The building has had minor alterations which include conversion of an attached garage to living space and a small portal addition to the south street-facing elevation (as per applicant, date unknown). The building includes steel casement windows and brick chimneys. On November 28, 2006 the Historic Design Review Board upgraded the historic status of the building from non-contributing to contributing in the Downtown and Eastside Historic District.

"This application proposes the following:

1. Create a new entry by enclosing approximately 70 square feet of an existing 171 square feet portal on the publicly visible, primary west elevation to match the existing height of approximately 11 feet. An exception is requested to enclose an existing portal (Section 14 - 5.2 D, 5, a).
2. Construct an approximately 155 square feet portal on a height of approximately 10'4" on the primary, west elevation. The existing portal will be replaced with simplified territorial style posts in the proposed new portal will match. The portal will be constructed in front of the garage area that was later converted to living space. The applicant is requesting an exception to add on to the primary west elevation (Section 14 - 5.2 D, 2, c).
3. Replace all windows and doors with Paula would clad casement windows.
Dimensions will remain except a door on the south elevation will be shortened to a window while keeping the header height and a door opening on the west elevation and a small window on the east elevation will be closed and stuccoed over. An exception is requested to replace historic windows on the primary west elevation (Section 14 - 5.2 D, 4).

"As required, the applicant has responded to the following required criteria (Section 14 - 5.2 C, 5, c, I-vi) for all three exceptions.

"The building will be we stuccoed using El Rey Buckskin and the wood trim will match the original color which will be determined after a scrape test occurs.

"Lastly proposed is the re-paving of the asphalt driveway in an earth tone color and the construction of a versa lock retaining wall which varies in height not to exceed 4 feet high.

STAFF RECOMMENDATIONS:

“Staff recommends denial of the exceptions unless the board has a positive finding of fact to grant them, staff recommends approval of this application on the condition trim color is approved I staff and that any exterior light fixtures are approved by staff.

Present and sworn was Mr. Richard Horcasitas, 206 McKenzie G-1, Santa Fe New Mexico who said they were comfortable with the recommendations and here to answer any questions.

Vice Chair Barrow asked him to describe the special exceptions.

Mr. Horcasitas said the first was to change the entry. They proposed to make the entryway have the door face to the east instead of west and use the existing portal to enclose entry way.

Secondly, they would extend the portal. This area was once a garage and then enclosed.

Thirdly, they wanted to replace the original steel clad windows with Pella wood true divided lights.

Vice Chair Barrow asked how those changes would affect the status of the building.

Ms. Farrar asked staff to read the exception criteria into the record.

Ms. Barrett read them as follows:

- (i) Does not change the character of the streetscape; The character of the streetscape is not compromised because the proposed design elements are consistent with the original design.
- (ii) Prevent a hardship to the applicant or an injury to the public welfare; The proposed remodel will not injure the applicant or public welfare.
- (iii) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents reside within the historic districts; The proposed design elements strengthened the unique heterogeneous character of the city.
- (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; Due to the distance of the home from Old Santa Fe Trail and mature landscaping, the proposal is unique and not applicable to other structures in the related streetscape.

- (v) Are due to special conditions and circumstances which are not a result of the actions of the applicant; The applicant is attempting to read amid the inferior construction to further preserve the character and provide increased protection from the outside elements.
- (vi) Provide the least negative impact with respect to the purpose of this section as set forth in § 14-5.2 A 1. The request is in keeping with the general provisions and purpose of this section as set forth in § 14-5.2 A 1 and will provide the least negative impact.

Mr. Newman said that everything that being proposed would diminish the characteristics that led to it being Contributing: the metal windows were of their time; the entry changes one of the very nice characteristics; the change of the pillars and change of elevation across the front to build the portal, the Territorial style posts.

Mr. Horcasitas said the existing portal was a design element that was installed after 1958. He referred to page 35 in the packet of an aerial photograph from DOT. There was a cement sidewalk that showed up and you could see the portal was added on and not in a good manner. He said they proposed to take it off and rebuild it so that it would protect the roof and tie it into the house in a better manner.

He said that under the soffit was tongue and groove that ran one way and later in the portal it ran the other way so they planned to have them all run the same way. He said the little 4x4 posts would be 6x6s. They would show up better in the elevation.

Vice Chair Barrow asked about the status survey of the building.

Ms. Barrett noted that a new survey was in the packet done in 2002. The windows on the garage were recent and non-compliant and only the ones on the west elevation would require an exception.

Vice Chair Barrow said the portal would also.

Ms. Barrett said one could argue they didn't need an exception to enclose the portal because it was non-historic but it would alter the primary elevation.

Mr. Rasch read where the ordinance said portals could not be enclosed.

Mr. Horcasitas agreed and said that was why they chose to have them considered as exceptions.

Ms. Barrett added that in recent years, the Board had been approving removal of steel casement windows if replaced with the same light patterns.

Mr. Frost asked if the applicant did a drawing of the west elevation without the enclosed portal and with the entry as it was. He said it was not adding any living space.

Mr. Horcasitas agreed but said it would create a foyer and a closet to walk into and then into the living room.

Mr. Frost said that would alter the primary elevation and was his main concern. He said he would prefer not to enclose that portal.

Ms. Shapiro agreed and asked if he could make the entry hall inside by extending the partition there.

Mr. Horcasitas said he saw what they were saying.

Ms. Shapiro felt the front door was the most interesting thing.

Ms. Farrar said she was torn because when she saw the plan and thought the plan was better for this house but then realized the historic change... She wished they had had a field trip.

Mr. Horcasitas said he did too because he waited out there 2.5 hours for the Board to arrive.

Ms. Barrett pointed out on page 8 of the survey form how far it was set back.

Ms. Farrar asked if the tree would remain.

Mr. Horcasitas said the Juniper tree had to come out.

Mr. Frost commented that would open it up to view.

Mr. Horcasitas said it was set back 150' from the street and the tree was damaging the foundation and steps.

Vice Chair Barrow agreed that the façade was measured by the entry door and felt there might be other solutions aside from keeping the door where it was. He suggested it could be moved out.

Mr. Frost said it could be flush with the front wall.

Mr. Featheringill said it would still be altering the front elevation.

Mr. Frost agreed but felt it was a better exception.

Mr. Featheringill thought changing the door from its original location was a major change. He felt okay with changing the windows but not moving the door. He felt it could be changed inside. The steel posts on the front were defining but changing the columns was probably okay. He noted the front view was a third, a third, and a third, nice balance.

There were no speakers from the public regarding this case.

Ms. Farrar said it seemed to her that they were at a point for lots of recommendation but no specific design.

Mr. Horcasitas asked if he could leave the portal open and change out the windows. He explained that the windows had failed already and they could keep the door facing the west.

Ms. Farrar thought Mr. Featheringill had a good comment about spacing.

Mr. Horcasitas said they would keep the portal.

Mr. Frost clarified that they would maintain the door in its original position and maintain the portal in its original depth with posts in their original positions.

Mr. Featheringill said that on the right it would pop out as shown.

Vice Chair Barrow suggested he might want to redesign the door and portal.

Mr. Rasch said if it was postponed, it could be heard on February 13th.

Mr. Horcasitas offered to bring back the redesign of the portal and entry area.

Mr. Rasch said the submission deadline was January 28th.

Ms. Farrar moved for approval of Case #H 06-121 per staff recommendations with the conditions:

1. That the front door exception not be allowed;
2. That the portal on the left side and front door be brought back after redesign;
3. That the exception criteria (1-6) for replacement of windows has been met.

Mr. Frost seconded the motion and it passed by majority voice vote with all Board members voting in favor except Mr. Newman who voted against.

6. Case #H-06-124. W. Palace & W. San Francisco. Downtown & Eastside Historic District. Lloyd & Associates, agents for First National Bank & Greer Enterprises, proposes to demolish a Non-Contributing parking structure and to construct a 43,359 sq. ft. mixed-use structure to a height of 39' 8" on Palace Avenue where the maximum allowable height was 52' 1" and 38' 8" on San Francisco Street where the maximum allowable height was 54'. An exception was requested to exceed the maximum allowable height (Section 14-5.2,D,9).

At the request of staff, this case is transcribed in verbatim format:

Vice Chair Barrow: the next case is H-06-124 West Palace and West San Francisco.

Mr. Rasch: Yes, Mr. Chair, board members, the 22,607 square foot parking lot site behind 60 Lincoln Ave is associated with the First National Bank which was originally constructed in 1920 with subsequent remodeling by John Gaw Meem in the Spanish Pueblo revival style in 1954.

The date of construction for the freestanding parking structure is unknown. Examination of aerial photographs reveals that the area is vacant in 1951 and the tree is shown in the area in 1960.

The building is listed as non-contributing to the Downtown and Eastside Historic District. The building is eligible for historic status upgrade as of 2004.

The applicant proposes to demolish the freestanding portal-like structure in the parking lot and to construct a three-story 43,359 square feet mixed-use structure with street frontage on W. Palace

Ave and West San Francisco Street. The building will be 39'8" high on Palace Avenue where the maximum allowable height is, as you will see, somewhat different than what is listed.

I'm sorry. I will let the applicant really say what it says. It's a long, complicated procedure. The building will be 38'8" on San Francisco Street where the maximum allowable height is 21 feet. The building will feature bank and retail use on the first floor, office space on the second floor, and residential space on the third floor. Step backs in massing are associated with the increased height.

A height exception is requested to exceed the maximum allowable height and the exception criteria responses are attached.

The Palace façade is designed in the Spanish Pueblo Revival style with the Spanish Baroque accent window in the stairwell. Additional features include masonry portals, wooden portals, exposed wooden headers, viga posts, and carved corbels.

The San Francisco façade is designed in the Territorial Revival style featuring window surrounds with pedimented headers, portals with square columns, and parapet caps of unknown material.

And you'll see that I handed out earlier this little packet. There is a memorandum from the Assistant City Attorney; talking about the procedure we took in developing the process for getting the maximum allowable height on this and which buildings are listed in the streetscape.

Then the applicant's attorney has a letter too about this process. There is also an affidavit saying "yes, this building, the existing First National Bank was not demolished but just remodeled so, therefore, it retains its status in the averaging for the streetscape. And then the next pages, you will see certified heights that the applicant went out to actually measure, the Official Map heights, whether they are in our out of the streetscaping, both for Palace Avenue then San Francisco Street, two pages.

And the second to last page is a summary of the allowable heights and then the last page talks about what amount of exception is being requested. It is a very thorough document and it will take some time to get through.

[Staff Recommendation:]

Mr. Rasch: Staff recommends denial of the requested height exceptions unless the Board has a positive finding of fact to approve the height exceptions and staff recommends approval of this application unless the Board finds that the proposal is not harmonious with the streetscape. Otherwise, this application complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

Vice Chair Barrow: David, in our last meeting on this project we know it is height issue extensively And I think we went over all this data at last meeting.

Mr. Rasch: It is different from last time. Yes, because at last time, what we looked at was the official map heights, not the plan a metric heights and how that changed the calculation. What the team has done since then, is they have provided basically through the publication by Kingsley Hammett, "A Walk Through Time" which documents photographically these two streetscapes impeccably well. I was amazed.

They have convinced the city attorney and myself that, just like I showed you in the first slide, that some buildings, while not contributing and over 16 feet, they'll still be retained in the streetscape and part of the averaging. So many more buildings have been added to the streetscape averaging because of that process.

Vice Chair Barrow: Could you summarize what the result of that was?

Mr. Rasch: That would be the last page I mean the second last page.

Mr. Newman: I'm having a lot of trouble here because I see nothing from the previous submission. Nothing in the packet from a design standpoint or otherwise.

Mr. Rasch: The previous designs are here. And they are labeled previous, starting... okay with the official map on page 7 and our previous height calculation on page 8 and goes to show what that has evolved from.

Mr. Sommer: Mr. Chair. Mr. Newman's quick question about the summary of the, three datasheet. I think. Do you all have a sheet? If you go to the package that is attached to my letter, the last two pages tell you in various summary fashion, if you look at the second to the last page, that gives you a summary of what the calculations are. And in the last page is very truncated summary of the calculation.

Vice Chair Barrow: I guess in part of your presentation this evening, you will clarify that?

Mr. Sommer: I will do that. And if somebody just wanted to look and say, "well what does this mean basically?" Just to let you know, it's at the end. And it tells you what the summary is. And I'll get to that and do it very quickly.

Vice Chair Barrow: To back up a second and to pick up a little bit and along another line, you know, at our last meeting, can you remind us of what we approved?

Mr. Rasch: Yes. There were slight alterations to the existing façades I believe. The main thing that it was postponed over was that we were required to come in with a posting for height exception. That was the main issue. But I...

Mr. Newman: I would disagree with that characterization.

Mr. Rasch: Okay.

Mr. Newman: It was more than just the height calculation.

Mr. Rasch: Yeah. That's what I said.

Vice Chair Barrow: There was a great deal of comment from members of the Board about different issues and I think the applicant could address those. Perhaps the applicant would like to come forward and be

sworn in and speak to his case.

Mr. Lloyd: Wayne Lloyd, 501 Halona Street.

Recorder: 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. Lloyd: I do.

Thank you. We are as excited to be here tonight as we were the last time we were here in that, and I think, it is wise to go back and kind of regroup for more we left off.

The motion was by Ms. Shapiro: moved to postpone this case to the January 9 agenda to give the applicant time to prepare for an exception response and consider the board's design suggestions. Mr. Frost seconded the motion.

So where we were and to try not to mis-characterize anyone, I think we had a very positive review but there were certain design issues that got discussed at that meeting, none of which were in violation of the ordinance, but people had specific preferences and ideas about what they liked and what they didn't like.

Since then, we have gone back and met with the ad hoc committee that we stated we had met with five times before we showed up here the last time. And we wanted them to be aware of your comments, and tried to convey, since we've tried to be a really transparent process through this whole thing.

We went back to the ad hoc committee, presented your suggestions. They had some other suggestions. We have all of those for you here tonight. And I hope to avoid a two-hour presentation like we did the first time. I think it is very important to kind of very quickly refresh everyone's memory and go very quickly through some key slides.

There was one person who wasn't here last week. She is here tonight. She's not here right now. So if you would like, I can wait a few minutes, since really, she is really the only one who didn't

see all of this.

Vice Chair Barrow: That is probably a good idea.

Ms. Shapiro: These are your new proposals?

Mr. Lloyd: They've all got revisions on them and we can walk specifically through those. We've listed both, it and having gone through your minutes, of what each of you said and tried to address each one of those concerns as well as be able to convey what the ad hoc committee had to say about those.

And in some cases we've got several different alternatives, as I mentioned at the last meeting, we would not present anything that we didn't believe was appropriate and we could live with. Even though in some cases, we actually have different alternatives, we are not presenting any things that we won't be happy with. So you can give us feedback on the alternatives that you like.

Ms. Shapiro: Is your committee of architects?

Mr. Lloyd: It was this same ad hoc committee that I mentioned before, Richard Ellenberg, Rad Acton, Karen Walker, Mac Watson. There were 8-10 others. David was there. I didn't specifically list all of those names.

So what we thought we would do is quickly go through, a chain particularly, for your benefit, we spent two hours the last time going through this in great detail. And probably don't want to spend two hours tonight, I think it's important to refresh everyone's memory of the key aspects.

Then get to the crux of the matter of which, while you are out, I was reading Ms. Shapiro moved to postpone this to tonight to give the applicant time to prepare for an exception response and consider the board's design suggestions. Mr. Frost seconded the motion.

The reason why we need an exception is, from the time we first submitted to be on the November 28 agenda, it was determined through the process that the city and the staff really, as David

stated at the beginning of the evening, they need to be following this official map that the mayor has signed. So by the time we made the first submittal, that wasn't even known.

So we had to have an exception, and that is certainly one of the reasons why we are back this evening. There are design issues that we wanted to address and we will go through those.

So I want to go quickly through the slides. Then Carl can on my in very specific detail, go through the exception that we are asking for on the San Francisco's Street side. We have determined what is actually that we believe there is no exception required on Palace Avenue side.

And that is contrary to actually to my comments to Ms. Shapiro when you are asking if we need an exception on both sides are at the time, I thought we might. But going through this process we, in fact, don't an exception on Palace Avenue side. Only on the San Francisco's Street side. So let's quickly go through this.

Mr. Rasch: Once it comes up.

Mr. Lloyd: Can I have the lights please?

Vice Chair Barrow: Are you having trouble with it?

Mr. Lloyd: Oh, you're not using ours.

Mr. Rasch: I will also point out while we're waiting, that the official map weighed heights are gone. If we take all the buildings, figure out the streetscape, average them. We are required to add two feet. And then now the applicant is also asking for additional height on your behalf because of the sloping ground. There is an additional height of the two feet we are required to add.

Mr. Lloyd: And while we are talking about that height, I will remind everyone that if we are talking about the height. The height that we are asking you an exception for sets back from the streetscape 18 feet.

So some of the design issues that we discussed the last time, we showed you a section standing on the South side of San Francisco's Street in line to the top of parapet of the second story on San Francisco's Street, and what it would take if that parapet were raised so, in fact, that third floor could not even be seen.

That is one of our design suggestions, to raise the height of that second floor parapet so that, standing on the opposite side of the street, that third floor cannot be seen.

Ms. Farrar: Mr. Lloyd:. If you are say down on Palace Avenue on the other side of the street looking up, the Delgado House. How does the Delgado House intersect with this building? Can you see the third floor?

Mr. Lloyd: From the Palace Avenue side, yes. We have actually to our left or your right, we have specific renderings. The first one is an actual photograph with the First National Bank building dubbed in to that photograph.

Ms. Farrar: My interest would be from Grant Street, looking back. You know, when you see the Delgado House, how does that...

Mr. Lloyd: We have straight elevations of that as well. If we can get things going here. Maybe we can put the disk into our projector and not use theirs.

Mr. Rasch: We tried that. And I can read you those definitions where those extra calculations come in.

In exercising its authority under this Section, the Board shall limit the height of structures as set forth in this section. The heights of existing structures shall be set forth on the official map of the historic districts. So we start with that.

A. If a proposed building has a parapet, the façade shall not be in excess of two feet of the average of the façades of the streetscape. And this is where the City Attorney says staff is required to add those two feet. It is not your purview. But the façade shall not be in excess of two feet of the average. That's A.

When you go to F, the Board may increase the allowable height for proposed buildings and additions located on sloping site where the difference of the natural grade along the structure's foundation exceeds two feet. In no case shall the height of a façade exceed four feet above the allowable height of the applicable streetscape, measured from natural or finished grade, which ever is more restrictive.

So that's where you have the authority to grant or deny the added four feet above the added two feet that we are required to do after averaging.

Mr. Lloyd: Okay. We seem to having...

Vice Chair Barrow: [inaudible]

Mr. Newman: Are we up to eight feet now?

Mr. Rasch: We do an average. We would define the streetscape, and then we do an average. That average, plus two feet is the maximum allowable height. You may increase that... yeah, if the building has a parapet. You may increase that maximum allowable height four additional feet due to slope.

Mr. Lloyd: So our chart will go into detail after we go through this. We have a chart that calls all of that out. Just to remind everyone where the site is. Here's the Plaza. Here is First National Bank. Here's the parking lot. Go ahead.

First floor, as talked about, we wanted to maintain the ability for pedestrians to continue to walk from Palace Avenue or Sheridan Street, through to get to Starbucks, the staff at City Hall does that occasionally. And that ability will be maintained. The blue is the first floor of First National Bank. The tan here is retail space on San Francisco Street. Second Floor?

I might point out. Go back one if you can. This is ground floor. All egress and ingress to the underground parking is right at this point, really close to... Right now you come in to First National Bank this way, come around, and go out that way. All ingress and

egress will be at this point.

We've already been asked by the City to make sure we do a handicapped curb cut here. As Sheridan kind of dead-ends into this area and they would like a designated walkway from the other side of the street.

This is a central plaza area that we hope to rent to a café that has doors opening here and in the summer time, tables and chairs in this area. This is actually a bleacher effect here because of the ramp or ceiling of the parking garage going down, we have the ability to do some bleachers here where people could hang out at lunch time and be in the sun. Second floor?

Here again, is all utilized by First National Bank, second floor area here would come up either in an elevator out of the parking garage directly into the bank or a second elevator which brings anyone that might lease office space on the second floor of the Greer portion of this project, could come up here.

Vertical access and stairways throughout all the way from the bottom of the parking lot to the top level happens there. This is open to the sky. So is the walking deck. But you would walk here. This is open to the first floor. This is open to street level as well. This is a small balcony off this office area that you will see in the elevations. Next?

This is residential. So you've got two units above First National Bank. We've got three units above Greer Enterprises. Again, this is open through the entire project at all levels. This tan area here is the walking surface area.

And, as you can see, this is from the front face, eighteen feet back to where the third floor goes up. And that is what we are really talking about in terms of the height exception. There is none required here. That also on Palace Avenue is a 16-18 foot setback on the third floor.

So here is the straight elevation of First National Bank. This is what you saw the last time. This is with a few changes. So what we initially submitted, let's start over here.

This is, Jane, for your information, this is the alley that exists there now and cars can pull in there now. And right now, cars can pull in there. They park kind of one behind the other. That distance will be maintained. However, through meeting with the ad hoc committee, they wanted a more prominent statement as to where pedestrians would enter that walkway to get to San Francisco Street.

So this was our original submittal and what was reviewed on the 28th. We also, based on suggestions made at this meeting on the 28th; we did several other scenarios for how that might get addressed. Reviewed said with the added committee. So this is one that kind of simplified. We had several options here. This stays away from the Delgado building, an attachment to keep people from squeezing through there. It actually doesn't attach to this wall. But it does attached to this wall. And that's one scenario.

The other thing that has changed from what you saw the last time is that there were a number of you who commented about this second floor portal and how that might be addressed. We actually have three different alternatives for tonight. One is certainly the portal.

The second one is taking the roof off of that and actually having a pergola there, which exists actually write down Sheridan Street just behind Karl's building that sets back.

And thirdly, and the one that we like the best, which is why we've shown this on the same sheet that's what you saw the first time, is something that came up through the discussions with the ad hoc committee where the whole effort on Palace Avenue was to keep a very horizontal feeling.

And the columns here are somewhat contrary to that. So if we took those away and we put portals at this point coming perpendicular from the wall that supported and overhang that is legal and doesn't exceed your 4 feet, but we still gain the protection that we want for the bank's boardroom here and the doors to come out onto the deck without the verticality of these

posts that, as you can see, didn't line up with the posts on the first floor anyway.

So we felt like this was a very good kind of acceptable resolution to keep being an eyebrow over the doors here and eliminating the columns. So the key changes here are the columns are gone, this has an overhang you can see in three dimensions on our dubbed in photograph.

We've changed and gotten very specific about the detailing and we've got blowups of what was called the more baroque detailing of this and we've got specific examples of how this is a typical design element. So it's this, the eyebrow, and this change. As well as we got rid of the whole eyebrow up here too and it gives a much more horizontal feeling which the ad hoc committee felt very good about.

So there are actually four different changes here. This eyebrow is gone. We've got less elaborate molding above the window and we've modified this pedestrian entry. San Francisco Street Side. Is that what is next?

Okay this is what she's all on the 28th. Here's what we've got now. There were not as many comments about this side one certainly was, give us better resolution on the bridges that cross here and railing. What we did was pick up on the railing we've already got here and we have integrated that. Now keep in mind, this sets back some 20 feet, more than 20 feet.

So even though the flat elevation you really... we'll hold him a three-dimensional drawing that we've got that clarifies it a little bit better. Now the other thing that we've been on this site is that we, based on bad section that we had when you stand on the South side of San Francisco Street, and we drew a line up to the top of the parapet, actually to the top of this parapet, it turned out where you can actually see the top portion of this third floor.

We've modified that now. We've raised this to the point at which, when you're standing on the other side of the street, you don't see that at all.

So this got raised. And in raising debt, and in talking with the ad hoc committee, everyone said, now the windows look too small. So why all its subtle, on the bottom elevation these windows are actually taller than what we presented on the 28th. But I think it's an important increase in height. Otherwise, proportionately, I don't think it would have worked well.

So what has changed on this elevation? We've detailed the ratings at both bridges. We have increased the height of this parapet and increased the height of these windows. We've also added, which most of the time, these will be open, and a setback at the point of these bridges as well, the bridges which at some point, get closed.

Oh yes, there is some adjustment to the portal as well. That was discussed at the ad hoc committee. While it is hard to see, there is some adjustment there.

Ms. Shapiro: It looks like it is taller there.

Mr. Lloyd: Yes. And because of raising the parapet on the second floor, that minor...

Ms. Farrar: How tall is that portal?

Mr. Lloyd: Less than the one across the street. But we've got... it's 11 feet here.

Mr. Rasch: And it is probably the tallest right there.

Mr. Lloyd: Yes. And that will change by 2'4". That's the slope of the sidewalk.

Vice Chair Barrow: It looks like in this center section you did away with the architectural section on the third floor as well.

Mr. Lloyd: Well, the reality is, and you will see it in another drawing, but it is so far back, that it seems a little strange to show it in an elevation. What you'll see, you will see about that much of it. So we just took it out so as not to confuse the elevation.

Actually, you cannot just add two feet 4 inches because this section of the portal is lower than this section. So it is not fair to just add

2' 4" to that.

Ms. Shapiro: And also the chimneys and roof top structures are not on the revised drawings. That's because you cannot see them?

Mr. Lloyd: Yes, there are so far back too that they really won't show up. I think the better it is for three-dimensional drawing that really describes this. Next?

So here we are with the Palace Avenue side again, kind of showing them all on one page. Here is what we originally submitted where this piece came out and created more of a vertical element here and actually had a deck at the second floor on this corner.

We've taken that away and gone to two different, what we've presented to the ad hoc committee was two different resolutions here on how to resolve that. And they all, I don't want to miss characterize what they said. I had the impression from that committee meeting that they liked this one better than the more elaborate one. So now you can see all of the different ones.

Here is the portal with posts, covered roof. Here is the portal, or actually pergola. Here is the eyebrow. Here we did away with the eyebrow as well as there and here. So the elevation that we prefer is this one. The window detailing, well, we didn't change these. What we wanted is the previous one that you saw with the kind of half round shell structure is the one we are presenting.

Ms. Farrar: Is that made of wood or stone or what is it?

Mr. Lloyd: We'd like to do pre-cast stone, given that you won't ever be that close to it to be able to touch it. It will hold up a lot longer if we pre-cast it.

Mr. Rasch: And originally it was Spanish baroque in design. Right now I would characterize it as Spanish colonial, so either way, it is an accent elements. It is not part of the Spanish pueblo vocabulary.

Mr. Lloyd:

Next.

As this gives you the bird's eye of the entire building, but it shows how the daylight goes through all levels here, the pedestrian walkway that goes through into the center Plaza area goes under their hand out to Palace Avenue. It delineates the residential.

Here's the balcony on the second floor. And the people that live in them won't be able to walk out to this parapet. Their designated area stops at this point.

Vice Chair Barrow: The walkway is only going to be open during... is only going to be open during business hours, let's say. How will that be monitored?

Mr. Lloyd:

Well I think that it has to be open as long as the parking garage is open and I think that is a management issue that they will have to determine, similar to the city's parking garage. I don't know when they close. It's 11 or 12 o'clock, depending on what's going on.

But I think it would behoove any owner of a private building that day, at some our common designate Wendy's close. And you can literally put them on a timer or magnetic locks. But you want to close this off so you don't just get people hanging out in here at two o'clock in the morning. So a, I think it will go much longer than just business hours at five o'clock, but I don't know what time that would be.

Vice Chair Barrow: I was trying to think, because it is a private space, but yet it's going to be open to the public. The only example I can think of is maybe something like the Plaza, Casa Sena, something like that which is private. But in a case like that, do we have any jurisdiction over the interior façades?

Mr. Rasch:

I would say no because it is private property. If it was public property, then the answer would be yes.

Ms. Farrar:

Well, Casa Sena inside, it's different.

Vice Chair Barrow:

What I'm saying is this is a unique case, to deal with something like this with public access. I mean, people walk-through here.

The idea is to do that. It is to connect the streets. That's part of the design. To allow the public to continue back and forth through to the street there.

Ms. Farrar: By Origins is sort of the same.

Mr. Rasch: Yes.

Vice Chair Barrow: Pardon me?

Ms. Farrar: There is one by Origins, the store Origins that goes through from Palace to San Francisco.

Mr. Lloyd: Down the street there is one that goes through the Lensic.

[end of tape]

Vice Chair Barrow: It is just one of those areas where... I've been thinking about it. I brought it up last time at that... I mean I would be interested in seeing how the interior design looked but we don't have jurisdiction over it. Since the public is going to be there...

Mr. Lloyd: We submitted those elevations.

Vice Chair Barrow: Since the public is going to be there, it would be good... It might be helpful to see how... because you have some good ideas that are expressed in the plan.

Mr. Lloyd: Trust me. We're not doing anything that is out of Territorial character along these two walls. And we are not doing anything that's what you are already seeing in the public façades that's out of character with Pueblo style as you get in here. And we've actually submitted those elevations.

Vice Chair Barrow: That would be a point. So the architecture of the exterior would read to the interior where the public is going through.

Mr. Lloyd: Absolutely and it does. And we've actually submitted those.

Next.

Okay, so here is the two different renderings, one showing what we prefer. This is what got submitted on the 28th, where this pops out. There was a second floor deck here. There is a portal with columns.

There is an eyebrow up here. Right in behind there that you cannot see. We now... But you can see the break in the parapet.

Now the parapet runs straight through, creating a better or greater horizontality. The eyebrow is here with no columns, which we like a lot. And this is a simplified entry at the pedestrian area.

Vice Chair Barrow: Is that it?

Mr. Lloyd: Oh, San Francisco Street side. So this is literally taken, standing on the street and dubbing in our building. So, as you can see, if you are standing over here on the sidewalk, you don't see the third floor. As you get obliquely down either end of the street, yes, you pick up that much. And this is the area or the side that we are asking for the request. Now keep in mind that height is allowed is allowed at this point. We are back 18'.

Here it is from a slightly different angle. This is not so far over that you could... in fact; you can't see the building this way. San Francisco Street would have to be 30 feet wide, 40 feet wide, to be able to see it this way. But we wanted to give ... to get a little bit of three dimensionalness to this façade so that you could start to look at that. If you do a straight-on section, this disappears altogether.

Here it is. This person is all the way under the portal; back against the wall, six feet tall. And we have raised that parapet probably almost two feet, I think. One foot nine, one foot ten, where the last submittal it was actually down low enough that you could see a portion of this third floor.

And that's it.

From there, we've got renderings. We've got much of what you've just seen on the power point on boards, in case we need to go back to that. We've also got a number of details on the power point that

we showed you the last time that, Jake, we decided not to go through unless there was questions on that; of similar type size of windows that we found in town, that kind of thing. So we can go to those things at any point.

But I'd like at this point for Karl to address very specifically what we are requesting in terms of height on the San Francisco Street side.

Mr. Sommer: [he spoke away from any microphone and much of this part of the testimony was not audible or very hard to understand]

Now, if I may, this is an aerial photograph of the downtown area [inaudible] and the Plaza and [inaudible] right along the [inaudible] of the streetscape her. [inaudible] of the streetscape are numbered. So the charts that we're talking about right here. If you have questions specifically about these buildings.

We have every one of the buildings that are labeled surveyed. [inaudible] So we have the actual heights of all the buildings in the streetscape in this area. So if you have questions specifically about them, that is what they relate to in this area [inaudible]

Just as a matter of interest, we have Alexis Girard, [inaudible]. This is the building that was built by her great grandfather on the site of the parking lot. This is a rather interesting part from the book. I think it is a two-story building but it has a unique feature on that second floor in that the parapet is raised up. That parapet is raised up.

I thought it was rather interesting because, in fact that Wayne and [inaudible] Alberto are talking about is the kind of scale that was along the street historically with this building. Next door to it was the Commercial Hotel and it was a four or five story building.

What I'd like to do is briefly...

Ms. Farrar: Let me ask you a question.

Mr. Sommer: Sure.

Ms. Farrar: In the surveyed heights that you are giving us, that concur with this map, are those the heights of existing ... they are not. Because we have specific things about what the heights can be applied to our code.

Mr. Sommer: What we did was we surveyed all the buildings and then, so you would know what they were. And took the buildings out that don't belong in the calculation. And documented the ones that should belong in the calculation and that's what this chart shows. So on the San Francisco Street side [inaudible]

Ms. Farrar: Yes. But I think I read somewhere or something in the ordinance that if there is a second story that is non-historic that the height would be measured from the actual height of the historic portion. That building.

Mr. Sommer: [inaudible]

Ms. Farrar: it's the whole thing.

Mr. Sommer: Yes. Those buildings are taken out of the calculation completely. So like the Plaza Mercado is a non-historic two-story building. It's not in the calculation of all. And it is not in the survey. Until it becomes historic, it shouldn't be in the calculation low. So it is not measured. But the other buildings that we can document were historic [inaudible] we may shoot them in the included.

Ms. Farrar: Well, I think I read something that said that the historic height of the building is what is applicable, not the additions that might change the height of the building. So there would be a height of the La Fonda that would be historic. But today's height would be out of the...

Mr. Rasch: Only if that height is on this map. And that did happen with the Lensic.

Mr. Sommer: With the Lensic building. So I think you are correct. With the Lensic fly loft before the Lensic performing arts added on had a height of, I think 57 feet on the fly loft. And you can see from the brick where that was. We measured to that height, historic. So you are correct. I didn't understand the question. I apologize. So

you were correct.

If you have a building that has a structure that has two stories or a particular historic height, and then above that a non-historic height, the way we have done that and checked with the city attorney, we've included the historic height.

Mr. Rasch: As long as it's not [inaudible].

Ms. Farrar: That was my concern. That it be that aspect of our ordinance.

Mr. Sommer: I'm going to go over three things as quickly as I can. A history of this issue for us. I don't mean to repeat too much but I'll make it quick. The process that emerged as a result of the and what we are here tonight on as a result a result of the last meeting, is that, since that time, we followed the direction that you all gave us, the direction of the city attorney, and we continued our meetings with the ad hoc committee.

And what I would like to do, if I can, what we started out at the beginning of months ago was that the ordinance was being applied with the plan-o-metric heights which would vary 20 to 30 feet off, really severely off. Which resulted in our application not asking for an exception, but it became apparent in the meeting with the ad hoc committee and meeting with the staff that the Delgado house was shown at 50 feet and we all knew that it wasn't at 50 feet.

So we went out and surveyed all the buildings, as I said. What we found was, on the charts you'll see all the surveyed heights and those are the actual certified heights. What we found was that the official map which was uncovered in this whole process, is actually off as well from surveyed heights.

And it's off again in both directions. In some cases, it's too high and in some cases it's too low. And in the charts, if you look on the comparison for San Francisco Street I'll highlight just a couple. Building 2-10 which is the Clearwater Creek and was the Paris Building, the old [inaudible] Paseo is actually 42.3 feet high; the map shows it at 30 feet, so it's too low.

If you go just down the street to where Chicos is 2-20, the actual height is 31' but the survey shows it at 45+. We just use 45'. So the discrepancies, even though we went away from the plan-o-metric heights which are vastly more off than the official map, there are still discrepancies that go in both directions.

And what we have tried to do, and largely in conjunction with Mr. Ellenberg whom you see seated here, and as part of the ad hoc group, was, "What is reality out there? What is the truth?" That's what we got the survey for. How does it compare with the official map and what do we have to do to apply for this project in light of all that.

The importance of that for us, and I think it was important to the ad hoc group, is as Santa Fe continues to change in the downtown and in the historic districts, everybody wants a process, 1) that follows the written law, 2) that is predictable, and 3) ends up in good results for the City. So that's really what we were after.

So we went the whole nine yards to go through that process. At the end of the last meeting, we got together with David. And the process that we followed was, Alright, David took the official map heights, included the buildings that, from his perspective with the information available at the staff level in the City, said x number of buildings should be included in the streetscapes, and then he informed us. He said, "Look, if you think there are other buildings in the streetscape that should be included under the ordinance, then you have to establish that for us."

So we went back and met with David and Anne Lovely and gave them the documentation as to the buildings that, historically, should be included, those that should be excluded under the ordinance. And I think that this is the process that should be followed in all cases.

We went the extra... We have the reality of the survey that... the survey heights to show, in effect, what really we are asking for in the reality of the heights. Now to use the official ordinance, we have done that as well.

That's the process we followed. And we think that that process for everyone concerned with historic styles and historic preservation in the downtown area now knows how this can be done and how to access the information.

And I think that, over time, what we are hoping is, that every applicant will, even though it might be burdensome to them, survey the heights that they are dealing with so that they know and the Board knows what the truth is out there in the field. And then eventually bring the official map up to what's actually out in the field. And we're hoping that this process will move that along.

That's the process that we followed and we came up with basically conclusions in our application as a result of that process.

So what are we asking for? If you go to the last two pages of the submittal that we gave you. This sheet and then a much simplified sheet there and... On this sheet, we gave you what we felt was a little more information so that you could see what we did.

This is the Palace streetscape with the First National Bank. The heights have been applied by code an average of two feet... I want to point out something else to you in this chart so you understand what we have requested.

The height... the wall numbers are very [inaudible] and that is averaging on the street. The code says add two feet if you are doing a parapet. The code then says you have the discretion to add up to four feet if there is a slope on the site in excess of two feet.

So, to get into that section of the code, you have to have a site that slopes two feet or more, and, it's to your discretion and your discretion ends at four feet. You can't add more than four feet for slope.

We have asked you to add the four feet. I'm making that clear to you because I don't want you to think I'm up here saying you've got to add four feet to [inaudible] four feet. We are asking you about the four feet and the exception is based on assuming you add that four feet and this is the exception that we would need.

And I want to make that clear to you because that four feet is discretionary on your part and it is in the code for a particular purpose. We're asking for you to exercise your discretion in a certain way and certainly if you do exercise your discretion, to the degree that you add the four feet there, it would increase our official exception by the same amount.

I think that as you read this portion of the charts, you will see [inaudible]. What the chart shows is our proposed building, using our proposed height on the Palace side is 31' 3". If you use reality, if the official map was real there and said what was out there on San Francisco Street. On the Palace Street side, if you added four feet, we would not need an exception.

But if you go to the map and do the same calculation, adding the four feet, we would need a 5' 9" exception on the proposed height. So you can see the discrepancies and the distortion created by the inaccuracies of the map as it was inaccurate in talking about that one [inaudible]. And we did the same analysis down here. If you use the heights set by the code, plus the two feet and the four feet we have asked for, the proposed building height of 36' 8" on the east façade, we need an exception of 2' 10", using reality, which is the survey, and 4' 6" on the far west side.

If you go to that survey now... I mean the official map... then the distortions end up being an exception on the east side façade of 9' 3" and 10' 11". We put those out there for you and the last sheet is just a summary of that.

Vice Chair Barrow: Karl, just one question on that. On our page 38, those numbers don't correspond to what he just presented. But yet, they should, shouldn't they? Our page 38, the height exception criteria that was in our package?

Mr. Rasch: That was before we established which buildings to add to the streetscape based on the information they Anne Lovely and me the other day.

Vice Chair Barrow: Okay. What you've just presented, then, post-dates what we have in front of us.

Mr. Sommer: And the reason is exactly what David said. [inaudible] These are the buildings that I think you should include.

Mr. Rasch: And that is what that is.

Mr. Sommer: And then you guys come back to me if you think other buildings should be included. When you come back to me, prove to me that to me that they meet the criteria of the ordinance and that's the process that we went through. So we have updated the numbers to that.

Mr. Rasch: And they did that with historic photos like the one I showed you when we started tonight's hearing.

Mr. Sommer: And so what we have done here is... I am hopeful that what we've done here is that we've set a precedent, I think, in this process on how to work with people who are interested in preservation in this town because we set out at the beginning with an ad hoc group of people and did a fair amount of outreach in a process that ended up in a much better project than when we started.

And by that I mean, after the first meeting with Mr. Ellenberg and Mr. Martínez, Richard Martínez, Rad Acton, Greg Ellena, who is president of the bank, and Alexis Girard, said "take the building down two feet. Can you take it down two and a half feet?"

So out of the chute, the building came down two and a half feet because we were able to squeeze out. So in the process, out of the chute, the building came down. And there were design changes and suggestions that were made and incorporated. And before we got to this board, we had a better project because of it.

After getting to the Board and working through staff, along with the people who were interested, I think tonight we're in front of you with a project that is, in various levels, in this particular form, meets the character of the area; the character that you are trying to produce in the downtown.

But on a broader scale, what we are trying to do, is produce a project that is truly a mixed use in the downtown area. You have a long standing business that needs and wants to expand and stay in

the downtown area. We have residential, office and retail uses along with this banking institution that has been there. And the effect is to meet the requirements of the downtown BCD Plan as well as meet your all's requirement.

So in the end, I think that Chairperson Rios said it last time. When we left, she gave us these comments. She said, "you know, that was a wonderful presentation you guys made."

And I think she was referring actually to the presentation as well as the project in general. She said, "This is a blueprint for big projects in the downtown area." That's in the minutes. It's out of the minutes.

And I think we've produced a good project. It's been a long process but it has been rewarding. We have a much better project to present to you tonight.

Mr. Rasch:

I'd also like to add, because you haven't seen it yet, I've been working with the Downtown Vision Plan, as well. And the Steering Committee is going through the draft. They are going to be presenting it to City Council in February, we hope.

But it is interesting that this project really does kind of fit the mold of what they are trying to go forward with in the Downtown Vision Plan in many aspects. Number one, the mixed use. Number two, street portals, we're going to be promoting. And what was my third one? Oh, capping all structures at three stories, no higher. That is part of the plan for the Vision Plan.

Mr. Sommer:

And then there is just one last thing I would like to do is give credit to the people that I work with in my office. A lot of the work that you see here in terms of the numbers and the charts and making sure they are updated and making sure they are accurate was done by Mr. Joseph Carnes who is with my office and Michael Windom who is a paralegal in my office.

And without them I couldn't be standing up here saying, "Well, this is what we did." Well the we here is the royal we. They did a lot of the work here and coordinated it with staff. And I think they did a good job and I'd just like to publicly acknowledge their

work.

Mr. Frost: Could I ask one question? In looking at this façade here on San Francisco Street, this inset that you have done is at the building height of 38' 4".

Mr. Lloyd: Not this one. This is not 38'. The staff...

Mr. Frost: Okay.

Mr. Lloyd: This one is much lower. [inaudible] at this height right here.

Mr. Frost: The rest of my question is moot.

Mr. Sommer: We would stand for any questions. Thank you all very much. And again, if you have any questions, we'll answer them.

Ms. Farrar: I had a question for staff. I was looking over this survey of different buildings and, for instance, the five and dime is actually almost 27' and it was surveyed at 19' or the official map says it's 19'. And I'm just curious about that because it seems to me that that building has been remodeled and redone. So I was wondering if it really.... I mean, what is the historic height?

Mr. Rasch: What number is that?

Ms. Farrar: It is 2-27. It's on...

Mr. Rasch: Yes.

Mr. Sommer: Let me get the aerial photo because we went through that exact same question as staff and asked about the historic height of the building that has been chopped in half, essentially. I think that really is part of the issue in it. Alan Baer and Wayne did the building next door to it. And, if I may, what we are talking about is that 2-27 and is a function of the structure that remains and was not raised in height when that remodeling was done. So that leaves that portion of what used to be there.

Ms. Farrar: So the old Woolworth's Building historic height is 26' 8"?

Mr. Sommer: Yes.

Ms. Farrar: And is that to the top of the parapet or is that...

Mr. Sommer: It is the midpoint of the parapet on that façade there.

Ms. Farrar: Okay. I have to catch up on how that is really working. I think this is... I mean obviously we have known how horrible the height map has been and there has not really been an impetus to do anything about it in the City.

But it obviously, if we are going to retain the character of our town, we really do need to be working with accurate information. So I'm glad to have this.

I'm still not really sure how these extra buildings fit into the height calculation. I mean, isn't there a streetscape that you're measuring, that has its limitations about how many buildings... and you can't kind of go out of that system.

Mr. Rasch: Yes. Correct. What we do is six hundred feet from the point on the lot. Those are all of the potential buildings. And we look at each one. If they are significant or contributing, they are in, no matter what.

Ms. Farrar: Right.

Mr. Rasch: And the institutional hotels or multiple-family or accessory buildings like the portal on the parking lot they are demolishing, are all excluded. And then there are those that are the "iffy" ones; that James taught us to do non-contributing 16' or higher are out.

That is not what the Code says. The Code says any buildings with non-historic second stories are out. So that's why I had the applicant prove to me that the buildings I kept in had historic second stories. There are many. And it is the Kingsley Hammett book that showed us. And most of the photos came out of that book.

Ms. Farrar: But are they existing now?

Mr. Rasch: Yes.

Ms. Farrar: Why aren't they listed as Contributing or Significant?

Mr. Rasch: Probably because of remodeling so they are non-contributing due to alterations. That's the big problem. Historic versus non-contributing. There is a big difference.

Ms. Farrar: How do we know that the remodeling hasn't change the height?

Mr. Rasch: They proved that, showing the photos through the attorney as well. Like the Cassell's Theater. They proved that that fine art building had the same massing after John Gaw Meem remodeled it rather than demolished it and built a new building. They had that kind of proof that they showed the City Attorney and I and we agreed that building was in; no that one was not; yeah, that one is. And that is how we established the streetscape.

Vice Chair Barrow: And we are not going to actually be shown that proof.

Mr. Rasch: We agreed that it was the staff's responsibility to give you the maximum allowable height; that you were not the authority to determine which buildings were in the streetscape.

Mr. Sommer: We do. We could grab the book and go through them if you want to. Because we went through it and were highly concerned. There was one building in the entire streetscapes that we look at, Ms. Farrar, that had a remodeling of the kind you suggested. And that was the Lensic fly loft. That was a remodel that increased the height. There was no other building in the streetscape.

Mr. Rasch: We couldn't prove one on Palace also. There was one other on Palace: the Lew-Allen and Delgado.

Mr. Sommer: The Lew-Allen. We took that out. The Bishop Building. The Bishop House is historic and that is in the photographs, as well. We were concerned about the same thing cause we had to establish today that there was no remodeling that had gone on.

There was one interesting thing that came up was: on the corner of the Plaza where Ortega's is. That is a two-story building but... it's 2-13. That building has burned down three times and what is there was constructed from the ground up in 1976. It is a two-story non-historic rebuilding that is actually lower than the building that burned down. But it is the only building like that in the streetscape.

I talked to Armond Ortega and I asked him specifically. You know the book said he bought it in 1976. And I asked him, "Well, what did you do to it?" Because there's one pilaster adjacent to the Plaza Restaurant that is from the original building. It's still there, so I wondered what he did to it exactly. And he said it was from the basement up, brand new.

Mr. Rasch: Ms. Farrar, I have to admit, I was extremely skeptical. I didn't think anyone would be able to prove that a building had a second story. And this book was very enlightening to me.

Ms. Farrar: Well, you know, in sort of a Victorian influence era, there was the higher buildings. But then when Santa Fe style was pushed, everything became lower and that was kind of where we are operating, I think.

At least that's what I consider my charge to be; operating out of the Santa Fe style that was brought in for a discipline for our downtown, which is very rarely a third story.

I'll just put that out right now. When I look at this building, it's just too high. It's too high for me. The third story, I mean, it dwarfs the other buildings around it and I think when you bring in a new building, it is supposed to be a bridge. And it is supposed to lend itself... it is the new kid on the block and it's not supposed to overwhelm everybody else that's been there.

So there's just... I mean, you know, I can see all the information and everything that has come up. But it's all about scrapping together to try to get this height that visually doesn't work for me at all. I'm sorry. I think the building design has some very nice elements of design on this building so I further that but I'm not going anywhere with this height, personally.

Vice Chair Barrow: I would like to ask a point here about the procedure because the application that we have with the exceptions is then not what we are really going to be dealing with tonight because that has just been presented to us.

Mr. Rasch: Correct ...

Vice Chair Barrow: So we obviously don't have it in front of us. It's the data.

Mr. Rasch: It's this. It's the handout.

Vice Chair Barrow: Oh, it's the second handout.

Mr. Rasch: Yes. That is the current information, which I am very sorry but we really did just finalize it today. I mean that's how much effort this has been.

Vice Chair Barrow: Okay. So we should disregard the packet and use this.

Mr. Rasch: And use this handout.

Vice Chair Barrow: Okay. Alright.

Mr. Rasch: It is up to date and complete.

Mr. Sommer: Just as a matter of timing, everyone was really gone during the Christmas holiday. David got back and got his staff report done last Thursday. And that's when we started our process to get back to him. It wasn't an effort to get it done at the last minute.

Vice Chair Barrow: Okay. I understand that now. Thank you.

Mr. Newman: I don't understand it.

Mr. Rasch: Just disregard the height exception information in the packet...

Mr. Newman: Not the arguments; the data only.

Mr. Rasch: Yes. The data only from the packet.

Mr. Newman: For a minute I thought you were saying we could not vote on the exception.

Mr. Rasch: No, no, just the data.

Vice Chair Barrow: I have a feeling there are quite a few members of the public who might want to speak about this case and perhaps we should listen to that testimony and then come back with some of our comments.

Is there anybody in the public who would like to speak about this case? Stand up and be sworn please.

Recorder: Please state your name and address please.

Mr. Ellenberg: Richard Ellenberg, 1714 Canyon Road.

Recorder: 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. Ellenberg: I do.

Good evening. The processes that led up to this project has been very informative. I don't have much to contribute to it other than calling people together. Listening to the dialogue and the exchange, I think led to a much better project. I would make a couple of comments about the project.

One thing that hasn't been mentioned that is happening in this project is the exit and entry into the garage from the street. The architects have agreed that the interior of that part of the space will be the same as the exterior of the building.

So you won't go past... Because you are going to see lots of these garage entrances. So an effort to try and make the entry to the garage less hostile or different than often occurs is going to be done by trying to keep the same color and other feeling of the garage as you go into the entrance of it. And I think often that's going to be potentially, if it works, a very important development as we go to underground parking.

With regard to the height exceptions requested here, a couple of comments. The Code says you add two feet in height to the average height. That provides for a certain amount of height creep over time. It's there. The Code says not to exceed that height, so watch part of the height calculation I could imagine a case in which you didn't grant the full height because it didn't comply with the streetscape. But it is at least a starting point.

The [inaudible] on the columns is the height allowable for slope up to four feet. As Karl said, that's discretionary with you whether to grant those four feet. I think in this case, I would urge you not to cause I don't think the case has been made for it. The purpose of that was to help offset the effects of slope on the building.

As I understand it, the Code originally measured the height from the lowest corner of the building and, in that case, if you had a slope like this, you are measuring like this to deal with this part over here, you might have to raise up over here.

So you could raise the height to offset that. But I think that to allow that four feet, you ought to, as a matter of policy, require there be a showing that that part of the height is required to offset something the slope is causing. It's not something to add.

I think in this case, you have two feet of slope change, when I measured from the middle. There is really no showing that there is something happening by the slope of that height that justifies that addition.

And I think that is the purpose of it. So that is one reason I would not add that four feet. And considering that variance or how much of a variance to grant.

The other deals with height creep. A height you allow by exception does not become part of the calculation in the future. The height you allow by discretion, allowing that four feet will often become part of the height calculations in the future.

So particularly in this case, if you are looking at an absolute height to allow, if you determine to allow that height, I think you would do better to allow it by exception and not by a four foot change

that has not been justified.

Then we come to the actual height exceptions themselves. And I had a couple of points on that.

First there is always that rule that no good deed goes unpunished. And in this case, the applicant has done a great deal of effort, having been given height calculations that allow everything shown here; and having done all of their planning on those height calculations. They did a lot of the work to find out those height calculations were wrong; that the map figures being used were wrong.

They found the Official Map and the Official Map gives you the heights that you would need exceptions. And as I understand it, your action today is exceptions based on the height from the Official Map. That the actual heights out there are persuasive elements.

So while the necessary exception is calling for instance none on the Palace building, if you did everything they did, granting them the four feet, in practice, when you are voting, you need to remember that is argument. The exception you need to give them is from the Official Map.

Now I tend to think this is a case that should, you know, the exception proves the rule. And in this case I think that the exception should be that the height here, in my personal opinion, ought to be granted.

You know, the ad hoc group doesn't make decisions as a group. Agreement is not sought. We don't negotiate; it is all dialogue. So when I speak as to what should happen, it is my feeling. It doesn't necessarily reflect anybody else's.

But I think the exceptions requested here are not that great. And there is an interesting factor that comes into play here. You have a height calculation for these buildings. The first two stories are below that height calculation. The third story is above the height calculation but set back. So what has a greater impact on the viewscape or streetscape or how does it affect the viewscape or

streetscape as you set these things back?

On the San Francisco side, it would appear the setting back of the third story, yes, it's visible from certain angles but not by much. It doesn't seem to really affect the viewscales. And the first stories are below the height calculation, however you get to it.

So this [inaudible] function is not really in the code and yet, in terms of the effect of the building on the purposes of the code or how people perceive it or viewscales, it can have a substantial impact. So you're up to this height. You could be up to this height. Instead, you're cutting through here, back to here and then up.

You know, it's pretty ad hoc and position sensitive and height sensitive as to how that plays out. But I think that is a real factor that, as we get into more of these things, needs to be considered.

On the Palace side, it is more visible, particularly from the bus stops, but it is not a great deal of footage. So, frankly, I think as you look at how it is set back and how it is going to read, it is no... It could be much more aggressive if they used higher ceiling heights and made the first two stories higher than they have, which they could do without an exception, in the way they have designed it setting back the third stories.

It does also serve the purpose of diversity of uses since residential use is going on the third floor. It seems to me to at least meet the technical requirements for a height exception. You know, you get paid the big bucks to decide those but I think this issue is one I have not heard much.. I have heard a little dialogue about it.

It is not in the code but is a very real factor as we look at heights; as we look opposing and third story maximums, regardless of calculations out of the division plan. When we look at how tall those third stories should be and the dialogue of what heights ought to be, I think the setbacks are important.

Thank you.

Vice Chair Barrow: Thank you.

Is there anyone else from the public that would like to speak?

Let me see if I have this right, then. We are looking at is both dealing with the height exception but also perhaps some questions about the detail changes and designs. There were several options that were put forth.

Mr. Rasch: Correct.

Vice Chair Barrow: And in addition to that what was put forth, last time we didn't have any discussion about stucco type, stucco finish, surface finish, etc. which, for a building of this size, is really quite important. We have had some discussions about that in the past whether we are looking at... there are so many variations in what this could be. It looks like you may have something to talk about that.

Mr. Lloyd: Yes. We have colors for both buildings. We have the type of pre-cast concrete molding that we've talked about. We have a brick that is fairly close in color. We would like a little more red and a little less brown in there but we didn't a good one in the office. And we would certainly welcome or suggest that you put that in the hands of David to do the final approval. But I would like a little more red in it than this for the brick coping on the Territorial.

We have stucco colors for the two buildings. The lighter one being the Territorial one and the darker one being the Pueblo style. So

Vice Chair Barrow: While we are on stucco, in addition to color, there are so many variations in terms of texture, not only the surface, whether it be a sand or slick finish, but whether it be very flat; whether it be STO synthetic stucco or cementitious. And so I would like to hear about the surface quality, as well as the color.

Mr. Lloyd: It will be cementitious. We're not interested in going to synthetics. It will be cementitious.

Mr. Rasch: And the texture? Like a diamond finish, a pebble finish?

Mr. Lloyd: Yeah, that's a fairly fine finish. That's not even a broom finish.

Vice Chair Barrow: Which on the Territorial building might be ...

Mr. Lloyd: Works well. And on the Pueblo style, it should be coarser and we didn't bring that texture sample. But we certainly agree with your logic there.

Vice Chair Barrow: One question about that is that from a structural point of view, this building, I assume would be steel or what have you. Will it be foam insulation on the exterior? Or would it be rigid board that then is stuccoed over on the exterior so is it very flat in surface?

Mr. Lloyd: Well, certainly the Territorial style is very flat. The Pueblo style will certainly have the curved parapets and we simply haven't worked out those details. But because it's a metal stud building, we will put the insulation in the cavity of the wall. And then there will be sheathing go on that. And then we will mold the wall at the parapet top to be battered and then radiused.

It will be... I mean I think it is drawn correctly. I mean there is a molded parapet and radiused curves on it and it is meant to be very traditional Pueblo style.

Vice Chair Barrow: I think it is one of the disadvantages of these kind of pictures is that the surface color and texture... it looks all synthetic and, because it is not obviously more, if you used cementitious stucco, it would have more...

Ms. Farrar: He said he was using that. He said he was using cementitious.

Vice Chair Barrow: Pardon me?

Ms. Farrar: He said he was using cementitious.

Vice Chair Barrow: Yes. That's what I am saying. But I'm saying this rendering looks more like an acrylic, to me.
[Several people were speaking at once.]

Ms. Farrar: I have a question.

Vice Chair Barrow: To try to make it more natural appearing.

Mr. Rasch: And you should discuss the...

Ms. Farrar: I've got a question about a different detailing of stucco.

On the entryway that you've redesigned to be the connecting off of the Palace Avenue side, I can't really read. Is that a huge column?

Mr. Rasch: On the far west side?

Ms. Farrar: Yes.

Mr. Rasch: Yes.

Ms. Farrar: Do you have any details of that. I've got something, you know, that's a quarter of an inch high. And it seems like a very different kind of design element then the Pueblo style so I just wanted to...

Mr. Lloyd: Yes. It certainly was made to be very thick, which was [inaudible].

Ms. Farrar: Well, in this it looks like a round.

Mr. Lloyd: It's not round. No.

Mr. Newman: With regard to that issue, did something change organizationally, not organizationally, operationally? Because in the last presentation, you weren't putting a fence at least a gate at that location. It may have been farther back or [inaudible]

Mr. Frost: There were no gates on either side in your original presentation, were there?

Mr. Rasch: It was always there but they showed it open.

Mr. Frost: Okay.

Mr. Lloyd: [inaudible] this one piece [inaudible].

Mr. Frost: Because when I saw the San Francisco Street side with the gates, it's like "hmm" cause [inaudible].

Mr. Lloyd: I never did [inaudible].

Mr. Frost: without being able to traverse that in all hours of the day and night.

Mr. Newman: As long as we're looking at this, may I?

Vice Chair Barrow: Yes.

Mr. Newman: The eyebrow. The roofing material over these eyebrows. What is that? It's not tile. It's not tile. Sometimes when I squint, I feel like I'm in Santa Barbara when I look at this.

Mr. Frost: I will say I really objected to that [inaudible] the former to the portal that was there. And when I saw that, that really make a major, major difference. And the only thing we were able to see on this would be... that is the modified window up there. Yes.

Mr. Lloyd: Yes. Let me.

Mr. Frost: It looks like the same color as the other but it is not wood.

Mr. Lloyd: I'd be glad to ... it's pre-cast concrete.

Mr. Frost: But stained the color of the wood?

Mr. Lloyd: Yes.

Mr. Newman: And the other elements?

Mr. Lloyd: [inaudible] We actually have a sample of what that would look like.

Mr. Rasch: He needs to talk into a microphone.

Mr. Lloyd: [inaudible]

Mr. Newman: The other elements that look like wood here? Are they wood?

Mr. Lloyd: [inaudible] pre-cast.

Mr. Newman: I can read.

Mr. Frost: Okay. Not just a [inaudible] pre-cast [inaudible].

Ms. Farrar: I don't think so.

Mr. Frost: Maybe you should just speak from back there. I think we've seen it all. And that probably has all those little dots and dashes in there.

Recorder: The material of the eyebrow. I didn't get that on tape.

Mr. Lloyd: Well, I think the question was, "What was the roof?" and no, we are not having tile. There will be a decking across the corbels and then a conventional built up roof, flat roof.

Mr. Newman: Okay.

Vice Chair Barrow: When you first presented the revised window detail in cast stone, I just assumed that that would be a reflection of say a... typically that would be carved in stucco, carved in plaster and applied to the building historically should there be an element like that. Having it be wood makes it kind of unusual, I think.

Ms. Farrar: Actually, I think he's right. The wood is actually traditional. And I think cast stone would be Colonial, it would be Mexican, it would not be ...

Vice Chair Barrow: Well, that particular element is not Pueblo in that anyway. So ...

Ms. Farrar: But haven't there been. I mean I know I've seen, I think of Fechin with just those carved rosettes over doorways.

Mr. Rasch: That's Colonial.

Ms. Farrar: but I've seen them in northern New Mexico.

Mr. Lloyd: Sure.

Ms. Farrar: as an element in design but maybe on the interior rather than the exterior.

Mr. Lloyd: Yes. I think you would be surprised at how many of them are actually not wood, even though they look like wood. John Gaw Meem actually did a lot of pre-casting, particularly on his Territorial style buildings because they just hold so much longer. I mean, the maintenance is really diminished.

So what our logic was, was where you rub up against this building, where you are walking under the portal, those columns are wood. And those corbels are wood and that beam is wood. But as you get up a level to save on maintenance, we believe that the pre-casting technologies today will allow that to look exactly like wood but we do it in pre-cast. And we would welcome the opportunity to actually bring the finished sample in to have you look at it.

Ms. Shapiro: What about the little railing on the Palace side?

Mr. Lloyd: That is definitely pre-cast.

Ms. Shapiro: Pre-cast. Because there you can actually... Isn't that a little portal you can walk out on it and touch it though?

Mr. Lloyd: Yes. On the second level. Yes. And if you've ever been to St. John's College, almost all of those balconies in Territorial style buildings. They are all pre-cast, that Meem did there. Windowsills.

Mr. Newman: That applies to the San Francisco railings as well?

Vice Chair Barrow: Is that on the Territorial side of this?

Mr. Lloyd: Yes. The bridges are pre-cast.

Mr. Newman: The structure or the railing?

Mr. Lloyd: The railing.

Ms. Farrar: I want to ask a little bit about this eyebrow. I mean I have heard everyone say this was a design solution you came up with because

it made things more horizontal instead of vertical and, but to me, it looks like something very unusual. I guess I personally relate better to the portal because it's sort of more classic and traditional and I don't know quite how to think about that design element in this particular site.

Mr. Rasch: The thing about the old one was the shadow. It was very strident.

Mr. Frost: There was something about it that no one could just really get.

Ms. Shapiro: We have a picture of it.

Mr. Frost: It just didn't fit.

Mr. Lloyd: And I think, Jane, that this falls into that category that I mentioned earlier. On the first time we were here, the recommendation was for approval. Now there was nothing in that submittal that didn't comply to the ordinance.

There were a number of things that people had something to say about in terms of their personal preference. And I think that's where this falls. We didn't ever expect to start out making this building be all things to all people.

But we believe, after a number of different studies, that that eyebrow works the best for some of the reasons I mentioned earlier. We couldn't get the columns lined up. There was a certain simplicity that was being looked for the first time around that the columns seemed to add a vertical element in what is otherwise a more horizontal form than the Territorial streetscape.

And those columns, based on where we needed to have it .. Based on the doors on the second floor, we were never able to line up those columns. You can't tell as well in a three dimensional drawing here. But the second floor columns are not lined up with the first floor columns. There was a greater shadow pattern and some people just felt it was heavier than it needed to be.

So we had this as an option. We had this with a non-roof, a pergola, so that the shadow patterns... so that it wasn't so dark that you would actually get sun coming through the structure or the

pergola. And then we had the eyebrow. And quite frankly, we can live with anyone of the three. But my guess is we are not going to get six people to agree on what that should be.

Ms. Farrar: I think that my concern was that, you know, I don't want to make this in an offensive way at all but, I know you were doing the civic center. There's that quality of decorating a box that really concerns me. Because we are bringing in new architecture but we are relying on a style that's historic as our guide, to how we [inaudible] what we create in our City.

And when I see these decorative elements, like an eyebrow, I get that feeling of a little bit of a decoration on a façade that has it is purposeless. And I think the thing that is really appealing to me about our downtown is that a lot of it. .. The designing of our old buildings... they were very purposeful. And they were human scale. So you have both of those elements that create a character and the warmth of our City. And then the long and the low.

And so I'm really concerned about how that doesn't really ... I mean, it is on the north side, so it is obviously not shade. It's not purposeful. It is just decorative.

Mr. Lloyd: No. That's not true. It is purposeful. And I described the reasons I wanted it there. We have a boardroom on the second floor and we have doors that come out onto that deck. So we wanted to add some protection to the doors that come out of that meeting room. Rather than have them be fully exposed. So, in all of these, it was to add some level of protection and shelter at the door, which is typically what a portal does.

And this is not a new element. This eyebrow feature exists in a number of places in town.

Mr. Rasch: And according to code, that eyebrow must have corbel support and it shouldn't exceed four feet. Once it exceeds four feet it's considered a portal and [inaudible]

Ms. Farrar: Right.

Mr. Rasch: So anything from 18 inches to four feet, we would support is approvable by code.

Vice Chair Barrow: Any other questions or comments by Board members?
Is there a motion you're making?

Mr. Sommer: Mr. Chair?

May I add?

Vice Chair Barrow: We have to go over the exceptions, I suppose.

Mr. Sommer: If I may add one thing to what Mr. Ellenberg said. I'm sensitive to a couple of things that he's indicated to you. Sensitive in the same way he is. One, I think he is talking to you about a process that is going to be implemented over time. And in that four-foot issue there, the policy that you establish should be something that you use over and over again.

Obviously, we want our project approved. But we want a project approved that doesn't do violence to your process. I think we can have both of them here tonight. And I think that is what Mr. Ellenberg is suggesting to you. I don't want to give the impression to you that we oppose his idea about how you might go about accomplishing that. As an advocate and a representative of my clients, I certainly would like the project approved.

Vice Chair Barrow: As a point of clarification on that, I don't know about the City Attorney, but my impression is and correct this. Because you have done a lot of work to show height variations, but, in fact, we have to evaluate the exceptions, based on this map.

Ms. Farrar: Yes.

Mr. Rasch: We have to do an action based on the official height calculation. Now the applicant is coming forward with real heights as a part of the argument of their exception.

Vice Chair Barrow: And I understood what you were saying about developing a new process and all of that. I don't think we should really take that up tonight.

Mr. Sommer: Okay.

Vice Chair Barrow: I think we should look at your case, based on the rules and regulations that we have to follow and approach it that way. I think it is inappropriate to make assumptions about how we might do things in the future or this process should be adopted for all processes downtown. I mean, we are not in a position to do that. And that might come up.

Mr. Rasch: You would actually have to post an administrative action to that effect for you to make that action.

Ms. Farrar: But what I don't understand... what I heard and what I understood that Richard Ellenberg said and that also Karl Sommer said that if you decide to give the extra four feet as per slope, then that changes the base of what the measurement and the height calculation will be on this building for other buildings that get built in downtown.

So it increases the creep. So it would be better not to add in the four feet; that we could possibly choose to do as a Board; but to not do that.

Mr. Newman: But we do have the option to make the four feet part of the exception.

Mr. Rasch: Exactly. You can grant the exception. For instance, you could say on Palace Avenue, you're going to grant a 5' 9" exception. That would be including your four feet. Or you could decide to grant a 9' 9" exception, not including four feet. So you don't give the four feet [inaudible]

Mr. Frost: That doesn't add that four feet, the next time the building is measured.

Mr. Sommer: And the other thing you could do and I think that Richard could speak for himself ...

Ms. Farrar: Wait, wait.

Mr. Sommer: He is saying you could correct for the actual slope on the site, which we know. And I think if that became the policy we have a slope of 2' 6" and 2' 4" so you could say we could correct for the slope under the four feet up to this and grant the rest by exception.

Or you could do as David suggested. I'm just saying there are several ways to get there. We're not opposed to it in the concept that Richard has pointed out and as a person who has been involved with Richard with David and members of the community, we are interested in knowing how the Board is going to apply it because it is important to advise people.

Ms. Farrar: I have to ask David this question. So, the prior Official Map, the Palace Avenue 5' 9" already has offered the four feet?

Mr. Rasch: Yes.

Ms. Farrar: So actually, these should already include four feet because the Board hasn't already...

Mr. Rasch: Those already have the four feet. So if you are not granting four...

Ms. Farrar: So actually it is 9' 9"...

Mr. Rasch: It would be 9' 9". Correct.

Ms. Farrar: And it should be 12' 3"

Mr. Rasch: correct.

Ms. Farrar: and it should be 14' 11".

Mr. Rasch: If you don't grant the four feet due to slope. And add it to the exception that they want.

Mr. Frost: If we grant the exception without the four feet. Okay, let me say this. Then the next time that this building will be measured on the Palace Street side, it would be 33' 6".

Mr. Sommer: This building probably will never be included in the height calculation ever because you have granted it by exception.

Mr. Frost: But you see we need an example to put this clear to anyone. Whereas we set up so we are going to add the four feet and then work on the exception, we are going to measure it. [end of tape]

Mr. Sommer: What Richard is saying is this, and he can say this better than I. What I understood him to say is, "Look, in the cases in which you ask, somebody comes in here and says our slope sites... our site slopes. Give us four feet. And they don't ask for an exception because they are asking you for the four feet.

That building, eventually will become part of the streetscape because they didn't ask for an exception; they asked you to use your discretion. That building will become part of the streetscape measure. This one will not because you granted an exception.

Mr. Rasch: Exceptions are not. There's no duration of when they become eligible.

Mr. Sommer: What I was trying to acknowledge was. Richard's point was, when you are exercising your discretion, somebody is going to ask you for an exception and they ask you for four feet when their slope is not four feet. And you have an issue about whether you are getting an artificial height creep in the calculation. I thought that was what his point was. And I am not opposed to the concept. Obviously we want to get to the end game for us. This building will never be in the streetscape the way the ordinance is written.

Mr. Lloyd: And that's the key point here. Whether you count one foot out of that four feet or all four feet, this building won't get included in future height calculations.

Mr. Frost: See you in fifty years.

So are you saying that on the San Francisco streetscape side that without allowing the four feet discretionary height, the building could only be 23' 5" high?

Mr. Rasch: Correct

Mr. Lloyd: Under the Official Map.

Mr. Lloyd: What was the number you used?

Mr. Rasch: 23' 5" that is the maximum allowable height on San Francisco.

Mr. Frost: And they want 36 and 38.

Mr. Sommer: but if you used the real numbers, it is 29' 10". If you are actually dealing with reality, not this fiction created by the map.

Mr. Frost: Visually, that's what I was going at early on. If you were to visually implant that building at the maximum allowable height by the official map, then that building would drop down how far?

Mr. Sommer: It would drop down approximately...

Mr. Frost: That second story. Would it drop down some.

Mr. Sommer: No, it wouldn't. That second story would meet the requirement. It's not 29' 10". It's under.

Mr. Lloyd: On the official map.

Mr. Sommer: I'm just saying, what I'm talking about is if you go to reality out in the field, if you look at that and you were to go by reality, you'd never see a building ten feet or 14 feet out of scale. Because the reality is, the streetscape isn't ten or 14 feet distorted that way. The map's wrong and that's why we provided the information.

So it would come down probably four feet. It is sort of midpoint on that second story. And I use that roughly for both sides.

Mr. Rasch: Yeah. Remember the San Francisco side because they are recognizing that there are two blocks. We are not measuring it at midpoint, we are measuring it at midpoint on two blocks.

Ms. Farrar: David, how does slope work for something like that when there are two... I mean it is almost like it is cut in half.

Mr. Rasch: Yes. Very good point.

The code doesn't address that very fine designation. If you have one building over a site where there is a two-foot slope but it is really two street frontages, do you divide it in half? And I know Mr. Ellenberg asked that question. So do you take the street... the Palace Avenue and only go half way into the lot and is there two feet there to allow the two foot ... the four feet on the Palace Avenue side and then from midpoint on San Francisco, if there is two feet there, do you add the four feet on that elevation. The code is not that specific.

Mr. Ellenberg: If I may, I'd bring it back to a brief discussion you had at the last meeting which was that there is another process that you could use which amend the map and then look at this project. So, if I remember last time, Anne Lovely said you could consider the actual heights as a factor in considering to grant the exception from the official map.

And also reminded her that you had said your intention was after this case to make a motion to amend the official map to reflect the figures that had not been surveyed. And I would hope that, regardless of what you do on this case, at some point you would do that so that these figures do become part of your official map in the future.

Mr. Newman: Looking at Anne Lovely's memo, she is saying that the evidence that has been compiled here regarding the surveyed heights and everything, is legally sufficient for you to rely upon for your determination.

Mr. Rasch: On a case-by-case basis.

Mr. Newman: On a case-by-case basis. So, like so many things in Santa Fe, there is precious little clarity. And the only way to achieve clarity and consistency, it seems to me, is to grant, to the extent an exception is granted, it is granted based upon the official map, not the dimensions we use should somebody feel inclined to grant the exception.

It would just be the difference between the official map and what we are doing, because otherwise, we are just adding to the problem, I think. In the future, it is just going to keep going and going and I don't think that precludes and I don't disagree that the appropriate thing to do, in that these are certified survey heights, is then to revise the map. But don't make the decision based on those survey heights. Make the decision based on the official map.

Mr. Rasch: Staff would recommend that the H Board amend the official map, if you have that authority.

Ms. Farrar: But we don't, do we?

Mr. Newman: Which is another topic.

Mr. Rasch: Yeah.

Ms. Farrar: But I think we have to go back to the parts of the ordinance that give us direction. I mean we are a Board because it isn't all just down to a tape measure of inches and feet. We are a Board because there is a general purpose to historic styles and historic district to the character of our City. And, you know, we have in just the General Purpose, harmony of style, form, color, height, proportion, and texture of material between buildings of historic design and those of more modern design. Well we have a very historic building right next to this.

Mr. Rasch: Significant

Ms. Farrar: Significant. It is a wonderful gem. So how does this really relate? How does it have a conversation with that building. And I can't really tell. I mean most of the angles are looking down at it. But to me, I can already feel that it is not giving grace to that historic building.

And I don't know if it would take its designation away because we don't seem to form designations like that. We don't have context in the designations. So really the only way to take away a designation away is through the alteration of the actual fabric of a historic building. But I think we are designated to deal with the character and the harmony of our City.

I guess, we all, as Wayne said, have different opinions on how we interpret that harmony. But to me, it is a no-brainer. There is just nothing about that that doesn't look like it is a huge building set into this vacant space. And it does make a huge impact.

Even the second story of the John Gaw Meem renovation of this building when it was higher as a theater, but it's sort of a quiet mass on the second floor and it is set back so that you don't read it at all. It's not a very strong statement architecturally. And I'm just very worried about that Significant Delgado House.

Mr. Rasch: Ms. Farrar, we actually do have language for that in the General Design Standards for all H districts, two things: The status of significant, contributing or landmarked structures shall be retained and preserved. And then they talk about alteration of those structures.

But it also says, if the proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing or landmark status, the application may be denied.

Ms. Farrar: Correct. But I just have never seen us actually... I mean, you know, [inaudible]

Mr. Rasch: in landmark, it is more important.

Ms. Farrar: We've had projects where I was very, very concerned because context is a huge part of history. And character is certainly the biggest part of our city.

Vice Chair Barrow: Well, we actually ruled on aspects of the museum which caused the museum design to be changed, based on that. We felt that it impacted that structure.

Mr. Rasch: You ruled in a negative way on that. And then on the Gross-Kelley warehouse, the landmark, you ruled in a positive way that the adjacent new construction would not affect the landmark.

Ms. Farrar: Which could not have been more...

Vice Chair Barrow: Just to continue that dialogue, when you think about it in the context of Santa Fe and other cities, if you were lucky here that we have an ordinance that requires this building to become ... to fit into the over all quality and style of the city. Whereas, if we were in another city, in that same context, we would be looking at something here that could be modern, glass, steel, I don't know what. So in this case and some would argue perhaps that's better but we have an ordinance that provides for the things you have mentioned.

Ms. Farrar: And I wanted to compliment the architect on it. Because I do think that both sides of this building take into account the relationship of materials and details that we appreciate. But I think that the proportion of this is just, you know.... If it just fit right, you could say, Oh, yeah, that's great. And you want to work them on an exception. But when it is an exception that makes something, in my mind, fit that just doesn't, I mean, what's that? So, anyway...

Ms. Shapiro: So David, I have a question. Along the San Francisco side, I don't know how aware I am of how many three story there are.

Mr. Rasch: Yeah. I have to admit that street is an anomaly in Santa Fe. It's where all the tallest buildings are except for the major ones you can think of like La Fonda and Eldorado. Yeah, that little street is filled tall structures.

Ms. Shapiro: So other than the Lensic, the Cathedral, La Fonda...

Mr. Rasch: Yeah. They may not be three stories but they are three stories worth of height.

Ms. Shapiro: So the Palace side?

Mr. Rasch: The Palace side is not as tall.

Mr. Sommer [inaudible] on the Palace side working with reality is less of an exception. I don't know why. I haven't figured out why exactly. When you're dealing with the Palace side, the height of the Palace side, the height of the structure on the Palace side is closer to the ordinance as otherwise on San Francisco Street, it has [inaudible] I don't know why. It is an odd thing. [inaudible]

Ms. Shapiro: I know. I was just thinking, if you add the four feet onto the addition of the two feet, we are getting heights of 13' 3" and 14'11" on the San Francisco side. That is the height of the third story.

Mr. Rasch: Yes. But the truth is that the San Francisco buildings... the south side of San Francisco, is another problem just like Palace and San Francisco. When you get to Water Street, yes, those buildings are three floors tall. But a lot of times on the San Francisco side, a lot of those buildings, they are two stories tall.

There is a major slope there. Same thing from Palace to San Francisco. San Francisco to Water is even more severe.

Ms. Farrar: David, there is something in the ordinance that I would like some clarification. Section 14-5.9 C, ii, a. It says if a proposed building that has a parapet, the façade shall not be in excess of two feet of the average of the heights in the streetscape.

Mr. Rasch: Yes. And then the next one says the same thing except if there is a pitched roof.

Ms. Farrar: Right.

Mr. Rasch: Yeah, and the City Attorney has interpreted that part of the code. I couldn't understand it at first. And it appears after speaking with Mary Ragins that that part of the code was established to allow architects the ability to give interest. And unfortunately, it has... the verbiage is if it has a parapet or a pitched roof. Well what else would you have? But anyway,

Ms. Farrar: that's the way I read it. It's just a façade.

Mr. Rasch: Yeah. So the attorney says two feet is given, no matter what. James Hewat had trained us that the two feet was for database errors. He was wrong on that issue. The two feet is to allow for variability in the design of the parapet or the pitch to give the streetscape interest.

Ms. Farrar: Well, when I read this, it said to me that no building is supposed to be that much higher than the buildings around it.

Mr. Rasch: Oh yes, without an exception. Correct.

Ms. Farrar: Or period. I mean that was the idea, to keep everything lower.

Mr. Rasch: And then the exception part of the code; an exception can be applied to any part of the code. It's not like any part of the code is period. But an exception can be applied anywhere. So this part of the code says never shall that building exceed two feet above the average. Except if you have the slope issue.

Mr. Frost: Question for you gentlemen. Apparently the one thing that is really providing some of the problems is on the Palace Street side. What is the height at the top of the parapet of the wall on the second floor.

Mr. Featheringill: Thirty feet.

Mr. Sommer: On the second floor?

Mr. Frost: The second floor.

Mr. Featheringill: Thirty feet.

Mr. Frost: Thirty feet. Yeah.

Mr. Lloyd: And that is what we've raised to....

Mr. Frost: Yes. What is the height of that?

Mr. Sommer: [inaudible] then you can correct me for a height of this structure [inaudible]

Mr. Rasch: Correct.

Mr. Sommer: Because at this end it is shorter and [inaudible]

Mr. Lloyd: Alan is digging it out of the drawings here. But on the San Francisco Street side, to address your concern, we actually had latitude to, on the two-story portion, to raise that in height. We actually did raise it higher to achieve the fact that, when you are

walking down the street on the other side... the south side of the street, you can't see the third floor.

Mr. Frost: I know, but I am questioning the Palace street side. Just the Palace street side.

Mr. Sommer: I'm sorry but [inaudible] I'm showing the line that shows the second story at both ends... it's not measured in the middle but you can see it at 29.2

Mr. Frost: Twenty nine point two.

Mr. Sommer: and then at the other end, it's whatever.

Mr. Frost: Thirty point eight.

Mr. Sommer: And the midpoint is...

Mr. Frost: Thirty. Thirty feet. So my question...

Mr. Rasch: That is from finished floor.

Mr. Lloyd: Hmm?

Mr. Rasch: That's reading from finished floor. Notice the FF datum is 00.

Mr. Rasch: So if you go to street level; just under 31'.

Mr. Frost: Okay. Because my question is [interrupted with inaudible comment] apparently this... the Palace street side is what's getting some of the most consideration. What would be the applicant's thoughts on simply removing the third floor on the Palace street side? That may make the people feel better.

Mr. Lloyd: Since we are not even asking for an exception on that side...

Mr. Frost: Well, yeah, you are.

Mr. Lloyd: Well, with the four feet.

Mr. Frost: From the [inaudible] you are. Okay. Would that be of any benefit?

Mr. Featheringill: It doesn't make a whole lot of sense in one way because if you look at it straight on, you're going to see that third floor because you cannot get rid on one side and not the other.

Mr. Frost: Well, I mean, from my standpoint, I don't have a real problem. I'm just trying to find that, you know, sort of a common ground that we can get something resolved.

Vice Chair Barrow: Well, in response to what you said...[interrupted]

Ms. Farrar: [inaudible] that building was [inaudible]

Vice Chair Barrow: the further back you would [interrupted]

Mr. Frost: sometimes it's a great building without [inaudible]

Mr. Sommer: I'll answer your question directly. Mr. Ellena is the president of the bank here and I just... he can speak for himself too, but it wouldn't be acceptable. There are a couple of reasons. One, we are doing underground parking on a very limited site. And so, the ability to combine this mixed use project and provide that parking.

In addition, we are providing additional parking that will be available to the public. So that's part of the economics of our project. So, just to answer your question directly, it wouldn't be acceptable and I don't want to wishy wash around it. Anyway, thank you.

Mr. Newman: Does that also mean that there's no flexibility with regard to pulling that third floor back; still two units, making them smaller. I know that has an impact on economics, right?

Mr. Lloyd: We've come back to... Well, I think we have been very specific and very transparent in our entire process. We've had one person from the public stand up tonight saying that, in his opinion, this is an exception that ought to be made. And he sat through all of these ad hoc committee meetings. So I guess I would answer that with, "How specific can you be about what that distance is?"

Mr. Newman: Well, I can be real specific. Whether my colleagues would agree with me is another matter. On the floor plan, could you... I don't know who controls all this stuff. The second floor plan.

Mr. Sommer: You mean the third floor.

Mr. Newman: I mean the third floor. Thank you. It is always good to have a lawyer in the room. Okay. So, and this is ... I'm really talking to you, Jane, because you've been the most vocal about this, what I think is a very important issue. I'm looking at pulling that unit back to say the line of that pergola, the north edge of that pergola. Which gets the third floor behind the ridge.

Mr. Lloyd: Well right now it's in line with the ridge, so the one-foot would get it behind the ridge.

Mr. Newman: Well, I don't know. You wanted me to be specific and I'm saying that ten feet...

Mr. Lloyd: Yeah, that's too much. That would ruin both of those houses. It wouldn't... we just can't. They won't function going back that far.

Mr. Rasch: What is the square footage of those two residences?

Mr. Lloyd: Well, the five units are a total of right around 5,000 square feet. They are averaging around 2,000 square feet. But, the way the rooms are laid out, you are taking approximately ten feet out of a living room that is only twenty feet wide. You end up with a ten-foot living room. It just doesn't work.

Mr. Newman: I do understand. If you just take the existing floor plan and lop ten feet off.

Mr. Lloyd: Sure.

Mr. Newman: But you are an architect and you could rework that floor plan so that it might work.

Mr. Lloyd: It might. I guess I would reiterate again that we've had one person from the public stand up supporting this project. On a project this size, when have you ever had such input and ad hoc committees that really worked with the people who felt most concerned about

this site and come out this way.

Mr. Newman: I understand your position and this raises another issue with regard to the whole process, that we have these ad hoc committees that we were excluded from and it's makes your life incredibly frustrating... ours too.

Mr. Sommer: If I may add one thing to the concern that's been raised, the group that we dealt with specifically was the... that included ... and we dealt with them not just in this group, was the owner of the ad... owner of the Delgado House, and that's the Foundation. And we went through these plans very, very carefully with them.

And the party that has the greatest interest in the effect of this building on that building. We worked with them very, very carefully, with respect to the setbacks in that corner and so, you know, obviously we would like the project as designed. And we feel like we've worked with the... not just the community as a whole, but that particular owner in particular. The bank runs the place....

Mr. Newman: I understand.

Mr. Sommer: So we are concerned with it. We are highly concerned with the impact and we did include David in these discussions along the way to have the input of City staff. Obviously not as a proxy of the Board but the City was not completely not involved. I guess the... I don't know. There is not much more I can add other than to say [interrupted]

Ms. Farrar: Excuse me.

Mr. Sommer: that I think that we've worked hard with very interested groups and anyway. I appreciate your concerns.

Ms. Farrar: Karl.

Mr. Newman: And I think the way you have undertaken this project has been terrific. I am expressing my frustration at the City Attorney saying we cannot participate. It just makes your life miserable because this is the second time we have sat here and I think it is

unnecessary.

Ms. Farrar: Karl, I had a question. You said the owner of the building is the Historic Foundation?

Mr. Sommer: Yes.

Ms. Farrar: And so the Historic Foundation wants you to do this?

Mr. Sommer: They [inaudible. Several speaking at once.]

Mr. Rasch: I think we should hear from them.

Mr. Frost: I wondered when that was going to happen.

Recorder: Please state your name and address.

Ms. Bergman Elaine Bergman. 545 Canyon Road.

Recorder: Under penalty of perjury, do you swear or affirm that the testimony you are about to give is the trust, the whole truth, and nothing but the truth?

Ms. Berman: Yes, I do.

Ms. Bergman: We were three people from our group, at least, were involved in this. The indication that I got from those who were involved with it felt that they didn't influence the design very much. They... there is continued concern about the relationship between the new project and the Delgado House.

Ms. Farrar: I would have thought that so...

Mr. Rasch: And the concern was two-fold. It was height and possibly too busy.

Ms. Bergman: Yeah. I think they were looking for something simpler, less ...

Ms. Farrar: Okay.

Vice Chair Barrow: Well, do we feel that we have to have the exceptions all read out to move forward to a motion?

Mr. Rasch: They are part of the record, so you don't need to spend the time unless you want discuss them for the record.

Vice Chair Barrow: I think it's the...

Mr. Lloyd: I guess the owner has just spoken to me. If you, you know, a couple of feet on the front makes a difference, he would like us to redesign that to make that work. Ten feet doesn't work. So...

Vice Chair Barrow: Well I think that shows an element of compromise on the applicant's part and I do ... Ms. Farrar has made a very strong statement about the size of impact of the building against the Delgado House. It is something to be thought about. This particular rendering really lends some argument to that. I think the applicant has made a lot of changes to the building already based on comments that have been made.

So if they are willing to move a little bit in this direction, I would encourage the Board to take that into consideration in a motion. Try to deal with this project. We have had a lot of testimony previously about this. I think there is a general feeling that the design features are acceptable to a large part.

Mr. Newman: I do not want to comment. I just don't want to be lumped together in that statement.

Vice Chair Barrow: Okay. So there's ... a lot of difference of opinion.

Mr. Newman: You have a mess on your hands, Mr. Chairman.

Vice Chair Barrow: Well, we have to move forward on a motion. I think I'm just indicating that the applicants have come forward with a further willingness to compromise on the third floor. I think it shows good faith. Are there other issues that we need to address?

Mr. Newman: Since I just made that comment, I should probably say something briefly. I have thought about this project so much since your initial presentation and, actually the massing hasn't been the issue for

me. It is a stylistic one and those concerns have just been heightened when I hear that, really, above the first floor, the wood elements are not wood; they are pre-cast.

Mr. Lloyd: Subject to your review.

Mr. Newman: Well, they're, and I hesitate to use this term, but it just fits to my mind that this is ... really is Disneyland. There's no or very little honesty of materials and stuff. It's just... and I still think it's too busy though it is improved. And, you know, we are not designing this thing.

Mr. Rasch: But remember. And unfortunately, I have to point this out. I had an appeal that went to Council for a contemporary style. And I found that article by John Gaw Meem in the seventies that pointed to a Greek temple in marble has mimicked wood construction and I won that appeal by saying we have to allow contemporary materials but we do not have to allow contemporary style.

Mr. Newman: I am very familiar with that article and we're not going to get into a philosophical discussion. But I do take exception to Meem's position and I think it doesn't fully understand what the wood building really looked like as opposed to what its stone interpretation turned out to be.

Vice Chair Barrow: Can you get a little more specific? You mentioned the wooden elements. I understand that. That's quite clear. And that could be something that could be included in a motion. You know, you are talking about changes in the portal. Those were, I think, reflected largely in your comments.

Mr. Newman: Yes. If we set back the third floor and really just got rid of the eyebrow. And I do understand your concern about opening the doors. It's not compelling to me to result in that kind of aggressive eyebrow with corbels and that.

Vice Chair Barrow: Well, we have differences of opinion on that. I think probably what we are going to have to do is, someone on the Board needs to try to make a motion, taking into consideration some of the things that have been said. We've had some comments about wood. That's a very good comment.

There is a difference of opinion about the eyebrow. My personal opinion is that it is greatly improved over the previous version. I think if we set back the third floor a little bit, that's going to be a great improvement.

Ms. Farrar: What do you mean by a little bit? Like two feet?

Vice Chair Barrow: Well, I think someone has to suggest something. That ten is not acceptable. I think ten ...

Ms. Farrar: Listen, this is an exception, you know. An exception is set out to be an extraordinary situation. What is it? An extraordinary amount of money? I'm sorry. I'm, you know, kind of over this. But it is so obvious when.. I didn't look at this case before. I didn't have any contact with it. I haven't read about it in the papers. I'm coming not disgusted with anyone. I'm just looking at this front on.

I see pages and pages of arguments about how to come up with height calculations. We have given high buildings all over this City that shouldn't have been as high as they were. And there is no issue over that. So to me, you know, using the documentation that we are given to work with, and to make this building just visually work harmoniously with our downtown, it's so obvious that that third floor is like this looming thing. There is nothing about it that makes sense to anything that's down there.

This is a completely new creature. And it's coming in with friends on either side that are not modest. And it's.... I cannot reconcile that we have sold ourselves so down that track that we can't see the most basic principles of what Santa Fe was created on; is having natural beauty and being able to see the mountains and, you know, what that means to our City. I mean, that's our whole draw, is tourism and being able to be in a town city and we're doing this.

Mr. Lloyd: One of the questions that Cecilia asked the last meeting we had, as we got close to the end of the meeting, was... the applicant is here really to ask how the big issues about what this committee felt about this project. This one seems like a pretty big issue. And it was not by anyone at that meeting addressed in a way that said, "We don't think we can live with that third floor." Not one of you.

Ms. Farrar: Well, it just seems to obvious to me. It's just like "poof" it's there and it's not even legally allowed to be there. And with all these antics, it's still an exception.

Mr. Lloyd: It is legally allowed.

Ms. Farrar: And if we don't lose the interest, the exception... even the way we have this documentation, it's like we have to grant a 5' 9" exception. Oh, and by the way, that's including... that has included the four feet, we it's actually almost ten feet on one side, thirteen four on the other and fourteen feet eleven, almost fifteen feet on the other. I mean, come on.

Mr. Sommer: Mr. Chair, I've just gotta say, at the end of this process. I mean we've been at this a long time. And to hear that what we've engaged in were antics... I've got to tell you that what we did in this project was to try and shed light on what was going on in the process. We were told that the heights were 54 and 52 feet. And then we were told that they were a different feet which were much higher than this. It was the process that we winnowed through with staff.

And I'm not blaming David or anybody else. But to say that we were engaged in antics to end up with a project that doesn't comply with anything, you know, I've just got to take exception to it [interrupted]

Ms. Farrar: I didn't say that.

Mr. Sommer: If I may just finish. I don't mean to engage in an argument with you but my clients have engaged in a long process and they directed us to be open, honest, direct, find the truth, ask for reality, and present it that way. This is not about trying to get away with something, trying to produce antics, or trying to destroy the character of the downtown. These people have been in this community for a heck of a long time. And they're going to be here for a long time. They have no intention to create some disharmony in the downtown. And they have a broader picture other than the things that are engaged here and that is why I raised them earlier.

So, I don't mean to be contentious with you but I can't sit back after five months of working with staff and the community to be accused of playing shenanigans with you all.

Ms. Farrar: You know, Karl, I didn't accuse you. And ... but I see this as being a very involved process that allows you something, or allows your client something that makes a lot more money. This is about money. It's not about... for you it is about money. And I'm sorry.

I'm not going to look at this project and think, "Oh, this really makes sense to the Plaza." You know it's like the center of our whole city. It's the heart of our city. And, yes, I know. You all have figured out how to work this and that and everything has been pushed around and pushed around.

But I know what the origins of this ordinance was. We have fifty years of people have worked really hard to save the character of this city and really to protect it. And I think that, you know, you've worked hard on design. Your designs are good but the height on this is... next to that Delgado House, is just ... there's really just no way. I cannot look at that and say honestly that you are fitting in as a new neighbor. You know, conscious way to the other two buildings on either side of you. It's just crazy.

And maybe you've worked so hard at all this and gone through all this with everybody over and over and over. But everybody is just kind of stunned with all the information. But, you know, just cold, looking at it, it's really clear. [interrupted]

Mr. Sommer: You know, I've got to make a point [interrupted]

Ms. Shapiro: I think I have to defend my colleague. Well maybe I don't really have to defend her, but I have to agree with her in some aspects of this. You know, I listened through the last meeting and I have listened to this whole line again. Until we really came up with the actual sizes of that third story did I really realize the impact of that. I mean what we are talking about as the height exception is the third story. And it really didn't make sense until what you brought to us tonight. So... I think it's a little unfair to, you know, say that we've sat through this now for the second meeting and or the material. It really isn't immaterial.

It's not to say that I don't like your design or anything like that. But it is kind of a shock to realize the exception is that third story.

Mr. Sommer: Actually it is not. And that's what I am trying to point out to you, is, if you deal with reality, the exception, according to these maps [interrupted]

Ms. Shapiro: Well what's thirteen three? That's the third story. What's fourteen eleven?

Mr. Sommer: Yeah but that is based on the fact that the map has distortions in it because it creates a fiction that it's thirteen feet and fourteen feet. It isn't. This building, on the Palace side, is only seven feet above the Delgado House. The Delgado House is not the tallest building on the block. The building across the street is taller than the Delgado House. It's a historic building.

So that's the point I was trying to make earlier was that, if you go to the official map, the distortions in the map make the exceptions look like they are the entire third floor. But if you go to reality on the Palace side and if you use the calculations... Let's say you just corrected for the two feet. Our exception on the Palace side would be two feet. And that's based on the ordinance that excludes some very tall buildings.

Across the street the Fine Arts Building is way taller than this. And it's completely excluded. So that's the point I was trying to make. The distortions by the map... the fiction created by the map creates an unreality. And what I tried to show you is that the reality is not this thirteen, fourteen feet, the whole third story.

And the same is true on the Palace... I mean on the San Francisco side. It's that distortion that I'm trying to point to you. And that's the basis of our exception. And that's really the endeavor that we've gone to. And, you know, I mean no offense to Ms. Farrar. And I take none personally. And maybe I overstated it.

I don't mean to be contentious. I know we all mean well. We've all been working hard. We all have been. I just want to be clear about it. That is, that's the distortion created by the inaccuracy of the

official map and it puts all of us in a very bad position. And what we've tried to do is point out that, when you deal reality and the streetscape, we are in character with the streetscape.

And the highest parts of our building are set way back from the property lines, where the tallest buildings on all of these streetscapes, the tallest elements are on the streetscapes. Up and down Palace, I mean Palace and San Francisco, the tallest elements of the buildings are at the streetscape. You take the Spiegel Building, or what is the, you know, along Palace. You know, all of these buildings have their tallest elements along the streetscape. We've pulled our tallest element back. Anyway, we've been through this a lot and I appreciate your time.

Mr. Frost: If we ... Correct me if I'm wrong on this, from an architectural standpoint. If we used the official map heights and we built buildings beside these buildings, would those buildings not be under-scale to the buildings next to them, based on what they said because their under having a building.

Mr. Rasch: But it is an average. So a new building would not be the tallest and it won't be the shortest.

Mr. Sommer: You are correct, that you would be doing something that would be the other direction under the ordinance. And any other thing that the official map creates is a distortion, as I pointed out to you. It is not just a distortion in favor of heights. I mean you have heights on that official map that are shown at more than 45 feet which are actually 38 feet. And you know, that's the kind of thing that we've been trying to deal with. [interrupted]

Mr. Frost: Is that map... What does that map show the Delgado House to be?

Mr. Rasch: Twenty eight.

Mr. Frost: Oh. I thought at some point you said it was fifty five.

Mr. Rasch: Fifty one, according to the planometric data.

Mr. Sommer: On the planometric.

Mr. Frost: Oh, on the planometric.

Mr. Rasch: But it is thirty one feet and the official map says twenty eight. So the official map is off.

Mr. Frost: Last week's [inaudible] it would have been 51 feet high?

Mr. Sommer: That's right. And that's what we came up with a height calculation when we started this process of fifty some feet. That's obviously inaccurate. We came in not asking for an exception because of the way the official heights were calculated.

Mr. Rasch: Maybe I should back up and quickly tell you how we got to this point. When Marissa and I started we were trained by my predecessor on how to do height calculations. And we were using the survey heights on the GIS database. And James had said we add two feet for database errors. Because he realized that the numbers weren't real.

We were doing that and there was a period in time when the Board said to staff, "Why are you adding two feet? That's a lot." And we said it was for database errors. And you said, "Where is that in the ordinance?" And I went to the City Attorney and the City attorney said, "You can't add two feet for database errors. It's not in the ordinance." So we came back to you and you said, "Oh oh. We can't add that two feet. We're not going to add the two feet.

And I think it was the previous chair who said, "Well, are there any other datasets you can use?" And we said planometric. And the GIS staff said to us, "We believe the planometric heights are the most accurate. Why don't you use those?"

You made the action and said to staff, "From now on, use the planometric heights. Do not add the two feet for database errors." And we've been doing that for two years and now realize that the planometric heights are even worse than the survey heights.

Ms. Farrar: And I think the whole reason it was always up side was because we were getting this more than a creep. You know, there are buildings that were built on Garcia that are so high.

Mr. Frost: And this design was based on planometric?

Mr. Rasch: The initial height calculation was planometric heights until the ad hoc group realized we were not doing it legal. We had to use the official map.

Vice Chair Barrow: So then that resulted in this understanding that we have to use this map...

Mr. Rasch: by law.

Vice Chair Barrow: But in this particular case, the attorney has said that this data is acceptable to be put in the information.

Mr. Rasch: As an exception. Correct.

Mr. Newman: I do have to agree with Ms. Farrar that all of these discussions about numbers are sort of beside the point. That they are incredibly important as our city continues to grow and all the work you have done is incredibly important in shedding light on this mess. But when it comes to this project, I do think we either need to propose a counter setback for the third floor on Palace or not and move on to the next.

Vice Chair Barrow: Well, I think we should try to do a motion, based on some of the things we have heard. And that everyone is entitled to make a motion. We have a process here and everyone has been heard. There's not anyone that is denied a hearing for what we have to say. And I'm willing to spend as much time on this as we need. It's a very important project. As we've said one of the main four or five ones of importance. But one way to proceed is for someone to try to develop a motion, based on what we've heard. And let's see how it plays out.

Mr. Sommer: May I make a suggestion?

Vice Chair Barrow: Yeah.

Mr. Sommer: I'm just kidding.

Mr. Newman: An attorney with a sense of humor

Mr. Featheringill: Which building is the Coldwater Creek Building on that map right there?

Mr. Lloyd: It is two buildings to the left.

Mr. Featheringill: That one?

Mr. Lloyd: That one.

Mr. Featheringill: Okay. So that building is five feet taller than your building. The bank building, which is the one up top of there, is two feet shorter. So we're really not talking about much difference in that area.

Mr. Frost: On that streetscape, no.

Mr. Lloyd: Sounds like a motion to me.

Mr. Featheringill: [inaudible] forty-two feet. The Coldwater Creek Building is the one that backs right up to the Delgado Building.

Mr. Rasch: Yes.

Ms. Farrar: [inaudible] huge yard.

Mr. Featheringill: Yes, there is a setback, but I'm just talking about building heights. And ...

Ms. Farrar: It's on the back side of the building [inaudible]

Mr. Featheringill: Yes. It's taller, I believe, than the one that's next to it also. Thirty-five feet plus, on the other side of the Delgado Building. The one next to it there is only about 20-25 feet. The Ortega Building, isn't it? It's about that, isn't it?

Mr. Sommer: On the corner? The one on the corner is ... I think it is 32' but I can't remember offhand. Going west, in this area, you have a series.... from the Palace... excuse me, from the Paris Building, the old Paris Theater, you have a series of very tall buildings along that street front. Which were originally excluded because we didn't have any

evidence of their historicity.

Mr. Rasch: Because they were non-contributing over sixteen feet.

Mr. Featheringill: Yes. And the museums. What is the height of the museums?

[Three or four people talking at once.]

Mr. Featheringill: If we could get that third floor against it. Maybe be move that back from Palace. Maybe moving that corner away from the Delgado House, you might be able to save some space and still give some space to the Delgado. The pergola is at that top. Make that larger there and get some space.

Other than that, I don't have too many problems with the height of the building because it really does kind of... I know in the calculations, it does not conform very well. But with what buildings are around it, it does. Putting that building in there is not going to take the historic designation away from the Delgado Building. It may not improve it but it won't take it away.

Mr. Lloyd: That's right.

Mr. Newman: I would say that from my experience, if this was a Federal Tax Act project, I think it would probably lose whatever tax benefits the Delgado House has but...

Mr. Featheringill: It is not part of that project.

Mr. Newman: Well, but it is adjacent. How about this? I like your idea about cutting back that corner but how about cutting that corner and pulling back the third floor maybe three feet.

Mr. Featheringill: How about two feet each direction?

Mr. Newman: They took my toy.

Mr. Featheringill: We're negotiating here.

Mr. Newman: You're proposing to take a chunk out of here.

Mr. Featheringill: Well it's her south wall that the pergola attaches to.

Mr. Newman: Yes.

Mr. Featheringill: moving up and down. Move that one back two feet into the building. And the front wall back two feet into the building. I don't know if that is acceptable to you. I just...

Mr. Sommer: I just ran that by Greg Ellena of the bank, and if that works for you all, that works for us.

And I think it achieves... It is a measure of trying to achieve what you have identified and partially

Mr. Newman: None of us are going to be happy.

Mr. Sommer: On the Delgado House.

Mr. Lloyd: But you weren't saying two feet each way. You want a corner out of the northwest corner and two feet off the front.

Mr. Featheringill: Well, pass the pointer. I've got to play with this thing. Okay.

Mr. Newman: It's the shiny button.

Mr. Featheringill: I've got it. This wall right here, move it that way two feet. And this wall down two feet.

Mr. Lloyd: Oh, okay. That is what you were talking about. I thought you just wanted a corner.

Mr. Featheringill: Well, that's another option. Let's take a 45 right there.

Mr. Lloyd: Not a 45.

Mr. Featheringill: yeah.

Mr. Newman: Okay, it just gets worse.

Mr. Lloyd: Those compromises are acceptable. You know, we can define them. You can define them or we can define them but giving up

some square footage there.

Mr. Sommer: Going back two feet this direction from the east and two feet this direction from the front, That probably works to achieve.

Mr. Newman: So both sides, east and west two feet, so we are reducing the width four feet totally and dropping back two feet.

Mr. Sommer: No. We are reducing the west side from the lot line.

Mr. Lloyd: That goes east two feet

Mr. Newman: But not the other side.

Mr. Sommer: Right.

Mr. Newman: I just saw the opening and thought I'd walk through it.

Mr. Featheringill: Okay. Well, I'd like to get closure. I may need some help here.

Case #H-06-124. I'd like to approve with the exceptions based on the two foot additional set backs, with staff approval of formed concrete wood,

Mr. Frost: The portal changes.

Mr. Sommer: [inaudible]

Mr. Featheringill: Do you have the number on those revised drawings sir? Could you just write in "A", "B", "C" so we don't ...

Mr. Sommer: We'll call this revised drawing "A". We'll use the other one. And then that one. Okay.

[Several people talking at once.]

Mr. Featheringill: You don't have the second one with just the pergola on the screen. I don't think we have a drawing of that one.

Vice Chair Barrow: On the screen.

Mr. Featheringill: So we are approving "A" the eyebrow and other modifications as drawn.

Mr. Sommer: How about the window treatment at the top as shown?

Mr. Featheringill: Right. That one. The new arch feature cast concrete and go ahead and get approved by staff.

Recorder: Is "A" the eyebrow?

Mr. Rasch: Yes.

Mr. Featheringill: And on San Francisco Street, having the revised drawings to raise the parapet on the second floor, raise the window height and raise the portal and I don't have the those.

Mr. Frost: Those were in the drawings as well.

Mr. Rasch: Page 23 is correct.

Mr. Lloyd: Yes. It is.

Vice Chair Barrow: Stucco texture?

Mr. Featheringill: Stucco texture will be fine go with the Territorial and a full sand finish to go on the Pueblo. Colors are acceptable. Window frame colors as submitted are acceptable. Do we have lights?

Mr. Lloyd: No.

Mr. Featheringill: We will have any lighting approved by staff. No additional rooftop appurtenances, in the mechanical, other than what's shown on these drawings, will come down.

Mr. Sommer: And, if you are granting the exception, the code says that you have to make a positive finding. If you just add to the motion "with a positive finding required by the code [interrupted]

Ms. Farrar: And I would like a [interrupted]

Mr. Featheringill: The finding is the fact that it works with the adjacent buildings and is an acceptable height in relation to [interrupted]

Mr. Sommer: The plan that you use the code says a positive finding with respect to the exception and that's really the language that needs to be in the motion to make it [interrupted]

Ms. Farrar: Well actually, in the past we have been more specific and I've been asked many times to find an exception criteria per fact for each of the exceptions. So I would like you to do that.

Mr. Featheringill; You'd like me to do that?

Ms. Farrar: Well, I want you to find how that exception criteria fits for each one of these different criteria.

Vice Chair Barrow: I think he just answered one. He just answered that. He could repeat it I guess, but he just stated it.

Mr. Sommer: I guess all I was saying is that we have submitted the findings with the rationale and they can be incorporated into the motion by reference, if there is a positive finding from your all's standpoint. I don't think we need to walk through them. I just think that they need to be addressed.

Ms. Farrar: Well, I've already said we should walk through them.

Vice Chair Barrow: I think it is our option.

Ms. Farrar: Yeah.

Mr. Featheringill: And my exception.

Mr. Newman: Why don't you read the question? Do it by number.

Mr. Featheringill: Number two. It will not cause injury to the public welfare. Number three, it is compliant with the heterogeneous character of the neighborhood or the city. Four, the special conditions are the fact that the calculations as run by the city don't really hold up in that neighborhood. And a tall building is acceptable. Five, I'm not really sure on five.

Mr. Frost: Same thing.

Mr. Featheringill: Same thing. Special conditions not a result of the applicant. And six, it's legalese.

Mr. Rasch: Are there any other options is what six is.

Vice Chair Barrow: Provide the least negative impact.

Mr. Featheringill: It provides the least negative impact on the project and the neighborhood.

Vice Chair Barrow: Is there a second?

Ms. Shapiro: Second.

Vice Chair Barrow: We have a motion and a second. All those in favor of the motion?

Mr. Featheringill: Aye.

Ms. Shapiro: Aye.

Mr. Frost: Aye.

Vice Chair Barrow: Opposed?

Ms. Farrar: No.

Mr. Newman: No.

Vice Chair Barrow: Motion carries three to two.

Mr. Lloyd: Thank you.

[This is the end of the verbatim transcription.]

STATUS REVIEW

1. **Case #H-06-130.** 726 Allendale. Don Gaspar Area Historic District. Linda Zingle, agent/ owner, proposes an historic status review of this Non-Contributing property.

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

BACKGROUND & SUMMARY

"726 Allendale Street is a single-family residence that was constructed by 1955 in the Spanish-Pueblo Revival Style. The building is listed as non-contributing to the Don Gaspar Area Historic District.

"All of the original casement windows, as noted on the 1982 Historic Cultural Property Inventory, have been replaced with aluminum sliders.

"The original massing of a simple rectangle has been altered during non-historic dates, beginning in 1987. Additions on the north, west, and east elevations have almost doubled the footprint. Also, the front, street-facing elevation has been altered by the replacement of the entry door overhang with a simplified portal and bancos.

STAFF RECOMMENDATION

"Staff recommends that the non-contributing status of this property be retained due to loss of historic material and non-historic massing changes."

Present and sworn was Ms. Maggy O'Dell, 726 Allendale, who said she bought it in 1987, twenty years ago and lived alone until 2000 and since then, two people have lived here. We would like more space, especially more storage space, larger bathroom space and larger living room area.

Vice Chair Barrow explained that the Board was not looking at design proposals which could be done in the future.

Ms. Farrar asked about the changes including the windows.

Ms. O'Dell explained that they changed all the windows in 1987 from steel casements to aluminum sliders. She said she changed the window on the addition to a steel door in 1992 and the shed became incorporated into the house in 1992.

Ms. Farrar said it seemed the actual physical addition was about less than half of the original.

Mr. Rasch said they were approaching 50% if they haven't already.

Vice Chair Barrow asked if there was no re-survey.

Mr. Rasch said the survey was sufficient.

Ms. Farrar said to her there was no reason not to have it be contributing.

Mr. Newman: said he went over today and agreed with staff that between looking at it on this drawing it was hard to see how incredibly different this is. He said that after seeing it, he was not convinced it should be Contributing.

Ms. Farrar asked if this was on the field trip.

Mr. Rasch said no and added that there were a lot of buildings in this neighborhood that were similar.

Public Comment

Present and sworn was Ms. Linda Zingle, 726 Allendale, who said this house was 52 years old so the only way it could be considered historic was age because everything else had changed. She pointed out that the additions were way over 50% so if they wanted to make any additions, they would need an exception. She said there was not one original feature that the Board was looking at. She said nothing was historic about this house except for the inside which was beautiful and the exterior needed to be brought back into something harmonious.

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

Mr. Frost, in regard to Case #H 06-130, moved to retain its non-contributing status. Mr. Featheringill seconded the motion and it passed by majority voice vote with all voting in favor except Ms. Farrar, who voted against.

2. **Case #H-06-133.** 416 Apodaca Hill. Downtown & Eastside Historic District. Christopher Selser, agent/owner proposes an historic status review of this Non-Contributing property.

This case was postponed under Approval of Agenda.

NEW BUSINESS

1. **Case #H-06-129.** 851 Camino Ranchitos. Downtown & Eastside Historic District. Liaison Planning, agents for Ranchitos Investments, LLC, propose to construct a 1,874 sq. ft. single-family residence to a height of 13' 6" where the maximum allowable height was 16' and to construct a yardwall and pedestrian gate to 6' high.

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

BACKGROUND & SUMMARY:

"851 Camino Ranchitos is a 14,082 square foot vacant lot in the Downtown & Eastside Historic District.

"The applicant proposes to construct a 1,874 square foot single-family residence in a blended Spanish-Pueblo Revival - Territorial revival style. The building will be 14' high where the maximum allowable height is 16' 4" and determined by a linear-visual truncation calculation.

"The building will feature wall-dominated massing with tapered parapets finished in 'Buckskin' cementitious stucco. True divided-light windows and doors will include wooden surrounds, shutters on windows under the portal, and transoms over the south elevation windows. The portal will feature square posts and a 'tan non-reflective raised seam' shed roof over exposed rafters. Windows and doors will be painted 'Rainier White.'

"A 6' high stuccoed yard wall and wooden pedestrian gate is proposed beyond the parking area to delineate a brick-surfaced terrace.

STAFF RECOMMENDATION:

"Staff recommends approval of this application which complies with Section 14-5.2(E) Downtown & Eastside Historic District design standards."

Mr. Rasch also pointed out the streetscape was totally hidden behind a coyote fence.

Present and previously sworn was Mr. Richard Horcasitas, who brought examples of stucco, colors, roofing.

Ms. Farrar asked about the small site plan.

Mr. Horcasitas explained that the lot was "terrain challenged" and also had a drainage easement toward the east side shown with dotted lines. He said the grading and drainage prevented disturbance of 30% slopes.

Vice Chair Barrow said there were no elevations of the walls and gates.

Mr. Horcasitas said that was on page nine.

Ms. Farrar asked what elevation was street facing.

Mr. Horcasitas said it was the one with portal and windows. He added that the coyote fence would be removed.

Mr. Newman noted that this house would be closer than anything else.

Mr. Horcasitas showed an aerial photo and said it would be seven feet behind that road.

Vice Chair Barrow - said Mr. Horcasitas clarified the location of the fence.

There were no speakers from the public regarding this case.

Ms. Farrar moved for approval of Case #H 06-129. Mr. Frost seconded the motion and it passed by unanimous voice vote.

2. **Case #H-06-131.** 518 Camino Cabra. Downtown & Eastside Historic District. Martínez Architecture, agents for Dan Warner and Dena Ross, propose to construct a 2,103 sq. ft. single-family residence not to exceed the maximum allowable height of 15' 2".

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

BACKGROUND & SUMMARY:

"518 Camino Cabra is a 4,267 square foot vacant lot in the Downtown & Eastside Historic District. The applicant proposes to construct a 2,103 square foot single-family residence in the Recent Santa Fe Style.

"The building will be 14' high at midpoint on the street-facing elevation where the maximum allowable height is 15' 2" as determined by a linear calculation.

"The building features wall-dominated massing. The proposed radius of the parapets, corners, and window/door reveals should be clarified with the applicant. The proposed elevation drawings appear to lack wall battering.

"The simplified portals will have the maximum allowable overhang of 30" above projecting beams. And all windows and doors meet the 30" and 3' rules where applicable.

"The building will be stuccoed in cementitious "Buckskin." Exposed wooden beams and portals will be stained a "natural brown" color. Window and door cladding will be a "tan" color.

STAFF RECOMMENDATION:

"Staff recommends approval of this application which complies with Section 14-5.2 (E) Downtown Eastside Historic District design standards."

Present and sworn was Mr. Richard Martínez, 416 Cerrillos Road.

Mr. Martínez said the property and plans were sold to his clients, Friendly Investments and he had been engaged to make the house bigger and make details approvable by historic staff. He explained that he rearranged the windows because there was not the same rhythm as before. He noted they had vertical division and were clad wood windows. He rounded the corners and took away the brick detailing, but otherwise was basically the same plan. He added that it had been moved forward because of the larger size.

Ms. Farrar asked how much increase there was in this design.

Mr. Martínez said he took it to 50% of lot coverage with appropriate open space. He thought it went from 1800 to 2100. He said they attached the free standing second building.

Ms. Farrar said she was concerned on the east elevation with what was exactly going on in this primary façade. She noted it was very visible and didn't know how to clarify it. There was the entry way and then you go up stairs.

Mr. Martínez said there were just a few stairs. You go under a stuccoed recess through a gate and on the other side, you were under a portal in the part linking to the other side. The front door was in the courtyard.

Ms. Farrar said it had a very modernist dynamic. She felt the rest was fine but was concerned about this east façade. She supposed if the edges were curved and rounded but questioned how the entryway read.

Mr. Martínez said it was intended to be like a traditional gate through a fence. It was a stuccoed mass.

Mr. Rasch said it was like a zaguan.

Mr. Martínez said it was intended to be like a gate through a wall.

Ms. Farrar felt it did not read like that.

Mr. Martínez said he didn't put a lintel in there because it wasn't very large but they could put one in if that was what gave the modern feeling.

Mr. Frost felt it was extremely rectangular and symmetrical. He felt it actually looked like a concrete bunker and didn't fit to him.

Mr. Martínez said that on the north elevation there were no windows because it was a zero lot line.

Mr. Newman felt it was terrific, particularly the east elevation. The change in volumes and the stepping back. With the wall to the north was just a very interesting expression of contemporary wall dominated earthen.

Mr. Martínez said the house would be foam block so this would have a very nice wall quality. He felt the play of the porches against the house would be really wonderful. It was a beautiful house to him.

Mr. Newman directed the Board to page 7 to look at the north elevation. He noted it was not flat; that these volumes were staggered.

Mr. Frost said he didn't have a problem with that but there were no Santa Fe elements and this was in the historic district. He felt the footprint could be like they wanted but the Board's job was to make sure it looked like it belonged where it was. He thought it was not a bad design but didn't fit.

Mr. Rasch noted this property had been on the market for a long time because many buyers couldn't get a building to fit. He agreed with Mr. Newman that it didn't look traditional. He thought they needed reveals that were more traditional.

Ms. Shapiro said that even looking at the previous case, she was shocked to see something so similar. She felt it had a lot of negative spaces going back and forth and what bothered her was that the rectangles didn't flow into each other as well. If you softened the edges to make them flow into each other. The idea was really good. She agreed that it was a very difficult piece of property. She hoped he would take this back for redesign and show soft edges.

Mr. Martínez said it did show round edges.

Ms. Shapiro said the drawings didn't show that as much.

Ms. Farrar thought of this as cubes and asymmetrical. She said it was not a general detail she considered historic in style.

Mr. Newman said there was nothing more asymmetrical than adobe.

Mr. Featheringill said it needed more curving on the edges.

Vice Chair Barrow agreed that the entry should have a lintel on top.

Mr. Martínez said he would put in a lintel.

Ms. Farrar asked if the posts were square.

Mr. Martínez said yes.

Ms. Farrar said she was not saying she didn't like it but it was almost Prairie style, almost Frank Lloyd Wright and asked where they were going.

Mr. Martínez said he could use round posts.

Ms. Farrar said she needed more information on the east façade.

Mr. Martínez said it was very simple.

Ms. Farrar said she didn't understand the tall block by the entry.

Mr. Martínez briefly explained it.

Mr. Frost said he was confused about the header.

Ms. Shapiro asked if he could bring back a colored rendering.

Mr. Martínez said he submitted this on November 15th and now it was the middle of January. He said it was an impossible process.

Ms. Farrar said they already had problems with this very similar plan and was turned down by the Board. Then it went to City Council and was turned down by them.

Ms. Shapiro said they all had the holidays and a snowstorm in that period of time.

Mr. Rasch asked if three-dimensional drawings at quarter-inch scale would help.

Mr. Martínez said he could do some renderings but felt that a model would not help.

Ms. Shapiro explained that the east elevation was what they were really concerned about.

Ms. Farrar said if there was any redesigning to be done, it was the time to bring in the general detail of historic Santa Fe into it.

Mr. Rasch said that drawings were due on January 26th for the Feb 13th meeting.

There were no speakers from the public concerning this case.

Ms. Shapiro moved to postpone Case #H 06-131 for a redesign according to the Board's recommendations. Mr. Frost seconded the motion and it passed by unanimous voice vote.

- 3. Case #H-06-132.** 516 Camino Rancheros. Downtown & Eastside Historic District. Cindy Urban, agent for Clare Easterwood, proposes to construct a coyote fence and pedestrian and vehicle gates to 5' 7" high where the maximum allowable height was 5' 4" on a Non-Contributing property.

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

BACKGROUND & SUMMARY:

"516 Camino Rancheros is a single-family residence that was built at an unknown date and is listed as non-contributing to the Downtown & Eastside Historic District. No work is proposed on the residence.

"The applicant proposes to construct a fence with gates at the front of the property. The coyote fence, with irregular latillas tops, will be 5' 7" high where the maximum allowable height is 5' 4". The board may grant the additional inches requested under the 20% increase guidelines. The fence will weave between existing piñon and juniper trees.

"A 36" wide pedestrian gate and an 18' wide vehicle gate will be constructed of coyote fence latillas. The vehicle gate will be installed between 2' wide stuccoed pilasters at 6' high. The pilasters will be fitted with wall-mounted light fixtures that are finished in dark bronze with amber glass.

STAFF RECOMMENDATION:

"Staff recommends approval of this application which complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards."

Mr. Rasch also noted that the east side was almost all walled in.

Vice Chair Barrow asked if those walls included vehicular gates.

Mr. Rasch agreed.

Mr. Newman said they would not necessarily be solid ones.

Mr. Rasch agreed. He said the one to the north would be metal with carved out figures.

Vice Chair Barrow asked if the gates were historic gates.

Mr. Rasch said they were not.

Present and sworn was Ms. Cindy Urban, PO Box 9322, Santa Fe, New Mexico, who said she was here to answer questions.

Vice Chair Barrow noted that while walking on Delgado, observed a mechanized gate opening and a car come out and the gate closed and he felt like he was in prison.

He said it reminded him that he was living in a community of gates and everyone was behind gates and it was very disturbing. He said he didn't think gates had any historic validity in Santa Fe.

Ms. Urban said the purpose of the gate was not for privacy but for her pets to let them roam.

Mr. Newman said there were many ways to solve that problem.

Ms. Urban said her client did not want an electric fence.

Mr. Newman said he was not suggesting that. He said a horse fence or grid of metal would work and could be lower. He noted it was a wonderful view up the driveway to the house. He liked everything about the fence, trees and pillars but the gate was a huge issue and the width was enormous. He said he thought fire trucks needed 14'.

Ms. Urban said she was sure the owner would be willing to reduce the width of the gate probably to fourteen feet.

Mr. Newman said it should be something to see through. He said he did not like the mechanized part and if it were visually open, mechanics wouldn't matter.

Mr. Frost explained that the Board approved his gate twelve years ago as a coyote fence across the drive which had the appearance of one long fence. He said he did not consider that to be bad.

Ms. Urban said she wanted the gate to be understated and not decorative.

Ms. Farrar said it would have pilasters.

Mr. Newman said he would prefer a four feet high gate.

Ms. Urban said she definitely knew five feet would be okay.

Vice Chair Barrow said the ordinance didn't have anything to say about dogs.

Mr. Frost said invisible fences do work because they used one just across the gateway.

Ms. Farrar suggested using one of them instead of a gate.

Mr. Featheringill asked about the set back.

Ms. Urban showed photos of it before the snow.

She said a cattle gate was probably not something she would agree to but maybe coyote spaced apart six inches or a wooden gate with raised panels or spindles.

Mr. Featheringill asked if she would you go back and do some designs.

Ms. Urban said she would if the Board could give her some guidelines. She said she would check on designs of other gates in the area.

Mr. Newman suggested something more open like an iron picket fence.

Ms. Urban asked if it should have matching pedestrian gates.

Mr. Newman asked if she would use them.

Ms. Urban said she thought so.

Mr. Frost asked her to look at the pattern on her light fixture (Twisted wire).

Ms. Shapiro said she liked that.

There were no speakers from the public regarding this case.

Ms. Shapiro said the stuccoed pilasters bothered her more than the gate. She felt metal poles would be better.

Ms. Farrar felt it was a rural area and open.

Vice Chair Barrow asked how large the lot was. He said it looked large.

Ms. Urban said she didn't know.

Vice Chair Barrow asked if the dogs had to go all the way to the front.

Ms. Urban explained that she would be building a guesthouse later and it was quite a distance back compared with other things on that street.

Ms. Farrar said she didn't like a vehicle gates and wanted it open.

Mr. Frost briefly shared how the mechanics would work.

Ms. Farrar moved to postpone Case #H 06-132 until Feb 13th. Mr. Featheringill seconded the motion and it passed by unanimous voice vote.

4. **Case #H-06-128.** 538 ½-B Hillside. Downtown & Eastside Historic District. Sky Wilson, agent for Steve Cook, proposes to construct an approximately 360 sq. ft. addition under the existing height of 18' 6", construct an approximately 323 sq. ft. pergola, and replace an existing deck on a Non-Contributing property.

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

BACKGROUND & SUMMARY:

"The 1984 Historic Cultural Property Inventory (HCPI) lists the approximately 1,460 square foot Simplified Spanish Pueblo Revival style building with second story as being constructed around 1947. The applicant provides two affidavits from neighbors which state that the building was constructed about 30 years ago. The structure is part of a Condominium Association and is listed on the Official Map as non-contributing to the Downtown and Eastside Historic District.

"In October 2006, the property owner was red-tagged for construction without a building permit and without Historic Design Review Board approval. The applicant stopped work immediately and contacted the Historic Planning staff.

"This application proposes the following:

"Construct an approximately 360 square foot single story addition with a below ground level courtyard to a height of approximately 10' (6' 11", which includes 2' 6" of existing rock wall, is visible from existing private drive grade). The addition connects to an existing 18' 6" high building (14' visible from existing private drive grade) by an existing deck which is proposed for replacement. One canale is proposed for the west elevation and the addition will be stuccoed to match the existing building. Stucco type and canale lining were not clarified.

"Also proposed is an approximately 323 square foot wood pergola to a height of 7' 6" within a below grade courtyard that will connect to the addition and an existing approximately 500 square foot, 10' high below grade structure. The structure does not have a HCPI survey or historic status. The affidavit from the neighbors state that the

structure was built within the last 30 years. The footprint of the building does not appear on the 1992 status map but is present on the 2005 aerial photo.

STAFF RECOMMENDATIONS:

"Staff recommends approval on the condition that the stucco is cementitious and that the color is approved by staff and that the canal is lined with tin. Otherwise this application complies with Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Present and sworn was Mr. Steve Cook, 538½ Hillside Avenue, who told the story about how this came about.

Mr. Frost asked if he was walling in the right hand side.

Mr. Cook said he was.

Mr. Frost asked where the entry to the storeroom was.

Mr. Cook said it didn't have one.

Ms. Farrar asked how high above ground this was.

Mr. Cook said the only thing above ground was the parapet.

Ms. Farrar asked if the pergola was higher.

Mr. Cook said no.

Ms. Farrar asked how high it was.

Mr. Cook said it was nine feet.

Ms. Shapiro asked what kind of stucco was on the house.

Mr. Cook said it was cementitious and would match the same color. He showed several pictures of the project.

Vice Chair Barrow asked if none of this was visible from the street.

Mr. Cook said it was not.

Mr. Frost moved to approve Case #H 06-128 as recommended by staff with the conditions that: the stucco be cementitious, that colors be submitted to staff, and that the canale be lined with tin. Mr. Featheringill seconded the motion and it passed by unanimous voice vote.

MATTERS FROM THE BOARD

None.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

With the agenda completed and no further business to come before the Board, the meeting was adjourned at approximately 12:30 a.m.

Approved by:



Jake Barrow, Vice Chair

Submitted by:



Carl Boaz, Stenographer