



Agenda

CITY CLERK'S OFFICE

DATE 3.5.14 TIME 10:06

SERVED BY Carmelle Vrijp

RECEIVED BY Carmelone Spears

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, March 11, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, March 11, 2014 at 5:30 P.M.

CITY HALL COUNCIL CHAMBERS

A M E N D E D

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: February 25, 2014
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-12-061A	846 Old Santa Fe Trail	Case #H-14-012	225	Johnson Street
Case #H-14-008	213 E. Santa Fe Avenue	Case #H-13-060	1219	Cerro Gordo Road
Case #H-14-010	447 Cerrillos Road	Case #H-13-020	523	Canyon Road
Case #H-14-011	1677 Cerro Gordo Road	Case #H-08-042	1317B	Cerro Gordo Road

F. ACTION ITEMS

1. Case #H-11-082. 716 Gomez Street. Don Gaspar Area Historic District. Annalisa Ariatii & Scott Isard. Agent/owners, request a preliminary review to add approximately 860 sq. ft. to a significant residential structure. (David Rasch).
2. Case #H-13-036. 60 E. San Francisco. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for Santa Fe Dining, owners, proposes to expand an existing portal on a non-contributing commercial property as remanded by the Governing Body on July 31, 2013. (David Rasch).
3. Case #H-08-096. 1150 Canyon Road. Downtown & Eastside Historic District. Architectural Alliance Inc., agent for Manderfield LLC, owners, proposes to amend a previous approval to remodel a contributing property by altering and constructing yardwalls and constructing three garages and a carport. A height exception is requested to exceed the maximum allowable yardwall height of 5'4" (Section 14-5.2(D)(9)). (David Rasch).
4. Case #H-12-068. 825 El Caminito. Downtown & Eastside Historic District. Monica Montoya, agent for Cal & Donna Sugg, owners, proposes to increase the height of a street-facing yardwall at a contributing residential property above the maximum allowable height of 5'5". A height exception is requested (Section 14-5.2(D)(9)). (David Rasch).

5. Case #H-11-105. 237 & 239 DeVargas Street. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residence, owners, proposes to construct a 300 sq. ft. trash enclosure at 7' high with brown-painted metal gates, screen a hot box with a coyote fence and gate, and paint roof-mounted mechanical equipment an earth-tone color. (David Rasch).

6. Case #H-14-013. 109 Calle la Pena. Downtown & Eastside Historic District. Strell Design, agent for Gary L. Kaplan, owner, proposes to remodel a non-contributing residential structure, including a height increase above the existing 17'8" on a sloping site. (David Rasch).

G. COMMUNICATIONS

H. MATTERS FROM THE BOARD

I. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 for more information regarding cases on this agenda.



Agenda

CITY CLERK'S OFFICE

DATE 2/20/14 TIME 11:13

SERVED BY Candelle Vega

RECEIVED BY [Signature]

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, March 11, 2014 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, March 11, 2014 at 5:30 P.M.

CITY HALL COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: February 25, 2014
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

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Case #H-14-008	213 E. Santa Fe Avenue	Case #H-13-060	1219	Cerro Gordo Road
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1. Case #H-11-082. 716 Gomez Street. Don Gaspar Area Historic District. Annalisa Ariatii & Scott Isard. Agent/owners, request a preliminary review to add approximately 860 sq. ft. to a significant residential structure. (David Rasch).
2. Case #H-13-036. 60 E. San Francisco. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for Santa Fe Dining, owners, proposes to expand an existing portal on a non-contributing commercial property as remanded by the Governing Body on July 31, 2013. (David Rasch).
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5. Case #H-11-105. 237 & 239 DeVargas Street. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residence, owners, proposes to construct a 300 sq. ft. trash enclosure at 7' high with brown-painted metal gates, screen a hot box with a coyote fence and gate, and paint roof-mounted mechanical equipment an earth-tone color. (David Rasch).
6. Case #H-14-013. 109 Calle la Pena. Downtown & Eastside Historic District. Strell Design, agent for Gary L. Kaplan, owner, proposes to remodel a non-contributing residential structure, including a height increase from 17'8" to 21' on a sloping site where the maximum allowable height is 17'4". (David Rasch).

G. COMMUNICATIONS

H. MATTERS FROM THE BOARD

I. ADJOURNMENT

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HISTORIC DISTRICTS REVIEW BOARD
 March 11, 2014

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

March 11, 2014

A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Chair Sharon Woods on the above date at approximately 5:30 p.m. in the City Council Chambers, City Hall, Santa Fé, New Mexico.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Sharon Woods, Chair
Ms. Cecilia Rios, Vice Chair
Mr. Bonifacio Armijo
Mr. Edmund Boniface
Ms. Karen Walker

MEMBERS ABSENT:

Mr. Frank Katz [Excused]
Ms. Christine Mather [Excused]

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Kelley Brennan, Interim City Attorney
Mr. Zach Shandler, Assistant City Attorney
Mr. Matt O'Reilly, Land Use Director
Ms. Melessia Helberg, Stenographer

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

C. APPROVAL OF AGENDA

Ms. Walker asked to add "Matters from the Floor" to the agenda.

Mr. Armijo asked to switch items 5 and 6.

Ms. Walker moved to approve the agenda as amended. The motion was not seconded or voted on.

D. APPROVAL OF MINUTES: February 25, 2014

Mr. Boniface requested the following changes to the minutes.

On page 11, paragraph 2, he asked to add to the end of the first sentence after 8 feet wide, "and offset at least 4 feet."

On page 12, paragraph 3, to read, "Mr. Tan said the retaining wall would be stuccoed block with a flagstone cap."

On page 22, paragraph below Questions to Staff, insert "log" before "brackets."

Ms. Walker requested the following changes to the minutes:

On page 21, second sentence, "State" missing from "if it would lose its state historic status."

Mr. Armijo requested a change on page 7, to read, "Mr. Mr. Armijo had no concerns about it instead of ~~north wall~~."

On page 23, 3rd paragraph should read, "Mr. Armijo wasn't sure it should have even come before the Board."

Ms. Walker moved to approve the minutes of February 22, 2014 as amended. Mr. Boniface seconded the motion and it passed by unanimous voice vote except for Ms. Rios who abstained.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-12-061A 846 Old Santa Fé Trail

Case #H-14-008 213 E. Santa Fe Avenue

Case #H-14-010 447 Cerrillos Road

Case #H-14-011 1677 Cerro Gordo Road

Case #H-14-012 225 Johnson Street

Case #H-13-060 1219 Cerro Gordo Road

Case #H-13-020 523 Canyon Road

Case #H-08-042 1317B Cerro Gordo Road

Mr. Boniface moved to approve the Findings of Fact and Conclusions of law as presented. Ms. Walker seconded the motion and it passed by unanimous voice vote.

MATTERS FROM THE FLOOR

Mr. Randall Bell, 314 Garcia Street, here personally and at behest of the Board of Old Santa Fe Association. Speaking to general issues coming up later. Architects were making statements under oath, and then doing things 'after the fact' which is disingenuous for them to pretend they did not know. He believed in most cases it was a dodge to run around permitting and ordinance. He mentioned Wayne Lloyd's project at 621 Old Santa Fe Trail in which he had represented it would have no rooftop appurtenances and put them up there. The Valdez House which he considered to be a disaster and the property could no longer be contributing. Previously it was a wonderful remnant 18th, 19th century farm house. Now all that could be seen was a massive wall with no break in it. There was supposed to be a break in it so the public could see the historic building. The building had been turned into an institutional building bearing no resemblance to the old historic structure. The air conditioning equipment put on top of the roof ruin the profile of it and the giant hot box in front is monstrous. It shouldn't be there. The hot box should be under ground, and the air conditioning unit located elsewhere on the ground and out of sight. And they were not approved by this Board.

So there was an institutional thing that had to be looked at. Somehow, when developers and architects do this, they should not be allowed to get away with it. The City should come up with the will - he believed it was really the job of Land Use to enforce it. But after they are built, there needs to be an inspection; historic staff or maybe with the new mayor, the Idea of creating a free-standing Historic Division - there had to be review of the project to see that it was built in accord with the permitting. And if it is not, it has to be redone.

We all remember some years ago when that house up on ski basin road, where the City actually required them after they built it higher than was permitted, to cut the top off. That got people's attention. The City had the will at that time to do something. He predicted that unless the City actually enforces the Ordinance and its permitting there was would be this continuing scofflaw approach to what can be done.

Chair thanked him and asked him to repeat it to the City Council.

Stephanie Beninato, P.O. Box 1601, thanked the Board for reinstating matters from the floor. It was an important aspect of this meeting so that people with general concerns could bring them forward and have the Board look at them and maybe make some changes.

She also agreed with Mr. Bell that people came in on a piecemeal development and the Board keeps giving exceptions, not knowing they would be coming down the road and ask for another exception and by the time it is done it has huge impact on the historic fabric and look in our town.

She thought the Board needed to be careful about that and hoped that with the new mayor and a separate division, there would be more collaboration between Historic and building permits.

She gave Restaurant Martin as an example. That commercial enterprise has never had enough parking on the property and yet they keep asking to add on more. She noticed in their permit they were not required, although they had a thousand more square feet of table space, that the City never required more parking. It was too bad in looking at the overall design that the Board didn't look at parking.

We've talked about making the City more pedestrian-friendly. They want to encroach at St. Michael's Drive to put buildings toward the street and parking away. If the Board could look at that kind of thing and asked where parking would be, there could be some input by the Board on where parking was planned, and perhaps could make sure that businesses weren't using this fiction of overlapping parking spaces that don't exist in the downtown.

Mr. William Loeb, Board member, Old Santa Fe Association commented that underlined the importance of the prior two testimonies. Two years ago he did a study based largely on a UNM study on job dependence of the appearance of Santa Fe. The conclusion was that about 15,000 jobs in Santa Fe depend on Santa Fe looking like Santa Fe.

F. ACTION ITEMS

1. **Case #H-11-082 716 Gomez Street.** Don Gaspar Area Historic District. Annalisa Ariatii & Scott Isard, Agent/owners, request a preliminary review to add approximately 860 sq. ft. to a significant residential structure. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

716 Gomez Street is a single-family residence that was constructed by 1938 in the Spanish-Pueblo Revival style. The building is listed as significant to the Don Gaspar Area Historic District. A free-standing garage was constructed at an unknown date and it has no historic status designation, although it appears

to be contemporaneous with the residence.

On August 9, 2011, the HDRB conditionally approved an application to remodel the property including the increase in height of the front yardwall, replacement of a side lotline twisted wire fence with a stuccoed yardwall, replacement of a rear lotline yardwall and twisted wire fence with a coyote fence, replacement of the bi-leaf wooden garage doors with French doors and wall infill, installation of a window on the north elevation of the garage, addition of canals on the garage, and harmonious finish colors. The conditions of approval included approval of exception requests to remove historic materials, denial of an exception request to exceed the maximum allowable front yardwall height, that all lintels shall be retained, and that the fence stringers shall be placed on the fence inside face.

Now, the applicant requests a preliminary approval to expand the residential structure in the back yard. An 860 square foot addition, exceeding the 50% footprint standard, is proposed to attach to the primary west elevation by a glass connection, at 6" lower than the adjacent height, through an existing window opening which is less than 10' back from the primary north elevation. This proposal would require four exceptions: exceeding the allowable footprint increase; attaching an addition to a primary elevation; attaching an addition at less than 10' back from a primary elevation; and removal of historic materials.

Also proposed is the installation of a gate in a non-historic yardwall and the construction of a pergola in front of the former garage.

STAFF RECOMMENDATION:

Staff requests that the Board give the applicant advice on how to proceed with the proposed remodeling and to confirm what exceptions will be required.

Questions to Staff

Chair Woods asked Ms. Brennan, since this was preliminary, if it still required a vote or just each member speaking.

Ms. Brennan explained that because it would be a binding decision it would help to have a vote but acknowledged that in preliminary, applicants were seeking input from the Board about the acceptability of the design.

Chair Woods noted that in the ordinance, a significant structure was defined as located in a historic district, approximately 50 years old or older, and embodied distinctive characteristics of the type, period or method of construction and must retain a high level of historic integrity. Contributing were those who helped contribute and, although not unique in itself, it adds historic associations or design qualities. Based on that, she believed this was designated as significant by one of the historic surveyors several years ago and the Board approved it when they approved the map.

Mr. Rasch agreed.

Chair Woods asked if he felt this was a significant structure.

Mr. Rasch replied that for the time he had been working for the City, he had gotten direction from the Governing Body on what a significant status was and he didn't believe this structure had the qualities necessary to be significant. Significant meant it had to be rather unique in its quality. This building, while 50 years old and had high integrity, was common in its Spanish Pueblo Revival Style in the district and in the neighborhood. So it was more contributing than significant.

Mr. Armijo asked Mr. Rasch if they would still meet the four exceptions if this structure were to remain significant.

Mr. Rasch agreed. If the Board downgraded the status from significant to contributing, it would affect its primary elevations. As such, on a significant building, all elevations are primary. That was why this request had four exceptions. And if made contributing, the Board would have to decide which elevations would be designated primary. And if the west elevation was not primary, then the exception to remove a historic window would be eliminated and attachment to a primary elevation. If the Board didn't believe the north elevation was primary, the exception for an addition of less than 10 feet set back would be removed. So that would remove three of the four exceptions if the north and west were not primary elevations.

Ms. Rios noted that if the Board were to make a decision to downgrade the status, it would have to be advertised.

Mr. Rasch agreed and added if that were to be the advice of the Board, he would proceed with that notice.

Ms. Rios asked if the Board couldn't hear the case now if that were to be done.

Mr. Rasch clarified that the Board could hear it, no matter what, since it was preliminary only.

Chair Woods pointed out they would need an exception to exceed maximum square footage. Mr. Rasch agreed.

Ms. Walker asked if they could hear both the downgrade and their case, based on the downgrade at the same hearing.

Mr. Rasch agreed. He would give the case an A and a B, hear the status review and determine primary elevations and then hear the remodel. If the primary elevations and status review conflicted with the remodel that would postpone the remodel. But if it didn't, the Board could hear the remodel right away.

Applicant's Presentation

Present and sworn was Ms. Mary Choise Ward said she had nothing to add and knew no more than

what the letter raised. She said she was here on behalf of the applicant.

Questions to the Applicant

Mr. Boniface said he lived on Don Cubero and walked by this house for the last twenty years. It was really well maintained and a sweet little jewel. Whether it was significant, he really didn't think it was that unique and really didn't meet the qualities just described for a significant structure but this was contributing. He asked her to consider a request for a status review. It would need only one exception to exceed the 50% footprint, assuming the Board could designate the north and west elevations as not being primary. For the design, he personally liked the idea of the glass separation between the old and the new, demonstrating what had been there from what was new. As far as being able to take that to a vote and approving it, he would not be able to do that because all that had been submitted was a plan. He didn't know anything about heights, massing, and windows. So he would leave that as his recommendation to her.

Chair Woods said the Board could also request that in their motion.

Ms. Walker asked her if these people were her clients. Ms. Ward agreed.

She wondered if they would be pleased to have it downgraded and have a lot less to do for exceptions.

Ms. Ward thought they would be pleased, but they were very diligence in complying with the rules and historic status.

Ms. Walker asked if there was no way to reach them. Ms. Ward agreed. They were out of the country.

Ms. Rios asked if most of construction was in back yard. Ms. Ward agreed.

Ms. Rios asked what the square footage of the existing house was.

Ms. Ward said it was around 1,000 square feet.

Ms. Rios asked if they would have a glass connector and add 800+ square feet. Ms. Ward agreed.

Ms. Rios asked on the street-facing façade what she was proposing to do there.

Ms. Ward said there was an existing wall on that side.

Mr. Rasch said they were proposing installation of a gate on a non-historic yard wall and also proposing the pergola in front of the former garage. So the Board might want to give advice whether that was a good idea or not.

Chair Woods thought it would be difficult to advise until the Board saw elevations.

Public Comment

Ms. Stephanie Beninato was sworn and reminded the Board of case law requiring anybody giving opinion evidence to be sworn in. The Board needs to swear yourself in when you are being asked for your opinion so that it is sworn and not unsworn because unsworn opinion is useless if someone appeals. They can use that as a basis for appeal. She agreed with the Board members that this building didn't meet a significant status and contributing was probably more appropriate. She knew it would come back to the Board but had to say that with 80% of the footprint, seemed like a lot and would overtake the original house. It was the same for the pergola in front of the garage but with the garage being set back, the doors obvious at the street, that would definitely be interfered with.

Ms. Goodwin Hurig lived directly across the street from the subject property and said she knew these neighbors and they had been diligently following all the prescribed directions for their remodel. The addition planned would not be visible from the street, and would never impact the streetscape on Gomez Road. She supported their project and hoped they would be able to go through with it because they did need the space very badly.

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

Chair Woods noted that there was a lot of information that still needed to be gathered for the Board, including elevations and massing and the pergola design on the addition for the Board to give a final nod. If the Board wanted staff to bring it back for status review it could be in the motion.

Action of the Board

Ms. Rios moved to postpone Case #H-11-082 to a subsequent Board meeting to have a status review and designate primary elevations and that the applicant bring complete elevations of the project, including massing and height. Mr. Boniface seconded the motion and asked for a friendly amendment for the applicant to also bring proposed color samples of stucco and paint. Ms. Rios accepted the amendment as friendly and add a condition that the applicant bring any proposed lighting.

Mr. Rasch asked if the intent of the motion was to consider the case for final action. Ms. Rios agreed.

Mr. Armijo asked if it was not really a postponement since it was preliminary for tonight. Mr. Rasch agreed.

The motion passed by unanimous voice vote.

- 2. Case #H-13-036 - 60 E. San Francisco. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for Santa Fe dining, owners, proposes to expand an existing portal on a non-**

contributing commercial property as remanded by the governing Body on July 31, 2013. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

60 East Alameda Street is a large commercial structure that was constructed in the Spanish-Pueblo Revival style in the late 20th century. The San Francisco Street façade has two stories while the Water Street façade has three stories. The building is listed as non-contributing to the Downtown & Eastside Historic District.

On May 13, 2013, the HDRB denied a request to construct a steel and cloth ramada on the south elevation third floor. The applicant appealed that decision and the Governing Body remanded the case with direction back to the HDRB on July 31, 2013. Meanwhile, the applicant has gained HDRB conditional approval (H-13-012) on August 27, 2013 to increase the floor space on the south elevation second and third floors of the building.

Now, the applicant proposes to expand the existing portal on the south elevation third floor. The third floor deck will be expanded 325 square feet. It is in this deck area where the existing portal will be expanded. The portal will be constructed with wood and it will match the height and design of the existing portal. The south edge of the proposed portal will be set back 1' 10" from the stuccoed parapet. Wooden shade shutters constructed with Salt Cedar twigs will be installed on the west elevation.

STAFF RECOMMENDATION:

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

Questions to Staff

Chair Woods noted this was appealed to the Governing Body by the applicant. The Conclusions of Law basically said the Governing Body had the power and authority to hear and decide the matter that was the subject of the appeal. The City Code requirements applied to all structures in the Historic Districts including nonhistoric and noncontributing structures like the building. The project as designed did not comply with the requirements of City Code but could be brought into compliance if redesigned by stepping the project a foot back from each of the southeast and west parapets, integrating it into the portal with matching wood elements to provide necessary relief. So she asked Ms. Brennan about it. This was a first for the Board to have to deal with the Findings of Fact and Conclusions of Law. She asked Ms. Brennan to explain to the Board what that meant and asked Mr. Rasch to answer if this was what the applicant did in his application.

Ms. Brennan agreed this was the decision of the Governing Body on appeal. She recalled that there were steel and plastic awning elements. And after hearing this, the Governing Body wanted to clarify the

jurisdiction of this body which was put into question in the appeal as well as reach a decision about what would be an acceptable design.

Chair Woods clarified that her question was that this was what the City Council told the applicant and the Board to do. So if the Board wanted to do something else, that was not really in the Board's purview any more. This was what they were telling the Board.

Ms. Brennan said that was correct.

Chair Woods asked Mr. Rasch, based on that statement, if that was what the applicant did.

Mr. Rasch said it did step back one foot from the south elevation, but did not step back one foot from the west nor the east.

Mr. Armijo said there is a tent out there when the Board drove by and wondered if that was something that Mr. Bell brought up about putting up different things.

Mr. Rasch said he was not to approve that plastic enclosure.

Mr. Armijo asked if that plastic was covering the portal.

Mr. Rasch agreed. It enclosed the existing portal.

Mr. Armijo said he was not able to view the portal since it was covered with plastic. He asked if Mr. Moquino should report that as a violation.

Chair Woods pointed out that it was going to be torn down and then he would extend it forward and that was what the application was.

Mr. Armijo was aware of that and was just asking if people could put up plastic temporarily until the Board gave them an approval.

Mr. Rasch replied that as of March 2012 there was a new ordinance for that. In the BCD district, temporary structures could be up for no more than 90 days per year, but he didn't think they needed approval for that 90 days but he would prefer to give it so he knew when the 90 days started. After the 90 days it had to follow permanent standards.

Ms. Walker asked Ms. Brennan, according to the instructions from Council said one foot back on east, south and west sides, if that was correct.

Ms. Brennan agreed.

Ms. Walker noted it only stepped back one foot from the south.

Chair Woods agreed and said that was what they were trying to clarify - what the applicant had done and what the Board needed to do.

Mr. Rasch said Mr. O'Reilly just corrected him. In the BCD District temporary structures could only be up for 30 days per year.

Applicant's Presentation

Present and sworn was Mr. Michael Duty, 404 Kiva Court, who said everything he had heard tonight was basically accurate and wanted to be sure he understood what Mr. Rasch said. There was an approval he had obtained from the HDRB to build on the ground floor and on the second floor and make extensions to this balcony and to the whole front. That was not a subject of this application. This was a replacement of an awning that was once there. He learned when he came to the Board the first time about the March ordinance and also learned the Board didn't want to approve fabric for awning material. During that meeting they didn't reach a satisfactory decision on what else to do. So they appealed it. He agreed with the Chair's reading of the ordinance and believed that was what they intended to do. He retracted that and said he agreed with the Chair's reading of the Governing Body's decision and believed that was what their drawings suggested. He noticed there was no label of one foot but the overall dimension from east to west was 22' 4", and the overall dimension of the canopy as shown would have to be 22' 4" and was shown as 22' 8".

Questions to the Applicant

Chair Woods asked if he was measuring from the outside or the inside of the parapets.

Mr. Duty said it was from the outside.

Chair thought the setback was based on the inside.

Mr. Duty said she would have to read that to him again because he didn't pick that up. They did what they felt was right. He was at the meeting and thought it was from the outside. We could check it but that was news to him.

Ms. Brennan said it was from the inside of the parapet to gain the necessary relief but they could check the minutes.

Mr. Duty asked if that could be clarified since he didn't remember it that way.

Chair Woods suggested he continue while Ms. Brennan checked the minutes.

Mr. Duty added that the awning material had been there for a long time. Mr. O'Reilly was correct. On other projects he had checked and it was 30 days with H-Board approval. And occasionally they had

sought that. They didn't seek in on this project because it had been there for many years and it predated the ordinance. So they were making no representation relative to the existing awnings. If the Board of the City wanted to take the position that awnings that existed prior to the changing of the ordinance had to be changed, that would be the Board's purview but it was not what he was here for.

Public Comment

Mr. Randy Bell was sworn and said he hadn't studied this application because it wasn't why he came to this meeting. He felt it was an unprecedented situation where the Council seemed to be redesigning a project and sending it back for adoption. He found that to be a problem. The Board might decide they had to follow that and maybe the Council found it necessary that the Board follow that. But this Body is the one that has the expertise and the knowledge of the ordinance and the styles and designs that are appropriate under it. So he urged the Board, even if they felt they had to follow some direction from the Council that they memorialize in their decision that they have an opinion whether or not what the Council has presumably directed, meets the standards of the ordinance.

Ms. Stephanie Beninato (previously sworn) agreed. She thought that her project was a slippery slope and had gotten much bigger; that whole building had gotten a lot bigger, more prominent and really changed up, particularly the part on San Francisco Street. She found it troubling that the Council would tell the Board what to do in terms of approving a design. And she didn't even see why they sent it back to the Board. They could have just said, "This is what we find," and let it go on and go to a building permit. She hoped the building inspectors cared enough about historic to actually enforce those kinds of conditions.

She also thought that the setback, if it was measured from the outside parapet wall rather than the inside, really makes a big difference in terms of how it reads and the setback that it creates. A one foot setback wasn't all that much, given the massiveness of the building. She urged the Board to make sure that the setback was from the inside or the parapet rather than outside. As for temporary structures, she hoped the City actually kept track of temporary structures. That is, that someone actually had to go down to the City and apply to put up a temporary structure so that everyone would know when the 30 days started. Because until someone notices it, which could be a long time in coming, it could be there a long time if the city didn't have a means for tracking them.

Action of the Board

Ms. Walker said she never had heard of a one foot setback regardless of where it was measured. On a three story building, she asked if that would even be considered a step back and if it would accomplish what the Code tried to accomplish.

Ms. Brennan believed the City Council believed that it did, on appeal.

Ms. Walker said the City Council clearly did. She asked if the City Council went to look at the building.

Ms. Brennan said it did not.

Ms. Walker asked if the ordinance addressed a minimum setback in order to be called a setback.

Mr. Rasch said it did not.

Mr. Boniface said regarding the setback that the carefully drawn presentation on page 61, which was the plan, it showed that there was a one foot setback from the inside of the parapet. Also on page 63, which was the building section, again it showed a one-foot setback from the inside of the parapet. So he was argue that the applicant was already aware of that and was trying to comply.

Mr. Rasch agreed that on drawings that was the way it was shown.

Mr. Boniface asked the applicant to simply move the proposed column and beam on the east and the west one foot back from the inside of the parapet. He said it really was kind of a goofy condition that ends up with your corbels and a double column. He would be hesitant to simply make motion to ask applicant to simply move those back because Mr. Boniface felt he wouldn't know the final look would be in integrating all of these corbels and what looked like either two columns or setback. There was not enough information here for him to rule on that.

Mr. Duty said the drawings clearly show a one-foot setback from the inside of the parapet on the south façade. He was aware of that. His question relative to what the Governing Body had done, since he was there when they did it, was that he didn't remember any reference to the east or the west façade. But apparently it was in the Findings after the fact or at least when it was written up and he had not reviewed them. So he wanted them to be reread so, as the Board suggested, we could follow, if that is what we are going to do - the letter of the law relative to what the Governing Board did and we would be happy to do that. In terms of what the Board pointed out, the board was absolutely right. The existing portal doesn't step back one foot from the inside of the façade and a common sense thing would be to align the corbels and the beams with the façade that is up there and would be a sensible thing to do. It would not violate any ordinance because it is not a historic building but nevertheless is in the district so they had the design issue. So he submitted he would be happy to do either way. But if it were totally up to him, he would say build it as drawn with a one-foot setback from the inside face of the parapet and as drawn on the snuggling up to the east and west parapets so it could align with the existing portal. That was what he thought was the intelligent thing to do.

Chair Woods quoted again. "The project, as designed does not comply with the requirements of the City of Santa Fe City Code, 14-5.2 (D) (9), (F) and E, A and D. But can be brought into compliance if redesigned by stepping the project a foot back from each of the south, east and west parapets and integrating it into the portal with matching wood elements to provide necessary relief. "

She asked Ms. Brennan to help the board out.

Ms. Brennan thought it meant what it said. She believed they meant from the inside of the parapet. And

she thought that, based on reading the minutes, it didn't say inside or outside of the parapet. She thought it was within the Board's purview, in the context of this, to decide that.

Mr. Armijo asked if the Governing Board was asking the Board to approve something that didn't meet the Ordinance.

Ms. Brennan thought they said that it did.

Mr. Armijo asked if it did.

Mr. Rasch would recommend that it does meet the ordinance. The Board's jurisdiction is based on streetscape harmony and traditional precedent of what an appropriate step back would be since the Code is silent to minimum step backs. As long as it has a step back, it met the ordinance. He thought that was where the Board's jurisdiction was - as to how much step back was applicable.

Ms. Brennan emphasized that in the minutes there was a lot of discussion about this being a step back on basically a 4 foot by 8 foot space. So she thought they were looking for a sense of proportion with the space they were talking about and there was some inclination to just not let it go as it had been designed and an inclination to push it back. And she thought that was where they felt that in a four foot by eight foot space it was appropriate.

Chair Woods was missing that four foot by eight foot because this new portal came out 8' 2" and then came across 22' 8". So she asked where the four foot by eight foot was.

Ms. Brennan said it was attributable to the floor expansion in the minutes on page 46 of the packet, Councilor Wurzbarger said that on that point in this particular case, she has no arguments with findings of Fact on number one. She said, "However, this is four by eight feet. We have seen a façade that is set back." and she was talking about the drawings that were before them.

Mr. Rasch said something away from his microphone and Ms. Brennan said, "Oh, okay. This is the façade discussion."

Mr. Rasch said a façade dimension by Code is at least four feet - eight feet wide, set off by four feet - façade width.

Mr. Armijo agreed with Mr. Duty and Mr. Boniface on it. It would have to meet the layout of what was going on there now. Otherwise it would go awkward so he wondered if by approving what Mr. Duty presented at the Board meeting, with City Council, as approved.

Chair Woods asked Ms. Brennan if she heard the question.

Ms. Brennan apologized that she was looking at it and actually thought Mr. Rasch was wrong. She thought this was a discussion about the space on the ground, not the façade.

Chair Woods said Mr. Armijo's question was - that he agreed with Mr. Boniface and asked if that would meet, if he made that motion, would that be meeting the Council's intention.

Ms. Brennan believed so.

Ms. Walker asked Mr. Duty if his drawings just showed the one foot on the south side.

Mr. Duty said their drawings showed one foot from the inside of the parapet on the south façade and they showed roughly a one foot set back from the outside of the parapet face on the west and the east. Having been at that meeting - it was his opinion that all setbacks, and they had discussed this, were measured from the face. "So I had no reason to think that it was anything other than that because as she read, as I suspected, that it says setback from the parapet. If you interpret that to be that the parapet is a structure then it would be from the inside. I had interpreted it to be from the outside. In either way, we will build it the way you want. But as I said before, the intelligent thing to do ... "

Chair Woods thanked him and said he didn't need to repeat himself.

Ms. Rios asked if the red willow twig shutters was part of this application. Mr. Duty agreed.

Ms. Rios asked about the public visibility of the shutters was and the measurements of them.

Mr. Duty said obliquely they could perhaps be seen from the west and they didn't face the street. The background behind this was that they were learning as a result of a March Ordinance, that there was now a resistance of the Board on awnings and fabrics which had been used in the downtown for a long time. So they were looking for solutions that did not employ that material to find a permanent shuttered system. They would be built strong enough to withstand whatever and would work to withstand the west sun. They would be removable if needed and be slightly and obliquely visible from the street. The size was shown at 5 feet high.

Mr. Rasch said they were about 19 feet long.

Mr. Duty's clarified that there were two sections of four so they were about 9' each, divided into four sections.

Mr. Boniface to clarify, heard Mr. Duty say earlier that he was intending to remove the existing portal as part of reconstruction of this new portal.

Mr. Duty disagreed. He was not removing any part of the existing portal.

Mr. Boniface thought then that maybe he heard that in reference to the connection of the proposed portal to the existing portal because "there would be that funny little one foot offset" and asked if that would be correct. That was how he heard it

Mr. Duty didn't understand his question. He said it was not their intention to move or relocate the existing portal. "If you hold that for some reason or for the very reason that it was stated or believe to be true that we have to set back one foot from the inside of the parapet. Then the new portal would step back yet from the existing portal on the west side. And it can be done. And we will do that if that is the finding of this body. I suggest that ..."

Chair Woods said thank you to him and asked for other questions.

Action of the Board

Mr. Boniface moved to approve the application in Case #H-13-036 at 60 E. San Francisco with the condition that the proposed new portal be set back one foot from interior face of the parapet by one foot on the east, west and south faces.

Mr. Armijo seconded the motion, He asked why the Board was looking at identifying the inside versus the outside on the face. He understood it would create a little more mass. Generally on most buildings it was always considered from the exterior of the building and not necessarily from the interior. He thought it would be better just to align it and following the intent of what the Governing board requested.

Mr. Boniface said the reason he made the motion the way he did was first that the applicant has already shown that he was placing the portal back one foot from the interior on the south side and acknowledged that he thought he only had to place it back one foot on the south side. So we are working on that assumption as well as the applicant. The second reason was that he also believed it would help to define the offset and the massing that was in so much detail and discussion at the Council chambers as well as the Board's previous meetings.

Chair Woods said she needed a clarification. He asked if Mr. Boniface was saying there was a one foot offset on the east, west and south from the inside at the parapet.

Mr. Boniface said that was correct.

Ms. Rios asked a question away from her microphone and it was not audible. She asked if something was appropriate.

Chair Woods believed it was the intention of the City Council that it was from the inside to get as much setback as they could. She said she didn't design this and she was not going to comment on Mr. Duty's design. But she believed that was the intent of City Council was - to get the setback.

Mr. Boniface also clarified that was why he made the motion that way - to be in compliance with City Council.

Ms. Walker said she respected the time that staff and the Council put into this. She believed if they had been to the site and seen the height and the mass they might have been more interested in a real set back