



Agenda

CITY CLERK'S OFFICE

DATE 3.5.14 TIME 10:06

SERVED BY *Carmelone Spears*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 11:13SERVED BY Candelle VegaRECEIVED BY Clark

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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
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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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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 reinstituting 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

instead of a token set back.

Ms. Rios was confused as to what it will look like and then having the Council tell the H Board what to do - it was really a first and she was a little confused and surprised and that the City Attorney was backing the decision that the City Council made.

Mr. Armijo felt if the Council had a historical board, they should allow the historical board to make the decisions. If someone goes to appeal our decisions then they should stand up and make their decisions and not make the Board make the decision for them. He hoped the Governing Board would recognize that they had a lot of expertise on this panel and should respect that.

Chair Woods said she was hearing two in favor and one against in the comments.

Ms. Rios said her vote was no.

Chair Woods said it was then a tie and she would break the tie and vote yes.

Apparently the vote was Mr. Boniface and Mr. Armijo voting in favor; Ms. Rios and Ms. Walker voting against and chair Woods voting in favor to break the tie vote. The motion passed.

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)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

1150 Canyon Road, known as Manderfield Elementary School, was originally constructed with hollow clay tile in the Territorial Revival style by John Gaw Meem in 1927 with approximately 3,000 square feet. The building was designed for future expansion along a north-south hall axis. The building features a flat roof with brick coping at the parapets and windowsills, earth-toned stuccoed walls, and white-painted window and door trim. On August 26, 2008, the HDRB listed the building as contributing to the Downtown & Eastside Historic District and on February 28, 2012 the HDRB designated as primary all elevations facing west, all elevations facing east except the northernmost block, and the easternmost block of the north elevation, excluding the three non-historic additions and all non-historic windows. The School Board appealed this designation to the Governing Body on May 9, 2012 where the Board's designation was upheld with most of the primary elevations, but they removed the west as a primary elevation (see attached floorplan for final designation) with the condition that the 26 historic windows on the west façade be, to the greatest extent practicable, preserved and reused and, to the greatest extent practicable, in their historic

pattern.

On January 14, 2014, The HDRB conditionally approved remodeling of the property including removing some historic windows for doors, replacing non-historic windows, restoring previous openings, repainting the walls, and constructing portals on the contributing structure, constructing a free-standing single-family residence with attached garage, and constructing yardwalls.

Now, the applicant proposes to amend the approval with the following five items.

1. All windows on the contributing building were inspected by staff with the applicant and contractor. No exceptions are needed, as primary elevation windows will be repaired and preserved. Few historic windows on non-primary elevations are more than 30% beyond repair and will be replaced in-kind. The contractor has proposed a muntin extension that will allow thermal panes to be installed in the existing historic narrow muntins. This is a very interesting proposal which may prove to be an important option for sustainability and green code remodels.
2. The approved replacement of windows with doors was conditioned on the door design returned to the Board. Three door designs are proposed on attachment 5. Door type 2 has glass sidelites that exceed 30". But, this door type appears to be installed under a portal, so an exception is not required.
3. The courtyard walls and gates designs are proposed on attachment 7.
4. Three free-standing 552 square foot garages to a height of slightly taller than 12' and one free-standing 400 square foot carport to a height of 9' 6" will be constructed at the southwest corner of the property. They are designed in the Territorial Revival style with brick coping on the garages and white painted wood cornice with dentils on the carport.
5. The east and north lotline yardwalls and fences will be remodeled. The chainlink fencing will be removed and the cast concrete retaining walls will be stuccoed. Low stone walls will be installed at sidewalk grade in front of the wall and at finished grade inside the wall to break up its massiveness and to eliminate the need for guardrail. The north lotline wall will be increased in height by 36" and an exception is requested to exceed the maximum allowable height, although the lower portion will have fill between it and the proposed sidewalk grade rock wall. The maximum allowable heights for yardwalls or fences within 20' of the public ways are 64" on the north and 72" on the east.

EXCEPTION TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT FOR WALLS

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

The wall addition was designed to provide a three foot high guard wall on a drop off of over 30" inside the private courtyard of the adjacent residence. By placing a stacked stone planter in front, we are preventing

damage to the streetscape by creating a 5'-0" deep planter in front of this wall so the effective height of the stucco wall from proposed new grade will not exceed the allowable height of 64". **See Attachments 8, 11 & 12.** Presently portions of the existing concrete wall already exceeds 64", being 66" at the west and 70" at the east (the wall measures 126" to 130" as measured to the top of the chain link fence). We believe that the proposed solution enhances the streetscape by providing a more aesthetically pleasing finished wall than what is existing.

Staff response: Staff agrees with this statement.

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

The proposed wall will prevent the occupant of the adjacent residence from falling over the existing wall. This could be prevented by adding a second wall behind the existing wall, but to do this, the existing mature elm trees would have to be cut down, which would damage the existing streetscape. Adding the stacked stone wall below the existing retaining wall removes these two hardships to the applicant and occupant and beautifies the corner with landscaping and an attractive stone wall no higher than 3'-6".

Staff response: Staff agrees with this statement.

(iii) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts

The proposed exception would strengthen the heterogeneous character of the neighborhood without intruding on the neighborhood as it complements the overall character of the building. The stone wall breaks up the massing of the north end of the retaining wall and provides human scale elements to the building and streetscape.

Staff response: Staff agrees with this statement.

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

The renovation of an existing public school to private multi-family dwelling units present special conditions and circumstances. The school has a continuous concrete wall along the east and north property lines, which varies in height between 2'-0" and 6'-4". To protect the kids, a 6'-0" high chain link fences was erected on top of the retaining wall, meaning the wall is effectively between 8'-0" and 12'-4" high. The applicant proposes to remove the non-complying chain link fence and allows a stucco wall which in all cases will be no higher than 5'-4". There are no similar special conditions or circumstances like this in other properties or structures in the related streetscape.

Staff response: Staff agrees with this statement.

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

The Manderfield School has outlived its original purpose of a public school facility as it is too small to function efficiently and the site is too small to allow for further expansion. The applicant intends to renovate the building for a different function than it was originally built, thus requiring changes to the site walls. The applicant did not cause these conditions and circumstances to occur.

Staff response: Staff agrees with this statement.

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

The walls are designed to complement the existing wall design by a) recycling and reusing the existing wall; b) removing the chain link fence on top of the retaining wall which reduces the wall height by 6'-0"; and c) providing planting strips and stacked stone walls which will soften the impact of the walls.

The design upholds the general purpose of the Historic Districts section of the city code by exhibiting a "general harmony as to style, form, color, height, proportion, texture and material height between buildings of historic design and those of more modern design." Other design options (such as removing mature trees, leaving the chain link fencing, not creating the planters, and not providing a new stucco finish on the existing concrete retaining walls) would have a greater negative impact on the building and surrounding historic district.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff recommends approval of the exception request to exceed the maximum allowable yardwall height on the north area and recommends approval of the application which complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Questions to Staff

Ms. Rios asked Mr. Rasch about the nine windows that were indicated "disregard" and asked if that meant they were going to stay as they were.

Mr. Rasch was not sure or perhaps they were nonhistoric windows that were being replaced so they were not looking at repairing those.

Ms. Rios read again the number of windows in each category.

Mr. Rasch said they were not being considered but the consultant for assessment - those were the aluminum nonhistoric windows that would be replaced no matter what.

Applicant's Presentation

Mr. Eric Enfield was sworn. He thought Mr. Rasch provided the five items that were left over from the last meeting and he had just a couple of points of clarification to make in the staff report. He provided a handout on the Manderfield School.

He thought the window solution was a really good solution and was looking forward to renovating the upper and lower sashes. He did a walk-through with Mr. Rasch and it became apparent that although the windows' appearance looked very damaged, there were only a few on the west elevation that actually had to be completely replaced. But those would be done with the same tooling and the same exact look of the existing windows. There were subtle details on the frames that he noticed and would keep like bead cuts, etc. on the sills and frames that they would keep.

For the other door designs he wished Ms. Mather was here because she drew them just for her. Because she was the one who had a problem with the door design. So he showed a couple of other possibilities. He still liked his first solution because in looking at it from a distance, it looked just like one of those monumental windows that existed there before. They could go to a full light or to a panel with horizontal lights. He tended to like the panels with the divided lights because that was actually a door that John Gaw Meem did design. That was his commentary on the door issue and he thought most of the board felt comfortable with that but Ms. Mather had asked him to bring some other designs and he did.

For the interior walls he thought it was a coincidence because after the meeting he got all the topo information for the whole site and he now showed the actual topography and the actual wall heights and locations. That was a worthwhile exercise and showed what they were proposing on that east elevation. The garage and carports were fairly simple. They did a mix of carports and garages to break up the masses and the height were about 12' for garages and 9' 6" for carports. The side walls were a little more complicated because of the requirement for a 30" guard rail where there was a drop off of more than 30". And his solution went through zoning and traffic and Mr. Rasch looked at visibility and he had approval from Traffic on their proposed driveways and visibility triangles on the walls they proposed.

They found there was a question on casita height and his parapet height was 7169 which was 19' above the finished floor at 7150 and the existing lowest parapet was 69.2 and the highest was 74.8. So they would be about six feet below the highest point of the school which was what the Board had asked him to document. That information would be included in the permanent submission.

One other thing happened in the layout of the walls. The reason they were adding the three foot extension on the north side was literally to keep those monumental elm trees that went along the property line on Canyon Road. There was one other set of trees that became part of this and he provided a handout for their solution to maintain these trees where the wall went right through the trunks of the trees.

He showed one elm tree that had two 36" caliper trunks and a 15" caliper and the wall they proposed to just go around the trees. He didn't think it would be very visible and felt those trees should be part of the common area. They would span over the roots with bond beams and had done that before on other projects. They would excavate around the tree for the wall and skip the footing where it would interfere with roots.

He added that Pete was present - the man that would be refurbishing the windows if the Board had any questions about the windows. He clarified that when the window said "disregard" those were existing aluminum windows and they would recreate the exact windows that were there and they knew the exact size. In some cases they were increasing the opening height and the sill height because the original openings bigger. He pointed out to Mr. Rasch where they had patched the walls in above the aluminum windows and below the aluminum windows and changed the height of the openings. Now they would go back to the original openings.

Questions to the Applicant

Ms. Walker wanted to take Mr. Enfield up on speaking briefly with the thermo-pane man.

Mr. Enfield agreed and clarified that the muntins would be altered on the interior of the window, not the exterior.

Mr. Pete Delgado, Santa Fe, was sworn.

Ms. Walker asked if this would be terribly expensive. It was such a brilliant way to solve the problem many of the Board's applicants had.

Mr. Delgado said it was not terribly expensive. It would be similar or a little less than replacement.

Ms. Walker asked if he had you done it before.

Mr. Delgado said he had and identified Geronimo Restaurant and a lot of them in Santa Ana, Tamaya and the old village at the pueblo. He had photographs as well so he could bring some to show the Board.

Chair Woods asked if the storm panels were to the exterior or just the interior.

Mr. Delgado said they were to the interior but they were not storm panels. They were just double panes thermal break.

Mr. Rasch said they would be removing the single pane windows and putting in thermal pane with the existing muntins with the extensions on the interior of the sash.

Mr. Enfield apologized - there were no storm windows being put on.

Mr. Boniface referred to Item # 2 that said the three door designs were proposed on attachment 5. He asked if Mr. Rasch could pull up page 74, attachment #5. Door 2 has glass sidelites that exceeded 30" and he asked if that meant they were the lower panels on either side.

Mr. Enfield said there were two horizontal panes and he didn't show them divided. If they also did them on the upper panel, they would divide the lights. The enlarged doors were presented.

Mr. Boniface clarified that he was talking about attachment #5 on page 74 for Door type 2.

Mr. Rasch explained that the bottom light exceeded 30" in the diagonal but he believed Door type 2 was located under a portal.

Mr. Enfield agreed it was under a portal but those were actually wood panels. The long panels are wood, and even if under a portal no issue.

Mr. Boniface asked about item #4 - 3 free-standing garages, and 400 square foot car port. He had no problem with the way they looked but on page 70, the site plan, he assumed Mr. Enfield had labeled as Unit #1 through Unit #5, on page 77, the right side of the proposed garage said "white wood trim with pediment at all publicly visible windows typical." but what we saw on the site plan was that none of those windows would be publicly visible. He asked if Mr. Enfield would be willing to make all the windows pedimented. Mr. Enfield agreed.

Ms. Rios wondered what the timeline was on this project.

Mr. Enfield said they were already in design development and the next phase would be construction documents. They were going into a pricing phase right now before they started construction but it would be happening very quickly.

Chair Wood said he was using a lot of rock and asked if it would be cultured stone or real stone.

Mr. Enfield said the rock walls around perimeter will be real stone.

Chair Woods asked what kind of rock. It looked almost like Anasazi.

Mr. Enfield said it was red moss rock stone that stacked easily. Some people preferred that he use limestone like Sierra del Norte stone and he felt that most planters in front of walls were made of stacked reddish moss rock stone.

Chair Woods was concerned with the square cut, which possibly would look more like tile on the wall. It would have a thin feel to it as not having the dimension like moss rock which possibly would look more like a level foundation which where he was trying to go rather than with decorative.

Mr. Enfield thought that was more the choice of auto-cad texture on the wall. They would use irregular stone - an irregular type, stacked stone wall and not all cut pieces.

Mr. Boniface clarified that it was actually not up against wall. It was out in front.

Mr. Enfield said it was out in front by 5 feet and behind by five feet.

Mr. Boniface won't look like it's glued on the wall.

Chair Woods said that was something the Board might want to see because there was so much of it and see what he was talking about and when he came back with all the colors that might be helpful.

Mr. Enfield pointed out that his colors were already approved in a previous meeting, but he would be happy to bring stone samples to the Board for the final Board approval of staff approval.

Chair Woods thought bringing the colors with the rock would be great.

Chair Woods was also concerned about the doors. On page 74 she felt there was a sampler of different mullion sizes - so many different options. Door type #1 - she requested in the windows instead of the horizontal bars that they continue the vertical bar from the transom above. So she would bring the vertical bar down. She found it odd to have one type of mullion that was horizontal sitting on a two over two above it.

Mr. Enfield said that was the existing door type that was being removed and on the non-historic

elevation that was added in the sixties. That was an existing door schedule so he was addressing what they were doing with existing and proposed windows and doors. Under Type #1 it said that was being removed and they were replacing it with the original John Gaw Meem door.

Chair Woods understood and asked where the Board would find what was being proposed. She asked if Door type 2 and 3 were what he was proposing or what he was removing.

Mr. Enfield said Door Type 2 was an existing door they were refurbishing and reusing. He went over those with Mr. Rasch.

Chair Woods said it was a little confusing and option #2 was a little scary.

Mr. Enfield explained the doors further.

Public Comment

Ms. Stephanie Beninato (previously sworn) thanked Mr. Enfield for being so considerate of many of the historic elements in this building. However she was a little confused about the exception for the height on the wall. None of the Board discussed the exception part of the height and whether the application actually met the requirements. She thought it had to do with hardship but she didn't understand how raising a wall meets hardship unless it had something to do with the guard rail. She would appreciate it if the applicant would address this.

Mr. Brad Perkins was sworn and wanted to be sure that this was about the height of the yard wall and not about the overall height of the primary residence.

Mr. Rasch asked if he was talking about the exception.

Mr. Perkins asked if the discussion was not about increasing the height of the residence. Mr. Rasch agreed that was correct.

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

Mr. Enfield said regarding hardship in this case that he was trying to save three existing trees but there was also a requirement for a three foot high guard rail where the drop was more than 30". So what he tried to do was to come up with a solution with the rock wall in front that would reduce the overall height of the wall down to the measure from the ground to top of new wall to the allowable height. But what they actually did was to measure from existing, not his proposed new grade so that was why he had to ask for the

exception and he was actually saving 3-4 trees by doing that.

Action of the Board

Mr. Boniface moved to approve Case #H-08-096 at 1150 Canyon Road acknowledging that the applicant met the exceptions to exceed the maximum allowable yard wall height on the north area, and subject to conditions:

- 1. To add pedimented window trim on all of the windows on the garages**
- 2. To bring back samples of not just the rock wall for review by the Board but also a sample color of the stucco so they could be compared together and,**
- 3. That option #1 would be used. Mr. Armijo seconded the motion.**

Ms. Rios asked for a friendly amendment that the wall be made of irregular real moss rock stone but Chair Woods said it was not necessary since he would be bringing samples back to the Board for approval.

The motion was approved unanimously on a voice vote.

- 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)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

825 El Caminito is a single-family residence that was constructed in the 1930s in the Spanish-Pueblo revival style. The building is listed as contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the front yardwall with the addition of height at the eastern portion. The maximum height will be 5' 10" where the maximum allowable height is 5' 5". A height exception is requested and the required exception responses follow.

EXCEPTION TO EXCEED MAXIMUM ALLOWABLE HEIGHT

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

The proposed character does not damage that of the existing character of the streetscape but rather has little impact to it. The 5" needed to conform to the allowable height will provide for a

continuation of the architectural theme already in place. The proposed height increase does not exceed the height of existing yard walls in the immediate vicinity as depicted in previous photos; specifically, yard walls immediately across the street with an effective height of 11-12' when standing on El Caminito.

Staff response: Staff agrees with this statement.

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

This 5" exception is needed to provide for much needed privacy to the new property owners who now have a direct view of the street from their master bedroom. The new height will eliminate this view and give the owners a sense of visual security; an essential element for quality of life and use of their home.

Staff response: Staff agrees with this statement.

- (iii) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;

The design will provide for a continuation of the established character of El Caminito by the use of the same architectural theme and at the same time improve the quality of life for the property owners. There will be little visual impact to the existing streetscape.

Staff response: Staff agrees with this statement.

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

- 1) We propose that the subject property is in a peculiar condition in that existing walls on the streetscape are already higher, specifically across the street, 12' (7'-8' plus 3'-4' berm) The methodology used to determine the average height does not consider the berm, although the visual effect is greater than if no berm existed.
- 2) We propose that including the berm in the height calculation may produce a different outcome and potentially allow the proposed 5'10". The existence of the berm affects the streetscape in this case.
- 3) Visually, the proposed wall at 5'10" is much lower than existing walls immediately

adjacent to the street. We ask the Board to consider that in order to produce a true average height calculation for the streetscape, factoring in actual heights from the street level (wall heights plus berms), can only truly define the true visual height of a true streetscape?

- 4) We propose that the visual effect of the wall will have to the streetscape will be minimal. When standing on El Caminito and canvassing the tops of walls, the subject is significantly lower than that across the street.
- 5) The circumstance in this case is that berms are not included in the average height calculation, but in effect, 3'-4' berms cause the height of the wall across the street to be up to 12' from the street, in effect, a 12' structure on the streetscape. Could the wall across the street be more heavily factored in, at least in this case?

Staff response: Staff agrees with this statement.

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

The condition and circumstance is not a result of the actions of the applicant, but rather the result of the historic existence of the grade and terrain of El Caminito and the methodology used to determine averages.

Staff response: Staff agrees with this statement.

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

There will be little visual impact to the existing streetscape. The proposed wall will be significantly lower than those immediately adjacent to the subject wall and equal in height to a portion of the existing wall which was allowed under the code to screen mechanical equipment.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff recommends approval of the exception request to exceed the maximum allowable streetscape height for the yardwall which otherwise complies with Section 14-5.2(D) General Design Standards and (E)

Downtown & Eastside Historic District.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Ms. Monica Montoya was sworn and said she had nothing to add to the staff report. She had provided photographs showing that the height of the proposed wall once finished would be significantly lower.

Questions to the Applicant

Ms. Rios asked if she wanted to increase this wall by 5 inches. Ms. Montoya agreed.

Ms. Rios asked why.

Ms. Montoya said the most significant reason was that this wall, at certain spots exposed some security issues to the master bedroom where people walking on el Caminito could see in the bedroom. The second reason was to add to the character of the wall. The finished effect would have a step up to match the elevation of El Caminito and look better.

Public Comment

Ms. Stephanie Beninato (previously sworn) suggested the applicant get some shades and blinds and it wouldn't need to have an exception. If they continued to ask for exceptions for these kinds of reasons and get them from the board, she would go to Council and ask them to take away the hardship qualification. There were lots of places all over town where people could see in bedrooms and they put shades on their windows.

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

Ms. Rios asked about the length of the proposed wall.

Ms. Montoya said there was a better plan in the report on page 3 of 6 of her application. It was packet page 11. She pointed out the area in dark that would be added. She said it was about 32'.

Action of the Board

Mr. Boniface moved to approve the application for Case #H-12-068 at 825 El Caminito, finding that the applicant met the exception to exceed the maximum height for the yard wall by 5". Ms. Walker seconded the motion and it passed by majority (4-1) voice vote with all voting in favor except for Ms. Rios who voted against and Chair Woods voting in the affirmative.

6. **Case #H-14-013 - 100 Calle la Peña.** 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)

Mr. Rash said the Applicant was not present.

Ms. Walker moved to table Case #H-14-013 to the end of the meeting in the event the applicant arrived before adjournment. Mr. Armijo seconded the motion and it passed by unanimous voice vote.

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)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

237 and 239 East de Vargas Street are two historic structures that are separated by a common wall on one lot west of Brothers Lane. 237 was constructed in a vernacular manner before 1912 in an "L" shaped floorplan. A pitched roof was added at an unknown date and the previous parapets had brick coping. 239 was constructed in approximately 1930 on the south end of the small leg of the "L" on 237 in a vernacular manner. The buildings are listed as contributing to the Downtown & Eastside Historic District and elevations 1-9 of 15 are designated as primary. Minutes of previous hearings to remodel the property from September 27, 2011, October 11, 2011, November 8, 2011, June 26, 2012, and January 14, 2014 are attached.

On January 14, 2014, the HDRB conditionally approved amendments to the previous approvals

including the deletion of the front yardwall windows and shutters, but asked the following three items to return to the Board for review.

Now, the applicant proposes to make the following final amendments.

1. At the end of the hearing on June 26, the applicant stated that there will be mechanical equipment placed on the roof of the newly constructed addition behind the contributing structure at 237 after a friendly amendment was made that there shall be no visible rooftop appurtenances. Three roof-mounted condensers are visible from the public right-of-way on the addition. The applicant proposes to paint the equipment to match the stucco color, since there is no place on the ground to accommodate them.

The applicant provides mock-ups of individual stuccoed or brick screen walls as illustration against those two options. The screening masses appear to be approximately 15' 6" to 16' tall and an exception would be required to construct the screens because the maximum allowable height for this property is 13' 10".

Another potential option is to reestablish a brick coping on the front and/or rear parapet and possibly the west parapet of 237 to mostly hide the equipment and paint the remaining several portions to match the brick or the stucco color.

2. The large hot box that was installed in the front planter will be screened with a 5' 4½" coyote fence with irregular top latillas.
3. A 300 square foot trash enclosure will be constructed on the east area to replace a previously approved smaller trash enclosure that was located on the El Castillo property to the east. The enclosure will be 7' high with stuccoed walls on three sides and brown painted metal bi-leaf gates.

STAFF RECOMMENDATION:

Staff defers to the Board regarding the roof-mounted mechanical equipment and otherwise recommends approval of this application which complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Questions to Staff

Mr. Boniface asked, if this was approved with conditions that were not met, how the applicant could get a Certificate of Occupancy. Mr. Rasch said it was a conditional C.O. with the understanding that the final

H-Board action would be met. And that was a decision of administration.

Chair Woods said that allows for occupancy in the building.

Mr. Rasch agreed but was not sure they were occupying it yet. A conditional C/O would allow people to start occupying it but the condition was that the final HDRB action was met.

Ms. Walker asked if this hearing tonight was final.

Mr. Rasch agreed, if it was approved.

Chair Woods said the decision could again be appealed to the Governing Body.

Mr. Rasch agreed and believed it was the final request that this Board would see for the project.

Chair Woods asked what happened from the last meeting over the disagreement and what happened with the brick coping. She looked at the June 26 HDRB minutes, page 22, it said, "Mr. Duty says 1989 photographs is what it said in my packet. Yes. Yeah, you can see that there was a brick coping that we assume is still under there. We don't know that because we haven't done any destructive testing but we still assume it is under there and we would like to clean it up and retain it if it is there. And you can see how thick that roof is on top of the brick coping and flashed it with stucco." And then in that same meeting of June 26th, Ms. Mather's motion stated, "I move to approve the return of the roof to a flat roof with the condition that if any brick is found that the parapet detail be retained." And then there was quite a bit of discussion about staff going out there and checking on the brick with the applicant.

Mr. Duty stated in the last meeting that you went out there and no brick was found. And that's why that coping was not put on. She asked Mr. Rasch if he could tell the Board from his point of view what happened.

Mr. Rasch said he didn't recall the date but he did go do a site inspection. They were looking at several issues. They were looking at the need for bond beams on this older adobe and other issues. And they went into the building and it was an L shape. What was at the L shape that he was pointed to to look at and he did see some coping there.

Chair Woods asked who pointed him there.

Mr. Rasch said it was Mr. Duty. So he did see a remnant of coping.

Chair Woods understood that at that time, and although Mr. Duty stated in the last meeting that there was no coping, Mr. Rasch was telling the Board that he saw coping. She asked if he left that meeting assuming that the coping was either going to be established or restored as per the motion.

Mr. Rasch agreed.

Ms. Rios said on page 73 of the packet she had indicated that the height of the roof would remain at its existing height. So she asked if they eventually removed that roof and rebuilt it.

Mr. Rasch agreed. They removed the pitched roof. And because it was pitched, the walls were at various heights. The south elevation had a higher wall than the north elevation because the pitch went from high on south to low on north. So when they took the pitch off, they added height to that north elevation to match. But they kept that height. And you could see in the photo he took today that the original historic building parapet height was actually lower than the parapet height on the east mass.

Chair Woods asked if part of that was because of the coping.

Mr. Rasch said it was possible but he just didn't know because he wasn't there when they took that roof off. He just saw that tiny little part of it at the end of the L shape.

Chair Woods asked how many courses of brick he remembered there approximately.

Mr. Rasch replied that it was hard to say. He recalled it was anywhere from three to five courses. The section he saw was very small. It was probably a foot and a half.

Ms. Rios, in reference to the exposed rooftop equipment/appurtenances that were up there now, the applicant indicated at a previous meeting that they had to do that because there was no place else to put them on the ground. She asked when this type of thing occurs if Mr. Rasch went to inspect that or did the inspector look to make sure that in fact this could not have been placed on the ground.

Mr. Rasch said that was an interesting question. He shared how the inspections worked and perhaps this administration wanted more overlap between inspectors. But the historic inspector was truly not qualified to determine if there was any space for mechanical equipment. He was actually looking at what this Board approved design-wise when he does an inspection. It is true that a mechanical inspector he wasn't qualified to say whether they were educated enough to do that but perhaps they could. However, it was not their charge. Their charge was to approve the mechanical equipment but not its design and location. That overlap was lacking.

Ms. Rios said the minutes indicated that there was to be no rooftop appurtenances. Mr. Rasch agreed and the historic inspector could do that. He could determine that the approval was for no publicly visible rooftop equipment and that was how that issue came to his attention because it was installed publicly visible. That was why the Board was now having this hearing. But whether the historic inspector could decide there was another location was not appropriate for the historic inspector.

Chair Woods asked if Mr. Duty ever came to Mr. Rasch to request permission to put those rooftop appurtenances there.

Mr. Rasch said he didn't but he did meet with the solar panel collector installer and he believed there were solar panels on that roof and they were not visible. When he went up on that roof, they used the mock up of the solar panel and adjusted its angle until it wasn't visible from a public way. So that part he knew about, but not the mechanical equipment.

Ms. Walker asked him in his experience when a builder or architect came to him with a vision or plan of what they wanted to do, if it was unusual from them to not anticipate in advance the use of equipment like that.

Mr. Rasch thought that was a good question and he thought every designer was different. Through his ten years' experience with this Board, he was learning what he needed to ask at the site visit more and more every year. He now realized he needed to ask about equipment every time, no matter what. He didn't realize that years ago but would just rely on what the applicant was telling him they were proposing. But some people think all the way to the end. Others - it is more of a preliminary design when they come to us. It is not equal.

Ms. Walker reasoned that when the question was stated by Ms. Rios that there be no rooftop appurtenances, whether that triggered for him that he needed x, y, and z.

Mr. Rasch said that was this hearing back in April, 2012. Ms. Rios made the friendly amendment that there shall be no publicly visible rooftop equipment. And the Chair, after the motion was made, allowed the applicant to make a statement. And he said he would have equipment up there. And Mr. Rasch thought he intended to mean not on the historic building but on the addition. At that point neither the applicant nor the Board nor the staff asked if it would be visible. They didn't go further because it was already inappropriate responses after the motion.

Chair Woods didn't think it went any further because the motion stated clearly that that there would be no visible rooftop appurtenances. If he wanted to state he would put it on there, that didn't change the motion at all.

Ms. Rios asked a question in reference to the present status of this building. The building was now contributing. If that wall in front was not there she asked if Mr. Rasch felt the building had results damaged and no longer contributing or if he felt that the footprint of the building still remained - the historic footprint.

Mr. Rasch first read from minutes, "We'll have some height there. We do not plan on putting any mechanical equipment on that roof." He thought that referred to the historic roof. Then it went on to say, "It'll be on the new roof in the back."

Chair Woods said, going back to that, she believed when he said "no visible rooftop appurtenances, she asked if he was saying that for all roofs or for one particular or both. Ms. Rios said it was for all roofs.

Mr. Rasch said regarding the question, that it was always real difficult to determine on any given project when too much historic integrity is lost or nonhistoric alterations overwhelm the historic integrity. That is always a very difficult decision. And he had to think about what a contributing building was defined as. It was at least 50 years old and had enough integrity that the historic character was retained. In the past, this Board has looked very strongly at historic material, historic windows and over the years this Board has looked more strongly at either overwhelming additions. In this case, the applicant has retained all of the historic windows that were required to be retained. And the addition is what the Board looks at. It is not very visible. So in his opinion, this still met the definition of a contributing building.

Ms. Walker asked about the part of the definition that talked about contributing to the streetscape and that sort of thing. Because with that wall you can't see a thing.

Mr. Rasch agreed and it was a hard thing to answer in front of the Board right now but when this Board grants an approval or more so, an exception to exceed height on a yard wall, once the Board grants that exception, that exception makes it okay. So the Board didn't degrade the status of the building by granting an exception or the Board wouldn't have granted the exception.

Chair Woods said, looking at it cumulatively, and it is heartbreaking.

Applicant's Presentation

Mr. Duty (previously sworn) said in summary that there were three issues. There might be more. First he pointed out that the building was drawn, permitted and built the way that it was drawn and permitted. The wall was proposed to this Board and the wall was debated and the wall was granted an exception and the wall was approved. "It bothers me that you don't like it. And I can understand that to some extent because of the fact that it used to be an open courtyard. But, in fact, all along the street there is a walled enclosure. And this was discussed at length with this Board. And I also think you were very helpful in this

project all the way through, as I have stated many times. As far as the rooftop equipment is concerned in terms of history, it is basically true in my opinion. There was a friendly amendment. I think this Board, in my opinion, owes a debt of service to an applicant when you make a friendly amendment to inquire as to whether that applicant accepts - understands in the first place and accepts that amendment. It was for that very reason that courtesy was not extended to me. But I spoke up, and the chair allowed me to speak. And I made it perfectly clear that there would be rooftop appurtenances on the building because I knew there would be. What we did on rooftop appurtenances, of course, on the old building, there was a massive amount of rooftop equipment on the historic portion of the building. And it had been done without approval from the H board. We need to avoid that situation and we did debate many different kinds of solutions. But we went to an all-electric building so that we would have nothing except three condensers. So we would avoid all air handling equipment on the roof. We avoided that and we took off all the old air handling equipment and I have pictures if you want to see them. But you can ask if you want to see them. We took them off. So we were very sensitive to this issue. And the reason I spoke up was because I knew we were going to have rooftop appurtenances. I knew they were going to be on the new portion of the building and I accepted that we would probably have to screen them. - tan or something acceptable to the Board. It was never my intention to do otherwise. As far as the brick coping or the brick is concerned, I think there is a little misunderstanding. I want to reiterate - the building was designed without brick coping; it was presented without brick coping; it was approved without brick coping and it was permitted without brick coping. However, during my presentation to you, I made note of - I think there were 84 or maybe 89 photographs in which there was some brick. It was unclear whether the brick was historical. We didn't have any evidence that the brick was historical. We had evidence that this building was, in fact, built without a brick coping. I made a pledge to the Board that night as I listened to the debate. You only read part of the debate, madam Chairman. There was some debate and some of the other members thought preserving the brick was inappropriate. At any rate, we made our approval - our presentation and I got that permit without brick. But I felt I had a debt of gratitude - not a debt of gratitude - a debt of service to the staff and to the Board to bring to Mr. Rasch's attention. We did find some brick in one corner of the building. I don't believe I stated as Madam Chair suggested that we found no brick. Because that is categorically false. I didn't make that statement.

I think I may have made a statement that we found no brick that was useable or in good condition and certainly in any extensive amount. We found some brick in the corner, I showed it to David. As he suggested, I pointed it out and I instructed David that we were going to finish it out as designed without exposing the brick coping. We did not take brick coping off in order to make the wall lower. We built it back to the height of the original wall underneath the pitched roof. As you may recall, we took off the pitched roof. This was also a nonhistorical item that was added to the building - as far as I now, without any approval from this Board. And we petitioned you to allow us to remove and you did. And that was part of our permit and that was built the way we permitted it.

There were two things that happened to change this whole thing is the hot box which happened to us as well as happened to you as well as happened to the community. We were instructed and that was it. The water company would not give us water unless we put that in place. I testified about this before. It's there. We had to put it in there. The city required it in there and we are happy to screen it with coyote fencing which was actually a suggestion from this Board. We are happy to do that.

The other thing is the trash enclosure. Again, the city required it to be moved from where previously it had been approved. We agreed and relocated it would work with the whole complex. I suspect you don't have any problem with that but that is speculation on my part. So we came back tonight to show the screening around the trash enclosure.

As far as the rooftop appurtenances are concerned, I think we have a responsibility to screen them. And in that regard, I did ask Mr. Rasch to come to the site when they were first up there or right after they were up there. It didn't have anything to do with the solar panels. And I said, 'What do you think is the best way to screen them. This came up before. We talked about a stucco wall around them. We talked about a stucco wall with a brick coping. We talked about bringing up the front wall or one of the front walls. I left the meeting with the consensus - not with the consensus but with the sense that, in the first place, Mr. Rasch stated they would probably constitute a height exception requirement. And so that is what I figure that was what we were going to have to do. But I also left the meeting with the sense that the screening options that we talked about left a little to be desired. Mr. Rasch can speak to his opinion. But in my opinion it left a little to be desired. We used terms like three smoke stacks on the Titanic and things of that nature. Drawing in my mind more attention to the condensers than was necessary. I talked with the contractors and we can do a screening but it would have to be about two feet around. So all of a sudden, the screen gets to be six foot square - rather large. So I did drawings, photographs, renderings - whatever you want to call them - and gave them to you guys to look at. I also did a drawing showing what it is going to be like when the trees mature and what it would be like when they painted them. And it is simply my opinion that - I am not going to stand up here and be a champion of rooftop equipment. In this particular case, I think I was consistent with the Board and as clear as I could possibly be with the Board with totally accurate drawings; made every effort to work with staff and came back to this Board many times. And at this point, in my opinion, the best thing to do is to paint them, and they would disappear much more so than if we put a big surround around them. And that is the reason why I petitioned in this particular application to do just that. And I did not ask for a height exception in order to put a screen around them and that is my proposal and that is my history.

Chair Woods said, "Mr. Duty, if you were so diligent in your presentation to the Board, why didn't you draw them on the elevation that you presented and show them to us prior to them being built?"

Mr. Duty said, "That's a very good question. And I am going to digress a second and say that I'll

answer that. But I'll also say this. If you would like to prevent this problem in the future, you should require just that. You should require rooftop equipment to be shown and rooftop screening to be shown. That would be a worthy addition to your packet.

Chair Woods asked Mr. Rasch if the application required that - that any rooftop that is visible be shown on drawings.

Mr. Rasch said he agreed if they told them they were putting them there.

Mr. Duty said he didn't think he had ever put them on drawings he had presented to the H Board. He suggested it was the practice not to do them - not because architects were trying to mislead the Board but there was a sequence. The applicants frequently came to the Board with schematic drawings. When he was doing this project, there were questions in his mind whether this was even be approvable - long before we were debating HVAC equipment. The board suggested modifications to the design which he entertained and brought back to the Board in a spirit of cooperation. It wasn't until the second or third meeting that they really had a sense that this was going to be approved. And that was way before schematics were done. He would welcome a clear requirement for architects to include these in the drawings. There are rooftop appurtenances which can never be avoided - exhaust fans or chimneys. The Board needed to be specific and architects needed to be specific and he would welcome that requirement.

Chair Woods said she was requiring that right now - that henceforth he show it because every other architect shows it.

Mr. Duty said "Good. I'll be glad to and I will be glad to look at those other submissions for guidance.

Chair Woods said the Board had also requested that his HVAC guy come to this meeting so the Board could talk with him about sizes and other possible locations. And that was in the last meeting minutes when the Board made that request.

Mr. Duty said he did not comply with that request. He said he talked with the mechanical people and submitted the letter to the Board. He pointed out that fact that they couldn't move the stuff to the ground. He had taken pictures and talked with staff but did not leave here with the understanding that was a requirement. The Board also talked about having him bring City Water people here and he attempted to do that but they didn't come with him.

Chair Woods said they did come.

Mr. Duty said he was not invited to that meeting so the Board visited with him which he applauded. He

apologized if he misunderstood but didn't bring a mechanical engineer with him. But he said he knew what the engineer would tell the Board.

Mr. Armijo said he had made that request because many times he did place ground units vs. rooftop units and as far as performance he never noticed any difference. Mr. Armijo added that Mr. Duty has stated that placing them on the ground had created unsightly results. He thought the engineer could explain to the Board why the units had to be on the roof.

Mr. Rasch said the board action letter he sent after the hearing said, "This is to certify that the Historic Districts Review Board at their hearing on January 14th 2014 was to postpone the request pending submittal of designs that screen the roof mounted condensers with stucco and or brick; a screened hot box with stuccoed walls and a coyote fence gate, with testimony at a future hearing from the mechanical engineer and the water division city staff."

Cahir Woods asked if that letter was sent to Mr. Duty. Mr. Rasch agreed.

Mr. Duty said he got that letter and focused on water city staff and apologize about the mechanical engineer.

He said Mr. Armijo is correct and Chair Woods interrupted him.

Mr. Duty asked if he was allowed to respond.

Chair Woods said yes but said the request was to talk to the mechanical engineer.

Mr. Duty said he had put them on the ground many times. They do work - it is possible from charts and graphs to do that. You can put them on a pad. We've also have had problems when there is not sufficient clearance or when there is dirt or dust. The filters need to be cleaned. Right down the street from this building is a building called the Santa Fe Properties building which I designed and received approval from the Board. We put all the mechanical equipment on the ground and a surround. We've had massive problems with that because of the high head resistance and not enough ventilation. So it is not trouble-free to put them on the ground. Secondly, in downtown Santa Fe, land is at a premium. It is not about making money; it is about making use of property. What we had here was an opportunity to put an Alzheimer's unit downtown and was a great opportunity and we are pleased with the results. But we had to get eleven units in there and all the things that went with it. It took up every square foot. And there was not a reasonable portion to sensibly locate mechanical on the ground and at that time I had instructed this Board that it would be on the roof. So I felt like I was dealing with the situation which I needed to screen and that is why I'm here.

Chair Woods said, "Mr. Duty you don't instruct the Board; we instruct you. And let's make that very clear."

Chair Woods asked Ms. Brennan when the Board passes a motion with an amendment and the applicant makes a statement after the vote, if it would change that motion.

Ms. Brennan said it would not change. And if the applicant didn't appeal it, the motion would stand.

Chair Woods asked if when an amendment is proposed to a motion, if the Board needed to ask the applicant if it was accepted.

Ms. Brennan said the Board could ask an applicant if it was acceptable but if it was not acceptable, the applicant could appeal the condition.

Mr. Duty said he customarily did get asked by this Board and the Planning Commission if he accepted the condition. And I answered and it got cleared up. That didn't happen here.

Chair Woods said that was never done here during a motion. She had chaired the Board for 15 years and that never happens during a motion. It could happen during the hearing. And in 90% of the motions, the rooftop amendment would be made. It is the motion and happens in almost every motion - no visible rooftop appurtenances. And if you have them, you need to draw them and show them.

Questions to the Applicant

Ms. Rios thought the 300 square foot trash enclosure seemed rather large. She asked if it was on the east side and how far back from the street

Mr. Duty agreed they were large and they were the City requirements for an enclosure.

Mr. Rasch said it was very visible and was right at the front of the property.

Ms. Rios asked if that was the only place it could go.

Mr. Duty agreed.

Ms. Rios asked how he planned to screen it.

Mr. Duty said as it was drawn with walls and gates.

Ms. Rios asked what the height of the wall was.

Mr. Rasch said it is 5'10" with three sides stuccoed and the front had bi-leaf gates. .

Ms. Rios asked how much of the condensers on the roof was showing and what the height was.

Ms. Rios said the Board did allow the wall because this was to be an Alzheimer's Unit. That was why she voted for the wall. But it was really difficult to see this building hidden behind the wall.

Mr. Duty thought it went up 15' feet to the top. He thought about 3 feet was showing.

Public Comment

Ms. Mary Malloy, E. DeVargas, was sworn. She said she had watched every bit of construction at this site for a year now. She was concerned about the water coming off of the roof and with the canales and a cistern was put in to collect some of the water. She was disappointed that not all the water was being collected to go for watering plants and trees. They had to put in a drainage pipe because the water was coming over into the back of her house. They put a pre-fab thing at the bottom of it and Mr. Duty and she had a conversation in the driveway but he did not mention that it was behind her house. They put in gravel and in the last storm, when water came off the new building and her house, it had no place to dissipate and was starting to come under her house. Her contractor insisted that she come to let the Board know there was a potential problem. She loved the rain but not if it was going to come in her house.

Chair Woods asked her if the drainage between the buildings changed.

Ms. Malloy said it had changed because there was no building there before so it was not a problem. They made an effort to keep it on the property but the new building was built up to the property line. The gravel raised the true bottom up where the house was. She said she spoke with Mr. Rasch who encouraged her to come to the meeting.

Mr. Armijo said she would have to talk with grading and drainage because it was not the purview of the HDRB.

Chair Woods referred her to speak with Mr. O'Reilly about how to get this problem taken care of.

Mr. Brad Perkin (previously sworn) said he was "blown away by your patience." He couldn't believe someone would think he should have another apple. For background, this was a very historic house,

included in the first publication of Old Santa Fe today and had a John Gaw Meem plaque. He only lived in flat roofed houses twice. Most were on the ground, and there was no reason it shouldn't be there now. He suggested it would be more energy efficient to put the HVAC on the ground. He told the Board long story and then asked the Board to look at the ordinance. Heat exchangers had to have sufficient surface for exchange between coolant and environmental air. He was not an HVAC engineer but would do what he could do to research it. He suggested about the dumpster to sit them and see what we could do. They needed so many cubic feet of space per population.

Mr. Raymond Herrera said this was a nightmare because of all of the changes and approving it would be a bad precedent for the future. He went along because it was for El Castillo and the Alzheimer's Unit. He didn't like for Mr. Duty to come here, knowing the procedure, and tell the Board what to do. If the Board approved this, nothing would be left worth saving. He had lost the character of both buildings and just looks like anything else downtown. He should be penalized for the actions he's taken. Mr. Herrera said he had Santa Fe at heart and this was ridiculous.

Ms. Stephanie Beninato urged the Board to put Mr. Rasch under oath when he is testifying. The Board asked him a lot of questions. And the same for Mr. Duty. He actually testified hearsay by telling the Board what Mr. Rasch said when Mr. Rasch was present. The Board bent over backwards to allow El Castillo to expand and the building looks "like crap" and the PERA building looks a lot better than El Castillo on DeVargas Street. The board bent over backward to allow this Alzheimer's patients in it. She reminded the Board that Mr. Duty was also the architect for affordable housing on Alameda Street and did basically what he did there changing the design around and after the fact said there was nothing they could do. Architects could usually offer choices in what could be done. This was a pattern. Part of problem was lack of coordination between Historic and Land Use. The Board could put on conditions and Land use totally ignore them. There needs to be a more consistent overlap, and land use staff made to realize they have to enforce these conditions. It was outrageous that Mr. Duty would come here and tell the board that a friendly amendment that was part of a motion was not something that he needed to pay attention to or follow. He has been an architect her for a long time and before the Board many times and should know that any condition approved by the Board was a condition he needed to follow. And if he didn't like it, he had 15 days to appeal it. She urged the Board to postpone until the HVAC person actually got here to answer questions of the Board. She also asked the Board to require the HVAC units to be repositioned so they were not visible. Painting makes them somewhat less noticeable but they are still up there and noticeable. The character of that building has totally been lost. It just merges into the larger El Castillo building. There should at least have been a different color of stucco to distinguish it from the other additions. For the trash enclosure, 5' 10" was better than 7'. Regarding the big hot boxes the City was requiring, they were horrendous and she urged the board to go to City to the Council to figure out some way to avoid placement on street so visibly. She thought the city could require an easement to put them behind the wall Even if enclosed, it was still quite visible. Mr. Duty's statement that everyone on DeVargas had a wall was not

true. There are at least four residential units toward paseo that don't have walls.

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

Chair Woods asked Mr. Duty if he had anything to add.

Mr. Duty said he did and spoke away from the microphone or with it off and his comments were not audible on the record.

Chair Woods said she had a question about the hot box. The board looked at it today. She asked if the access was the center door. The wall could come around and the gate could be much smaller. She thought the Board had said not to do the whole thing in coyote but having masonry on the sides which come around and have a much smaller gate that could be opened to access that door.

Mr. Duty's response was not audible.

Mr. Armijo asked what the silver or chrome box further up the street was.

Mr. Rasch said that was the new hot box at El Castillo.

Mr. Armijo asked if that was part of this approval.

Mr. Duty gave a response that was not audible.

Mr. Armijo asked if that was approved. There appeared to be no response.

Mr. Armijo said he had lots of concerns with one thing after another that kept popping up that Mr. Duty didn't know about. To not know about a hot box or to not know about air conditioning - these were situations that as an architect and builder, needed to plan for. He was concerned that people were not being responsive to this Board initially and it was not a good precedent at all.

Chair Woods asked him not to interrupt his statement.

Mr. Armijo said he was the rookie here but what he had seen surprised him with how flexible the Board was with everyone, including Mr. Duty. But yet, before we address any problem, the Board drives by and sees a future problem. That was a concern to him that there was no ending to this. He just had big concerns. That box, if looked at initially, could have been placed behind that large wall there and the board would not have to talk about it now. Those roof top units could have been set on the ground and the Board

wouldn't be talking about them now. There were options available to Mr. Duty before it happened and he had disregarded what the Board recommended and proceeded with things that didn't meet the ordinance. It wasn't fair to keep covering up things that Mr. Duty kept putting out there and he should have known should be brought up to this Board before they happened. So he had big concerns about any approvals by the Board at this point.

Mr. Duty said something about water but it was inaudible.

Mr. Armijo then asked Mr. Duty, if it was all true, and the board had requested to speak to the professionals that were making these recommendations, why Mr. Duty would not have had them here for him to back up what he was talking about.

Mr. Duty made more inaudible comments.

Chair Woods was confused because according to Mr. Duty, the hot box was always on our drawings.

Mr. Rasch said he could not testify if it was or not now but did say that now our application states on it that you must indicate everything that you are doing on the exterior of the property and things that were not itemized would automatically be not approved. That is the new application.

Chair Woods said she would like to see the elevation that showed the hot box, "because I'm pretty astute at catching these things and, unless it was hidden as would have been nice to do, then I may not have seen it. But anything anywhere near the front of the building, I have no recollection of ever seeing.

Mr. Duty made another inaudible statement.

Chair Woods asked, "Where was it shown to us? Was it ever shown when you came before us?"

Mr. Duty didn't know and made another inaudible comment.

Chair Woods said the Board needed to see it.

Action of the Board

Mr. Armijo moved in Case #H-11-105, to approve the proposed trash enclosure at 5' 10" high and to deny the screening of the hot box and deny the coyote fence gate and also deny the screening of the rooftop unit. Ms. Walker seconded the motion for purposes of discussion.

Ms. Walker said the canales on the premises that they would be moved somewhere else. She asked if

that was correct.

Mr. Boniface said the applicant would need to come back at a later date and show us exactly where the rooftop units will be moved, and the Board was not allowing the applicant to keep the rooftop units where they are. He asked if that was correct.

Mr. Rios said he indicated denial of screening of the hot box and asked if that was correct.

Mr. Armijo said that was correct. His concern was why the applicant didn't bring these professionals before the board to indicate that the unit could not be buried to start with.

Chair Woods said they did come to the Board and talked about it. As I understood said they could be buried but it was very expensive to do. The hot box up for discussion and at this point the board needs to be made aware of these things which obviously they ignore because they just put one down the street. She also assumed that it could also have been buried at a much greater expense.

Ms. Walker did not recall any other application including a hot box in the application.

Mr. Armijo said the board had never recommended coyote fence as a guard so if it was something shown on the garbage bins...

Chair Woods thought Mr. Katz had talked about the possibility of screening the hot box as one possibility. We talked about walls. We talked about several different things and asked the applicant to come back with other ideas; he didn't come back with the walls but with a coyote fence.

Ms. Rios said further clarification on Mr. Armijo's motion concerning the hot box: "so you are indicating that what Mr. Duty brought this evening in reference to the coyote fencing - screening is denied but does that give the applicant the option to come back before the Board to present something else? So should this be a postponement in reference to it?"

Mr. Armijo said that would be fine with him.

Chair Woods cautioned that they already had a motion and a second on the floor. She asked if there was any further comment.

Mr. Rasch said it could be amended or rescinded.

Ms. Brennan thought they could amend it under the circumstances, to postpone as opposed to a denial

on those issues.

Mr. Armijo moved to postpone Case #H-11-105 to March 25, 2014. Ms. Rios seconded the motion.

Chair Woods asked what they were asking the applicant to do.

Mr. Armijo said that was to have the applicant show the Board a different way to hide their hot box with side walls and something similar to what was going on with the trash bin but removing the roof top units. He didn't see how that could be disguised. He wasn't sure if the Board preferred a coyote gate or a metal gate.

The motion was approved unanimously on a voice vote.

- 6. Case #H-14-013 - 100 Calle la Peña.** 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)

The applicant for Calle La Peña was still not present.

Ms. Rios moved to postponed Case #H-14-013 to March 25, 2014. Ms. Walker seconded the motion and it passed by unanimous voice vote.

G. COMMUNICATIONS

There were no communications.

H. MATTERS FROM THE BOARD

Chair Woods asked if the Board could specify what had to be brought to us, so this didn't happen anymore. Deal with things such as hot box be shown to us, light fixtures, etc so this didn't happen again.

Mr. O'Reilly came forward to address it but also failed to turn on the microphone so his comment was not audible. He then turned it on.

Chair asked if they could require that anything that was visible must be shown in the application.

Mr. O'Reilly said the Board just decided and that was what it would be.

Mr. Rasch said if the applicant didn't itemize everything, what was not itemized, it was not part of the application.

O'Reilly said there are "appurtenances and there are appurtenances." Plumbing stack vents have to be there at a certain height. Ask them about mechanical units, backflow preventers. Electric meters on side of building, gas risers and such if they knew where they would be. Cable TV pedestal. Some things we can't truly know where will be. He was paying attention and didn't hear anything about the cable TV box. It might be impossible to know where they will be when the applicant comes to the Board. They don't come with 100% construction drawings completed because they don't know what the Board might require. If the board was going to do this, that have to be very specific of what the Board needed to see.

Chair Woods what if we say no visible hot box either put in place can't be seen or buried. She asked if the Board could say that.

Mr. O'Reilly said he would need to talk with the City Attorney's office. Water is public utility and things have to be done a certain way for water safety. Nick Schiavo felt he could be more flexible and there were many more options than he mentioned.

Ms. Brennan said she could talk with utilities and find out requirements and put together a range of choices for the Board.

I. ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m.

Approved by:


Sharon Woods, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc