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**HISTORIC DISTRICTS REVIEW BOARD**  
**JULY 9, 2019**

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**MINUTES OF THE  
CITY OF SANTA FE  
HISTORIC DISTRICTS REVIEW BOARD  
July 9, 2019**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Ms. Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Chair Rios introduced the new recorder, Melissa Byers.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Cecilia Rios, Chair  
Mr. Frank Katz, Vice Chair  
Mr. Anthony Guida  
Ms. Flynn G. Larson  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

Ms. Jennifer Biedscheid  
Mr. Herbert Lotz

**OTHERS PRESENT:**

Mr. Carlos Gemora, Senior Planner  
Ms. Lisa Roach, Planner Manager  
Mr. Sally Paez, City Attorney's Office  
Ms. Melissa Byers, 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 Preservation Office and available on the City of Santa Fe Website.**

**B. APPROVAL OF AGENDA**

**MOTION:** Member Katz moved, seconded by Member Guida, to approve the agenda as presented.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

**C. APPROVAL OF MINUTES: JUNE 25, 2019**

Member Katz referred to Page 14 where he was speaking and said it should read “disingenuous” not “ingenuous”.

Chair Rios asked if there were any other changes from the Board members or staff. There being none, she called for a motion.

**MOTION:** Member Roybal moved, seconded by Member Katz, to approve the minutes of June 25, 2019 meeting, as amended.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

**D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 1) Case #H-19-040. 336 Don Cubero Place.
- 2) Case #H-16-012B. 314 North Guadalupe Street.

Chair Rios asked if there were any changes to the findings, there being none, she asked for a motion.

**MOTION:** Member Katz moved, seconded by Member Roybal, to approve the Findings of Fact and Conclusions of Law as presented.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

**E. BUSINESS FROM THE FLOOR**

Ms. Stephanie Beninato wanted to point out that the Board had approved a contributing garage as a guest unit at 820 Don Cubero. She said that the problem is that there was zero lot line and it was nonconforming, and it should have never been allowed. She said that the City slipped in an exception for existing ADUs in 2018.

Ms. Beninato also referred to the Board's comments about public comments. She felt that it was discouraging people from coming up and making statements. She stated that the Board and staff need to show respect and encourage public participation because usually the only ones who show up to the Board meetings are the applicants.

#### **F. COMMUNICATIONS**

There were no communications.

#### **G. ACTION ITEMS**

Chair Rios announced to the public that decisions of the Board could be appealed to the Governing Body within fifteen days after the Findings of Fact and Conclusions of Law have been approved.

1. **Case #H-19-036B. 514 East Coronado Road.** Downtown & Eastside Historic District. Jenkins-Gavin, agent for Peter Quintana, owner, propose to construct a 110 sq. ft. portal to a height of 9'4" on a non-contributing residential structure. (Carlos Gemora, cegemora@santafenm.gov, 955-6670)

Mr. Gemora presented the Staff Report as follows:

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

514 East Coronado Street is an approximately 1,400 sq. ft. (roofed) single family home constructed with Spanish-Pueblo Revival features in the 1950's and designated non-contributing to the Downtown and Eastside Historic District. In May of 2019 the Board approved a 770 sq. ft. addition, replacement of doors and windows, and perimeter coyote fencing (to maximum heights of 48"-57") (H-19-036B). Conditions of the May approval include compliance with maximum fence heights, outward-facing vertical latillas of irregular and varying heights, that low profile skylights are used, and that the 110 sq. ft. portal be constructed of wood rather than metal.

The applicant returns with an additional request to construct a 110 sq. ft. wood portal on the southern elevation of the home. The proposed portal would use 8" stained wood posts with a membrane roof and a 6" metal fascia board. The proposed portal will be of the same size and design as the one approved to the north side by the Board in May.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D)(9) General Design Standards for all Historic Districts – Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Design Standards.

#### **QUESTIONS TO STAFF**

Chair Rios asked if the house is noncontributing.

Mr. Gamora responded that that was correct.

Chair Rios asked if it could come up for designation as historic status at some point.

Mr. Gamora responded that that is correct.

Chair Rios asked if Mr. Gamora felt that the addition would diminish or contradict that this should go up to contributing status.

Mr. Gamora responded that the Board had already approved a 770 square foot addition. This 110 square foot addition, he believes, would not change the potential status on the property.

### **APPLICANT'S PRESENTATION**

Ms. Colleen Gavin, 130 Grant Avenue, was sworn. She said that she and Jennifer Jenkins of Jenkins-Gavin were there on behalf of the owner of 514 East Coronado to present the application for an additional 110 square foot portal on the southside. They agree with staff's recommendations.

### **QUESTIONS TO THE APPLICANT**

Member Guida asked if the roof material for the new portal is a membrane roof.

Ms. Gavin responded yes, that is correct.

Member Guida asked it's the same for what was previously approved.

Ms. Gavin responded yes, this portal matches identically with the portal that was approved on the north side of the property.

Chair Rios stated that she thinks it's a very straight forward project and the new portal is much better than what is existing there.

### **PUBLIC COMMENT**

Ms. Beninato, P.O. Box 1601, was sworn. She referred to the concern about the status of this building and said that question should have been asked when the 770 square foot addition was approved.

## **BOARD DISCUSSION**

There was no board discussion.

## **ACTION OF THE BOARD**

**MOTION:** Member Roybal moved, seconded by Member Katz, in **Case #H-19-036B**. 514 East Coronado Road, to approve, per staff recommendations, the 110 square foot portal to a height of 9'4" on a non-contributing residential structure.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

2. **Case #H-18-135B. 411 East Alameda Street.** Downtown & Eastside Historic District. Design Solutions, agent for Parker White and Lindsey Robinson, owners, propose to reconstruct non-primary façades, raise parapet heights, replace windows and doors, construct a coyote fence, install skylights, restucco, and reroof a contributing residential structure. An exception is required to replace historic features (14-5.2(D)(5)). (Carlos Gemora)

Mr. Gemora presented the Staff Report as follows:

### **BACKGROUND & SUMMARY:**

411 East Alameda Street is a residential structure with New Mexico vernacular design and listed as contributing to the Downtown and Eastside Historic District. Originally constructed as a single-room adobe in the 1920's, by the 1960's it had quadrupled in size with vernacular additions. A recent historic report documents that most windows and doors are in poor shape and likely beyond repair and that the 1960's addition is poorly built with an inadequate foundation and now suffers from collapsing walls.

In November, 2018, the Board maintained the contributing status, specifically recognizing the vernacular style of construction and lack of openings. The Board designated the larger, eastern façade (#4), as primary but, acknowledging the need for structural improvements and renovations, excluded the 1960's addition (primary façade includes the southern-most 37'-8" of the eastern façade and excludes the northern-most 6'-8"). Note that the southern-most wood door on the primary façade is not historic.

The applicant requests approval to replace doors and windows, to replace the roof and roof overhangs, to reconstruct and raise a portion of the 1960's (non-primary) building walls, to restucco the building, to install two low-profile skylights, and to construct a coyote fence.

1. Existing windows and doors are mostly historic, wood, and are generally in poor shape. The applicant proposes the replacement of the existing doors and windows with wood units of the mostly the same size, style, divided-lite pattern, and with blue trim. Changes to the size and style are present on the north façade and on the 1960's south façade. The south entry door on the primary east façade is not historic and is proposed to be replaced with a window and wainscoting to create a vestige of the original doorway. A double-casement window (#3) and divided-lite door (#4) are historic and located on the primary façade. Though previous staff and the author of the historic inventory believe the windows and doors to be beyond reasonable repair, staff request an exception to replace the historic window (#3) and door (#4) on the primary façade.
2. The 1960's addition suffers from a poorly constructed foundation, structural destabilization, and interior deterioration. The applicant proposes demolishing the south and east facades (see demolition plan) of the 1960's addition, constructing a new foundation, and reconstructing the two building walls with adobe. The new façades will reflect the existing but would have parapets instead of roof overhangs, a smaller window opening, and would be built to a height of 11'-1", matching the adjacent roof height, instead of the existing 9'-7".
3. The existing composite roof has overhangs of between 4" and 12". The applicant proposes replacing the existing composite roof with a metal galvalume roof and rebuilding the 4" to 12" overhangs and fascia with similar materials to match the house.
4. A 5'-0" tall coyote fence with irregular tops and outward-facing vertical latillas is proposed to the inside of a low, historic rock wall and south of the building. The fence shall not be attached to nor shall it damage or remove material from the existing rock wall.
5. New cementitious stucco will be installed to match the existing earthtone color (El Rey Sahara).
6. Two low-profile skylights will be installed on the roof.

**STAFF RECOMMENDATION:**

Staff defers a finding on the exception criteria to the Board but otherwise recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts and 14-5.2(E) Downtown and Eastside Design Standards.

**EXCEPTION CRITERIA:**

Exception to 14-5.2(D)(a)(i): Staff request an exception to 14-5.2(D)(5)(a) which requires an applicant repair or restore historic windows and doors on primary façades wherever possible.

- (i) **Do not damage the character of the district**



**Applicant Response:** Approval of the request to replace the windows would not damage the character of the streetscape nor diminish the character of the district. The applicant seeks to replace windows with painted wood windows that would that would exactly match the divided lite patterns of the existing windows. The windows will also be recessed a minimum of 6" from the exterior façade of the building.

In this instance, the ability to replace the existing windows with thermopane windows that match the divided lite patterns of the existing windows is the least negative solution to the functional obsolescence of this residence. The windows are minimally visible and the new painted wood windows would blend with the architecture of the neighborhood. Therefore, the replacement of the windows and the energy saving improvement would allow the owners a reasonable solution without creating a negative impact to the character of the neighborhood.

**Staff Response:** *Staff agree that the proposed window replacements will have no visible impact on the character of the structure or the district.*

**(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare**

**Applicant Response:** Failure to approve the window replacement would result in an undue hardship to the owner, because of the expense involved in removing and repairing the existing single pane windows and the ongoing expense of heating a home with single pane windows. The negative impact on our environment that occurs when requiring the reinstallation of inefficient windows should also be considered. The lack of energy efficiency will result in greater heating costs and will place additional carbon into our atmosphere resulting in a negative impact for all of our community. Although the board has in the past suggested replacing storm windows over existing windows, this is not a practical solution due to our varied climate-where temperatures can frequently change by as much as 50 degrees in a single day. To open the windows one would need to constantly remove and replace the storm windows. The owner intends to occupy this property permanently and the financial and environmental impacts should be considered in determining whether replacement of the windows places a burden on them and our environment.

**Staff Response:** *Staff note that repainting, repairing, and the occasional rebuilding and refurbishment of historic windows can be classified as regular and required maintenance, but also recognize that windows can become functionally unrepairable and may require replacement as allowed by code. Previous staff, the author of the historic report, and the applicant find the windows to be beyond reasonable repair and while staff is inclined to agree, we leave a final determination up to the Board.*

- (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**

**Applicant Response:** Allowing the minimal easing of this requirement affords the owner no special privileges, but only a chance to continue living comfortably in the district in a manner that is consistent with the value of the neighborhood. Allowing the exception ensures the owners have the ability to live in an energy efficient and comfortable home. Denying the request for an exception significantly reduces the livability of the home and increases energy use of the property.

**Staff response:** *Staff recognize that this building is relatively difficult to update to modern standards and agree that replacing the existing window and door with in-kind units would help ensure that residents can continue to reside in the historic districts.*

**RELEVANT CODE CITATIONS:**

**Windows & Doors:**

**14-5.2(D)(5) Windows, Doors, and Other Architectural Features**

- (a) For all facades of significant and landmark structures and for the primary facades of contributing structures:
- (i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

**14-12 Contributing Structure:**

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

**14-12 Primary Façade:**

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

**QUESTIONS TO STAFF**

Member Katz asked if the exception is for window/door replacement is only for the two on the primary façade.

Mr. Gamora responded that was correct. Windows 3 and 4 are circled.

Member Katz said he understands the desire to have modern windows, double glazed windows, efficient windows in most of the house. He understands the cost of rebuilding or repairing an old window can be higher than the cost of replacement. He asked if there is anything that shows these two historic windows would need to be replaced rather than repaired.

Mr. Gamora referred to applicant's submission on page 20 and 21, it goes into the specifics why they believe it should be replaced. The applicant also submitted individual pictures of Window 3 and Window 4. They are using the pictures to justify replacement rather than repair. That is why staff defers to the board to find whether the applicant meets the hardship criteria.

Chair Rios asked if the applicant was requesting to replace in kind.

Mr. Gamora responded that the applicant is requesting to replace with in kind, it would be wood windows of the same size, style and divided light pattern.

Chair Rios referred to a letter in the packet from a neighbor regarding different issues. She went on to state that they are issues not within the jurisdiction of the Board. The issues are having to do with construction, access, parking and mold.

Mr. Gamora responded that letters are from November and February which were submitted months prior to when this submittal was given to the Board. The two letters have to do with easement access, construction impacts and have to do with other conditions outside of Board purview.

### **APPLICANT'S PRESENTATION**

Mr. Tim Curry, 415 E. Alameda, was sworn. He said he would like to clarify that the applicant is proposing to replace all the existing windows and doors, not just two.

Chair Rios said she thought the reason the two were brought up is because they are on a primary facade.

Mr. Curry said he wanted to address the Board about the exception and the concept of replacing the windows. He is sensitive to the aesthetic that is being seen on some of the older houses in town. He said from a practical and environmental standpoint he feels that it is not appropriate to place a burden on the owner to repair these windows when they are close to being beyond repair. There are a number of portions of the windows that would need to be

reconstructed and they would ultimately end up with a single pane window. In the past the Board has mentioned the idea of storm windows. The idea of going outside and taking a storm window off and putting it back on to get some fresh air into the home is an undue burden on the owner. From an environmental standpoint, putting in a new wooden window that is going to match exactly, that is in kind with what's existing, is a reasonable request.

### **QUESTIONS TO THE APPLICANT**

Chair Rios asked the applicant to tell them about the window that looks like a door on the east façade.

Mr. Curry stated that there's an existing door on that façade. A historical analysis of the home was done, and it was determined that the door that is in there currently is not historic. He thinks it's a Home Depot door, bought in the 80's or 90's. They would like to replace that door and the idea is to leave a vestige of the opening. So, they would be putting in a window and applying some wainscoting below, leaving some remembrance that there had been a door there. The wainscoting will be wood.

Member Katz asked if there was some reason why he couldn't replace that door with a door that has just the same light pattern that is on the window and then just wood on the bottom.

Mr. Curry said they could. They talked about using a Dutch door so there would be glass on the top and wood on the bottom which would be an acceptable option.

Member Katz stated that on the windows, he appreciates the desire to have the efficiency. It does seem to him that people have lived for years and have survived with single pane. Double glazing is better, but they're only talking about two windows. He stated that what bothers him is he doesn't have any concept of what would need to be done to these windows. Clearly, the picture shows the need for re-puttying and there may be some pieces of wood that need to be replaced, but that's not such a big deal. He doesn't know to what extent the glass could be replaced with double glazing panes. There is no information on that; he's not a fan of people staying with single glazing just because it's a historic house. He believes that the exception would only apply to these two windows. There is a need for more information to know that there is not an alternative way then to just throw out the old historic windows and put in new ones.

Mr. Curry said he has spoken with a carpenter and he told him that it would be in excess of \$1,000 to repair each window. It would be a greater cost to restore the windows than it would be to purchase new ones.

Member Katz said he understands that but sometimes when you have a historic house, it costs more. He just replaced a bunch of windows at his non-historic house and they were five hundred or six hundred dollars a piece and they were simple cheap windows so if it costs four hundred dollars more. If it can't be done, that's a different story.

Mr. Curry responded that for him one of the considerations he has is that someone who's walking down East Alameda, won't see the difference, whether those windows are brand new or 100-year-old windows that are restored. The only person that's going to see the difference is someone who approaches the house and is within ten feet of the house. He understands and appreciates the desire to maintain these windows. If the windows were in better condition, he would not be asking for an exception.

Member Katz stated that the driveway to the neighbor's house and a couple of other houses goes right in front of the house and the windows are not quite as invisible as is being led to believe.

Mr. Curry responded that it is just one house back there and she would have to stop and get out of her car to see the window.

Member Larson stated that the Board's job is to maintain the design and characteristics of historic buildings. What is being discussed here is two remaining historic windows on a primary façade that was designated by this Board. She has a lot of issues with the fact that the applicant is arguing for environmentalism because these windows are going to be taken to a landfill and replaced with a lesser quality wood. The long-term cost of repairing and maintaining windows that are historic is going to be more beneficial to the owners in the long run. She agrees with Mr. Katz that there is not enough information. It's beneficial overall to continue to maintain and repair the historic fabric.

Member Guida asked the applicant to explain what is being proposed for the other openings.

Mr. Curry responded said that the windows would be divided light thermo pane windows to match the existing. On the south elevation, that is not a primary façade, they are proposing a smaller window in that one opening.

Chair Rios asked about the small stone wall.

Mr. Curry responded that the wall will remain.

## **PUBLIC COMMENT**

Chair Rios asked if anyone from the public wanted to come forward and reminded the public to keep their comments related to the design and the issues that the Board has jurisdiction over.

Robbie Williams, 415 E. Alameda, was sworn. She stated that her home is next to the proposed construction at 411 E. Alameda. She shares the driveway with 411 E. Alameda and 409 E. Alameda. She was told that issues such as access to the driveway during construction should be addressed to the Board. She asked to be apprised of the appropriate source to address these issues.

Ms. Sally Paez, Assistant City Attorney, stated staff confirmed her initial conclusion that this is a private matter. There's not a City commission or body responsible for those types of private disputes.

Mr. Gamora stated that if it's a code enforcement issue, concerned members of the public could contact Code Enforcement.

Gayla Bechtol, 418 E. Alameda was sworn. She stated that she is a historic architect and former member of the 2011 Green Building Task Force. She remembers that the task force debunked the myth that new windows are better than old windows in energy efficiency. Energy efficiency for windows is more determined by weather stripping, caulking and things that can be done with maintenance. When you replace an old window with a new window, the old window might have an R-Value of five and the new window might have an R-Value of six. So the three square feet or six square feet of glass when multiplied by the R-5 or R-6, the energy efficiency that is gained by replacing an old window with a new window is miniscule.

David Jones, 409 E. Alameda, was sworn. He stated that he is the husband of one of the writers of the email. He came with several issues but understands that the Board does not have jurisdiction over some of them. He stated that he is the owner of 409, although the applicant continues to reference that as a condo, it is not a condo. It has been a sole home since 2012. He walks up the driveway consistently. He believes that the Board should try to preserve as many historic things on these homes as possible. He is in favor of renovation and understands the difficulty the owner has. Even though there's additional expense involved, one of the reasons they live in the historic district is to maintain as many historic structures as possible. He believes that the windows that have been addressed by the Board should be maintained.

Ms. Beninato, previously sworn, stated that she agrees with replacing old windows with new windows. What disturbs her is when someone buys a home and want to pretend it's not in the historic zone and want to modernize the home. From the photographs she's seen the windows don't seem to be non-reparable. She continued that in order to give the exception,

each criteria has to be met. Her other concern is where the coyote fence is going. What's important is the preservation of historic buildings.

John Eddy, 227 E. Palace, Suite D, was sworn. He stated that what's at stake in this case is the tearing away of the old adobe, if the windows are replaced. He continued that it's not fair for us to look at photographs and then state that these windows are beyond repair. When he looks at the photos, he does see windows that can be repaired. He also noticed vernacular details in the windows. He asked the Board to request that the applicant get a licensed person to do an assessment of the windows.

### **BOARD DISCUSSION**

Chair Rios asked the applicant to tell the Board about the coyote fence.

Mr. Curry stated that the fence is only a five-foot-high fence and there is a very narrow space between the fence and the house. It would be close to the wall but not touching the wall.

Chair Rios asked the applicant to tell the Board about the roofing.

Mr. Curry stated that the existing roof is not visible. His understanding is that the roof is a metal roof and the applicant would attempt to remove and replace it. The roof needs to come off in order to insulate the structure. There has not been assessment done of the existing roof. The plan is to replace the roof with a galvanized roof.

Chair Rios asked Mr. Curry if he would be okay with having the windows evaluated.

Mr. Curry responded that after listening to the comments of the Board and the public, rather than pay for someone to assess the windows, they are just going to repair them.

Ms. Lisa Roach, Planner Manager, wanted to clarify for the Board and the public that the City does not have a registry of window professionals. There is not a City Code basis for such a registry.

Chair Rios asked the applicant to explain about the door opening that the applicant wants to make into a window.

Mr. Curry stated that that opening goes into the bedroom, that is the reason why they want to eliminate it as a door and make it into a window.

Chair Rios and Member Flynn thanked the applicant for agreeing to repair windows 3 and 4.

Member Guida asked Mr. Gamora about the exception that's required for the size and proximity of non-historic additions and whether that's about the rebuilding of the newer portion of the house.

Mr. Gamara responded that the only exception that is being requested is to replace historic features, specifically pointing to doors and windows.

Member Katz asked the City Attorney about the Code section concerning historic buildings, referencing where it states that "no existing opening shall be closed" and whether that means a door should remain a door.

Ms. Paez referred to Code section related to primary facades, the last sentence states that "No opening shall be widened or narrowed". Reading the whole section together, it's reasonable to interpret it to preclude the widening or narrowing or any opening, not just a window opening.

#### **ACTION OF THE BOARD**

**MOTION:** Member Kartz moved, seconded by Member Roybal, in **Case #H-18-135B. 411 East Alameda Street**, to grant the application as recommended by staff with the following conditions: windows 3 and 4 be repaired rather than replaced; and the door on the primary façade remain a door, but may be replaced with any door the applicant would like to replace it with. The Board finds that the exception criteria has not been met. In addition, the Board authorizes staff to approve that door.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

3. **Case #H-19-048. 217 East Berger Street. Downtown & Eastside Historic District. Palo Santo Designs, agent for Ken and Christine Chiaro, owners, proposes to construct a 1,350 sq. ft. freestanding guest house to a height of 14' on a non-contributing residential property. (Lisa Roach, lxroach@santafenm.gov, 955-6657)**

Ms. Roach presented the Staff Report.

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

217 East Berger Street is a non-contributing residence constructed before 1951 in the Spanish-Pueblo Revival style. The house underwent a series of renovations since it was originally constructed, and these modifications resulted in the designation of non-contributing status in 2015. In 2018, the applicant received approval to replace windows, to remove a door, to



restucco the residence, to replace exterior lighting, and to add a mini-split A/C unit.

Now, the applicant requests the following:

- 1) Construct a 1,100 square foot free-standing guest house at the rear of the lot to a maximum height of 14'. The Spanish-Pueblo Revival style design features a 40 square foot entry portal with stained carved wooden posts, vigas, and corbels; rounded stuccoed massing in El Rey "La Morena"; a 170 square foot attached rear ramada with stained carved wooden posts, corbels, open latilla roof, and outdoor kiva fireplace; aluminum clad, "Hemlock green" simulated divided lite windows; and exterior lighting (design attached). One skylight will be placed on the roof, to be screened by the parapets, and no rooftop equipment is proposed at this time.
- 2) Remove and relocate a 6' high coyote fence with pedestrian gate.
- 3) Remove a portion of the CMU masonry wall at the west lot line, and relocate an existing pedestrian gate.
- 4) Reconfigure the existing flagstone patio, and install new gravel parking area, as submitted.

**RELEVANT CODE CITATIONS:**

14-5.2(H) Don Gaspar Area Historic District

(1) District Standards

Compliance with the following structural standards shall occur wherever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, stone, or wood shall be used as exterior wall materials. Aluminum siding, metal panels, mirrored glass and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials. The painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns, or using building as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation.
- (b) Roof forms including but not limited to flat, gabled, shed, and hipped roofs are allowed. Folded plate or hyperbolic roofs are not allowed.
- (c) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, greenhouses, garden rooms, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened by the following methods:
  - (i) raising the parapet;
  - (ii) setting back from the edge of the roof;
  - (iii) framing the collector with wood;
  - (iv) in the case of pitched roofs, by integrating the collector into the pitch;

- (v) in case of ground solar collectors by a wall or vegetation;
- (vi) in the case of wall collectors by enclosing by end or other walls;
- (vii) other means that screen the collector or integrate it into the overall structure.

Non-glare materials shall be used in solar collectors.

- (d) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened by opaque materials by raising the parapet, framing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems.
- (e) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in view from any public street, way, or other public place.
- (f) Greenhouses. Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to-effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and the greenhouses made from enclosed porches or portales shall maintain the shape of the porch or portal.
- (g) For residential uses, paving with asphalt or parking is not allowed in the front yard except in the sidewalk or driveway.
- (h) For commercial uses zoned C-1 front yards are required to be landscaped, and no required front yard shall be used for off-street parking.
- (i) As a condition of any rezoning all applicants shall provide evidence of sufficient off street parking and an intent to maintain the architectural integrity of the existing building or to conform to the architectural style of the district if constructing a building on a vacant lot.

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or destruction of walls, fences, and solar collectors and required submittals shall be reviewed by the land use department. Approval, disapproval, or referral shall be indicated by the division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division shall report approvals, disapprovals, or referrals to the board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30)

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts and 14-5.2(H) Don Gaspar Area Historic District Design Standards.

Ms. Roach submitted additional information provided by the applicant which is attached as Exhibit "1".

### **QUESTIONS TO STAFF**

Chair Rios asked Ms. Roach if she had anything further to add.

Ms. Roach responded that she would add that the vehicular gate and changes to the wall and pedestrian gate were not included in the packet as noticed. The Board may discuss the merits of that portion of the scope and defer to another hearing to approve that portion or allow staff to act on behalf of the Board.

### **APPLICANT'S PRESENTATION**

Owen Nelson, P.O. Box 6434, was sworn. Mr. Nelson stated that he had nothing further to add to staff's report and stood for questions.

### **QUESTIONS TO THE APPLICANT**

Member Larson commented that the proposed design for the casita compliments the existing house very well.

Chair Rios asked the Board if there were any comments about what was just submitted, because it was not advertised, referring to the gate and the wall.

Member Guida asked about the rolling vehicle gate and whether that would roll on the outside or inside face of the wall.

Mr. Nelson stated that it would be sliding, behind the wall.

### **PUBLIC COMMENT**

Glare Cooper, 224 East Buena Vista, was sworn. Ms. Cooper stated that she understands the Board's purview, but there must be some forum where she could address her concerns because there are five people who use this very narrow driveway. This is their only access to Berger Street. Considering how narrow the driveway is, it is really stunning how they're going to do construction without cutting off access to everybody north of where this is going in. She would like proof that the builder and owner have an easement.

Chair Rios stated that the City doesn't have jurisdiction over easements.

Ms. Paez stated that easements do fall outside the jurisdiction of the Land Use Department and this Board. In this case there has been a fair amount of leg work done by the

Land Use Department, even in terms of the easement. The planners who reviewed this were satisfied that there is a nonrestrictive easement providing the access. She has documents reflecting this if the Board would like to review.

Karen Heldmeyer, 328 E . Berger, was sworn. Ms. Heldmeyer stated that she is sort of a historian what's gone on in the past. She stated that in the past these kinds of issues of whether someone has a legal right to build somewhere because of an easement have come before the H-Board, the Planning Commission and the Governing Body. In three cases that she could think of, those bodies took a pause because they didn't know if they were giving the applicant the ability to build on a legal lot because of easement issues. She has seen the packet for this item and does not see anything in the packet that shows that an easement does or does not exist. The packet is what's available to the public. There is no information in the packet. Over the last 25 years, bodies have said, let's take a pause. If the City approves, then it's approving a non-conforming illegal lot. If you approve, this is probably, the narrowest and longest driveway she has seen. There are going to be issues about access. It's going to be hard to get construction material back there. The people who are building things are going to have issues for people who live on the driveway.

Chair Rios It's the responsibility of the adjoining homeowners to quell the issue in reference to easement.

Ms. Heldmeyer responded that she thinks they will, but they were expecting more information, because the City is being asked to provide access and permission. The City is the one that keeps records of plats and easements. It's not clear what option the neighbors have except to hire lawyers and go to court. If there's information that the City has that's not in the packet, the City has an obligation to let the public know.

Mr. Katz stated that the Board's job is to approve design. He asked staff to clarify whether the Board has to determine whether it's a legal lot of record. He agrees that these are important issues.

Ms. Roach stated that there was a thorough preliminary zoning review conducted when this application was submitted. The Planning Division confirmed the presence of an easement on a recorded plat that's available at the County. The associated deed is also available at the County. The County is the repository for deeds and plats. The easement is not included in packet because there is a preliminary zoning form in the packet in which a planner signs off that legal lot of record has been established and underlying zoning regulations have been complied with. The City has done their due diligence in confirming that legal lot of record does exist for this project.

Ms. Beninato, previously sworn, stated that yes, plats, deeds and easements are at the County. The easement needs to be attached to the application. Reliance on code review and

due diligence by staff led to 820 Don Cubero being a guest unit when it's at zero lot line, without enforcing the non-conformity ordinance. Even with staff review, 1008 Don Cubero was approved which goes into an ally by three feet, it's too high and drains into the alley. She's been contacted by numerous people who have told her that staff is not reviewing these applications thoroughly, they are not applying the law as it is written. It is wise for the Board to have the owner show that they have an easement by attaching it to the application. Her understanding now is that fire department is requiring a 20-foot driveway which means the driveway would have to be enlarged to accommodate the guest unit.

Patricia Woodworth, 218 E. Buena Vista, was sworn. She stated that she is at the far end of the alley where the new building would be built. She's not sure what is under the Board's jurisdiction but because they're showing the parking pad, she thinks that's part of the design that the Board would review. She doesn't know whether parking is required for this type of new building.

Chair Rios state that parkin is not within the jurisdiction of the Board.

Ms. Woodworth asked why the design that the Board is approving indicates where parking is going to be.

Ms. Roach said the parking requirements are part of the underlying zoning requirements that are checked in the preliminary zoning review and again when the permit application has been submitted

Ms. Woodworth asked if the permit application has been submitted.

Ms. Roach responded that it cannot be submitted until this Board approves the design of the project.

Ms. Woodworth asked if there is a period of time for community input.

Ms. Roach stated that there is an appeal process for both the decision of this Board and for the permit.

Ms. Woodworth asked if the permit approval will be made public. This all happened suddenly from her perspective.

Ms. Roach stated that this project was noticed properly.

Ms. Woodworth just wants help in understanding the process.

Member Katz asked how Ms. Woodworth would find out that the permit had been issued.

Ms. Roach stated that the permits are posted when they have been approved. There is an appeal period following the posting of the permit on the property.

Member Katz asked is the appeal period begin when the permit is granted or when it is posted.

Ms. Paez stated that the Code requires that a building permit be posted within 24 hours of issuance. The appeal period starts to run on the date of issuance.

Ms. Woodworth stated that she's not alone, along with others in attendance, how disappointed they are in the way their concerns are being handled.

Member Katz stated that he shares Ms. Woodworth's concern about the design aspect of the parking. He wonders how they are going to get a car in there. He hopes the applicant can address the parking issue. He also stated that only structures are within the Board's jurisdiction.

Member Guida clarified that there a lot of things in the design packet that are beyond the Board's jurisdiction. The Board is charged with looking at preservation and design review standard.

Chair Rios stated that there have been applications approved by this Board that then go through the permit process and sometimes the project is not approved.

Don Miller, 213 E. Berger, was sworn. Mr. Miller stated he owns the driveway that everybody else lives on. He's concerned that a firetruck won't come down the road. It's such a narrow road. Concerned about the egress for everyone on that road, during construction. He doesn't even know if construction trucks can get back there. Finally, he stated that he called his title company and they can't find any easements.

Ms. Roach stated that there is chain of title from the title company that was provided by the applicant that shows easement.

Mr. Gamora stated that if there is an issue with disputing the ownership, it would be a private issue to be resolved between the parties.

Margaret Lamb, 215 E. Berger, was sworn. She stated that her concern is the wall that lines the driveway, next to the area of construction. She was not sure what year it was built, but it may have some historic significance to the value of the property. From what she could

tell, part of the wall would be removed for this construction and she wants to make sure that this has been addressed.

Mr. Eddy, previously sworn, stated that these people have issues with zoning, and he would encourage them to deal with zoning. He asked for the Board's indulgence to speak about design. He referenced the carving on portal posts and his question was whether it was visible from the public thoroughfare.

Ms. Roach responded that the public visibility is extremely limited. As they observed on the field trip, to get to the referenced property, you have to drive down the driveway.

Mr. Eddy questioned whether adjacent residents are included in public visibility.

Ms. Roach responded that public visibility is from a public way. A private driveway is not a public way.

Mr. William Cooper, 224 E. Buena Vista, was sworn. Mr. Cooper stated their property adjoins the property under question. He wanted to let the Board know that at one time, they tried to get an ambulance down the driveway, and it did not fit at all.

#### **BOARD DISCUSSION**

Member Katz commented that he would encourage the neighbors to look into the easement issue a little further.

Chair Rios asked staff if they knew the age of the existing wall.

Ms. Roach stated she does not have a specific date for construction of the wall. She knows that the main residence was built in the 1950s.

Chair Rios asked the applicant what the makeup of the proposed wall would be.

Mr. Nelson said the existing wall would just be modified.

#### **ACTION OF THE BOARD**

**MOTION:** Member Guida moved, seconded by Member Roybal, in **Case #H-19-048**. 217 East Berger Street, to approve the project per staff recommendations, inclusive of the gate and wall modifications that were submitted, subject to additional review by staff, for compliance.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

- 4. **Case #H-19-049A. 247 and 247½ Rodriguez Street. Downtown & Eastside Historic District. Jenkins Gavin, agent for BRS properties, owner, requests a historic status review with designation of primary façades, if applicable, for two contributing residential structures which were previously reviewed under H-18-126A. (Carlos Gemora)**

A letter from Hands Engineering, Inc. was distributed to the Board and is attached to these minutes as Exhibit “2”.

Mr. Gamora presented the Staff Report as follows:

**BACKGROUND & SUMMARY:**

247 and 247 ½ Rodriguez Street consist of an approximately 1,600 sq. ft. principal and 950 sq. ft. detached guesthouse built in the Spanish-Pueblo Revival style and designated contributing to the Downtown and Eastside Historic District. According to Historic Cultural Properties Inventories (HCPI) from 2018, the principal building was built around the 1920’s or 1930’s, the casita was built by the early 1940’s and a collection of yard walls are mostly non-historic.

**Principal Structure (247):**

An October, 2018 inspection from the City Building Official found the structure to be unsafe with the potential to collapse soon and stated that the owner must either make it safe or demolish it. The HCPI documents that only 900 of the existing 1,600 sq. ft. is historic and that the historic features do not significantly contribute to the streetscape. The Board, however, found the building to retain historic integrity, maintained the contributing status, and designated the eastern-most, street-facing façade as primary including the yard wall and historic portal but excluding the non-historic infilled walls of the portal and excluding the eyebrow over the front door (H-18-126A).

Since that designation, a new owner & applicant have worked with historic building contractor Boni Armijo and professional engineer James Hands, PE to compile a more thorough evaluation of the structure. A letter from Boni Armijo finds the building to be unstable and beyond restoration, citing water damage and failing foundations. An engineering report from James Hands finds the building to be not structurally sound and requiring major work (new foundations and remedial earthwork) which would exceed the cost of demolition and construction. Demolition and potential modifications are not a part of this case but staff note that the applicant’s building consultants recommend demolition.

Staff recommend downgrading the status of the principal structure, noting the lack of remaining structural and historic integrity.



**Accessory Structure/Casita (247½):**

A 2018 inspection from the City Building Official found the casita to be in worse shape than the principal structure, partially collapsed, unsafe, and similarly directed the owner to either make it safe or demolish the structure. The 2018 HCPI form for the principal structure described the casita as a “near ruin” but excluded the casita from the survey.

The new applicant presents a focused historic report of the casita: documenting original construction by the early 1940’s, a 1968-73 expansion from an “L” shape into a square footprint, a history of renter occupation, and only modest architectural quality which has significantly deteriorated. A letter from a historic building contractor and a structural evaluation from a professional engineer both find the casita to be beyond remediation.

Finding the casita to lack structural integrity and historically-contributing architectural features, staff recommend downgrading the status of the casita.

**RELEVANT CODE CITATIONS:**

**14-5.2(A)(1) General Purpose**

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

**14-12 Contributing Structure:**

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

**14-12 Primary Façade:**

One or more principal faces or elevations of a building with features that define the character of the building’s architecture.

**STAFF RECOMMENDATION:**

Staff recommend downgrading the status of both structures from contributing to noncontributing per 14-5.2(C) Designation of Significant and Contributing Structures and 14-12 Definitions: Contributing Structure.

## **QUESTIONS TO STAFF**

Chair Rios asked Mr. Gamora if he felt the casita should be non-contributing and the main house has a status of contributing.

Mr. Gamora responded that both buildings have a status of contributing. Staff is recommending that the status on both buildings be downgraded to noncontributing, finding a lack of structural and historic integrity.

Chair Rios asked about other houses in the area and whether they are like or unlike the house and the casita before the Board.

Mr. Gamora responded that in his opinion, he finds Rodriguez Street to have smaller buildings, but the newer buildings in the historic district tend to be larger especially along Palace. Beyond that he wants to leave neighborhood speculations to the Board.

Chair Rios said most of these houses have been neglected for some time and wanted to know the time period they had not been occupied and have been neglected.

Mr. Gamora responded at least ten years the property has been abandoned, at least for the principle structure, but more for the accessory dwelling unit.

## **APPLICANT'S PRESENTATION**

Ms. Gavin, previously sworn, stated that they are there for reconsideration of status from contributing to noncontributing. The Board heard this case in January, which was presented by a previous owner who, in their opinion, did not do a thorough investigation and due diligence.

Ms. Gavin presented a visual presentation and description of the property to the Board.

Ms. Gavin stated that the new owners of the property are adjacent property owners. They live in the area are invested in the Eastside Historic District. They all have restored their own historic properties. The property before the Board has been in disrepair for decades. It's been neglected but not at the fault of the current property owner. The property has lost its historic integrity because of neglect. This property does not warrant the status of contributing. There is nothing that this property provides to the neighborhood. This building is set back almost 80 feet from the street. The property has also been altered to the point that the original structure cannot be seen. She stated that the property has lost its integrity.

Ms. Gavin displayed additional photographs of the property for the Board to review.

Ms. Gavin referred to the City Code and the definition of “contributing structure” to ask the Board if this property meets the status and criteria for a “contributing structure”. She went on to state that these structures, because of neglect and the alterations that have been done over time, have stripped the structures of any type of character that is significant to the Eastside Historic District. Additionally, a contributing structure needs to add to the design qualities that are significant to a district. The key is whether there is integrity in these two structures. She believes the answer is “no”.

Ms. Gavin continued displaying photographs, including aerial photographs, of the property for the Board’s review.

Ms. Jenkins handed out letters of support from adjacent neighbors. The letters are attached hereto as Exhibit “3”.

Ms. Gavin stated that for years, the neighbors wanted something to happen with this property. Now there are owners who want to make something happen and have this visual concern be remediated. She went on to address on last point regarding the main residence. She said if they were to come in and request an addition to a contributing structure, the City Code has a provision that limits the addition to 50% of the existing historic footprint. The historic existing footprint is 1,084 square feet. She stated that non-historic additions to this property is 690 square feet which exceeds 50% of the historic existing footprint. If she were to come in and request the addition, she would be denied because it exceeds 50%. She asked the Board how the contributing status could remain in place if the structure itself is already in violation.

### **QUESTIONS TO THE APPLICANT**

Chair Rios asked the applicant if she agrees that the property has been neglected for over 10 years.

Ms. Gavin responded that she wasn’t sure about the number of years but understands the property was vacated in 2009.

Chair Rios asked the applicant if the buildings have a foundation.

Ms. Gavin responded that both structures don’t have a traditional foundation, they have cobblestone. Both buildings are sinking.

Member Roybal thanked the applicant for the thorough presentation.

Member Katz stated that he also appreciated the presentation. He went on to ask staff about the decision of the Board to maintain the status of contributing that was made a few months ago. This Board has been wrong from time to time; and there is an appeal process an applicant can use, if they believe the Board is wrong. He wanted to know if an applicant can keep coming back every few months, when an application has been rejected. He wanted to know if there was a time period that an applicant had to comply with before an applicant came back with a similar request.

Mr. Gamora responded that in this case, he was the staff person that reviewed this beforehand and he had not made a site visit and did not have a complete understanding of the property. He agreed that a case like this would go to an appeal. In this instance, the applicant had additional information that he thought made it a different case than what was brought to the Board before. There are different applicants, different owners and different information. For that reason he thought that the Board should have a chance to review before sending it to the Governing Body.

Member Katz asked if there is any prohibition to allow the demolition of a contributing building.

Mr. Gamora responded that the City Code prohibits removing historic features, which would include demolishing a contributing building.

Member Katz asked about the purpose of the language in the demolition Code section requiring a report on the historic or architectural significance of a structure. He thinks the City Code is incorrect and that demolition section should only apply to contributing historic buildings. He doesn't think the Board should have any say in demolition of the run of the mill non-contributing structure. As interpreted by the City Attorney's Office over the years, the Board's jurisdiction is not limited to just contributing buildings. There's a balance here; cost does make a difference. He went on to ask if the Board could leave the property contributing and approve demolition.

Ms. Paez responded that the standards for demolition are set forth in 14-3.14(G). The section sets forth the criteria to determine whether a request for demolition in a historic district should be approved or denied. The section does not specify whether the structure is contributing or not. She referred to the Code and said the first criteria is that the Board shall consider "Whether the structure is of historical importance." What this does is set a higher bar for determining that a historic structure can be demolished. The other criteria are "Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure". The third criteria is "The state of repair and structural stability of the structure under consideration." This gives the Board an opportunity to balance the historic

importance with the importance to the street scape and the state of repair and structural stability in determining whether to demolish a historic structure.

Ms. Paez then responded to the question regarding the Board's authority to reconsider status, she doesn't see any time limitation in terms of a one year waiting period. She read the following Code provision in 14-5.2(C)(2):

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

Ms. Paez stated in a case where there is new evidence submitted, it's appropriate to reconsider. If there's new information and facts regarding what makes the structure contributing, she does see any bar to reconsideration.

Member Roybal asked if this is a whole new case because this a new application and new owners.

Mr. Gamora responded that is more correct than incorrect.

Member Larson referred to what the applicant said about this house not fitting in with Rodriguez Street even if it were still in good condition. There's an interesting background in the HCPI background form 2, page 12, last paragraph under historical review. It explains that Rodriguez Street was an unpaved dirt road. Rodriguez mostly had places that belonged to people with less financial means. When the Board visited the house earlier in the day, her initial impression was the Board doesn't usually see lots like this. She went on to say that it's obvious that the property has been pieced together throughout the years. She disagrees with the applicant because the property does give a sense of history behind the development of that area.

Bonifacio Armijo, 15b Paseo C de Baca, was sworn. Mr. Armijo stated that he has restored three homes for a gentleman who he's worked for, for years, in Santa Fe. Two of the homes are in the National Historic Registry. Mr. Armijo stated that he is a person that doesn't take homes very lightly as far just tearing them down. From every aspect, there is no way to salvage the structure that is before the Board. In the vicinity, there used to be large lots

everywhere and even next to this lot is the Kelly house. So, historically the Board also has to look at large lots, which doesn't necessarily mean to build building after building.

Chair Rios commented that she agrees with Member Larson and disagrees with Ms. Gavin regarding the pattern of the streetscape and what Mr. Armijo said. Some homes had a lot of lot coverage and it's too bad that the house and the casita are in the state of disrepair. This is a good example of a vernacular style home, people built with what they had and just added on rooms as their family grew. When they bought this home, they had a good amount of property, surrounding the home and they also had the casita. During the earlier field trip, when they were inside the home, she noticed that there were different floor levels and there was a musty smell. She doesn't know if musty necessarily equals mold.

Ms. Gavin stated that she appreciates the Board's feedback. The house does illustrate the way people lived a long time ago on the Eastside when the lots were bigger, and the homes were smaller. People built small homes because of their means. In her opinion, all the additions and changes have chipped away at the significance. She agrees that there are some very sweet homes that are vernacular. Unfortunately, this home has lost that significance because of the additions that have been added to it, the structural remediations that have been done and the structural demise of it.

#### **PUBLIC COMMENT**

Ms. Beninato, previously sworn, stated that she thought she remembered this case when it came to the Board before. The previous owners who were the heirs of the property came in and told the Board that someone had lived there who was a hoarder and they couldn't do anything about it for years and that's why the structure was degrading. At that time, the Board found that the structure was contributing. She asked why the neighbors didn't report it and ask for a demolition by neglect. In her opinion, the side of the house that has the low windows is quite beautiful and would have been a primary façade. She pointed out that the Code allows the for the repair and maintenance of the structures.

Mr. Bill Rothermel, 231½ Rodriguez Street, was sworn. Mr. Rothermel stated that he supports the application for downgrading this property.

Ms. Cheri Rothermel, 231½ Rodriguez Street, was sworn. Ms. Rothermel stated that she would like to applaud the applicant and hoped that the Board would take into consideration all the information presented and approve the application.

Mr. Brian Westerberg, 225 Rodriguez Street, was sworn. Mr. Westerberg stated that the entire south-end of his property borders the property that is before the Board. He supports the applicant's request for downgrade of the status.

Mr. Eddy, previously sworn, stated that his overall sense is that house is beyond redemption. He appreciates the testimony of Bonifacio Armijo and the work that Jim Hands does. Obviously, there are huge structural issues. He does see this as a new application and he's grateful for that. He remembers a similar case on the Westside of Santa Fe. This is a unique situation with this house because it's on a large lot. In the previous case, he believes that the Board asked the applicant to maintain the footprint and how it related to the surrounding properties. He stated that perhaps the Board could put conditions on this request that are relevant to the property around it.

Mr. Gamora referenced 212 Barela, which was a demolition by neglect. There were two contributing buildings that the family was asking to demolish. The Board did grant demolition for both contributing buildings and did require that it preserve the setback to the street because that setback was characteristic to the streetscape. The Board wanted to preserve those setbacks. He stated that in this case, the applicant is not asking for a demolition of this property. The applicant is only asking for status on both structures. The Board could try to maintain some of these setbacks and elements on the property. He wanted to caution the Board on how they implement those because the applicant is not asking for changes to the structures or demolition of the structures, it's purely about status of existing structures.

## **BOARD DISCUSSION**

Member Katz stated that it's clear that the buildings are going to get demolished. He thinks the reason they maintained the status back in January is because the non-historic parts were all very far in the back and everything that was facing the street was historic and exhibited important characteristics of Santa Fe historic styles. He's a little uncomfortable about reversing the earlier decision because the house is falling apart. He's perfectly happy to agree to demolition because the house is falling apart. Per the Code, there are three factors to be considered for demolition: the historic importance, whether it's an essential part of the streetscape and the state of repair. Yes, this has historical importance, but he thinks the other two factors probably would control. He doesn't want to waste more time, but he thinks the Board is going about it incorrectly.

Member Larson stated that she agrees with Member Katz. She stated that there's been further research since the earlier determination was made, for example, the yard wall, the Board thought was older than it is. There is photographic proof of that. She agrees maybe they should have considered the other elevation that is half sunken into the ground. That speaks to the fact that the Board made a wrong decision. Tonight, looking at the house that to her represents that vernacular, even if some of the additions are not completely within historic integrity. The Board's job is to evaluate that and make an informed decision.

Member Roybal stated that on the site visit he paid attention to why it was contributing at one time. After looking at the house, he didn't find anything that would give him the opinion

that it is a contributing house. He didn't find that this house resembles anything on the block. He is comfortable with changing the status to non-contributing on both structures.

**ACTION OF THE BOARD**

**MOTION:** Member Roybal moved, seconded by Member Guida in Case #H-19-049A, 247 and 247½ Rodriguez Street., to change the status of both structures from contributing to noncontributing, per staff's recommendation.

**VOTE:** The motion passed by majority 3-1 voice vote with Members Guida, Larson and Roybal voting in favor and Member Katz voting "no on the main house and yes on the guest house."

Mr. Armijo, previously sworn, commented that the public need to be respectful of the Board and of staff.

Chair Rios also stated that the public needs to be respectful because the Board is respectful to the public.

- 5. **Case #H-19-050. 610 Canyon Road Unit C. Downtown & Eastside Historic District. Design Solutions, agent for Jim Sterling and Joey Hamilton, owners, proposes to remove a portal, construct a 405 sq. ft. addition to a height of 13'2", replace windows and doors, skylights and HVAC, and stucco a non-contributing residential building. (Lisa Roach)**

Ms. Roach presented the Staff Report as follows:

**BACKGROUND & SUMMARY:**

610 C Canyon Road is a free-standing residential structure listed as non-contributing to the Downtown and Eastside Historic District. Adjacent to the structure, in an easement held by Units C and D of 610 Canyon Road for the exclusive use of Unit C, there is an existing garden and 245 square foot non-historic portal that faces north towards Unit C but is attached at the rear to a non-historic, non-contributing 697 square foot studio belonging to Unit D.

The applicant proposes to replace this portal with a 405 square foot studio, designed to a height of 13'2" (lower than the adjacent structure). The studio will feature stuccoed block-like massing in El Rey "Adobe," "bronze" clad, divided lite wood doors and windows, three low-profile skylights in the roof that will be screened by parapets, and a small A/C condensing unit which will also be screened by the parapet.

**RELEVANT CODE CITATIONS:**

14-5.2(E) Downtown and Eastside Design Standards



(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;
- (b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
- (c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
- (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;
- (e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

- (a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

- (b) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;
- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;
- (d) No less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;
- (e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and
- (f) Flat roofs shall have not more than thirty (30) inches overhang.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts and 14-5.2(E) Downtown and Eastside Design Standards.

**QUESTIONS TO STAFF**

Member Roybal asked staff to explain the streetscape and the addition.

Ms. Roach responded that Unit C is not in the streetscape, it is accessed through a private driveway off Canyon Road. In terms of public visibility, it is zero for the proposed studio.

**APPLICANT'S PRESENTATION**

Mr. Curry, previously sworn, stated that he has made every effort to comply with the historic codes and does not have anything else to add.

**QUESTIONS TO THE APPLICANT**

Member Katz stated that it looks like a nice job. He asked if this is going to be attached to Unit C or Unit D.

Mr. Curry responded that it is attached to another structure that's on the south side. These two neighbors are best friends, so everyone agrees that it's okay to proceed. It's a condo so a firewall will need to be created between these two structures.

Member Katz stated that it's described as a studio but asked if it's really going to be a rental unit.

Mr. Curry responded that he didn't have any idea. Both owners have guests and thinks they'll use it as another sleeping space.

Member Larson asked if there is a reason why the windows on the proposed north elevation are non-divided.

Chair Rios responded that they're existing.

**PUBLIC COMMENT**

Ms. Beninato, previously sworn, stated that she doesn't understand what's happening on the north elevation in terms of the doors. She also commented that she would like the Assistant City Attorney to read you what is required of a land use director's decision relating to when the permit becomes effective.

**BOARD DISCUSSION**

No further Board discussion.

**ACTION OF THE BOARD**

**MOTION:** Member Katz moved, seconded by Member Guida, in **Case #H-19-050. 610 Canyon Road Unit C.**, to approve the application as submitted.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

**6. Case #H-19-051A. 109 West Buena Vista Street. Don Gaspar Area Historic District. Chapman Companies, agent for Gay Nathan, owner, requests the designation of primary façades on a contributing residential structure. (Carlos Gemora)**

Mr. Gemora presented the staff report as follows:

## **BACKGROUND & SUMMARY:**

109 W Buena Vista is a Territorial Revival residential structure built around the 1930's and designated contributing to the Don Gaspar Historic District. Despite a contributing status, no primary façades have been designated by the board – the applicant's current request.

A HCPI from 2000 estimates a minor degree of remodeling and an excellent overall condition. The building has a flat roof and subordinate entry portal with brick coping and dental work. Windows appear to be historic, need some maintenance work, and have pedimented trim. The front door is solid wood, well built, and considered historic but the front and rear screen doors are not. Over the rear door is a corrugated-metal pitched roof portal which, based on the design and materials, staff does not believe to be historic.

Staff find the southern, front-facing façade (#1), including the front portal and front door but excluding the front screen door, to capture the historic design qualities which contribute to the district. Staff does not find architectural features on the west and east (#2 & 4) façades to clearly and additionally define the character of the building's architecture but, if a second façade was desired, staff would recommend the east elevation excluding the rear portal.

A detached garage is also on the property but neither the date, nor features which convey historic integrity have been identified. It is not visible from the street, the brick coping looks newer and more manufactured than the historic brick coping of the principal structure, and the metal roll-up doors do not appear to contribute to the character district. Though the structure was assigned contributing status because of its association with the historic house (status commonly assigned to all structures on a property), staff have not requested the designation of primary façades and the applicant has not requested a downgrade.

## **RELEVANT CODE CITATIONS:**

### **14-12 Contributing Structure:**

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

### **14-12 Primary Façade:**

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

### **STAFF RECOMMENDATION:**

Staff recommends maintaining a contributing status on the principal structure with the southern, street-facing façade (#1) designated primary per 14-5.2(C) Designation of Significant and Contributing Structures and 14-12 Definitions: Primary Façade.

### **QUESTIONS TO STAFF**

Chair Rios asked if the garage is part of application.

Mr. Gamora responded that the garage has not been requested for either primary facades or a downgrade in status, so it is not part of the application.

Chair Rios asked what the status of the garage is.

Mr. Gamora responded that it is contributing.

### **APPLICANT'S PRESENTATION**

Mr. Michael Chapman, 412 Plaza Lomas, was sworn. He stated that they are in agreement with the staff recommendations.

### **QUESTIONS TO THE APPLICANT**

There were no questions for the applicant.

### **PUBLIC COMMENT**

There were no comments from the public.

### **BOARD DISCUSSION**

There was no further Board discussion.

### **ACTION OF THE BOARD**

**MOTION:** Member Katz moved, seconded by Member Roybal, in **Case #H-19-051A, 109 West Buena Vista Street.**, to follow the recommendation of staff and maintain the contributing status and identify the south elevation as the primary elevation, excluding screen door.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

- 7. **Case #H-19-051B. 109 West Buena Vista Street. Don Gaspar Area Historic District. Chapman Companies, agent for Gay Nathan, owner, proposes to construct a 140 sq. ft. addition to a height of 14’5” on a contributing residential structure. (Carlos Gemora)**

Mr. Gemora presented the staff report as follows:

**BACKGROUND & SUMMARY:**

109 W Buena Vista is a Territorial Revival residential structure built around the 1930’s and designated contributing to the Don Gaspar Historic District. Staff finds the southern, street-facing façade to convey the most historic and district-contributing character.

The applicant proposes a 140 sq. ft. addition to the rear of the contributing home with matching height (14’-5”), stucco (custom color), brick coping and dental work (see attached detail sheets). The historic rear window will be relocated into the new addition in a similar area. Staff does not expect this addition to overwhelm or detract from the contributing status of the existing home.

Staff additionally request approval for miscellaneous minor maintenance and repair work regarding things like window repair and painting, re-pointing brick coping, patching stucco, and roof repairs as may be necessary.

**RELEVANT CODE CITATIONS:**

Proximity of Addition to Primary Façade:

14-5.2(D)(2)(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts and 14-5.2(H) Don Gaspar Area Historic District.

## **QUESTIONS TO STAFF**

Chair Rios commented that this is a nice example of house that's been well maintained throughout the years. She also has a suggestion in reference to the addition so that the new and the old could be differentiated. She suggested that a different brick pattern be used on the coping.

Member Katz agreed with Chair Rios' comments.

Member Larson stated that she appreciates staff's recommendation to have maintenance and repairs done on the house. She stated that reservation is maintenance and maintenance is preservation.

Member Roybal said he does not disagree with staff's recommendation but asked staff if the City has the authority to request maintenance and repair.

Member Katz asked if staff would just approve the maintenance without the Board.

Mr. Gamora responded that staff usually does approve maintenance and repair requests through the administrative process. In this case, it was all put together as one process.

## **PUBLIC COMMENT**

Ms. Beninato, previously sworn, stated that this is a really nice house. The addition on the backside is not going to interfere. She asked how far from the garage it is because primary facades have not been designated. She likes the idea that it looks slightly different than the rest of the building.

## **APPLICANT'S PRESENTATION**

Mr. Chapman, previously sworn stated that parapet recommendation is fine. He also stated that if you look at that was done on the garage, it's slightly different than what was done on the original house. As for the maintenance of the house, that's something the owner has asked them to do.

## **QUESTIONS TO THE APPLICANT**

There were no questions for the applicant.

## **BOARD DISCUSSION**

There was no further Board discussion.

## **ACTION OF THE BOARD**

**MOTION:** Member Katz moved, seconded by Member Guida in **Case #H-19-051B. 109 West Buena Vista Street.**, to accept the recommendation of staff to approve the application as proposed with the condition that brick coping be distinguishable from the brick coping on the rest of that west façade.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

8. **Case #H-19-054A. 540 Canyon Road. Downtown & Eastside Historic District. Gayla Bechtol, agent for Stephen Clearman and Renee Iacone, owner, requests a historic status review with designation of primary façades, if applicable, for two + residential structures. (Carlos Gemora)**

Mr. Gemora presented the staff report as follows:

### **BACKGROUND & SUMMARY:**

540 Canyon Road is an approximately 4080 sq. ft. home and 540 sq. ft. guesthouse built in the Spanish Pueblo Revival style in the 1930's, both of which are designated contributing to the Downtown and Eastside Historic District. The property was originally part of a larger estate owned by New Mexico Senator and Santa Fe Ring leader Thomas B. Catron (d.1921) but the property has since been subdivided and the existing home was built for one of Thomas B. Catron's sons.

### **Principal Structure:**

The historic house was originally built with about 2,540 sq. ft. but was heavily modified in the 1980's and 90's so that the resulting structure is now composed of approximately 40% non-historic additions (1540 sq. ft.). The last approved addition in 1997 was granted with the Board acknowledging that, despite large additions (exceeding 50% of the historic footprint), the front façade was still relatively original and still conveyed a unique and important historic character. Both staff and the applicant agree that the principal structure still conveys character and thus request the designation of primary façades rather than a reconsideration of status.

The western elevation is mostly dominated by a 1997 garage addition and the south elevation is mostly dominated by 1980's additions (see the provided floorplan showing non-historic additions). Though the additions are well-designed and sympathetic to the historic building, staff do not find the west or south façades to convey historic character.

The eastern elevation had what was once a historic garage and a bedroom wing. Though the garage has since been modified into living space and the historic features erased, the east



bedroom wing still retains historic windows and is relatively preserved (a wooden lintel appears to have been replaced in-kind). Staff recommend the eastern bedroom wing (façade #2) be designated primary.

The northern elevation faces a walled-in courtyard and Canyon Road. Besides non-historic modifications to the entry portal area, the front, street-facing façades on the northern elevation appear to convey the most significant historic features like original wood windows and lintels, parapet styling, and a prominent second story. Staff also recommend designating the north-facing façade (#1) as primary, including the second story and excluding the modified portal area.

**Guesthouse:**

The detached guesthouse was originally a garage, shop, or other auxiliary building that has been heavily modified since 1986. A close inspection of the building and historic photographs reveal that window and door openings on all visible façades have changed and the footprint has likely doubled since 1986. Though staff find the design, massing, and architectural details an attractive modification of the historic structure, the structure no longer maintains historic integrity and no longer has historic features. Staff additionally note that the building is not publicly visible which minimizes the historic contributions it can make to the district. Staff recommend downgrading the status of the detached guesthouse to non-contributing.

**RELEVANT CODE CITATIONS:**

**14-12 Contributing Structure:**

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

**14-12 Primary Façade:**

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

**STAFF RECOMMENDATION:**

For the record, public visibility does not determine historic character or historic visibility.

Staff recommends the historic status of the principal structure be maintained as contributing with the façades 1 & 2 on the north and east elevations designated primary due to a conveyance of historic character and retention of historic materials and design features per 14-5.2(C) Designation of Significant and Contributing Structures and 14-12 Definitions:

Contributing Building and Primary Façade.

Staff recommends the historic status of the accessory structure (guesthouse) be downgraded to non-contributing due to overwhelming non-historic additions and a lack of historic features per 14-5.2(C) Designation of Significant and Contributing Structures and 14-12 Definitions: Contributing Structure.

### **QUESTIONS TO STAFF**

There were no questions for staff.

### **APPLICANT'S PRESENTATION**

Ms. Bechtol, previously sworn, stated that she would add that it is 60% non-historic and 40% historic, based on the square footage.

### **QUESTIONS TO THE APPLICANT**

Chair Rios asked if the applicant agrees with staff's assessment and if she had anything more to add.

Ms. Bechtol said she did agree with staff's assessment, and that Mr. Gamora covered it. She said it is an interesting structure. At first it appears intact and then you walk in and realize it's been blown apart. The structure is still valuable and a nice structure.

### **PUBLIC COMMENT**

Mr. Eddy, previously sworn, stated that he was trying to clarify the location of the house. He asked if Ms. Bechtol if she knew anything of the history of Ike Smalley living in this house.

Ms. Bechtol responded he did, he was the owner after the Catrons.

Mr. Eddy cautioned the Board to respect the integrity of El Zagan and not do any designations on this property that might have the potential of impacting negatively El Zagan.

Ms. Beninato, previously sworn, stated that it's a beautiful house and there's enough of the original structure that is not overwhelmed by the additions and the association not only with Thomas B. Catron but also Smalley would enhance the contributing status. One and two on the main residence seems appropriate. She asked about the garage addition and asked if it is a guest unit.

Ms. Bechtol responded that it is a sleeping and studio.

### **BOARD DISCUSSION**

Member Guida stated that he wants to understand staff's recommendation. He asked about the north façade, and if that is 1 and 3 on the diagram.

Mr. Gamora responded that it would be elevations 1 and 2, so the north façade elevation 1, including the second story, excluding the portal. Then east facing façade 2, which is the eastern bedroom wing. Staff did not decide to recommend facades 3 and 4 which are somewhat historic, but features have changed and been erased.

Member Guida asked about the history of the yard wall around the property.

Ms. Bechtol responded that there are some photos from 1986 that show the original height. It's probably over eight feet on the inside of the wall.

Mr. Gamora showed photos from 1986 which was on page 53 of the packet which showed the wall. It appears the wall has been raised some amount.

### **ACTION OF THE BOARD**

**MOTION:** Member Katz moved, seconded by Member Roybal, in **Case #H-19-054A. 540 Canyon Road**, to follow the recommendation of staff and continue the contributing status of the main house; designate facades 1 and 2 as primary, excluding the non-historic portions, which would be the portal and the doorway; and designate the old garage noncontributing.

**VOTE:** The motion passed by unanimous (4-0) voice vote with Members Katz, Guida, Larson and Roybal voting in favor and none voting against.

### **H. MATTERS FROM THE BOARD**

There were no matters from the Board.

### **I. ADJOURNMENT**

Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at 8:26 p.m.

Approved by:

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Cecilia Rios, Chair

Submitted by:

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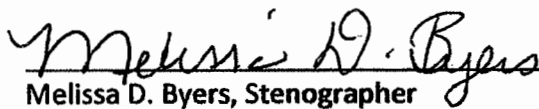
Melissa D. Byers, Stenographer  
For Byers Organizational Support Services

Approved by:

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Cecilia Rios, Chair

Submitted by:

  
Melissa D. Byers, Stenographer  
For Byers Organizational Support Services