Findings of Fact
and
Conclusions of Law

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-00-2356 HDRB
Address - 224 Maynard
Owner/Applicant's Name – John Hertz

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on August 11, 2020.

BACKGROUND

The structure at 224 Maynard in the Westside-Guadalupe Historic District is atri-plex adobe that the Board designated as noncontributing in 2015 (Case #H-15-048A). The approximately 1,500 square feet house is wall-dominated, flat-roofed, and has a front portal. Most of the doors and windows have been replaced with aluminum sliding patio doors and sliders. The house sits back 96 feet from the street.

The Applicant proposed to renovate the tri-plex into duplex housing. The roof and deck will be removed and the parapet height increased. On most of the house, the parapet walls will increase from 10'-0' above grade to 13'-4", and on the taller portion of the house, the parapet height will be increased to 14'-4".

The existing north portal area on the front of the house (east elevation) will be enclosed with new construction, and additional construction will extend the portal to the southern side. The portal will be wood post and beam construction with an exposed wood deck. The roofing will be corrugated galvanized metal.

The Applicant proposed to install new windows, double-hung, single-light with fixed transoms over (see window and door schedule, included in the packet). The doors are French doors with transoms over. Windows and doors will be painted white. All windows and doors have no trim and are recessed into the walls about 4 inches.

The house will be stuccoed with El Rey "Cottonwood." Wood windows and portal will be painted white ("Winged Angel"). The metal door for the utility room will be painted "Resort Tan". Exterior lighting will consist of punched tin sconces. The Applicant proposes a new fireplace toward the center of the house that will extend two feet above the higher parapet wall. It will be clad and capped in stucco. The renovation includes new electrical, plumbing, and radiant heat systems.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Land Use Department Staff conducted a preliminary zoning review ("PZR") and determined that the Application appears to meet the underlying zoning standards set forth in the Santa Fe City Code ("SFCC").
2. Historic Preservation Division Staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the Application.
3. Historic Preservation Division Staff Recommendation: Staff recommended approval of the proposed project and found that the application complies with SFCC Sections 14-5.2(D), General Design Standards for all Historic Districts; and 14-5.2(I), Westside-Guadalupe Design Standards.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The property is located in the Westside-Guadalupe Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(I).
6. At the hearing, the Applicant testified that he would be willing to remove the transoms above the windows from the proposal and to raise the height of the proposed new windows instead.
7. Under SFCC Sections 14-2.6(B)-(C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), 14-5.2(C)(5), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
8. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
9. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.
10. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approves the Application, as recommended by Staff with the following conditions:
    a. the transoms above the windows shall be removed from the proposal; and
    b. the Applicant shall provide updated drawings to staff showing taller windows, instead of the proposed transoms.

IT IS SO ORDERED ON THIS 8TH DAY OF SEPTEMBER, 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

_____ _____
Chair Date

FILED:

_____ _____
Yolanda Y. Vigil Date
City Clerk

APPROVED AS TO FORM:

September 8, 2020
Sally A. Paez Date
Assistant City Attorney

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-002254- HDRB
Address - 141 Camino Escondido
Agent's Name – John Murphey
Owner/Applicant's Name – John Josephakis

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on August 11, 2020.

BACKGROUND

141 Camino Escondido is a Spanish-Pueblo Revival-style house located in the Downtown and Eastside Historic District. The property includes the 1,673 square foot main house near the center of the lot, a 663 square foot guesthouse behind the main dwelling, and a 350 square foot free-standing, open concrete block "barbeque structure" on the south side of the lot. The guesthouse is located to the east and rear of the main house and was once a one-car garage. The front of the building was added after 1973, to serve as guest quarters. The street-facing elevation is a nearly solid wall with two windows. The barbeque structure, built in the 1950s, sits to the southwest of the main house.

At the July 28, 2020, Historic Districts Review Board hearing, the Board designated the main house contributing, with the west and north elevations (sans the bay window) primary facades. The Board additionally designated contributing status to a street wall and deemed the guesthouse and barbeque structure noncontributing (Case #2020-002255-HDRB).

At this hearing, the Applicant proposed to demolish the barbeque shelter at the southeast corner behind the main house. The Applicant also proposes the following work items:

1. Construct a 391 square foot master bedroom suite addition on the southeast corner of the main house.
2. Replace the existing guesthouse with a new guesthouse.
3. Add a single car garage at the end of the driveway near where the original garage stood. The garage will combine with a new guesthouse into one unit.

The 391 square foot master bedroom suite will attach to the main house as a rectangular volume off the southeast corner. Its ceiling height will be 10'-0 with the parapet at 12'-6", approximately 2'-0" higher than the parapet of the main house. It will include French doors on its east and west elevations. For weather protection, it will have flat-roof portals over each door. A separate roofed shelter of the same design will be installed over the house's existing east entry. The freestanding concrete block structure will be demolished to allow for the addition.

The new guesthouse would replace the existing noncontributing structure. The guest quarters has a parapet height of 12'-6" and harmonizes with but does not mimic the main house's architectural characteristics. It will include a 314 square foot portal across its north elevation.

The proposed 270 square feet garage has a cube-like volume with an 11'6" parapet height. The garage will have a traditional overhead door on the west, street-facing elevation. The steel panel door will be painted in a lighter earth tone to complement the main house's stucco color. From the street, it will give the appearance of a traditional one-car garage, as historically found on the property.

The non-historic vinyl windows on the main house and guesthouse will be replaced with new units. These are white wood-clad casements windows with a four-light division. The rough openings along the designated primary facades will remain essentially of the same dimension, taking into account slight shifts that will need to occur to accommodate the new units. The windows on the primary facades will include a wood division bar (false mullion) to replicate their historical appearance. The openings along the south elevation will change in size and location to accommodate the guest bedrooms' headboard position. The same type of window is proposed for the master bedroom suite and the guesthouse additions. The selected doors are of the same clad design. The existing east main house patio door will be replaced with a larger size unit with a four-light division to match the windows.

The additions will be constructed of stucco-faced 2x6 framed walls with 2" rigid board insulation. They are designed to harmonize with the architectural characteristics of the main house. This includes the use of cube-like volumes, rounded parapets, portals, divided light windows, and a cementitious stucco finish. The details, however, will distinguish them from the older buildings.

The main house, master bedroom suite, guest house and its expansion will be stuccoed with a cementitious coat in the Pecos color, an earth tone shade similar to the El Rey's "Adobe" color. The white color scheme of the main house's front portal will be retained as part of the restuccoing. Proposed light fixtures at the master bedroom suite and guesthouse additions, consist of thin profile black iron wall sconces.

The west front street wall and the south and north property yard walls will not be modified in height but will be repaired and re-stuccoed with a cementitious stucco in the same color as the residential units.

There is no visible rooftop mechanical equipment proposed for either the main house or guest house additions.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Land Use Department Staff conducted a preliminary zoning review ("PZR") and determined that the Application appears to meet the underlying zoning standards set forth in the Santa Fe City Code ("SFCC").
2. Historic Preservation Division Staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements

and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the Application.

3. Historic Preservation Division Staff Recommendation: Staff recommended approval of the proposed project and found that the application complies with SFCC Sections 14-5.2(D), the General Design Standards for all Historic Districts; 14-5.2(D)(9), Yard Wall Height, Height, Pitch, Scale, Massing and Floor Stepbacks; 14-5.2(D)(5), Windows & Doors; and 14-5.2(E), Downtown and Eastside Design Standards.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
6. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).

Demolition - Barbeque Structure

7. Under SFCC Sections 14-2.6(C), 14-3.14, and 14-5.2(C)(3)(a), the Board has authority to review and approve or deny all applications for new construction and exterior alteration and demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
8. Staff provided to the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
9. Under SFCC Section 14-3.14(G)(1), in determining whether to approve a request for demolition in a historic district, the Board must consider and balance the following factors: whether the structure is of historical importance, whether the structure is an essential part of a unique street section/block front, whether the street section/block front will be reestablished by a proposed new structure, and the state of repair and structural stability of the structure.
10. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that, despite its age, the structure is not of historical significance. The structure is not harmonious with the house's style or period and, according to a recent historic survey, its preservation would not further the objectives of SFCC Section 14-5.2. Further, as reflected in the survey, "it lacks many of the refinements and characteristic features of barbeque shelters of the period."
11. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is not an essential part of a unique street section or block front because it is not publicly visible.
12. Pursuant to SFCC Section 14-3.1(G)(1)(c), the Board finds that the barbeque structure under consideration is in adequate repair and retains structural stability.
13. Under SFCC Sections 14-2.6(C)(1) and 14-5.2(A)(1), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed demolition in a historic district in accordance with the standards and procedures set out in SFCC Sections 14-3.14 and 14-5.2.
14. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that all applicable requirements for Board review have been met.
15. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that the proposed demolition should be approved.

Remodeling & New Construction – Main House & Guest House

16. Under SFCC Sections 14-2.6(B)-(C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), 14-5.2(C)(5), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
17. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
18. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.
19. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approves the Application, as recommended by Staff, with the following condition:
    - the garage door shall be be wood panel rather than steel.

IT IS SO ORDERED ON THIS 8TH DAY OF SEPTEMBER, 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

_____ _____
Chair Date

FILED:

_____ _____
Yolanda Y. Vigil Date
City Clerk

APPROVED AS TO FORM:

September 8, 2020
Sally A. Paez Date
Assistant City Attorney

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-002194-HDRB
Address – 1160 Camino de Cruz Blanca
Agent's Name – Sean Milk, Gravity Pad Partners, LLC
Owner/Applicant's Name – St. John's College

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on August 11, 2020.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

General

1. 1160 Camino de Cruz Blanca comprises the campus of St. John's College. **[August 11, 2020 HDRB Minutes, p. 39]**
2. The campus is located within the City's Historic Review District and is zoned R-1 PUD (Residential – 1 dwelling unit per acre; planned unit development). ***[Id.]***
3. Saint John's College ("Owner/Applicant"), through Gravity Pad Partners, LLC ("Agent"), proposes to construct a new telecommunications tower on the campus to a height of 75-80 feet. ***[Id.]***
4. The purpose of the tower is to provide improved communications capability for emergency services and first responders, as well as enhanced personal wireless service in the surrounding area. ***[Id.]***
5. The Santa Fe City Code ("SFCC") Section 14-6.2(E)(4)(b) provides that the Board shall review and approve a "tower or antenna that is located in a historic district and is not otherwise permitted or administratively approved . . . in accordance with applicable requirements of Section 14-5.2 (Historic Districts) and in accordance with this Subsection 14-6.2(E) as follows. In approving an application, the [B]oard shall determine that: (i) the application complies with applicable requirements of Section 14-5.2 and this section; and (ii) the applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities siting is practicable."
6. Historic Preservation Division Staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluated the factors relevant to the Application. **[August 11, 2020 Staff Report]**
7. Staff determined that the proposed telecommunications tower is subject to the height limits and scale requirements that apply in the City's historic districts, *see* SFCC § 14-5.2(D)(9), and that the design of the structure must adhere as closely as practicable to the design standards for the Historic Review District, *see* SFCC § 14-5.2(I). ***[Id.]***

8. Staff determined that the maximum allowable height for new structures on the subject property, as calculated pursuant to the Historic Districts Ordinance, is 16 feet. **[August 11, 2020 HDRB Minutes, p. 40]**
9. Under SFCC Section 14-5.2(E)(8)(c), the Board "may grant a waiver of the standards . . . within its jurisdiction only if the [B]oard finds that: (i) the applicant has demonstrated to the satisfaction of the [B]oard that it has explored all alternatives to the proposed site in the historic district and to the proposed design; and (ii) the conditions of Sections 14-5.2(C)(5)(c)(i) through (iii), (v) and (vi) have been met."
10. Because the proposed tower height of 75 to 80 feet exceeds the maximum allowable height of 16 feet for the site, Staff determined that a height waiver would be required for approval of the Application, as specified in SFCC Section 14-6.2(8)(c). **[August 11, 2020 HDRB Minutes, p. 40]**
11. Historic Preservation Division Staff Recommendation: Staff deferred to the Board as to whether all the criteria for a waiver of the maximum allowable height have been met, per SFCC Section 14-6.2(E)(8)(c), but otherwise recommended approval of the application on the basis that it complied with SFCC Section 14-5.2(D), General Design Standards for all H Districts; and SFCC Section 14-5.2(I) Historic Review District Design Standards. **[*Id.*]**
12. The Applicant has had three public hearings before the Board, on June 23, 2020; July 14, 2020; and August 11, 2020.
13. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.

June 23, 2020 Hearing

14. At the first public hearing, held June 23, 2020, Owner/Applicant, through its Agent, proposed to construct a 75-foot-tall "monopine" telecommunications tower. **[June 23, 2020 HDRB Minutes, p. 45]**
15. The proposed tower would be designed to look like a tall pine tree and would have antennae hidden by designed artificial foliage and ground equipment screened behind a 6-foot-high coyote fence to match an adjacent section of existing fencing. **[*Id.*]**
16. The design drawings submitted by the Applicant reflect that the artificial foliage at the top of the monopine would extend higher than the 75-foot tower. **[June 23, 2020 Staff Report, p. 36]]**
17. According to the Agent, the Agent worked with the Executive Board of St. John's College and explored the 250-acre campus, including the rooftops of all buildings, to identify three possible locations for the proposed tower. **[June 23, 2020 HDRB Minutes, p. 45]**
18. The Owner/Applicant selected a location next to the parking lot near the trailhead to the Atalaya Mountain Trail. **[*Id.*]**
19. According to the Agent, this location was selected due to the density of trees and the adjacent 6-foot-high coyote fencing, and because this location would allow the tower and associated ground equipment to blend into the surroundings as much as possible. **[*Id.*]**
20. The site was also selected to maximize coverage for the campus and surrounding neighborhoods and to facilitate communication with the nearest tower, located at St. John's Methodist Church on Old Pecos Trail. **[*Id.*]**

21. Board members expressed concern about the height, visibility, and location of the proposed tower, which would be close to Camino de Cruz Blanca and the trailhead for the Atalaya Mountain Trail and connecting trail system. **[*Id.* at 46-55]**
22. The proposed monopine will not look like the existing trees at the proposed site, which do not exceed a height of approximately 40 feet. **[*Id.* at 50]**
23. The Agent did not propose any alternative siting locations to the Board for consideration at the first public hearing and presented only a single site that had been approved by the Owner/Applicant. **[*Id.* at 49-50]**
24. The Agent testified that the Owner/Applicant had rejected a location behind the dorms and had identified the proposed location near the trailhead as the best location. **[*Id.* at 47]**
25. The Agent did not provide the Board with quantitative data or evidence at the first hearing, such as propagation studies demonstrating the lack of coverage. **[*Id.* at 49]**
26. The Agent testified that existing coverage in the area without the tower is about 88%, and that with the tower, the coverage would be about 98% but did not provide any documentation or evidence to support this assertion. **[*Id.*]**
27. The Agent testified that he did not know if other locations would be adequate to meet coverage requirements because the proposed site was the only site that had been approved by the Owner/Applicant. **[*Id.* at 49-50]**
28. The Agent testified that the proposed height of the tower was necessary to allow the tower to communicate with the telecommunications site located at St. John's Methodist Church but did not provide any documentation or evidence to support this assertion.. **[*Id.*]**
29. After discussing the merits of the project, the Board voted unanimously to postpone the case until July 14, 2020, so that the Applicant could submit additional information about alternative locations and evidence demonstrating that the proposal represents the least intrusive option for closing the gap in cell coverage for the area. **[*Id.* at 55]**

<u>July 14, 2020 Hearing</u>

30. At the July 14, 2020 hearing, the Applicant provided additional information for the Board's consideration, which was attached to the Staff Report, as follows: (1) Exhibit A: Radio Frequency Propagation Study; (2) Exhibit B: Google Earth map showing alternate locations considered; (3) Exhibit C: Photo of another "Monopine" tower recently installed elsewhere; (4) Exhibit D: Previous survey of West Dorm site; (5) Exhibit E: Previous survey of Santa Fe Prep School site; (6) Exhibit F: area zoning; and (7) Exhibit G: Specifications for the "Monopine" (drawings and calculations). **[July 14, 2020 Staff Report & Exhibits]**
31. At the hearing, members of the Board noted that the Board still lacked information about whether there was a better location on campus. **[July 14, 2020 HDRB Minutes, p. 32]**
32. The Agent testified that the Owner/Applicant was considering additional locations and that negotiations with a group of neighbors were ongoing. **[*Id.* at 39]**
33. The Agent agreed to toll the 150-day "shot clock" established by federal law for 30 days to allow for additional negotiations with the community. **[*Id.*]**
34. After discussing the merits of the project, the Board voted unanimously to postpone the case until August 11, 2020 to allow the Owner/Applicant additional time to work with neighbors to consider alternative siting, in conjunction with a thirty-day tolling of the federal shot chock. **[*Id.* at 45]**

August 11, 2020 Hearing

35. Following the July 14, 2020 hearing, the Agent and Owner/Applicant made efforts to reach an agreement with a group of neighbors, but no agreement had been reached prior to the August 11, 2020 hearing. **[August 11, 2020 HDRB Minutes, p. 39]**
36. At the August 11, 2020 hearing, the Agent presented three alternative siting and design options for the Board's consideration as follows: **[*Id.* at 39-40]**
    a) Option 1: A "Bell Tower" design located further south from Camino de Cruz Blanca. The proposed tower is 80 feet in height and features the St. John's College name and logo. **[August 11, 2020 Staff Report, pp. 15-16]**
    b) Option 2: A Territorial Revival Style "watch tower" structure located slightly further south than Option 1. The design of this tower would be similar to the existing watch tower on St. John's College campus. **[*Id.* at 15, 17-19]**
    c) Option 3: An 80-foot-tall "monopine" located further south and east of the originally proposed location, in an undeveloped area that the Owner/Applicant believed would minimize its visual impact. **[*Id.* at 15, 20-24]**
37. SFCC Section 14-6.2(E) is intended to "[m]inimize adverse land use impacts of towers and antennas by: (i) encouraging the location of towers in nonresidential districts" and "(ii) requiring the co-location of antennas, minimizing new tower sites and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible."
38. Approval of the Application would result in the siting of a new, free-standing tower in a residential district, within one of the City's five historic districts. **[August 11, 2020 HDRB Minutes, p. 39]** *See* SFCC § 14-5.2(E)-(I) (setting forth design standards for each of the five districts).
39. Under SFCC Section 14-6.2(E)(4)(b), the Board is not permitted to approve a telecommunications facility unless the applicant has demonstrated that no less intrusive means or alternatives to the proposed siting is practicable.
40. The Owner/Applicant did not present any alternatives for a tower with a height of less than 75-80 feet or evidence that a tower of that height was the minimum necessary to close the gap in coverage for the area. **[August 11, 2020 HDRB Minutes, pp. 39-54]**
41. The Owner/Applicant did not present any alternatives for co-locating new telecommunications antenna(s) on one or more of the existing structures on the campus. **[*Id.*]**
42. The Board finds that the Owner/Applicant failed to demonstrate that no less intrusive means or alternatives to the proposed siting is practicable.
43. The maximum allowable height for a new structure at 1160 Camino de Cruz Blanca is 16 feet. **[August 11, 2020 HDRB Minutes, p. 40]**
44. Under SFCC Section 14-6.2(E)(8)(c)(i), the Board is not permitted to grant a waiver to the maximum allowable height unless "the applicant has demonstrated to the satisfaction of the board that it has explored all alternatives to the proposed site in the historic district and to the proposed design."
45. The Board finds that the Owner/Applicant has failed to demonstrate to the satisfaction of the Board that the Owner/Applicant has explored all alternatives including the alternatives for a shorter tower or for the colocation of new antennas on one or more of the existing buildings. **[*Id.* at 54]**

46. Under SFCC Section 14-6.2(E)(8)(c)(ii), the Board is not permitted to grant a waiver to the maximum allowable height unless the waiver would "not damage the character of the streetscape." *See* SFCC § 14-5.2(C)(5)(c)(i).
47. The Board finds that granting the waiver would damage the character of the streetscape because the height of the proposed structures are out of character with and intrusive to the Historic Review District. **[August 11, 2020 HDRB Minutes, p. 54]**
48. Under SFCC Section 14-6.2(E)(8)(c)(ii), the Board is not permitted to grant a waiver to the maximum allowable height unless the waiver is required to "[p]revent a hardship to the applicant or an injury to the public welfare." *See* SFCC § 14-5.2(C)(5)(c)(ii).
49. Under SFCC Section 14-6.2(E)(8)(c)(ii), the Board is not permitted to grant a waiver to the maximum allowable height of 16 feet unless the project will "[p]rovide the least negative impact with respect to the purpose of" the Historic Districts Ordinance, as set forth in Subsection 14-5.2(A)(1). *See* SFCC § 14-5.2(C)(5)(c)(vi).
50. The Board finds that the Owner/Applicant has failed to demonstrate that the proposal will provide the least negative impact with respect to the purposes of the Historic Districts Ordinance because the Applicant failed to provide sufficient information to demonstrate that no less impactful site and design is available. **[August 11, 2020 HDRB Minutes, p. 54]**

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board concludes as follows:

1. The Board has the authority to review and approve or deny the Application.
2. The Board must review the Application for compliance with the design requirements of SFCC Section 14-5.2 (Historic Districts) and with relevant subsections of Section 14-6.2(E) (Telecommunications Facilities).
3. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
4. The property is located in the Historic Review District and is subject to the district design standards set forth in SFCC Section 14-5.2(F).
5. The Board cannot grant the Application because the Owner/Applicant has failed to demonstrate that no other less intrusive means or alternative to the proposed telecommunications facilities siting is practicable; specifically, the Owner/Applicant has failed to show that existing structures or towers of a lower height could not be utilized to close the gap in coverage for the area.
6. The Board cannot grant a waiver to the maximum allowable height of 16 feet because the Owner/Applicant has failed to demonstrate that the waiver criteria in SFCC Sections 14-6.2(E)(8)(c) and 14-5.2(C)(5)(c)(i)-(iii) and (v)-(vi) have been met; specifically, the Owner/Applicant has failed to demonstrate (1) that it has explored all alternatives to the proposed site in the historic district and to the proposed height and design; (2) that the waiver would not damage the character of the streetscape; and (3) that the proposal would have the least negative impact with respect to the purposes of the Historic Districts Ordnance.

WHEREFORE, IT IS ORDERED ON THIS 8TH DAY OF SEPTEMBER 2020 BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE:

Considering the forgoing findings and conclusions, the Board denies the Application, including the request for a waiver to the maximum allowable height.

_____ _____
Chair Date

FILED:

_____ _____
Yolanda Y. Vigil Date
City Clerk

APPROVED AS TO FORM:

September 8, 2020
Sally A. Paez Date
Assistant City Attorney

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-002357-HDRB
Address – 203 East Santa Fe Avenue
Agent's Name - Wayne Lloyd and Associates
Owner/Applicant's Name – Lisa and Brian Watson

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on August 11, 2020.

BACKGROUND

203 East Santa Fe Avenue is a single-family residential structure listed as Significant to the Don Gaspar Area Historic District. The original structure was built by 1928 in a late Victorian "Hipped Box" style out of red brick. It has a steep hipped asphalt shingle roof and 1-over-1 wood double hung windows. An addition was made on the rear (north) side of the house around 1986 of a similar red brick with a shed roof, and a further addition was added on to this, extending north, around 2003 with horizontal white colored siding. These additions have covered over the north façade except for an 11-foot-long section on the northwest corner of the residence.

The Applicant requests to construct of an addition on the north façade, extending from the first addition to within one foot of the west corner. The proposed addition would be ten feet from west to east and eleven feet from north to south. It would be made of brick differentiated from the original with a flat roof of TPO in a tan color shielded from view by a low parapet with white painted territorial detailing. The original north-facing window would be re-used on the north façade, and an identical window would be installed facing west. The field stone exposed stem-wall foundation would be carried over from the historic structure.

Two exceptions are required for this application – one to place an addition on a primary façade, per Section 14-5.2(D)(2)(c), and one to remove historic material, per Section 14-5.2(D)(1)(a).

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Land Use Department Staff conducted a preliminary zoning review ("PZR") and determined that the Application appears to meet the underlying zoning standards set forth in the Santa Fe City Code ("SFCC").
2. Historic Preservation Division Staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the Application.

3. Historic Preservation Division Staff Recommendation: Staff recommended approval of the proposed project and found that the application complies with SFCC Sections 14-5.2(D), General Design Standards for all Historic Districts; and 14-5.2(H), Don Gaspar Area Design Standards. Staff recommended that the application for exceptions to remove historic material (SFCC Section 14-5.2(D)(1)(a)) and to construct and addition on a primary façade (SFCC Section 14-5.2(D)(2)(c)) have been met.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
6. The property is located in the Don Gaspar Area Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(H).
7. Under SFCC Section 14-5.2(D)(1)(a), an exception is required to remove historic material on a primary façade.
8. The Applicant proposes to remove historic material on a primary façade.
9. Staff determined that an exception to SFCC Section 14-5.2(D)(1)(a) would be required for approval of the Application, and the Applicant requested an exception.
10. To obtain an exception, the Applicant was required to conclusively demonstrate that the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b) have been met.
11. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's finding that the Applicant has conclusively demonstrated that all exception criteria have been met.
12. Under SFCC Section 14-5.2(D)(2)(c), an exception is required to construct an addition on a primary façade.
13. The Applicant proposes to construct and addition on a primary façade.
14. Staff determined that an exception to SFCC Section 14-5.2(D)(2)(c) would be required for approval of the Application, and the Applicant requested an exception.
15. To obtain an exception, the Applicant was required to conclusively demonstrate that the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b) have been met.
16. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's finding that the Applicant has conclusively demonstrated that all exception criteria have been met.
17. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met for both of the requested exceptions.
18. Under SFCC Sections 14-2.6(B)-(C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), 14-5.2(C)(5), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
19. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
20. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.

21. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board grants the exceptions requested in the Application.
3. The Board approves the Application, as recommended by Staff, with the following additional conditions:
    - That wood siding be employed instead of brick;
    - That the brick wall and column be replaced with a wood balustrade; and
    - That drawings be resubmitted to staff for administrative approval.

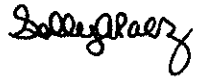
IT IS SO ORDERED ON THIS 8TH DAY OF SEPTEMBER, 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

_____ _____
Chair Date

FILED:

_____ _____
Yolanda Y. Vigil Date
City Clerk

APPROVED AS TO FORM:



September 8, 2020
Sally A. Paez Date
Assistant City Attorney