



Agenda DATE 6/22/16 TIME 10:05

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, June 28, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, June 28, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

*****AMENDED*****

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: June 14, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-007. 216 Old Santa Fe Trail.

Case #H-16-039B. 1005 East Alameda Street.

Case #H-16-046A. 1208 1/2 Canyon Road.

Case #H-16-047A. 143 Lincoln Avenue.

Case #H-12-039. 1144 Canyon Road Unit D.

Case #H-15-104. 547 Hillside Avenue.

Case #H-04-076. 201 Old Santa Fe Trail.

Case #H-16-035A. 526 and 526 1/2 Douglas Street.

Case #H-16-037. 408 Galisteo Street.

Case #H-16-039A. 1005 East Alameda Street.

Case #H-16-041. 475 Arroyo Tenorio.

Case #H-16-045. 901 Roybal Street.

Case #H-16-047B. 143 Lincoln Avenue.

Case #H-16-043. 605 Alto Street.

Case #H-15-073. 800 Gildersleeve Street.

Case #H-14-003. 356 Hillside Avenue.

Case #H-14-095. 1330B Cerro Gordo Road.

- F. BUSINESS FROM THE FLOOR
- G. COMMUNICATIONS
- H. ACTION ITEMS

1. Case #H-16-038. 1369 Cerro Gordo Road. Downtown & Eastside Historic District. J Midyette, agent/owner, proposes to construct a 1,760 sq. ft. addition to a height of 15' and raise the driveway entry yardwall to the maximum allowable height of 6' on a non-contributing residential property. (Sobia Sayeda)
2. Case #H-16-048. 702 Don Felix Street. Westside-Guadalupe Historic District. Arthur Firstenberg appeals the decision of Staff for the painting an existing fence. (Sobia Sayeda)
3. Case #H-16-050A. 524 Alto Street. Westside-Guadalupe Historic District. Historic Districts Review Board requests a historic status review of a contributing residential structure. (David Rasch)
4. Case #H-16-040A. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, requests historic status reviews with primary elevation designations, if applicable, for two non-contributing residential structures. (Nicole Ramirez Thomas)
5. Case #H-16-051A. 500-550 Montezuma Avenue. Westside-Guadalupe Historic District. Studio Southwest Architects, agent for New Mexico School for the Arts, owner, requests historic status reviews and primary elevation designations, if applicable, for one contributing and two non-statused non-residential structures. (Nicole Ramirez Thomas)
6. Case #H-16-053A. 400 Canyon Road. Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner requests a historic status review for a retaining wall at a significant non-residential property. (Sobia Sayeda)



Agenda

DATE 6-9-16 TIME 11:00 AM

SERVED BY M. P. Kelly

RECEIVED BY Melinda Byers

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Case #H-16-043. 605 Alto Street.

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1. Case #H-16-038. 1369 Cerro Gordo Road. Downtown & Eastside Historic District. J Midyette, agent/owner, proposes to construct a 1,760 sq. ft. addition to a height of 15' and raise the driveway entry yardwall to the maximum allowable height of 6' on a non-contributing residential property. (Sobia Sayeda)
2. Case #H-16-040A. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, requests historic status reviews with primary elevation designations, if applicable, for two non-contributing residential structures. (Nicole Ramirez Thomas)
3. Case #H-16-042A. 580 Camino del Monte Sol. Downtown & Eastside Historic District. Joshua Wilson, agent/owner, requests a historic status review with primary elevation designations, if applicable, for a significant residential structure. (Nicole Ramirez Thomas)
4. Case #H-16-048. 702 Don Felix Street. Westside-Guadalupe Historic District. Arthur Firstenberg appeals the decision of Staff for the painting an existing fence. (Sobia Sayeda)
5. Case #H-16-050A. 524 Alto Street. Westside-Guadalupe Historic District. Historic Districts Review Board requests a historic status review of a contributing residential structure. (David Rasch)
6. Case #H-16-051A. 500-550 Montezuma Avenue. Westside-Guadalupe Historic District. Studio Southwest Architects, agent for New Mexico School for the Arts, owner, requests historic status reviews for one contributing and two non-statused non-residential structures. (Nicole Ramirez Thomas)
7. Case #H-16-052. 1047 Camino San Acacio Unit A. Downtown & Eastside Historic District. Richard Martinez, agent for Christopher Boehm, PhD, owner, proposes to construct a 7,833 sq. ft. addition to a height of 15', replace windows and doors, and stucco on a non-contributing residential structure. (Nicole Ramirez Thomas)
8. Case #H-16-036A. 841 West Manhattan Avenue. Westside-Guadalupe Historic District. Gerzain Chavez, agent for Westminster Presbyterian Church, owner, requests a historic status review and with primary elevation designations, if applicable, for a non-contributing non-residential property. (Nicole Ramirez Thomas)

7. Case #H-16-053B. 400 Canyon Road. Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner proposes to reconstruct a retaining wall at a significant non-residential property. An exception is requested to remove historic materials (Section 14-5.2(D)(5)(a)(i)). (Sobia Sayeda)
8. Case #H-05-007. 815 East Alameda Street. Downtown & Eastside Historic District. Lisa Roach, agent for Abruzzo Development LLC, owner proposes to construct a 380 sq. ft. addition, two portals at 325 sq. ft. and 55 sq. ft., and a 6' high yard wall, replace windows and doors, stucco, repair and replace brick coping. Exceptions are requested for placing an addition on a primary elevation and to change historic materials and openings on a primary elevation (Section 14-5.2(D)(2)(c) and Section 14-5.2(D)(5)(a)). (David Rasch)
9. Case #H-06-116. 435 South Guadalupe Street. Historic Transition Historic District. Zulu Properties, agent/owner, proposes to paint a mural on a contributing non-residential structure. An exception is requested to paint with bold repetitive patterns or using a building as a sign (Section 14-5.2(G)(3)(a)(ii)). (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check <http://www.santafenm.gov/historic-districts-review-board-hearing-packets> for more information regarding cases on this agenda.

9. Case #H-16-036B. 841 West Manhattan Avenue. Westside-Guadalupe Historic District Gerzain Chavez, agent for Westminster Presbyterian Church, owner, proposes to replace windows on a contributing non-residential structure. An exception is requested to remove historic materials and not replace them in-kind (Section 14-5.2(D)(5)(a)(i)). (Nicole Ramirez Thomas)
10. Case #H-16-053A. 400 Canyon Road. Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner requests a historic status review for a retaining wall at a significant non-residential property. (Sobia Sayeda)
11. Case #H-16-053B. 400 Canyon Road. Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner proposes to reconstruct a retaining wall at a significant non-residential property. An exception is requested to remove historic materials (Section 14-5.2(D)(5)(a)(i)). (Sobia Sayeda)
12. Case #H-05-007. 815 East Alameda Street. Downtown & Eastside Historic District. Lisa Roach, agent for Abruzzo Development LLC, owner proposes to construct a 380 sq. ft. addition, two portals at 325 sq. ft. and 55 sq. ft., and a 6' high yard wall, replace windows and doors, stucco, repair and replace brick coping. Exceptions are requested for placing an addition on a primary elevation and to change historic materials and openings on a primary elevation (Section 14-5.2(D)(2)(c) and Section 14-5.2(D)(5)(a)). (David Rasch)
13. Case #H-16-054. 435 South Guadalupe Street. Historic Transition Historic District. Zulu Properties, agent/owner, proposes to paint a mural on a contributing non-residential structure. An exception is requested to paint with bold repetitive patterns or using a building as a sign (Section 14-5.2(G)(3)(a)(ii)). (David Rasch)
14. Case #H-04-106. 104 Faithway Street. Downtown & Eastside Historic District. Thomas Cohen, agent for Montoya Properties Ltd., owner, proposes to change windows on a contributing residential structure. Exceptions are requested to remove historic materials and not replace them in-kind (Section 14-5.2(D)(5)(a)(i)). (David Rasch)

I. MATTERS FROM THE BOARD

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HISTORIC DISTRICTS REVIEW BOARD
June 28, 2016

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

June 28, 2016

A. CALL TO ORDER

A regular meeting of the City of Santa Fé 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 City Council Chambers at City Hall, Santa Fé, New Mexico.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Meghan Bayer
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

Ms. Jennifer Biedscheid
Mr. Edmund Boniface

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Sobia Sayeda, Planner Technician Senior
Ms. Theresa Gheen, Assistant City Attorney
Ms. Nicole Ramirez Thomas, Senior Planner
Mr. Carl Boaz, Stenographer

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

C. APPROVAL OF AGENDA

Mr. Rasch requested changes to the agenda. Under Findings of Fact and Conclusions of Law, two cases are to be removed: Case #H-15-104 at 547 Hillside Avenue and Case #H-16-043 at 605 Alto Street since the Board did not take final action. He also recommended moving case #5 to the end of the agenda since it might take longer and the others could be taken care of sooner.

Member Roybal moved to approve the agenda as amended. Member Katz seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: June 14, 2016

Chair Rios requested a change on page 32, 12th paragraph, which should read, "Chair Rios said she didn't have a problem with this application. A door replaced the window and iron fencing it being used which is common in this district."

Member Roybal moved to approve the minutes of June 14, 2016 as amended. Member Katz seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-007. 216 Old Santa Fe Trail.

Case #H-16-039A. 1005 East Alameda Street.

Case #H-16-039B. 1005 East Alameda Street.

Case #H-16-041. 475 Arroyo Tenorio.

Case #H-16-046A. 1208½ Canyon Road.

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Case #H-15-104. 547 Hillside Avenue.

Case #H-15-073. 800 Gildersleeve Street.

Case #H-04-076. 201 Old Santa Fe Trail.

Case #H-14-003. 356 Hillside Avenue.

Case #H-16-035A. 526 and 526½ Douglas Street.

Case #H-14-095. 1330B Cerro Gordo Road.

Case #H-16-037. 408 Galisteo Street.

Member Katz moved to approve the Findings of Fact and Conclusions of Law as amended, deleting Case #H-15-104 and Case #H-16-043. Member Powell seconded the motion and it passed by unanimous voice vote except for Member Bayer who abstained.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. COMMUNICATIONS

There were no communications.

H. ACTION ITEMS

Chair Rios announced that public commented was limited to two minutes each. Appeal can be made to the Governing Body and staff can guide you in that process.

1. **Case #H-16-038. 1369 Cerro Gordo Road.** Downtown & Eastside Historic District. Jay Midyette, agent/owner, proposes to construct a 1,760 sq. ft. addition to a height of 15' and raise the driveway entry yardwall to the maximum allowable height of 6' on a non-contributing residential property. (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

1369 Cerro Gordo is a 3,453 Sq. Ft. single family residence. The building is listed as non-contributing to the Downtown and Eastside Historic District.

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

1. A 1,760 Sq. Ft. 15' high addition is proposed along the south-west corner of existing structure, where the maximum allowable height is 19'. Wood windows are divided lite. Wood doors, windows, exposed vigas and other wooden elements are proposed to be in natural wood finish. The stucco is El-Rey "Adobe" color. Railing at French doors on West elevation is proposed in the elevation drawings, no material and finishes are proposed.
2. Existing stuccoed yard wall along west side of the driveway is proposed to be raised to 6' height.
3. Stuccoed yard wall along east side of the driveway is proposed to be 6' high with 4' retaining, not to exceed 10' total height.
4. A pilaster at 6'-8" height on the east and a pilaster at 6'-6" height with 1' retaining on the west of the driveway are proposed. Naturally rusted metal gates at the height of 7'-6" are proposed. No exception for the gate was requested.

STAFF RECOMMENDATION:

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

Questions to Staff

Chair Rios asked Ms. Sayeda to describe public visibility.

Ms. Sayeda said the building is visible from Cerro Gordo and the south part is further down on the property but the walls are visible from Cerro Gordo. There is a gate proposed at the entry way so it is minimum visibility.

Chair Rios asked her to explain the statement that for the gate no exception was requested.

Ms. Sayeda said fences are allowed to be six feet high; the gates are allowed to be six feet high as well, with accents which can be more than six feet. In this case, the pilasters go to 7 feet, six inches which is a little higher than we normally see.

Chair Rios asked Mr. Rasch if pilasters are not considered when considering height of the gate.

Mr. Rasch agreed. Typically, pilasters and arches are considered as an accent and the Board considers if it is harmonious.

Member Katz was puzzled by the six-foot wall on top of a 4' retaining wall and then another six-foot wall. He asked where the other six-foot wall is located.

Ms. Sayeda pointed it out on the site plan. The new 6' wall on retaining and the retaining goes from a foot to two feet. The existing portion, which is about four feet high will be raised to six feet. It is not on the driveway side. Overall, it could be 8' at some point.

Member Roybal asked how the addition faces the neighborhood on the back south side and if it was exposed very much to the neighborhood.

Ms. Sayeda said it is on the back side. She was not too sure of the terrain and visibility for neighbors. She suggested perhaps the applicant can explain that.

Applicant's Presentation

Present and sworn was Mr. Jay Midyette, 1369 Cerro Gordo, who apologized for having to wear his sunglasses to see.

Questions to the Applicant

Chair Rios said the staff report indicated he didn't give finishes in reference to the railing at the French doors.

Mr. Midyette said the finish will be natural wood like the rest. He added that, in reality, the reason for the two walls and for moving the gate back, is that the road in front is the dead end of old Cerro Gordo Road. They cannot be seen from Cerro Gordo. It is a turn in and the neighbor can't turn around unless he moves the gate in further. It is a problem with trespassers too. The gate, as shown in the drawing, is rusted metal and 7' 6" but only the spires are that high. So he thought it best to have the pilasters at the same height. It will have electronic opening/closing.

Member Roybal asked if it faces any neighbors.

Mr. Midyette said it does face a neighbor who is way down. The fence is as high as the roof of that neighbor so it is not visible.

Member Roybal asked if it would have any roof mounted A/C.

Mr. Midyette said it would have no roof-mounted anything.

Chair Rios asked if any part would have lots of glass.

Mr. Midyette said they are smaller windows and divided lites typical of the rest of the house. He wants it to have the look and feel as if it was built at the same time.

Chair Rios asked if the glass on the south will remain. Mr. Midyette agreed.

Mr. Midyette said the south elevation has three small windows there.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Roybal moved in Case #H-16-038 at 1369 Cerro Gordo Road, to approve the application per staff recommendations. Member Katz seconded the motion.

Chair Rios requested conditions that there be no rooftop appurtenances, the wood finish is natural and the gate is see-through. Member Roybal accepted those as friendly and the motion

passed by unanimous voice vote.

- 2. Case #H-16-048. 702 Don Felix Street.** Westside-Guadalupe Historic District. Arthur Firstenberg appeals the decision of Staff for the painting an existing fence. (Sobia Sayeda)

Chair Rios announced that today, the Attorney gave the Board members a memo concerning this case, which is an appeal of a case already heard. [A copy of the memo is attached to these minutes as Exhibit 1.]

Dr. Firstenberg said it was served to him 15 minutes ago and has not had a chance to see it.

Ms. Gheen said she emailed it to the Board late this afternoon. She believed the appellant decided to postpone it to another hearing date certain.

Dr. Firstenberg said he could come on July 26 but not on July 14. He said he is requesting postponement.

Member Katz moved to postpone Case #H-16-048 to July 26, 2016. Member Roybal seconded the motion and it passed by unanimous voice vote.

The applicant asked for a copy of the memo and Ms. Gheen provided a copy to her.

- 3. Case #H-16-050A. 524 Alto Street.** Westside-Guadalupe Historic District. Historic Districts Review Board requests a historic status review of a contributing residential structure. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

524 Alto Street, known as the Garcia House, was probably constructed at approximately 1900 in the Spanish-Pueblo Revival style. It, along with the contributing Donaciano Vigil House at 518 Alto Street to the east, forms a Spanish-style hacienda with an interior courtyard. The building, with a floorplan of linear-oriented rooms, has a small street-facing elevation on the north, a long elevation at the driveway on the west, and a small elevation on the south, along with the enclosed east elevation at the interior courtyard. The building is listed as contributing to the Westside-Guadalupe Historic District and primary elevations have not been determined.

The north end of the building was probably altered along with the front of the adjacent structure and a portal was removed before 1947. The Territorial portal was one of the most character-defining features on the structure, causing the current vernacular simplicity due to this alteration. The north elevation consists of one 4-lite 2-panel historic wood door. The west elevation consists of seven wall openings: one 12-lite steel window, which is historic but not original, with a distracting thermal-paned window insert on the interior; one 4-lite 3-panel historic wood door; one single-lite historic wood window; one 6-over-6 historic

wood window; one 4-lite 3-panel historic wood door; one 9-lite non-historic clad window; and paired 1-over-1 and 3-over-1 historic wood windows with another distracting thermal-paned window insert on the interior. The south elevation consists of one 6-over-6 historic wood window and one 4-lite 3-panel historic wood door.

The structure is not listed on the state or federal register, as is the adjacent eastern half of the structure. But, it is eligible for listing on the state or federal register.

Marcelino Garcia, not proven to be a former resident, but definitely an owner, held various public offices and was one of fifteen who worked to incorporate the City.

RELEVANT DEFINITIONS

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.

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

STAFF RECOMMENDATION:

Staff recommends maintaining the contributing historic status of the structure with the west elevation recommended as primary in compliance with Section 14-5.2(C) Regulation of Contributing Structures. Staff believes that the structure is not unique and does not maintain a high level of historic integrity.

Mr. Rasch had photos from the owners.

Questions to Staff

Chair Rios understood the house is over one hundred years old and vernacular.

Mr. Rasch agreed. It is Spanish Pueblo but not Revival as there are no vigas or corbels.

Member Katz asked if the east wall is a common wall with the Vigil house.

Mr. Rasch agreed. It is the interior courtyard.

Member Katz asked if there are any windows in that wall.

Mr. Rasch said there are no windows; just a door.

Member Bayer asked if he said it is eligible for state or national historic register. If it is, she asked if that would qualify it as a significant structure.

Mr. Rasch said he was speaking from his experience with the Governing Body. This Board has assigned significant status to structures in the past and they have been appealed. The Governing Body has said to the City Attorney and to him that they expect significant buildings to be extremely important. So following their lead, he did not think this building arises to significant status; especially since three-fourths of the courtyard is not significant.

Chair Rios asked Mr. Rasch to read the definitions. Mr. Rasch did.

Member Roybal asked if the courtyards count in the designation.

Mr. Rasch said there is no character defining feature on the east elevation. Significant means all sides are primary.

The Stenographer noted that Mr. Rasch, in his staff report, referred to the style as Spanish Pueblo Revival.

Mr. Rasch asked that "Revival" be deleted from the staff report.

Applicant's Presentation

The City is the applicant. No presentation was needed.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Present and sworn was Mr. Richard Martínez, P.O. Box 925, who said he would like to see it significant because it is not well represented in other similar buildings in the City. The regulations as written, have a presupposition that it is a revival building but this is not a revival building. But it represents the ordinary way people lived in Santa Fé, so there is a significance, even though windows were changed. It is a vernacular

building and not the high style of a revival. It did have windows in the courtyard that were closed off because the owner of the Vigil house wanted them closed off so his house wouldn't look into that courtyard.

It is a historic building on Alto that defines the style of Santa Fé. He had some old photographs in which the Board could see that. He passed them around the Board.

Significant status would allow all façades to be protected and that is important for this house. It is on the market and potentially could be altered in a way not conducive to maintaining its historic status. It is one of the linear houses right on the street that is disappearing.

Present and sworn was Mr. Alan Watson, 1517 Canyon Road. He presented some photos of the work. He said as Chair of the Historic Santa Fe Foundation and representative of the owner, he wanted to share the work the Foundation has done in the last year on this house. The Foundation would not file an appeal to a decision of the Board to give this a significant status. So it is up to the Board. The property is very important to the Foundation and they thought it would be useful to see just how much work they did since acquiring it in 2002. It had dirt floors and stuff and was in really bad shape. When they took off the cement plaster, you can see the deterioration. Every canale was an arroyo to the adobe. They spent over \$150,000 just on adobe repair. They are doing everything they can to preserve it intact. It will be sold with a preservation easement. That is far more restrictive than any City ordinance.

The Foundation will not allow another building to be attached. It has a 20' no-build zone there. The doors and windows shall not be altered except for one new window in 2002. The height will not exceed height of Garcia house itself. This will put language into the preservation easement prohibiting subdividing the lot. The plaque shows that the Foundation put it on their register.

Member Roybal asked what the plaque stands for.

Mr. Watson explained that the HSFF has plaqued about 200 buildings in Santa Fe. We are a private organization and just a recognition of the property. We've been in existence for over 50 years.

Member Roybal asked if there are any others in that inventory that are significant.

Mr. Watson agreed there are.

Mr. Rasch mentioned a couple of them. This is a vernacular house. It was not designed or built by professionals. It was built by owner and friends or family.

Chair Rios thanked Mr. Watson and HSFF for all the work they have done.

Member Katz said he was privileged to see just how bad it was and cannot thank HSFF enough for all the work done. The work they did was significant and the building deserves that kind of recognition.

Chair Rios asked what the square footage is.

Mr. Watson said it is about 900-1,200 on the inside. The walls are thick so gross square footage is misleading.

Chair Rios also agreed of its importance and honoring the vernacular.

Mr. Watson said that is a lot of what is driving the Foundation's efforts on it. It represents architecture before professionals came to town.

Action of the Board

Member Katz moved in Case #H-16-050A at 524 Alto Street, to upgrade the status to significant, based on the recognition of the importance of vernacular architecture and not much change has happened. The windows are historic in age and style. This is more authentic than the Garcia House.

Member Powell seconded the motion and it passed by unanimous voice vote.

- 4. Case #H-16-040A. 1433 Paseo de Peralta.** Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, requests historic status reviews with primary elevation designations, if applicable, for two non-contributing residential structures. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

1433 Paseo de Peralta is a property with two non-contributing structures located within the Don Gaspar Area Historic District. The applicant is requesting a status review and designation of primary elevations in advance of a remodel of the property.

The two structures on the property are a structure which exhibits multiple periods of construction and is referenced as the "main house", and a vernacular bungalow with a side gable roof and asphalt shingles which is referenced as the "guest house." Both structures were surveyed in 1995. The main house was recommended non-contributing and the guest house was recommended as significant. The properties are listed officially as non-contributing according to City records.

The main house is estimated to be built around 1910 and has had multiple additions and renovations added to it since that time. The original structure was an L-shaped adobe with a north to south orientation on the west side of the property. The building was added to sometime between 1912 and 1928, changing the massing of the building to a more rectangular shape. The 1950s addition to the house was added to the southeast corner of the structure and is constructed of concrete masonry block. A variety of window styles fenestrate the structure and include wood sash, glass brick, and steel casement windows. Most of the doors on the structure are wood and are mostly historic. Some doors have historic screens with wood

frames. The roof is multi-level and is covered with composition roll. The metal and wood trim at the roofline is missing in some places. The house is clad in stucco and painted white with turquoise trim.

While the configuration of the house has changed due to additions to the original structure, all additions are over 50 years in age making the structure eligible to be contributing to the Don Gaspar Area Historic District.

The construction date of the guest house is estimated to be circa 1935. The structure has a side gabled roof with asphalt shingles and is constructed of concrete masonry block. The exterior of the building is stucco. Windows are historic 3/1, and one 1/1, wood sash with concrete sills, wood frames, and most have still have screens. Basement windows are three paned hopper windows. The entry to the porch is described as a unique triangular shape and the porch is tucked under the roofline. The front door is wood panel with three lights at the top.

Some alterations to openings have occurred over time but the footprint and massing of the structure have remained the same.

STAFF RECOMMENDATION:

Staff recommends both structures located at 1433 Paseo de Peralta be considered contributing to the Don Gaspar Area Historic District as the designation complies with 14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts. On the main house, the south elevation, including the 1950s and pre-1950s façades, and the west elevation of the 1950s addition are recommended as primary. On the guest house, the east elevation is recommended primary.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn was Ms. Shannon Papen, 806 Don Cubero Avenue. She agreed with the staff recommendations. They have both been inventoried several times. She believed both are Contributing. She had nothing further to say.

Ms. Thomas said Ms. Papen did the evaluation on this property and representing the homeowner who is also present.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

There were no speakers from the public regarding this case.

Ms. Gheen asked that the owner confirm the agency of Ms. Papen.

Present and sworn was Mr. Rudy 1522 Miracerros S, Santa Fe. He said he is the owner of this property and agrees with the staff recommendations.

Chair Rios asked him if Ms. Papen is his agent for this property.

Mr. Rodriguez agreed.

Action of the Board

Member Bayer moved in Case #H-16-040A at 1433 Paseo de Peralta, to adopt staff recommendations to designate both structures as Contributing to the Don Gaspar Historic District and to designate the south elevation and west elevation on the main house as primary and on the guest house to designate the east elevation as primary. Member Roybal seconded the motion and it passed by unanimous voice vote.

- 6. Case #H-16-053A, 400 Canyon Road. Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner requests a historic status review for a retaining wall at a significant non-residential property. (Sobia Sayeda)**

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

400 Canyon Road is a commercial building of an unknown square footage. The building is listed as significant to the Downtown and Eastside Historic District. The structure was built in 1906 as Ward School in Classical Revival Style. A retaining wall with steps along the north of the property is known to be built at the same time.

The applicant provided an archival photo dating 1906 including the retaining wall and steps.

The staff has clear evidence that this retaining wall has been in existence for the past 50 years which suggests that it is a historic structure.

STAFF RECOMMENDATION:

Staff recommends contributing status for this structure. This complies with 14-5.2(C) Regulation of Contributing Structures.

Questions to Staff

Chair Rios asked if the case only refers to the wall.

Ms. Sayeda agreed. The building is significant and the wall has no status.

Applicant's Presentation

Present and sworn was Mr. Andrew Lyons, P.O. Box 8858, Santa Fe. He had nothing to add to the staff report.

Questions to the Applicant

Chair Rios asked if he agrees with staff recommendations.

Mr. Lyons said he does.

Member Roybal said on the field trip, they noticed that the wall is in disrepair and asked what would be done to it.

Chair Rios said that part is in the next case.

Mr. Lyons referred back to the oldest photo where the urns were not on the pilasters and the guard rail was not there either. So it has been altered since being built.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz moved in Case #H-16-053A at 400 Canyon Road, to follow staff recommendation and designate the wall contributing. Member Bayer seconded the motion and it passed by unanimous voice vote.

7. **Case #H-16-053B, 400 Canyon Road.** Downtown & Eastside Historic District. Andrew Lyons, agent for Merry Schroeder, owner proposes to reconstruct a retaining wall at a significant non-residential property. An exception is requested to remove historic materials (Section 14-5.2(D)(5)(a)(I)). (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

400 Canyon Road is a commercial building of an unknown square footage. The building is listed as significant to the Downtown and Eastside Historic District. The structure was built in 1906 as Ward School in Classical Revival Style. A retaining wall with steps along the north of the property is known to be built at the same time. The historic status of this structure was reviewed in the previous case today.

The applicant proposes to remodel the property with the following three items:

1. Grant an exception to remove portion of historic retaining wall that is deteriorating and is a hazard to general public. The applicant has provided a structural report indicating current state of this wall. Remove pilasters and portion of adjacent flagstone area. Historic bricks are proposed to be carefully removed and reused in replacing the retaining wall.
2. Construct a CMU retaining wall using historic brick as veneer.
3. Construct CMU pilasters using historic brick as veneer.

14-5.1(D)(5)(a)(I)

(5) Windows, Doors, and Other Architectural Features

(a) For all façades of significant and *landmark structures* and for the primary façades 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.

**Historic Districts and Historic Landmarks
Design Standards and Signage Exception Criteria**

- i. Do not damage the character of the streetscape:
 - We propose to replace the existing brick retaining wall in kind with a modern CMU retaining wall that has a veneer of the existing brick. The new retaining wall will match the existing wall in appearance, using as much of the existing material as possible.

Staff Response: Staff agrees with this statement.

- ii. Prevent a hardship to the applicant or an injury to the public welfare:

A section of the existing brick retaining wall is failing and in danger of collapse, posing a threat to adjacent parked cars, pedestrians walking by, and the upper retained level of the property. It needs replacing, and denying such will create a hardship for the property owner.

Staff Response: Staff agrees with this statement.

- iii. Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district:

The existing brick retaining wall is a rare feature within the City's historic districts, and it adds much to the character of Canyon Road. The owner is striving to replace the damaged section in kind so that the character of the wall does not change. In regards to other options, we felt that a CMU and stucco wall would out of character with the existing wall that is to remain, as well as the old school house itself. We also don't believe that attempting to make the damaged section of the wall plumb and adding buttresses to it for support is a viable option as many of the brick in the face of the wall are crumbling and the wall is likely to fail in the near future, not to mention that we have no idea of the condition of the brick making up the concealed inner width.

Staff Response: Staff agrees with this statement.

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

The unique topography of the land that makes up 400 Canyon Road requires a retaining wall on the north boundary of the property, between the lower level, where Canyon Road is located, and the upper level where the old school house is situated.

Staff Response: Staff agrees with this statement.

- v. Are due to special conditions and circumstances which are not a result of the actions of the applicant:

The existing brick retaining wall has been affected by over a century of water damage, coming from the back (high) side, and we suspect that the wall is not constructed to modern standards (i.e. it has neither an adequate foundation nor proper drainage on the back side consisting of waterproof membranes, an adequate number of weep holes and the like).

Staff Response: Staff agrees with this statement.

- vi. Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-52(A)(1):

We propose to replace the damaged section of the existing brick retaining wall in kind with a modern, structurally sound version that looks exactly the same as the original section, including reusing the existing brick for veneer as much as possible, resetting the existing stone caps along the top of the wall and pilasters, and reusing the existing metal guardrails, handrail, urns and signage.

Staff Response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the six exception criteria have been met and this application complies with 14-5.2(D)(9) General Design Standards, Height, Pitch, Scale and Massing and (E) Downtown and Eastside Historic District.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Andrew Lyons (previously sworn), said on the application he had listed Merry Schroeder as the owner but she is actually the managing partner for Schoolhouse Partners. The top of the wall - if approved - that guard rail will not be approved by the Building Department so he will need to comply with 4" maximum opening rule. He asked that he could work that detail out with staff.

Questions to the Applicant

Chair Rios asked if he does want to put up a guard rail.

Mr. Lyons agreed and since this one doesn't meet the rule, he is asking that he be allowed to work out the detail of the guard rail with staff.

Member Roybal asked what happens to the designation, then with a new guard rail.

Mr. Rasch didn't think they could use the historic railing.

Member Powell asked for the distance between the rail and the bottom.

Mr. Lyons explained that question came up too late for him to go out to the field but there is a photo in the packet. It is close to 36" so we might just be able to put in verticals beneath the rail to meet current code. It is shown hip high in one picture.

Member Powell asked why the saturation in the wall is so high.

Mr. Lyons said it is 100 years of water against the wall. There is a spot where the wall pooches out and more might collect there.

Member Powell said something has changed in the last five years there because before that, the wall did not look this way.

Mr. Lyons was not aware of its appearance five years ago. Perhaps where it pooches out is where more water collects.

Ms. Sayeda referred the Board to the photo on page 48 shows people next to the railing.

Member Powell explained that he brought that up because he agreed the intervention will work but it seems heavy-handed. He asked if Mr. Lyons could do the same thing with the existing brick and a French drain. He thought if it was dried out, the brick would be okay.

Mr. Lyons said a lot of the brick embedded in the wall has been disintegrating.

Member Powell pointed out that the cement is from the 1930's and before that would have been a lime-based mortar. The soft clay brick is softer than the concrete so when the concrete expands, it fractures the brick. If the mortar was all removed and replaced with lime/sand it would breathe again and not have those issues. It would save a lot of money and allow the historic bricks to remain and would be a lot faster process.

Mr. Lyons said there is also the problem that the wall is leaning.

Member Powell said he just hated to see the whole wall deconstructed when it could be a lot easier. And without the concrete mortar, the bricks would become movable again.

Mr. Lyons said he was not aware of what the mortar is there now.

Member Powell said he checked and it is concrete.

Mr. Lyons said he just took the recommendation of the contractor/engineer. There is a hidden course of brick so there is a reservoir of brick to use.

Member Powell added that deconstructing it means it never goes back to the way it was Maybe the drains got clogged about five years ago. Maybe there has been more irrigation that clogged the drains. He just wondered if a better solution could be done.

Chair Rios asked Member Powell to describe the process.

Member Powell described it and said it is a lot less arduous. The back could be removed to see that it is not repairable. The investigation should include that. If he made the motion, he would ask for that investigation to be done. It shouldn't hurt the project to do that. He asked if that would put a wrench in the planned work.

Mr. Lyons thought maybe the Board could ask the owner about it. She could talk with them about it. It might take a meeting with a masonry expert.

Member Powell added that they might not have to bring in rebar and lots of concrete.

Mr. Lyons said if the wall is repointed and the masonry and wall is straightened and could still fail later because of the disintegrating brick and it would cost much more.

Member Powell said with the investigation, he would know if that might not work.

Present and sworn was the owner, Ms. Merry Shroeder, 3101 Old Pecos Trail.

Chair Rios shared what Member Powell had suggested about using lime/sand for the mortar.

Member Powell suggested when backfill is removed to further investigate and they might not have to destroy all of it.

Ms. Schroeder said the brick, itself, is falling apart. It was slowly happening all along and she kept putting it off. Water was getting in behind the brick for a long time. When the snow came on the deck, it would melt and instead of running down through the drain - it fell into the wall crevices and has been happening over time. We have owned it for at least 20 years. In that period, we have noticed that happening. We talk about the wall a lot and hoping it would last until we sold it. But it is ready to fall apart now. Rather than trying to shore up. There is no cement behind the wall - it is only three bricks deep. When we get in there, we will find that out. "I'd rather fix it now. I could spend \$25,000 fixing it up now and then have to come back and do it all over again."

Member Powell said it is now retaining water and not breathing. He saw that he should not tie the owner's hands on it. He just felt he should bring it up.

Ms. Schroeder said Jan is her contractor and they had advice from engineers and others who said it isn't a good idea because we might have to do it again later. We had to put up a no parking sign there. Lots of tourists walk there and it is not safe with the brick bulging out.

Member Powell thought something changed and he believe the cement mortar caused it.

Ms. Schroeder said she couldn't say what might have changed. The snow this year really exacerbated it - a big snow and people coming in and out. "My tenant is Ventana Gallery and lots of people want to see the old school house and that made it worse. We have it in the lease not to use salt because that could also damage the brick."

Member Powell said it starts to crumble when water gets that high.

Ms. Schroeder said, "We want it to be safe for the tourists and don't want to do it twice. We want it to look the same as it was."

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Powell moved in Case #H-16-053B at 400 Canyon Road, to approve the application as recommended by Staff and ask the owner to work with staff to determine the detail on the railing. And adopt staff's acceptance of exception criteria. Member Roybal seconded the motion and it passed by unanimous voice vote.

8. **Case #H-05-007. 815 East Alameda Street.** Downtown & Eastside Historic District. Lisa Roach, agent for Abruzzo Development LLC, owner proposes to construct a 380 sq. ft. addition, two portals at 325 sq. ft. and 55 sq. ft., and a 6' high yard wall, replace windows and doors, stucco, repair and replace brick coping. Exceptions are requested for placing an addition on a primary elevation and to change historic materials and openings on a primary elevation (Section 14-5.2(D)(2)(c) and Section 14-5.2(D)(5)(a)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

815 East Alameda Street is a two-story multi-family residential structure that was constructed in the Territorial Revival style at approximately 1949. A single-car garage at the west corner was converted to living space at approximately 1959. The building is listed as contributing to the Downtown & Eastside Historic District with the south and west elevations designated as primary.

The applicant proposes to remodel the property with the following eight items.

1. A 380 square foot two-story addition will be constructed on the primary south elevation. An exception is requested to place an addition on a primary elevation (14-5.2D)(2)(c)) and the required exception criteria responses are at the end of this report.

The addition will feature an arched window entry door flanked by arched window sidelites and two narrow, horizontal 8-lite windows on the south elevation. A 325 square foot portal will be constructed above the larger portion of the addition in a simplified Territorial style at lower than the adjacent height.

2. The steel casement windows will be removed and replaced with metal-clad simulated true-divided lite windows with opening dimension changes. An exception is requested to remove historic material and change opening dimensions (14-5.2(D)(5)(a)) and the required exception criteria responses are at the end of this report. An exception was not requested for the narrow, horizontal window on the west elevation which could match the similar 8-lite windows on the south elevation without an exception.
3. A 55 square foot portal will be constructed on the east elevation. This portal will match the larger portal on the south elevation
4. A staircase will be constructed on the east elevation. Railings and brick-coped pilasters are associated with the staircase.
5. An existing 8' tall coyote fence was relocated without approval or a permit as a temporary structure that will be removed after the project is complete.

6. A 6' high yardwall will be constructed at the south elevation to create an entry court.
7. Wooden vigas will be removed from the east and west non-primary elevations, but an exception was not requested (see below 14-5.2(D)(5)(b)).
8. Other minor alterations will be performed, including the repair of brick coping, installation of light fixtures, restucco in cementitious El Rey "Buckskin", and install parking stops.

RELEVANT CODE CITATIONS

14-5.2(D) General Design Standards for All H Districts

In any review of proposed additions or alterations to structures that have been declared significant or contributing in any historic district or a landmark in any part of the city, the following standards shall be met:

(2) Additions

- (a) Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure.
- (b) Additions to buildings that meet the standards of Subsection 14-5.2(E) shall continue to meet those standards set forth in Subsection 14-5.2(E) in addition to the standards set forth in this section.
- (c) Additions are not permitted to primary façades.
- (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 façade. 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 façade. 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.

(5) Windows, Doors, and Other Architectural Features

- (a) For all façades of significant and landmark structures and for the primary façades 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.
 - (ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.
 - (iii) No existing opening shall be closed.
- (b) For all façades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical

or pictorial evidence.

EXCEPTION TO PLACE ADDITION ON PRIMARY ELEVATION (14-5.2(D)(2)(c))

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

Applicant Response: The proposed south façade addition will in no way damage the character of the district. On the contrary, the addition will bring a non-conforming structure into conformity with the code, which requires stepped massing as opposed to sheer two-story massing.

Staff response: Staff agrees with this statement.

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

Applicant Response: Due to the slope of the lot, the south façade is the only place in which to construct an addition that will result in an expanded, livable lower floor unit. The majority of the unit is recessed into the slope, leaving only the south façade exposed.

Staff response: Staff agrees with this statement.

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

Applicant Response: The design option presented was selected after careful consideration of the range of design options possible for the site. It represents a maximization of living space in order to create two viable condo units from a residence that was previously divided into three very small units that do not meet today's code or standard of living. The proposed addition is in keeping with the simplified Territorial Revival style of the original home and is compatible with the style of the district and the immediate streetscape.

Staff response: Staff does not agree with this response, because the other design options were not discussed, such as free-standing square footage.

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

Applicant Response: As described in criteria (ii) above, the property slopes substantially from north to south, leaving only the south, street-facing, primary façade available for expansion of the lower level footprint. Due to this condition of the site, an addition on a non-primary elevation is not possible.

Staff response: Staff agrees with this statement.

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

Applicant Response: The slope of the site and configuration of the original structure therein are not due to any actions of the applicant.

Staff response: Staff agrees with this statement.

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

Applicant Response: The proposed addition will not only bring the structure into compliance with the historic districts overlay zoning regulations, it will improve the aesthetic qualities of the residence and improve the character of the streetscape. In so doing, it will provide the least negative impact of the range of possible design options for the structure.

Staff response: Staff agrees with this statement.

EXCEPTION TO REMOVE HISTORIC WINDOWS/CHANGE OPENINGS (14-5.2(D)(5)(a))

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

Applicant Response: The steel casement windows original to the structure are in poor condition – many do not close, some are welded shut, and all do not function properly. Replacement of these windows with metal clad windows of similar lite pattern will not damage the character of the district but would rather improve upon this character. Additionally, alterations of window and door openings on the south (primary) façade are necessary to achieve the most suitable design solution and in no way alter or damage the character of the residence or the district.

Staff response: Staff agrees with this statement.

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

Applicant Response: Replacement of single pane steel casement windows with thermal pane metal clad windows results in a more energy efficient and more attractive residence, and alterations to window and door openings allow for the residence to function as intended. Retention of the original windows is not a viable option to achieve this purpose, and where possible, original openings are retained, except in instances where additional natural light, ventilation, or access is needed.

Staff response: Staff agrees with this statement.

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

Applicant Response: Window replacement and alteration of window and door openings is required to achieve the best use of the property. The proposed design will result in a reduction in density, conformity with the design standards of the code, and extended use life of the building. It is the owner's intention to retain ownership of the two resulting units, enabling her family to once again have a residence in Santa Fe.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that all of the exception criteria were not met but the Board may find that they have been met after additional information presented at the hearing. Otherwise, this application complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside

Historic District.

[Stenographer's Note: Although Mr. Rasch said in the Staff Recommendation that "all exception criteria have not been met," the Staff Report indicated that Staff disagreed only with the third criterion statement of the Exception to Place Addition on Primary Elevation.]

Questions to Staff

Chair Rios asked if on item #7, where the applicant did not request exception - how the Board is to deal with it.

Mr. Rasch said there are several possibilities. They could decide not to remove vigas or the Board could postpone that part. The windows and doors are to be preserved and all other features shall be repaired. Cutting off the rafter tails could not be removed without exception.

Chair Rios noted that this building is approximately 67 years old and now Contributing. The primary façades are south and west but the applicant is proposing drastic changes to those elevations. She asked if that is the case for west and south.

Mr. Rasch clarified that on the west, the application is just for change of windows which does require an exception.

Chair Rios said on the west elevation, there are a lot of changes. Right now it is primary and it is Contributing. She asked if the property will lose its status with these changes.

Mr. Rasch said if the Board approves the exception, it won't lose its status.

Member Katz asked if it is a two-story addition or just one-story and the top story is a portal.

Mr. Rasch agreed that it is one-story with a portal.

Member Katz asked what a "simulated true divided lite" is. It sounds a little contradictory.

Mr. Rasch said it has a spacer in between and permanently affixed muntins on interior and exterior.

Chair Rios said that means it is simulated; not simulated true divided lites.

Mr. Rasch agreed.

Applicant's Presentation

Present and sworn was Ms. Lisa Roach, 1224½ Cerro Gordo, who said, "I am quite surprised that an exception has been brought up and never mentioned to us in this whole multi-month process until the night of the hearing we find out that perhaps another exception is needed. I don't believe that is a fair way to do business - to just spring something on us at the last minute. We've been talking about this project and reviewing plans and discussing this for weeks and weeks and that doesn't seem right to me."

"Those elevations are not primary elevations. The east and west elevations are not primary. Only the south is primary as far as I know, unless that is another something that you are bringing up at the last minute."

Chair Rios asked Mr. Rasch if, in his report, if he indicated that the south and west were primary.

Mr. Rasch said he was trying to look through the record to see if he could find if it is in here.

Member Katz said the Board was not given the minutes for the hearing during which it was made a Contributing building. He noted that absence today. It would have been helpful to have had that information.

Ms. Roach said she was not able to obtain those either - where the status review was actually held. She said, "I was only able to find the minutes from the approval of the previous addition and exceptions which is very similar to the application you see today. In fact, it is a little less. The application you see today is a little less intensive than the application that was approved by the Board in 2005. I believe the designation was made in 2004 or 2005 - something like that."

Member Powell saw the addition was on the south side which was primary.

Ms. Roach agreed and said she understood that was the only primary elevation.

Questions to the Applicant

Member Katz thought the design improves the building and makes it quite a bit more attractive and will achieve what the applicant has commented on in giving a setback, rather than just a sheer two-story façade. That is positive. He was not sure the applicant got to complete what she wanted to say.

Ms. Roach said she had a couple more things to say. "I would like to address the exception criteria that staff did not recommend having been met. That would be the third exception criterion for the first exception to place an addition on the primary elevation, to provide a little bit more of a robust answer. It is not possible to build an addition anywhere else on this structure, due to the slope of the lot, the parking requirements that were approved in the development plan that was also approved in 2007. Due to the driveway that runs alongside the building, there is nowhere else to place an addition on the building. And because of those constraints, there is also no option to build a free-standing structure, as suggested by staff."

"I would also like to bring up that there was a previous portal in this exact location that was deteriorated and fell off or was removed by the previous owner. I'm not sure about that. I would also like to remind the Board that there was a previous application and exceptions that were approved for a very similar addition in this exact location and that the proposal does bring the building, as Member Katz mentioned, into compliance with the code requirements for stepped massing. That's all I would like to say about the exception criteria that staff did not feel were met."

"And I would appeal to the Board to consider the fact that we are being given new information tonight and that is really not that fair of a situation regarding the exception that was brought up in item 7 of the report."

Chair Rios concluded that there are six criteria to be met and staff agreed with everything she had to say except for #3 and tonight she provided an additional answer to that response. There is no other place to put the addition except on this elevation.

Ms. Roach agreed.

Chair Rios added that regarding the window changes, there are three criteria for the exception and staff agreed with all three answers.

Ms. Roach said that is correct.

Mr. Rasch said, "In the H Board file, I have a Staff Report from February 8, 2005. It is from Marissa Barrett, our former Senior Planner. And on the second page of the background, and it was addressing an exception request, she wrote, 'In order for the applicant to build the addition on the primary south elevation and less than 10 feet back from the west primary elevation...' That is where I got it - from 2005."

Ms. Roach said, "Madam Chair, again, this is the first I'm hearing about that."

Mr. Rasch said, "This was in the packet. I mean it was in the H Board file all along."

Member Katz asked where that is.

Mr. Rasch said, "It is on the second page of the Staff Report. It is not in your packet. This is in the H Board file from 2005."

Member Powell asked if that was when it was made Contributing. In 2005?

Mr. Rasch thought so. This was the case that came forward for an exception to do exactly what they want to do, and it was granted back then.

Member Katz asked, "Why would setting it back from the west elevation be relevant when the south elevation, itself, is primary?"

Mr. Rasch said it would have required two exceptions; one to be on a primary, and one to be not back from another primary.

Ms. Roach asked, "Is it the applicant's job to determine what exceptions are needed or if it is staff's to determine what exceptions are needed? And whose job is it to communicate that? They may be rhetorical questions but they are worth mentioning. I cannot anticipate what I don't know."

Chair Rios asked if Mr. Rasch wanted to comment on that.

Mr. Rasch said, "I would definitely say if you are caught speeding, you need to know the speed limit."

Ms. Roach said that was why she asked staff.

Mr. Rasch said, "The applicant should know the code."

Member Powell asked Mr. Rasch to put up an image of something. (Microphone was not on.)

He then said, "Did I understand you to say this design was approved by a previous Commission?"

Mr. Rasch said, "Basically, yes. This application - I mean I'm not looking at the specifics - but in general, this application was previously approved and it expired."

Member Powell said, "The design is the same?"

Mr. Rasch said, "More or less."

Ms. Roach said, "This is a one-story addition with a portal on top, whereas the previous was a two-story addition."

Mr. Rasch added, "In this location."

Ms. Roach agreed. "In this exact location."

Member Powell said, "I'm probably the only Board member who will stick up for this little building. But I also know I have to struggle with myself because it is pretty lack luster. But there is something interesting about it because it is a Regional Mid-Century Modern building within blocks. And it might be the only one left. I can see why the applicant would want to make changes. But I also see some merit in the design of the building itself - currently. But with that, what I would like to bring up is the proposed addition to the south façade. Could you show us that drawing, David, please - south elevation proposed?"

"If we look at the existing façade, there is quite a lot of articulation with windows and doors. I see some nice things happening, but the thing I take issue with, and I know why it is there. The two tall windows are elongated. We call them ribbon windows. That is something we don't see a lot of in the historic district. I'm sure it is for privacy because that is a bedroom. But, generally, as Frank had mentioned, this design

actually improves upon the existing building. But I find the exception to be those two windows there. They actually look less inviting than what was there previously. I think if somebody makes a motion, I would like to see something more in keeping with what was there previously. And I want to pose that to the Board."

Chair Rios asked if he had specifics.

Member Powell said, "I'm not smart enough to know the answer. I can just see the problem. I don't know - because it is a bedroom - maybe drapes can be used, maybe there can be transoms with something below the windows that can just be covered during the day. But, I think that it is now the largest part of the elevation that faces the street - we are only talking about 15 feet from the street now. It is very close to the street. Is that correct? This is the part that greets you from Alameda."

Mr. Rasch thought it was about 20'.

Ms. Roach said, "I believe it is more than 15'."

Member Powell said, "Even if it is thirty, it still is what you are presenting to the public. And this is something we do not see in the historic district. I think that could be revisited and improved upon."

Mr. Rasch said, "I will draw your attention to what I mentioned in my staff report. This window is similar on the west elevation, like those two in the front."

Member Powell said, "You see grade there is dictating that. Here, we have plenty of room for openings that can be a little more friendly. That's my opinion."

Ms. Roach said, "Can I respond to that, Madam Chair?"

Chair Rios said yes.

Ms. Roach said, "That is a bedroom and a bathroom and that is why my client wanted the windows there to be higher - to be able to put a bedroom on the wall and to not have windows to the street in the bathroom."

Chair Rios asked if there would be anything on the roof.

Ms. Roach said it would have skylights but they would not be publicly visible.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz asked if on those high windows, if there is no exception being requested for those.

Mr. Rasch said they meet the three-foot corner rule and they meet the 30" lite rule. So they are okay by design standards. What Member Powell mentioned is a streetscape harmony issue.

Member Powell said, "My only point was if we are going to allow an addition put on a primary elevation, that the addition should probably represent or look better than what was there previously and I don't think that is happening with that elevation. I hate to tie the designer's hands. My suggestion would be to elongate them. Typically, we have a three-foot sill height. It could be a four-foot sill height. But right now that sill height is much more." He asked if the applicant knew what the sill height is.

Ms. Roach said, "I don't. There is a dimension on the drawing.

Member Powell said it is six feet. "So, even if they were to come in from this way, that would change the proportion significantly and it could come down this way. If is a ribbon window and we don't have that in the district. So if we can find a compromise. We've had issues with windows like this before. It is not like I just brought this up. We've actually stopped projects in the past.

Mr. Rasch asked if he was saying to either make it narrower and taller.

Member Powell agreed.

Ms. Roach asked if dropping the sill one foot to five feet would be acceptable.

Member Powell agreed but it also needs to be narrower - more rectangular and vertical oriented. The Board could ask her to work with staff on it.

Mr. Rasch reminded him that there are two other exceptions to consider in the motion for other parts of the application.

Member Powell moved in Case #H-05-007 at 815 East Alameda Street, to approve the application as submitted, noting that the exception criteria for #3 have been met, based on the applicant's testimony that the addition could not have been built anyplace else. And the condition that the applicant work with staff to make the two windows on the south side of the addition be elongated vertically, moving away from the horizontal arrangement, and adopting the staff acceptance of the rest of that exception and the staff acceptance of the exception to remove historic windows. Member Katz seconded the motion and made a finding that staff lacks sufficient proof to make the west a primary elevation so that the exception to make an addition less than ten feet from a primary elevation is not needed. Member Powell accepted that a friendly and the motion passed by unanimous voice vote.

9. **Case #H-06-116. 435 South Guadalupe Street.** Historic Transition Historic District. Zulu Properties, agent/owner, proposes to paint a mural on a contributing non-residential structure. An exception is requested to paint with bold repetitive patterns or using a building as a sign (Section 14-5.2(G)(3)(a)(ii)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

435 South Guadalupe Street is a commercial structure that was constructed before 1930 in the Territorial Revival style. It is listed as contributing to the Westside-Guadalupe Historic District and the south and west façades are designated as primary.

The applicant proposes to paint a mural on the publicly-visible north façade. An exception is requested to paint in bold repetitive patterns for purpose of signage (14-5.2(G)(3)(a)(ii)) and the required exception criteria responses are at the end of the report. The mural will be painted with brown colors in a "pixelated" appearance of two Hopi maidens.

RELEVANT CODE CITATION

14-5.2(G) Historic Transition Historic District

(1) Purpose

(a) 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 preserves property values and attracts tourists and residents alike, be preserved, some of the qualities being:

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

(b) The governing body hereby establishes a process for review of style, form, color, proportion, texture, and materials as part of the building permit process in the historic transition district.

(3) District Standards

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

(a) Architectural Style

(ii) Color

The color of stuccoed buildings shall predominantly be in brown, tans, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone or brick

shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited;

EXCEPTION TO PAINT BOLD REPETTITIVE PATTERNS/SIGNS (14-5.2(G)(3)(a)(ii))

(I) Do not damage the character of the district

The existing large colorful mural on the east façade of the Archives building provides a precedent for murals in the Historic Transition District. Additionally, a mural was recently painted on the south façade of the Jean Cocteau Cinema. Murals are a part of the district's identity and our proposed mural would not alter the character of the district but only enhance it.

Staff response: Staff agrees with this statement. However, the Jean Cocteau Cinema is not within a historic district and the State Archive building did not have City jurisdiction when that mural was painted.

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

Form & Concept (formerly Zane Bennett Contemporary Art) is the first gallery one approaches on Guadalupe when walking south from Downtown. One of the challenges we face not only as a gallery outside of the Downtown/Canyon Road concentration but outside of the Railyard, is that we have difficulty attracting walking traffic. There is not much visible south of Montezuma which would draw foot traffic. Most people will head west on Montezuma towards galleries, theaters, and shopping in the Railyard. A tasteful and attractive mural on the north façade of the building would provide a visual element to draw people further down Guadalupe to explore the businesses between Montezuma and Paseo de Peralta.

Staff response: Staff agrees with this statement.

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

The proposed mural offers a beautiful and unique artistic presentation to residents and tourists alike. This mural strengthens the heterogeneous character of the City and does not impede the ability for residents to reside within the Historic Districts in any way.

Staff response: Staff does not agree with this statement. The applicant did not address other design options that could be available, besides a mural, to attract business to the galleries.

STAFF RECOMMENDATION:

Staff finds that all three exception criteria have not been met. The Board may find that the exception has been met, if adequate additional information is provided at the hearing.

[Stenographer's Note: Although Mr. Rasch said in the Staff Recommendation "that all three exception criteria have not been met," the Staff Report indicated that Staff only disagreed with the third criterion statement.]

Mr. Rasch said prior to the meeting, he distributed copies of "more reasoning for the applicant to request the exception" so they are trying to meet the one criterion he felt they did not meet (other design options). 'a copy of this handout is attached to these minutes as Exhibit 2 and includes letters of support for this project from neighbors nearby.]

He also handed out a rendering of the mural [attached to these minutes as Exhibit 3.]

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn were Mr. John Padilla, 2301 Camino Artista, and Mr. Frank Rose, 5 Cerrado Drive.

Mr. Padilla said there is no additional information regarding #1 and #2 of the exception criteria that has been reviewed and responded to by Staff. Staff agreed with those statements. And they would like to present more design options on criterion #3. The handout also has letters of support from the community and one more they would like to hand out. [The letter of support from Thais Mather is attached to these minutes as Exhibit 4.]

Mr. Rose addressed the third criterion further. He said the artist who proposed this design is also a neon artist and there are several different options that could involve the use of neon. Items one and two in the handout use neon. Item 3 is more of a banner type design on the side of the building. Number 4 is based on a Japanese character and would create more of a face-type look on the side of the building. Number 5, while being very humorous. Would be a very interesting way of drawing attention down to the building. However, he thought the design proposed not only uses relevant colors to the District, but imagery that is historically relevant and also interpretation that is contemporarily relevant and would attract traffic to that southern end of Guadalupe, which often gets diverted in foot traffic before getting to that area.

Questions to the Applicant

Chair Rios asked what examples he had of neon colors. She asked if it would be bright lime green or something similar.

Mr. Rose clarified that he is referring to neon, itself - neon glass that is glowing such as in a neon open sign. Here it would be yellow with red and in #2 it would be white neon with yellow and red.

Chair Rios asked why they chose Hopi maidens.

Mr. Rose said the artist chose the maidens. They were originally made by a 19th century photographer, Edward Curtis. Many of his images have become iconic and, in a way, stereotypical of the way that Natives are presented. Part of what the artist is showing is the pixilation, representative of how reality can be distorted through the lens of an outsider and is a reference to changes in photography as a medium in that analog has now shifted into digital.

Chair Rios asked if the outcome would be something that is really in your face or more muted.

Mr. Rose said it is muted, using only different shades of brown and tan. And when viewed from afar, the images will be more clear. The coloration is something more subtle.

Member Bayer asked if the five alternative designs also need exceptions.

Mr. Rasch said if they are categorized as signs, they need exceptions and the banners are not legal at all. Number 4 is still of bold repetitive patterns. And if the image is on the roof, it would need a height exception.

Member Bayer asked the applicant what design alternatives they could propose that would not need an exception. She wanted to see an option that would not require an exception.

Mr. Padilla said in reading the Staff Report it just said they had to provide additional design options and they provided six of them. Of the six, their recommendation was the two Hopi maidens.

Member Bayer said she did not think she could vote to approve what they provided because they all would require an exception. What options are there that would not require an exception?

Mr. Padilla said he didn't understand because any sign would require an exception. This is a mural for the building which then becomes a sign so it requires an exception.

Mr. Rasch suggested that some kind of attractive sculpture there could be without an exception. He clarified that the Board doesn't have jurisdiction over art unless it is attached to the structure. So that option would not require an exception.

Mr. Padilla explained that the property line on the north and the west is along the face of the building so anything not attached would be in the public ROW. There is, however, an inset on the north side.

Member Powell asked if the planter is part of the property.

Mr. Padilla agreed but it is close to the property line.

Member Powell said these murals are not granted often and if one is granted, it would open the floodgates along there and change the landscape significantly. Art is different - temporary; and can be removed. He wondered how many people might consider this culturally insensitive. The applicant already brought that up that it is stereotypical for presenting Natives. They might see it as an affront. That's how he felt about it, too. This is tough.

He added that the Board always wants people to try to express themselves and there is freedom of expression but the medium is questionable to him.

Chair Rios asked Mr. Rasch if this type of drawing is common in this district.

Mr. Rasch said there were two murals nearby cited by the applicant. The one at the Jean Cocteau Theater is not in the historic district but in the Railyard District and the other mural is on the State Archives building and the HDRB had no jurisdiction over state buildings at that time. That archives mural is in the direct streetscape of this building but has no bold repetitive designs and is probably not used as a sign, so there is a slight difference.

Member Katz asked if there are other murals in the historic districts.

Mr. Rasch said there are very few.

Member Powell said it is a visible façade and this could attract business to the gallery. He asked if the applicant would consider something apart from the building.

Mr. Padilla said it is a desire from the gallery owner to attract business by foot south on Guadalupe. A typical path coming south up to Montezuma goes right into the Railyard, so there is not much to attract people down there. It is an opportunity to pique their interest and draw them there. The idea is to catch someone's attention and do it in a tasteful way.

It is a desire for art to draw them there. There are other sculptures as public art in many places. They are trying to use the pixilation to draw them down to this location without an "in your face" sign.

Mr. Padilla said they would probably be open to art not attached but don't want an in your face design. They saw this as least in your face type of mural.

Mr. Rose also reiterated that this option is one of the least obtrusive and more subtle. He didn't think there is room on the property for a piece of sculpture there.

Member Katz found it disingenuous to say they won't walk there. That is where the galleries are.

Public Comment

Mr. John Eddy, 227 E Palace, Suite E, was sworn and said he finds it very inappropriate. He said it is a misappropriation of cultural material and the City will get a huge backlash from the Native community.

Member Powell said the Board cannot rule on it on that basis.

Mr. Eddy said it is not two Hopi maidens but one that is reproduced twice. Pixelating an image is catchy and the applicant said they didn't want to do an in your face design but this is more in your face than anything else. The Hispanic culture has a huge place for murals. This is an appropriation from culture to titillate.

Member Powell asked staff whether a building that was off the street would not be in the Board's purview.

Mr. Rasch clarified that any structure in a historic district is under the Board's jurisdiction.

Member Powell said there are very few buildings in the historic districts that would allow something to be a mural not attached. Very few buildings would allow this to happen. So there is a unique siting here.

Mr. Rasch added that if a structure was created as a surrogate for the north façade, it would need Board approval and also a height exception. And, depending on design, it might not be a bold repetitive design.

Member Powell said the Board has two architects here who could make it happen.

Mr. Rasch said if it is art, he believed they do not have jurisdiction.

Member Powell suggested that even as a separate structure, the Board could probably approve it.

Mr. Rose said the artist is a Native artist and this is Native imagery.

Action of the Board

Member Bayer moved in Case #H-06-116 at 435 South Guadalupe Street, to deny the application because she found that the exception criteria have not been met. She disagreed with staff on the response to Criterion #1 that the proposed application does not damage the character of the district. The applicant states that the mural is part of the district's identity. We heard testimony that there are very few murals in the historic districts and the murals they reference are not within the historic district nor our purview. She also finds that exception criterion #3 has not been met. Although the applicant provided six additional design options, these would all require exceptions and one without an exception is needed. Regarding exception criterion #2, she agreed with staff the staff recommendation.

Member Katz seconded the motion on the basis that a mural is inappropriate in this district.

Member Katz commented that it is hard to second the motion because he really likes the design.

The vote resulted in a 2-2 tie vote with Member Roybal and Member Powell dissenting.

Chair Rios considered the application and said this is a difficult decision because the design is engaging. She asked if the artist is Hopi.

Mr. Rose said the artist is from Jemez Pueblo.

Member Roybal said the image is better shown on the computer.

Mr. Rasch said the picture is on page 14 and is a little more saturated.

Chair Rios voted yes for denial to break the tie and the motion passed.

Chair Rios thought the applicants could come back with another option. She said the reason she hesitated is that the image is interesting.

Member Roybal commented that the alternatives they brought were totally inappropriate.

Member Powell said starting from scratch is not necessary.

Mr. Rasch agreed. There would not be a new application fee involved. He would still consider it as old business. It would be a continuation of this case with an alternate design.

Mr. Rose asked if the Board wants a design that does not require an exception.

Member Katz reminded them that there are two other board members not present now. He didn't know what they would think.

Mr. Rasch said he would help the Board decide whether they need an exception.

Ms. Gheen asked for a short break.

The Board had a recess from 7:47 p.m. to 7:55 p.m.

5. **Case #H-16-051A. 500-550 Montezuma Avenue.** Westside-Guadalupe Historic District. Studio Southwest Architects, agent for New Mexico School for the Arts, owner, requests historic status reviews and primary elevation designations, if applicable, for one contributing and two non-stated non-residential structures. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

Studio Southwest Architects requests an historic status review of three buildings that are part of the Sanbusco Market Center and requests the designation of primary elevations for the properties where applicable.

Sanbusco Market Center

Sanbusco has served the Railyard District as a boutique mall for approximately 30 years. The applicant has provided a detailed history of Sanbusco which covers almost 140 years of development within the Railyard District. The Sanbusco building itself has changed significantly from the original Italianate style building which housed the offices of the Charles C. Dudrow Coal and Lumber Yard. Substantial changes to the mass and architectural features of the building occurred in the 1920s when a western style wood façade was placed on the front of the building, adjacent to the original office constructed by Dudrow. Another substantial change occurred later in the decade when the entire building was stuccoed to reflect the Spanish-Revival architectural movement in Santa Fe.

The most substantial changes occurred with the purchase of Sanbusco by Joe Schepp's in 1984. Changes to massing, removal of almost all historic material, and changes in openings were part of the extensive renovations that occurred when Sanbusco Market Place was being constructed. The large addition to the southwest corner of the building which housed Borders Books also substantially changed Sanbusco by increasing the footprint and by its sheer mass which dominated the existing building. Between 1986 and the present, the exterior of the building has undergone regular renovation to accommodate retail spaces. The only historic materials remaining on the building are historic brick found on the southeast corner of the south elevation and pen tile found on the north elevation of the building.

While the history of Sanbusco is valuable in regard to the development of the Railyard District, little of the original historic material and character of the building remain. The current status of the building is contributing to the Westside-Guadalupe Historic District and the applicant is asking that the building be downgraded to non-contributing.

Butler and Foley Building

The Butler and Foley Building is the former location of World Market at the Sanbusco Market Center. The estimated date of construction of the building is 1930 and is constructed in the Territorial style. Little in the way of massing changes and opening changes have occurred to the building over time. One of the most defining aspects of the building is the second floor, north elevation clerestory which defines the arrhythmic window and door pattern used to define the architectural style of the Railyard District in the 2002 Railyard District Master Plan. Other notable characteristics of the building can be seen in the massing and openings of the south and east elevations of the building.

The historic character of the building has been maintained over time and few historic materials have been removed that impact the exterior of the building. Currently, the building has no status and the applicant is asking that the building be upgraded to contributing to the Westside-Guadalupe Historic District.

Parking Shed

The parking shed found in the north parking lot of the property mimics the design and overall construction material that would have characterized the parking (lumber) shed in former years. However, the recent historic architectural survey estimates that 75-80% of the material for the parking sheds is modern. The applicant is asking that the parking sheds, which currently have no status within the district, be designated non-contributing to the Westside-Guadalupe Historic District.

STAFF RECOMMENDATION:

Ms. Thomas read the definitions for non-contributing status, contributing status, and significant status and then read aloud the purpose and intent of the code -14-5.2 (C). [A copy of what she read is attached to these minutes as Exhibit 5.]

Staff recommends that the Sanbusco Market Center and parking shed be designated non-contributing to the Westside-Guadalupe Historic District, and that the Butler and Foley Building be considered contributing per 14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts. For the Butler and Foley Building, staff recommends the north elevation of the second floor composed of the clerestory window wall and the east and south elevations as primary.

Questions to Staff

Chair Rios reasoned that there are three structures and asked what the Staff recommended regarding the lumber shed.

Ms. Thomas said she recommended non-contributing.

Chair Rios suggested discussing each one on its own merits but making one motion.

Member Katz understood that right now, the Market Center is Contributing and the other two are non-Contributing.

Ms. Thomas said currently the World Market building and the Parking Shed are non-statused and Sanbusco Center is Contributing

Member Katz asked when the Sanbusco became Contributing and on what basis that was decided. He asked if the Board has that information.

Ms. Thomas said she did not know when Sanbusco became Contributing. She was not familiar with the history of when it was Contributing or Non-Contributing in the ordinance.

Mr. Rasch thought that building was made Contributing before the Borders addition but a previous Board accepted the Border's addition on a Contributing historic building.

Ms. Thomas said that would make it in the mid-1990s to late 1990's.

Member Katz reasoned that it was designated Contributing after Joe Schepps did his modifications but before Borders was added.

Mr. Rasch believed so.

Member Katz said he is very frustrated that the Board doesn't have the needed information for the basis on which it was made Contributing. The Borders addition cannot be part of any historic designation because it is very new. But what was the basis for their making it Contributing?

Ms. Thomas said, "Well, something to consider now, and I believe there have been different approaches for this - how you consider a structure Contributing. So, by virtue of the sheer mass, based on how we would designate buildings now, based on the large footprint that is attached to the Sanbusco Mall that used to be Borders Books, that alone, detracts from the contributing status of the property."

Member Katz asked, "Why does it detract? If you are coming down Montezuma Street, you don't even see the Border's part. It's the front part that you see. He was not sure why she would suggest that the back part would detract.

Ms. Thomas said that in addition to the increase in the footprint, which substantially changes the building in its essence and its size, there is also a front façade reconstruction.

Member Katz agreed but that was what was made Contributing. The Board is not allowed to approve an addition if it jeopardizes its status. And back with the Border's addition was approved, the very approval said it did not jeopardize the Contributing status.

Mr. Rasch agreed that probably was the conclusion at that hearing. They probably thought that this addition, which is also taller, did not detract from the historic structure. That is what he assumed. It is towards the back and looks to be less than 50% of the footprint.

Member Katz said Staff is recommending the north second-floor façade of the building be primary. He asked if we have a photo of that. He couldn't see it when they were driving by.

Ms. Thomas said there is maybe one in the applicant's packet. However, there was no updates to the HCPI form.

Member Katz thought maybe the applicant could help them.

Member Roybal said he had basically the same question - how is it contributing with all the changes in 1984? How come it did not lose that Contributing status with so many remodelings? It is confusing.

Mr. Rasch said last week was his 13th anniversary working for the Historic Preservation Division. He said, "We have acted to alter historic buildings and not downgraded them. It has happened and is not uncommon. The Board really does what is logical, maybe not what is meeting every item of the Code. And also, I think we are bringing this status review forward again because it is a different Board. Even I have different opinions now. And I do feel that the Border's addition and the fact that the front façade is not historic but is a reconstruction of the historic façade, that it does merit a Non-Contributing status. But that is just my opinion.

Member Roybal asked how the 50-year rule fits in.

Mr. Rasch said that reconstruction and the Border's addition is not 50 years old yet. He thought when it does become 50 years old, it should be reevaluated again.

Member Roybal asked if we have pictures of what the front looked like from years ago.

Ms. Thomas agreed and they are in the packet. It has changed through time. On page 83 is one and the Board has a colored picture.

Member Katz said what we see there is the original and then what it looks like it was in the 1950's.

Ms. Thomas said the left side is the original structure. When Mr. Dudrow passed away, the Lumber yard continued. Mr. Schepps created the current façade in 1984.

Member Katz said it was brick, not stucco and when he peeled off the stucco, the brick was still there.

Ms. Thomas understood that the southeast corner is a complete reconstruction.

Applicant's Presentation

Present and sworn was Mr. Jeff Seres, P. O. Box 9308, as agent for the New Mexico School for the Arts, which is a public charter high school to provide education in visual, performance and literary arts to students throughout New Mexico. They will be moving into two of these buildings. They agree with staff recommendations on status for the two non-surveyed buildings and the change in status for the Sanbusco Mall building and would stand for questions.

Questions to the Applicant

Member Katz was looking at the unnumbered page. It looks like what was there when Joe Schepps took it over and the stucco was peeled off of the southeast corner with that top cut off. The original work was still there.

Mr. Rasch said that is on page 100 in the Board packet.

Member Katz said the Board packet has no numbers on the pages. Chair Rios agreed.

Mr. Seres said that was drawn by the architect that Joe Schepps hired. It was a drawing to provide specific instructions to the contractor on how to build what we see today. He agreed that it is a partial reconstruction of the southeast corner. The two towers were taken down and other coping and sills were removed to put on the stucco and then it was partially reconstructed. On the south side there are windows that there that were cut in. He asked if the Board has the presentation that was downloaded.

Mr. Rasch agreed. He said that page that was just pointed out is on page 98 in the Board's packet.

Member Katz asked if those windows were not there before.

Mr. Seres agreed. The five taller double-hung windows were added. They are Marvin Windows and the drawing calls out the new windows on that side.

Ms. Thomas said in the packet provided by the applicant you can see the windows are quite different.

Mr. Seres said the only original one left is the one with the eyebrow on the right. The clerestory windows in the attic were added also. The chimneys were also removed from the roofline there.

Member Roybal reasoned that the changes are significant.

Mr. Seres agreed. That is also their opinion.

Ms. Thomas did not see anything in the file for why it became Contributing.

Member Katz said to Mr. Rasch that there was obviously a hearing and motion and minutes of it. He asked if the minutes are available.

Mr. Rasch said he could probably find it in the microfilm.

Member Katz understood the Board has the authority to say they were wrong but he didn't want to say that without reading the basis for their decision. The east elevation so defines the history of that area. Yes, it is partial reconstruction but a lot of it is still there. He was loathe to lose that.

Mr. Seres asked if that building could be considered separate from the additions to the Mall building.

Member Katz said if the east elevation is the primary façade of the Contributing building, it doesn't limit what the applicant could do to the whole rest of the building. They could do a lot of what they want to do.

Mr. Seres said it is clear from the Sanborn maps that the building stood alone and is still there; just added onto within the last 116 years.

Member Katz agreed.

Mr. Seres said it is confusing how so many changes could have occurred there - like the second story over Pranzos. It had an open terrace and then that was enclosed recently. Without any good records we could find and looking for the cases, we found nothing that discussed it as a Contributing building. It was just allowed to happen over the last 30 years that changed it from a wholesale building supply to shops and now as a school. That is where he didn't know when it was put on the official map as a Contributing building.

Member Katz said it is the legal assumption that previous Boards followed the rules. Maybe they didn't. But the presumption is that it did not adversely impact the Contributing status. So he was reluctant to change it. There is a great value in the status for preserving the east façade of that and the façade of the Western Warehouse - the wholesale lumber building.

Member Powell added that just because it is Contributing doesn't mean they can't do a lot to the building. He didn't think there is much to worry about with the new design.

Mr. Seres said it does affect what can be brought to the Board for changing it to a school. They are here tonight and need this information in order to move forward. He asked how the Board would determine it is Contributing.

Mr. Rasch said first, it has to be 50 years old. It has to meet that test.

Member Powell agreed. The building has been altered but that doesn't automatically make the entire building not contributing.

Mr. Seres asked how the Board would define that as being contributing to the district.

Mr. Rasch said we do apply historic status to the entire footprint. It is either a non-contributing structure or a Contributing structure. If it is a Contributing building, non-contributing portions can be identified. But as a non-Contributing building it only has design standards. An applicant could apply even for a demolition without an exception. Once it is made Contributing, it has to have a primary elevation(s). Other architectural features on non-primary façades must also be preserved. So there are a lot more exceptions when altering a Contributing structure.

Member Powell thought if the Board was going to discuss the merits of keeping it Contributing the Board needs to see the basis for it being designated Contributing. If not, he thought the Board should uphold the Contributing status because it would allow the protections to stay in place. There would still be a lot of flexibility and tis school will be a great addition to our community.

Chair Rios said in reference to the Market Center, that if the Board wants to see why it is Contributing, Staff can get those minutes and this portion of the motion can be put on hold.

Ms. Shannon Papen (previously sworn) began to speak.

Ms. Gheen interrupted to state that it is very possible for the Board at two different times to come up with two different conclusions.

Ms. Papen believed the structure was given Contributing status was in 1980 and that Joe Schepps began and the national nomination was done. She asked when the Guadalupe West Side District was created.

Mr. Rasch said it was around that time.

Ms. Papen said the restoration work done then. There was a survey done in the 1990's that basically split the building and they kept the southeast portion Contributing and designated the rest of the building as non-contributing. There are parts that are significant but the majority is modern material. The whole is more than the sum of its parts. Some of the additions were appropriate and some that were not. There have been too many changes in it - about 11 renovations in the last 20 years.

Ms. Thomas clarified that 1981 was when the designation of Significant was done through the State, not the City.

There were no speakers from the public regarding the Market Center portion of this case.

Chair Rios went next to the Butler-Foley Building.

Member Katz asked if Staff have a picture of the north façade of that building.

Mr. Rasch showed the second story of Pranzos.

Ms. Thomas said it on page 55 of the packet and gives a piece of it.

Mr. Seres said it is highly fenestrated on the north second story.

Ms. Thomas apologized - it was her mistake and she meant the south elevation.

Ms. Thomas said this building has no status.

Member Powell asked why Staff is recommended contributing.

Ms. Thomas said it is the clerestory (south) façade that is character defining. It is unique and also the fact that it was used as an example of asymmetrical style to be used as a standard for the Railyard.

Mr. Seres said this is good example of a style that has remained intact. There are no wholesale or redefining changes as occurred on the Market building on the Borders side. That addition was done in 1999. This is a good example of a contrast and does have contributing integrity. It is different from the main mall building.

Member Powell asked if they agree with staff recommendations.

Mr. Seres said they agree with all of the staff recommendations.

There were no speakers from the public regarding the Butler Foley Building.

Chair Rios went next to the Lumber shed or Parking shed.

Member Powell commented that these materials have been replaced.

Ms. Thomas agreed.

Member Powell estimated it was about 20% - 80 %.

Ms. Papen said yes. It was determined through interviews and inspection of the structure. It is modern materials; not from 1930. It is safe to assume most has been replaced in the last 30 years.

Mr. Seres said certainly the south facing corrugated roof is. As lumber sheds there were ladders or stairs to catwalk and all that planking has been removed and other repairs made to shore it up. The planking was removed and then shoring up at the base with new cono-tubes and replacing of posts.

Member Powell said the configuration remains the same.

Ms. Papen said you can see some changes regarding parking by making the slats wider. Probably large number of ladders and stairs that were taken out in the 1980s.

Member Powell said he saw it many years ago and found that interesting and found the history of it from that experience. This is something important to the Railyard. Staff thinks it non-contributing but he thought it should be contributing. There are lots of things that can still be done there.

Ms. Thomas said the focus of Staff here is whether it is 50 years old.

Mr. Rasch said if it is not 50 years old, it is not Contributing.

Member Katz asked why this isn't maintenance and repair.

Mr. Rasch said this is the structure that is being replaced.

Chair Rios said it was not statused.

Ms. Papen agreed. It was not even mentioned in previous inventories.

Chair Rios pointed out that this was a very industrial area. She and Member Roybal remember this part of town. Her brothers worked over here.

Mr. Rasch said it is a reproduction.

Member Roybal didn't think this is a true reproduction. Much is original. He asked why they would reproduce it.

There were no speakers from the public regarding the Lumber Shed.

Ms. Thomas found a picture of the clerestory on page 56.

Member Katz pointed out that it is totally invisible unless you get on the roof.

Action of the Board

Member Katz moved in Case #H-16-051A at 500-550 Montezuma Avenue, that the Sanbusco Market Center retain its Contributing status and that the east façade be primary; that the Parking Shed be designated as Contributing with the south elevation as primary; and that the Butler-Foley Building be designated Contributing with the invisible clerestory window wall on south and east be primary as recommended by Staff. Member Powell seconded the motion and it passed by unanimous voice vote.

I. MATTERS FROM THE BOARD

Mr. Rasch said the next meeting is on a Thursday - July 14.

J. ADJOURNMENT

Member Katz moved to adjourn the meeting.

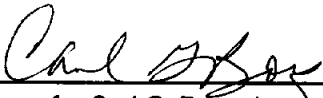
The meeting was adjourned at approximately 9:00 p.m.

Approved by:



Cecilia Rios, Chair

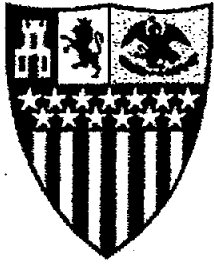
Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

Historic Districts Review Board
June 28, 2016

EXHIBIT 1



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1

Renee Villarreal, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Mike Harris, Dist. 4

FROM: Theresa E. Gheen, Assistant City Attorney *TEG*

TO: Historic Districts Review Board; Appellant Arthur Firstenburg

DATE: June 28, 2016

RE: Legal Memorandum of Firstenburg Appeal, Case No. H-16-048, 702 Don Felix

This is a *de novo* appeal by the Board of a final action by the LUD, through an approval granted by HPD. Section 3.17(H). This means that the Board independently decides whether the HPD correctly approved the painted fence in question. The Appellant has the burden of proof to prove his case by a preponderance of the evidence. Section 3.17(H)(4). An appropriate party wishing to appeal tonight's decision may appeal to the District Court of the State of N.M.

Basis for Appeal; Issues

The appellant claims that a painted fence in the Westside-Guadalupe Historic District ("W-G District") across the street from his home (1) violates H-district standards regarding "harmony" and "preservation of historical and characteristic qualities" and (2) is a nuisance in violation of Chapter 10; (3) he also claims that his neighbor violated Chapter 14 in that the painted fence is a nuisance and therefore does not create conditions favorable to the health, safety, convenience and prosperity and general welfare of the residents of Santa Fe.

Appellant lacks a basis for Issues 2 and 3 since whether something is a "nuisance" is outside the jurisdiction of the HPD and is outside of the appellate jurisdiction of this Board.

Conclusion: Appellant only has a basis to appeal Issue 1.

Standing – Staff requests the Board to hear this Appeal. Without waiver of objection to the issue of Appellant's lack of standing, Staff assumes standing for argument's sake for Issue 1.

Issue 1

Appellant argues that because the Code is silent on fence color for this district that the Board has authority to approve of fence painting under Section 14-5.2(J)(3)(f). Appellant argues that a fence painted in an adobe color to "match" the adjacent stucco wall is not "historical", "characteristic" of the district and not in harmony with the adjoining fence.

However, it is HPD's long-standing practice and administrative gloss to administratively approve maintenance and repair of fences in general, and fence color within the W-G District.

Regarding HPD's approval of this particular fence in the W-G District, Section 14-5.2(I)(2) states in part that "[a]pplications for . . . alteration . . . of . . . walls . . . shall be reviewed by the land use department. Approval . . . shall be indicated . . . on the *application* for the building *permit* and on each of the required submittals" (See p. 4 of staff report) HPD has long interpreted this as a basis for its authority to approve fence paint color applications.

The HPD uses administrative gloss in determining that browns, tans and local earth tones are appropriate colors for fences. Section 14-5.2(I)(1)(b). HPD's decision also conforms with the factors under the Section 14-5.2(J)(3)(f). HPD's approval also fulfills the policy articulated in the *Walls and Fences Guidelines*: "Fences should be of the material, texture and color of fences typical of the existing streetscape or design vernacular if applicable to a particular H-District or streetscape." *Walls and Fences Guidelines*, p. 2.

Conclusion: HPD staff had authority to approve the fence color in the W-G District.

Even if the Board were to think Staff lacked authority to grant approval, since HPD is the primary author of this section of the Code and has expertise in interpreting it, the Board should give deference to HPD's reasonable "administrative gloss". See *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, 126 N.M. 413; *Lantz v. Santa Fe Extraterritorial Zoning Auth.*, 2004-NMCA-090, 136 N.M. 74.

If the Board were to nevertheless decide, under Section 14-5.2(J)(3)(f), whether to approve the fence paint color, the Board would use the 3 factors to make its decision. (See p. 4) Appellant incorrectly implies the factors are elements, not meeting any single element would be fatal. He argues the fence is not "historical" or "characteristic" of this district, while acknowledging that white picket fences meet this Section's criteria. Whether a fence is painted an adobe color to match an adjoining stucco wall does not necessarily dictate whether it affects "preservation of historical and characteristic qualities." Appellant fails to meet his burden of proof even of this single factor. As for the harmonization factor, this weighs in favor of the paint color since the factor is "harmony with adjacent buildings" not to an adjoining fence. Appellant does not address the architectural style factor.

Conclusion: Even if the Board has authority to approve a fence paint color within this W-G District, Appellant has not established that the fence paint color violates design standards.

Issues 2 & 3: Appellant alleges his neighbors created a nuisance thus violating the purpose of Chapter 14. However, it is beyond the HPD and this Board's jurisdiction to adjudicate nuisance.

Conclusion: The Board lacks authority to review appellate Issues 2 and 3.

[THREE SUGGESTED MOTIONS ON FOLLOWING PAGES]

MOTIONS: The Board may consider making the following proposed motions and findings.

Option I: MOTION The Board denies the Appeal and affirms HPD's approval on the basis that HPD had authority to approve of the painted fence color, and because the painted fence color was consistent with Code and design standards.

Findings in Support:

- 1) There are at least 2 non-exhaustive independent and alternative bases for HPD's authority to review and approve the fence paint color.
 - First, Section 14-5.2(I)(2) expressly grants such authority to HPD.
 - Second, HPD's long-standing Interpretation of Section 14-5.2(I)(2) as giving the HPD such authority is consistent with the wording and intent of that Section.
 - HPD is the City agency that authored this Section of the Code.
 - HPD has expertise in interpreting and applying this Section of the Code.
 - The Board defers to the HPD's interpretation of its own ordinance.
- 2) HPD's approval of the fence paint color is consistent with applicable design standards and policies according to at least 3 independent and alternative bases:
 - HPD correctly followed the district standards for "brown, tans and local earth tones" for buildings in Section 14-5.2(I)(1)(b), in approving the fence paint color.
 - HPD correctly applied the factors under Section 14-5.2(J)(3)(f) in approving the fence paint color.
 - HPD correctly applied and followed the *Walls and Fence Guidelines* in granting the approval of the fence color.
- 3) Issues 2 and 3, regarding nuisance fumes, are beyond the jurisdiction of this Board and are dismissed.

Option II: MOTION - The Board denies the Appeal on the basis that the painted fence color was consistent with Code and design standards.

Findings in Support:

- 1) The Board approves the fence paint color under 3 independent and alternative bases:
 - The fence paint color conforms with district standards for "brown, tans and local earth tones" for buildings in Section 14-5.2(I)(1)(b).
 - The fence paint color meets the factor-based test under Section 14-5.2(J)(3)(f) regarding:
 - i. "harmony with adjacent buildings,"
 - ii. "preservation of historical and characteristic qualities, and"
 - iii. "conformity to the standards for architectural style set forth in this section."
 - iv. [Explain how factor-based test is met]
 - The fence paint color conforms to the policies in the *Walls and Fence Guidelines* in that the paint is of a color of the "design vernacular to the streetscape"
- 2) Issues 2 and 3, regarding nuisance fumes, are beyond the jurisdiction of this Board and are dismissed.

Option III: MOTION - The Board grants the Appeal and denies the fence color.

Findings In Support:

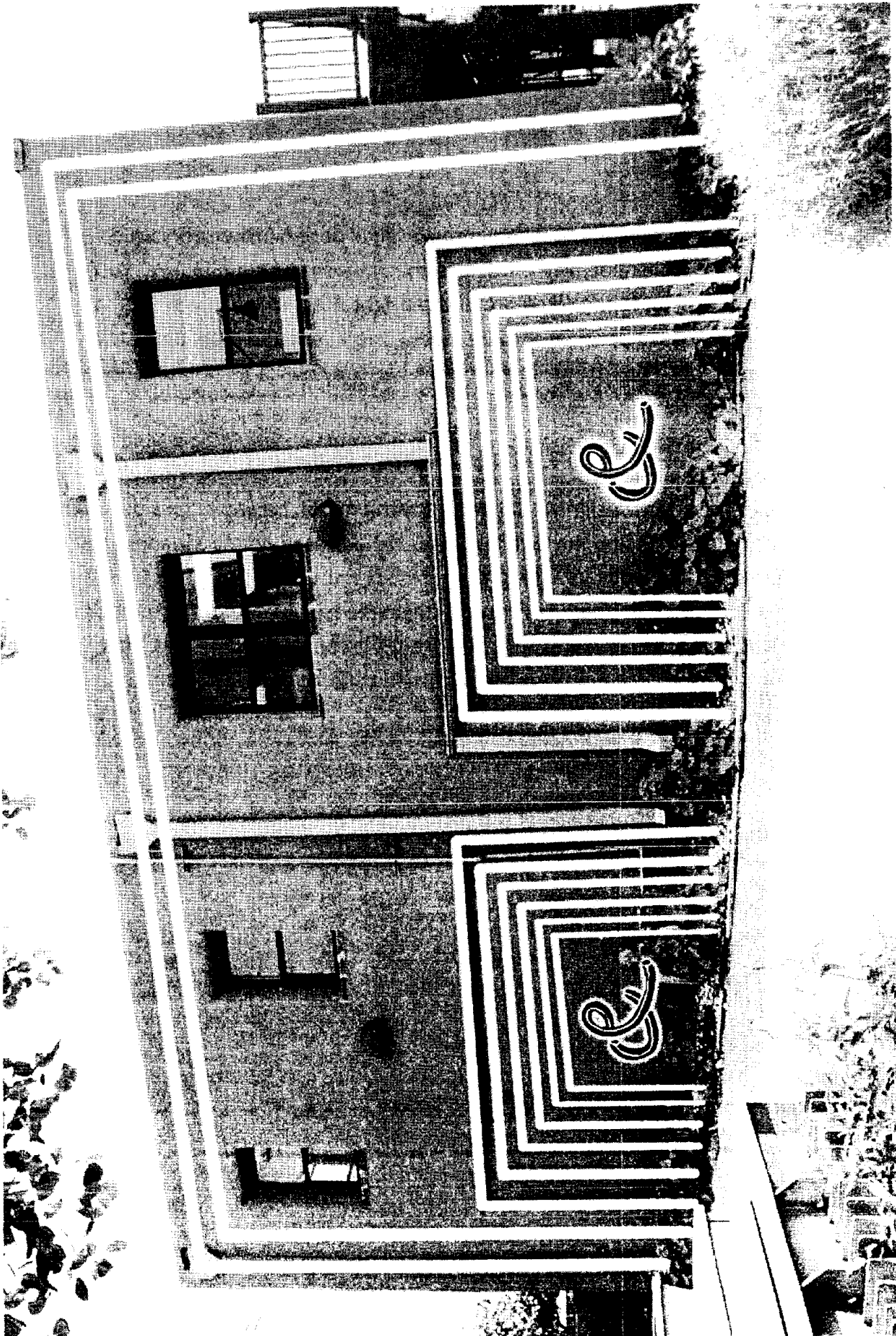
- 1) HPD did not have the authority to approve of the fence paint color under Section 14-5.2(l)(2).
 - This is despite the HPD's long-standing interpretation of Section 14-5.2(l)(2) that it had such authority.
- 2) The Board denies the fence paint color because
 - The color does not meet the factor-based test under Section 14-5.2(j)(f).
 - i. "harmony with adjacent buildings,"
 - ii. "preservation of historical and characteristic qualities, and"
 - iii. "conformity to the standards for architectural style set forth in this section."
 - iv. [Explain how factor-based test is not met]
 - The color does not meet the policy stated in the *Walls and Fence Guidelines*.
 - i. [Explain how not met]
- 3) Issues 2 and 3, regarding nuisance fumes, are beyond the jurisdiction of this Board and are dismissed.

Historic Districts Review Board
June 28, 2016

EXHIBIT 2

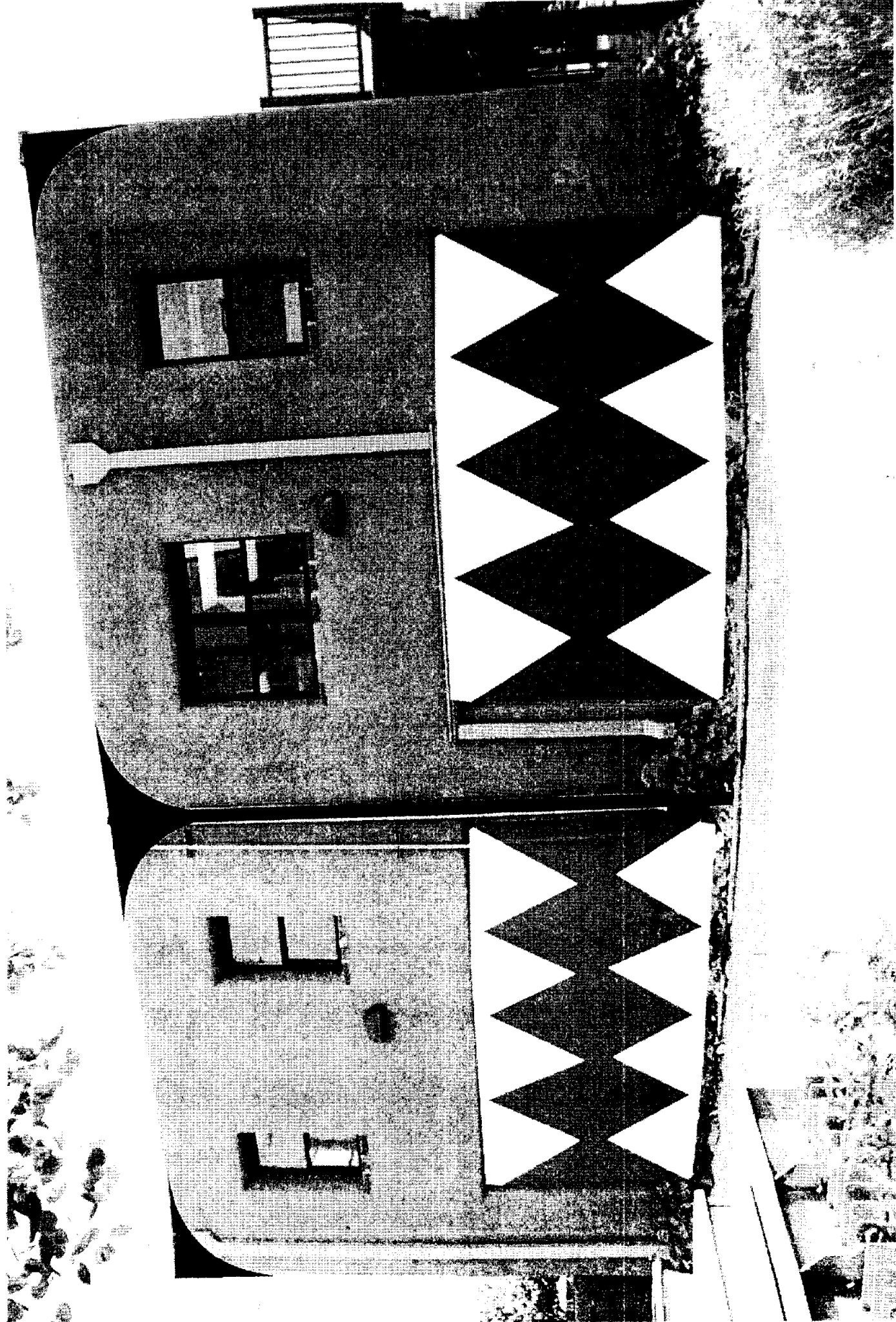
form & concept Alternate Design Options

1. The artist we have approached in the original design proposed, Jaque Fragua, is also a neon artist. This design composed of neon fixtures could incorporate our logo and create a very bright design.
2. This neon-based design would be more generalized and draw pedestrians towards south Guadalupe in general. A very obvious large pointing finger shows the way.
3. This design would incorporate a large banner which would be visible from far down Guadalupe.
4. This paint-based design would be a very fun mural, creating faces out of the existing elements on the façade. The design is based on the Japanese toy character, Domo.
5. This design, while perhaps very challenging to execute, features the Domo character built very large, emerging from the roof of the building. This would be a very humorous way to attract traffic to south Guadalupe.

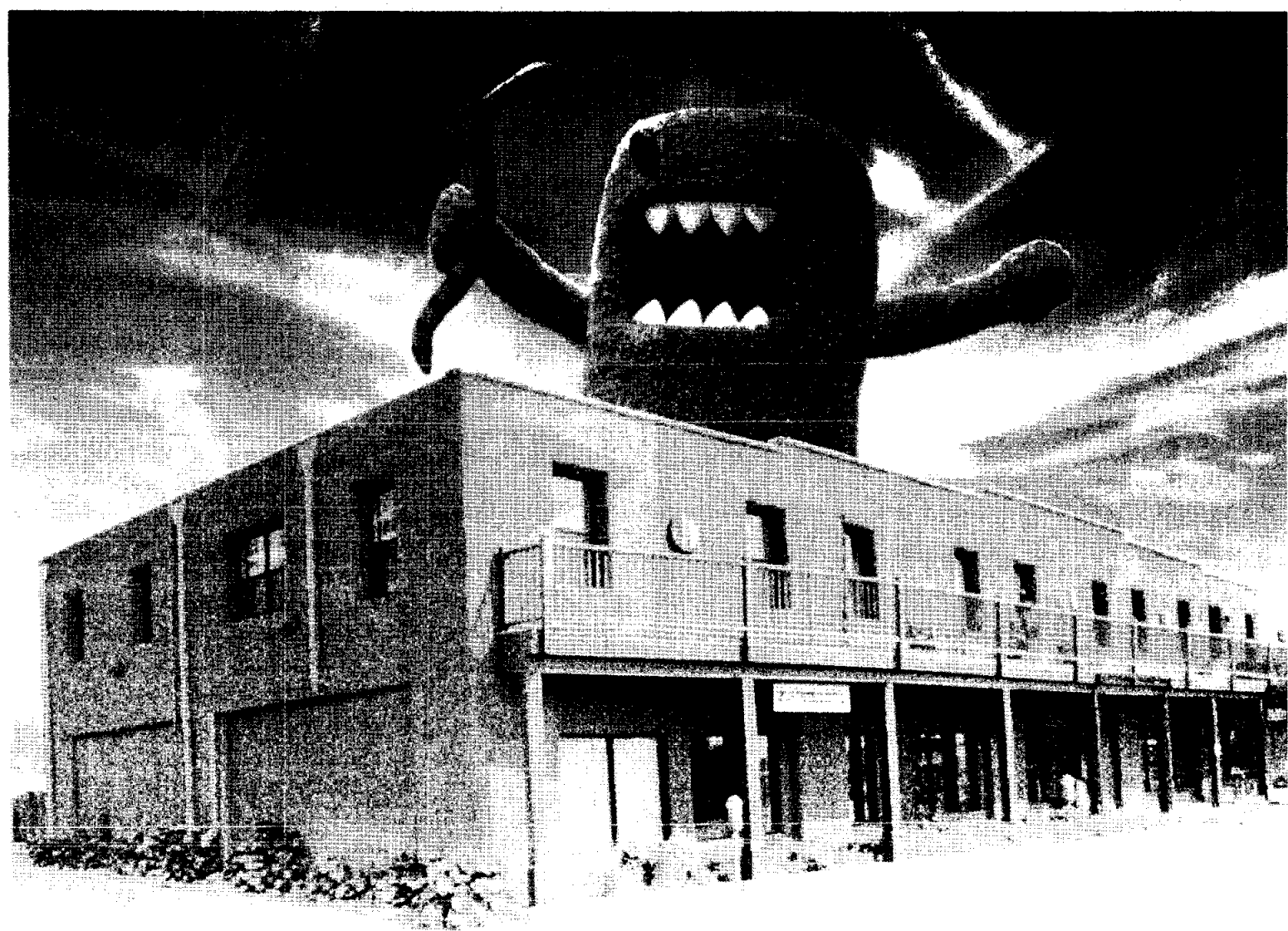








⑤



Frank Rose

From: duke klauck [wordpress@formnfactor.wpengine.com]
Sent: Tuesday, June 28, 2016 11:21 AM
To: info
Subject: support for mural

From: duke klauck <duke@tenthousandwaves.com>
Subject: support for mural

Message Body:

To Whom it may concern

I support Form + Concept application to add a mural to the side of their building. It will be well done and will add artistic interest and value to the Railyard district. Public murals are a great way to bring art to everyday life and add to the vibrancy of any urban setting.

duke klauck
president, ten thousand waves

--

This e-mail was sent from a contact form on Form & Concept
(<http://formnfactor.wpengine.com>)

Frank Rose

From: JoAnn Balzer [joannbalzer@earthlink.net]
Sent: Thursday, June 23, 2016 5:27 PM
To: info
Subject: Letter of support for the proposed Form & Concept Mural

Dear Historic Design Review Board,

As a strong advocate for the arts in our community and projects that contribute to the cultural vibrancy of Santa Fe, I am writing this letter in support of the proposed Form & Concept Mural on 435 S. Guadalupe.

I value a project just like this that shares through art the City's talent, heritage, and culture, both with the community and visitors. This mural will join the close-by Halpin Building mural and signal Santa Fe's continued enthusiasm and commitment to making the Railyard district an artistic, vibrant, and culturally significant neighborhood.

Both appreciating and applauding the dedication of Form and Concept to the arts in Santa Fe and to its cultural life, I offer my highest recommendation for their worthwhile endeavor.

JoAnn Balzer

Trustee of the IAIA and Lensic Performing Arts Center

Advisory Trustee of the Folk Art Market and the Museum Foundation

New Mexico Arts Commissioner

Chair, City of Santa Fe's Cultural Affairs Working Group

JoAnn Lynn Balzer
3918 Old Santa Fe Trail
Santa Fe, NM 87505
505-982-1793
joannbalzer@earthlink.net

Frank Rose

From: Karyn Kott [wordpress@formnfactor.wpengine.com]
Sent: Thursday, June 23, 2016 3:27 PM
To: info
Subject: Historic Design Review Board

From: Karyn Kott <kkott@earthlink.net>
Subject: Historic Design Review Board

Message Body:

In support for the Mural.

Santa Fe is our 2nd home and we live in the Rail Yard.

The mural would be a beautiful addition to the area; especially having an artist from the Jemez Pueblo representing the beauty of Native American art and doing it with a digital style. How Modern.

--
This e-mail was sent from a contact form on Form & Concept
(<http://formnfactor.wpengine.com>)

Frank Rose

From: Edy [wordpress@formnfactor.wpengine.com]
Sent: Thursday, June 23, 2016 4:02 PM
To: info
Subject: your mural

From: Edy <edyk@corevalueinteriors.com>
Subject: your mural

Message Body:

Dear Sandy and Form and Concept family, I love the visual of your mural...as your across the street neighbor, on Manhattan Av., I would love to see graphics on your and many other buildings...especially as tasteful and topical and cool as this one. Best Wishes, Edy Keeler

--

This e-mail was sent from a contact form on Form & Concept
(<http://formnfactor.wpengine.com>)

Historic Districts Review Board
June 28, 2016

EXHIBIT 3



11/1/62

PROPOSED DESIGN

Historic Districts Review Board
June 28, 2016

EXHIBIT 4

Frank Rose

From: Thais Mather [thaismather@gmail.com]
Sent: Monday, June 27, 2016 9:19 PM
To: Frank Rose
Subject: Support of Mural

Dear Historic Review Board,

I am in full support of the mural project at form and concept. It will create a greater flow of traffic to that area and will therefore be an asset to the railyard district.

Thais Mather
Owner Davis Mather Folk Art Gallery
Sent from my iPhone

Definitions

NONCONTRIBUTING STRUCTURE

A *structure*, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

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.

SIGNIFICANT STRUCTURE

A *structure* located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a *structure* to be designated as significant, it must retain a high level of historic integrity. A *structure* may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

14-5.2 (C)

Regulation of Significant and Contributing Structures in the Historic Districts

(Ord. No. 2004-26)

(1) Purpose and Intent

It is intended that:

- (a) Each *structure* to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical *development*, such as the addition of conjectural features or architectural elements from other *buildings*, shall not be undertaken;

(b) Changes to *structures* that have acquired historic *significance* in their own right shall be retained and preserved, recognizing that most *structures* change over time;

(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a *structure* be preserved; and

(d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic *property* and its environment would be unimpaired.